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131st General Assembly

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Representative Smith, R.

Cosponsors: Representatives Amstutz, Anielski, Baker, Blessing, Boose, Brown, Buchy, Burkley, Dovilla, Ginter, Green, Hackett, Hagan, Hambley, Hill, Kraus, Maag, McClain, Perales, Reineke, Romanchuk, Scherer, Sears, Sprague, Speaker Rosenberger

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and Section 5 of Am. Sub. H.B. 486 of the 130th 324
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Revised Code as amended by this act to terminate 326
certain of its amendments by this act two years 327
after their effective date; to amend the versions 328
of sections 340.01, 340.03, 340.15, and 5119.21 of 329
the Revised Code that are scheduled to take effect 330
September 15, 2016, to continue the provisions of 331
this act on and after the effective date, to amend 332
the version of section 4501.01 of the Revised Code 333
that is scheduled to take effect January 1, 2017, 334
to continue the provisions of this act on and 335
after the effective date, to make operating 336
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2015, and ending June 30, 2017, to provide 338
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state programs, to amend section 102.01 and to 340
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103.65, 103.66, and 103.67 of the Revised Code on 342
January 1, 2016, to terminate those laws on that 343
date, and to provide that the amendments by this 344
act to section 5124.67 of the Revised Code 345
terminate on July 1, 2018, when section 5124.67 of 346
the Revised Code is repealed on that date. 347

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

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6117.52, 6117.521, 6117.522, 6119.60, 6119.601, 6119.602, and 553
6301.16 of the Revised Code be enacted to read as follows: 554

Sec. 1.05. (A) As used in the Revised Code, unless the 555
context otherwise requires, "imprisoned" or "imprisonment" means 556
being imprisoned under a sentence imposed for an offense or 557
serving a term of imprisonment, prison term, jail term, term of 558
local incarceration, or other term under a sentence imposed for an 559
offense in an institution under the control of the department of 560
rehabilitation and correction, a county, multicounty, municipal, 561
municipal-county, or multicounty-municipal jail or workhouse, a 562
minimum security jail, a community-based correctional facility, a 563
~~halfway house, an alternative residential facility,~~ or another 564
facility described or referred to in section 2929.34 of the 565
Revised Code for the type of criminal offense and under the 566
circumstances specified or referred to in that section. 567

(B) As used in division (A) of this section, "community-based 568
correctional facility," ~~"halfway house," and "alternative~~ 569
~~residential facility"~~ have has the same ~~meanings~~ meaning as in 570

section 2929.01 of the Revised Code. 571

Sec. 5.2298. The month of April is designated as "Eastern 572
European Month." The people of Ohio are called upon to observe 573
this month with appropriate educational opportunities, ceremonies, 574
and activities. 575

Sec. 9.312. (A) If a state agency or political subdivision is 576
required by law or by an ordinance or resolution adopted under 577
division (C) of this section to award a contract to the lowest 578
responsive and responsible bidder, a bidder on the contract shall 579
be considered responsive if the bidder's proposal responds to bid 580
specifications in all material respects and contains no 581
irregularities or deviations from the specifications which would 582
affect the amount of the bid or otherwise give the bidder a 583
competitive advantage. The factors that the state agency or 584
political subdivision shall consider in determining whether a 585
bidder on the contract is responsible include the experience of 586
the bidder, the bidder's financial condition, conduct and 587
performance on previous contracts, facilities, management skills, 588
and ability to execute the contract properly. 589

For purposes of this division, the provision of a bid 590
guaranty in accordance with divisions (A)(1) and (B) of section 591
153.54 of the Revised Code issued by a surety licensed to do 592
business in this state is evidence of financial responsibility, 593
but a state agency or political subdivision may request additional 594
financial information for review from an apparent low bidder after 595
it opens all submitted bids. A state agency or political 596
subdivision shall keep additional financial information it 597
receives pursuant to a request under this division confidential, 598
except under proper order of a court. The additional financial 599
information is not a public record under section 149.43 of the 600
Revised Code. 601

An apparent low bidder found not to be responsive and responsible shall be notified by the state agency or political subdivision of that finding and the reasons for it. Except for contracts awarded by the department of administrative services pursuant to section 125.11 of the Revised Code, the notification shall be given in writing and by certified mail. When awarding contracts pursuant to section 125.11 of the Revised Code, the department may send such notice in writing by first class mail or by electronic means.

(B) Where a state agency or a political subdivision that has adopted an ordinance or resolution under division (C) of this section determines to award a contract to a bidder other than the apparent low bidder or bidders for the construction, reconstruction, improvement, enlargement, alteration, repair, painting, or decoration of a public improvement, it shall meet with the apparent low bidder or bidders upon a filing of a timely written protest. The protest must be received within five days of the notification required in division (A) of this section. No final award shall be made until the state agency or political subdivision either affirms or reverses its earlier determination. Notwithstanding any other provisions of the Revised Code, the procedure described in this division is not subject to Chapter 119. of the Revised Code.

(C) A municipal corporation, township, school district, board of county commissioners, any other county board or commission, or any other political subdivision required by law to award contracts by competitive bidding may by ordinance or resolution adopt a policy of requiring each competitively bid contract it awards to be awarded to the lowest responsive and responsible bidder in accordance with this section.

Sec. 9.318. (A) As used in this section:

"Armed forces" means the armed forces of the United States, including the army, navy, air force, marine corps, coast guard, or any reserve component of those forces; the national guard of any state; the commissioned corps of the United States public health service; the merchant marine service during wartime; such other service as may be designated by congress; and the Ohio organized militia when engaged in full-time national guard duty for a period of more than thirty days.

"State agency" has the meaning defined in section 1.60 of the Revised Code.

"Veteran" means any person who has completed service in the armed forces, including the national guard of any state, or a reserve component of the armed forces, who has been honorably discharged or discharged under honorable conditions from the armed forces or who has been transferred to the reserve with evidence of satisfactory service.

"Veteran-friendly business enterprise" means a sole proprietorship, association, partnership, corporation, limited liability company, or joint venture that meets veteran employment standards established by the director of administrative services and the director of transportation under this section.

(B) The director of administrative services and the director of transportation shall establish and maintain the veteran-friendly business procurement program. The director of administrative services shall adopt rules to administer the program for all state agencies except the department of transportation, and the director of transportation shall adopt rules to administer the program for the department of transportation. The rules shall be adopted under Chapter 119. of the Revised Code. The rules, as adopted separately by but with the greatest degree of consistency possible between the two directors, shall do all of the following:

(1) Establish criteria, based on the percentage of an applicant's employees who are veterans, that qualifies an applicant for certification as a veteran-friendly business enterprise; 665
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(2) Establish procedures by which a sole proprietorship, association, partnership, corporation, limited liability company, or joint venture may apply for certification as a veteran-friendly business enterprise; 669
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(3) Establish procedures for certifying a sole proprietorship, association, partnership, corporation, limited liability company, or joint venture as a veteran-friendly business enterprise; 673
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(4) Establish standards for determining when a veteran-friendly business enterprise no longer qualifies for certification as a veteran-friendly business enterprise; 677
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(5) Establish procedures, to be used by state agencies or the department of transportation, for the evaluation and ranking of proposals, which provide preference or bonus points to each certified veteran-friendly business enterprise that submits a bid or other proposal for a contract with the state or an agency of the state other than the department of transportation, or with the department of transportation, for the rendering of services, or the supplying of materials, or for the construction, demolition, alteration, repair, or reconstruction of any public building, structure, highway, or other improvement; 680
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(6) Implement an outreach program to educate potential participants about the veteran-friendly business procurement program; and 690
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(7) Establish a process for monitoring overall performance of the veteran-friendly business procurement program. 693
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Sec. 9.333. (A) No public authority shall enter into a 695
construction management contract with a construction manager 696
unless the construction manager provides a letter of credit 697
pursuant to Chapter 1305. of the Revised Code, a surety bond 698
pursuant to sections 153.54 and 153.57 of the Revised Code, a 699
certified check or cashier's check in an amount equal to the value 700
of the construction management contract for the project, or 701
provides other reasonable financial assurance of a nature and in 702
an amount satisfactory to the public authority. The public 703
authority may waive this requirement for good cause. 704

(B) Before construction begins pursuant to a construction 705
management contract with a construction manager at risk, the 706
construction manager at risk shall provide a surety bond to the 707
public authority in accordance with rules adopted by the executive 708
director of ~~administrative services~~ the Ohio facilities 709
construction commission under Chapter 119. of the Revised Code. 710

Sec. 9.483. Notwithstanding limitations imposed by the 711
Revised Code to the contrary, a political subdivision may enter 712
into a sale and leaseback agreement under which the legislative 713
authority agrees to convey a building owned by the political 714
subdivision to a purchaser who is obligated, immediately upon 715
closing, to lease all or portions of the building back to the 716
legislative authority. The sale and leaseback agreement shall 717
obligate the lessor to make public improvements to all or portions 718
of the building subject to the lease, including renovations, 719
energy conservation measures, and other measures that are 720
necessary to improve the functionality and reduce the operating 721
costs of the portions of the building that are subject to the 722
lease. 723

Sec. 9.83. (A) The state and any political subdivision may 724

procure a policy or policies of insurance insuring its officers 725
and employees against liability for injury, death, or loss to 726
person or property that arises out of the operation of an 727
automobile, truck, motor vehicle with auxiliary equipment, 728
self-propelling equipment or trailer, aircraft, or watercraft by 729
the officers or employees while engaged in the course of their 730
employment or official responsibilities for the state or the 731
political subdivision. The state is authorized to expend funds to 732
pay judgments that are rendered in any court against its officers 733
or employees and that result from such operation, and is 734
authorized to expend funds to compromise claims for liability 735
against its officers or employees that result from such operation. 736
No insurer shall deny coverage under such a policy, and the state 737
shall not refuse to pay judgments or compromise claims, on the 738
ground that an automobile, truck, motor vehicle with auxiliary 739
equipment, self-propelling equipment or trailer, aircraft, or 740
watercraft was not being used in the course of an officer's or 741
employee's employment or official responsibilities for the state 742
or a political subdivision unless the officer or employee who was 743
operating an automobile, truck, motor vehicle with auxiliary 744
equipment, or self-propelling equipment or trailer is convicted of 745
a violation of section 124.71 of the Revised Code as a result of 746
the same events. 747

(B) Funds shall be reserved as necessary, in the exercise of 748
sound and prudent actuarial judgment, to cover potential expense, 749
fees, damage, loss, or other liability. The office of risk 750
management may recommend or, if the state requests of the office 751
of risk management, shall recommend a specific amount for any 752
period of time that, in the opinion of the office of risk 753
management, represents such a judgment. 754

(C) Nothing in this section shall be construed to require the 755
department of administrative services to purchase liability 756

insurance for all state vehicles in a single policy of insurance 757
or to cover all state vehicles under a single plan of 758
self-insurance. 759

(D) Insurance procured by the state pursuant to this section 760
shall be procured as provided in division (G) of section ~~125.03~~ 761
125.02 of the Revised Code. 762

(E) For purposes of liability insurance procured under this 763
section to cover the operation of a motor vehicle by a prisoner 764
for whom the insurance is procured, "employee" includes a prisoner 765
in the custody of the department of rehabilitation and correction 766
who is enrolled in a work program that is established by the 767
department pursuant to section 5145.16 of the Revised Code and in 768
which the prisoner is required to operate a motor vehicle, as 769
defined in section 4509.01 of the Revised Code, and who is engaged 770
in the operation of a motor vehicle in the course of the work 771
program. 772

(F) All contributions collected by the director of 773
administrative services under division (H) of this section shall 774
be deposited into the risk management reserve fund created in 775
section 9.823 of the Revised Code to the credit of the vehicle 776
liability program. 777

(G) Reserves shall be maintained in the risk management 778
reserve fund to the credit of the vehicle liability program in any 779
amount that is necessary and adequate, in the exercise of sound 780
and prudent actuarial judgment, to cover potential liability 781
claims, expenses, fees, or damages. Money in the fund may be 782
applied to the payment of liability claims that are filed against 783
the state in the court of claims and determined in the manner 784
provided in Chapter 2743. of the Revised Code. The director of 785
administrative services may procure the services of a qualified 786
actuarial firm for the purpose of recommending the specific amount 787
of money that is required to maintain adequate reserves for a 788

specified period of time. 789

(H) The director of administrative services shall collect 790
from each state agency or any participating state body its 791
contribution to the vehicle liability program for the purpose of 792
purchasing insurance or administering self-insurance programs for 793
coverage authorized under this section. The amount of the 794
contribution shall be determined by the director, with the 795
approval of the director of budget and management. It shall be 796
based upon actuarial assumptions and the relative risk and loss 797
experience of each state agency or participating state body. The 798
amount of the contribution also shall include a reasonable sum to 799
cover administrative costs of the department of administrative 800
services. The amounts collected pursuant to this division shall be 801
deposited in the risk management reserve fund to the credit of the 802
vehicle liability program. 803

Sec. 9.833. (A) As used in this section, "political 804
subdivision" has the meaning defined in sections 2744.01 and 805
3905.36 of the Revised Code. For purposes of this section, 806
"political subdivision" includes municipal corporations as defined 807
in section 5705.01 of the Revised Code. 808

(B) Political subdivisions that provide health care benefits 809
for their officers or employees may do any of the following: 810

(1) Establish and maintain an individual self-insurance 811
program with public moneys to provide authorized health care 812
benefits, including but not limited to, health care, prescription 813
drugs, dental care, and vision care, in accordance with division 814
(C) of this section; 815

(2) Establish and maintain a health savings account program 816
whereby employees or officers may establish and maintain health 817
savings accounts in accordance with section 223 of the Internal 818
Revenue Code. Public moneys may be used to pay for or fund 819

federally qualified high deductible health plans that are linked 820
to health savings accounts or to make contributions to health 821
savings accounts. A health savings account program may be a part 822
of a self-insurance program. 823

(3) After establishing an individual self-insurance program, 824
agree with other political subdivisions that have established 825
individual self-insurance programs for health care benefits, that 826
their programs will be jointly administered in a manner specified 827
in the agreement; 828

(4) Pursuant to a written agreement and in accordance with 829
division (C) of this section, join in any combination with other 830
political subdivisions to establish and maintain a joint 831
self-insurance program to provide health care benefits; 832

(5) Pursuant to a written agreement, join in any combination 833
with other political subdivisions to procure or contract for 834
policies, contracts, or plans of insurance to provide health care 835
benefits, which may include a health savings account program for 836
their officers and employees subject to the agreement; 837

(6) Use in any combination any of the policies, contracts, 838
plans, or programs authorized under this division. 839

(7) Any agreement made under division (B)(3), (4), (5), or 840
(6) of this section shall be in writing, comply with division (C) 841
of this section, and contain best practices established in 842
consultation with and approved by the department of administrative 843
services. The best practices may be reviewed and amended at the 844
discretion of the political subdivisions in consultation with the 845
department. Detailed information regarding the best practices 846
shall be made available to any employee upon that employee's 847
request. 848

(8) Purchase plans containing best practices ~~established~~ 849
identified by the department of administrative services under 850

section 9.901 of the Revised Code. 851

(C) Except as otherwise provided in division (E) of this 852
section, the following apply to individual or joint self-insurance 853
programs established pursuant to this section: 854

(1) Such funds shall be reserved as are necessary, in the 855
exercise of sound and prudent actuarial judgment, to cover 856
potential cost of health care benefits for the officers and 857
employees of the political subdivision. A certified audited 858
financial statement and a report of aggregate amounts so reserved 859
and aggregate disbursements made from such funds, together with a 860
written report of a member of the American academy of actuaries 861
certifying whether the amounts reserved conform to the 862
requirements of this division, are computed in accordance with 863
accepted loss reserving standards, and are fairly stated in 864
accordance with sound loss reserving principles, shall be prepared 865
and maintained, within ninety days after the last day of the 866
fiscal year of the entity for which the report is provided for 867
that fiscal year, in the office of the program administrator 868
described in division (C)(3) of this section. 869

The report required by division (C)(1) of this section shall 870
include, but not be limited to, the aggregate of disbursements 871
made for the administration of the program, including claims paid, 872
costs of the legal representation of political subdivisions and 873
employees, and fees paid to consultants. 874

The program administrator described in division (C)(3) of 875
this section shall make the report required by this division 876
available for inspection by any person at all reasonable times 877
during regular business hours, and, upon the request of such 878
person, shall make copies of the report available at cost within a 879
reasonable period of time. The program administrator shall further 880
provide the report to the auditor of state under Chapter 117. of 881
the Revised Code. The report required by this division is in lieu 882

of the records required by division (A) of section 149.431 of the Revised Code. 883
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(2) Each political subdivision shall reserve funds necessary 885
for an individual or joint self-insurance program in a special 886
fund that may be established for political subdivisions other than 887
an agency or instrumentality pursuant to an ordinance or 888
resolution of the political subdivision and not subject to section 889
5705.12 of the Revised Code. An agency or instrumentality shall 890
reserve the funds necessary for an individual or joint 891
self-insurance program in a special fund established pursuant to a 892
resolution duly adopted by the agency's or instrumentality's 893
governing board. The political subdivision may allocate the costs 894
of insurance or any self-insurance program, or both, among the 895
funds or accounts established under this division on the basis of 896
relative exposure and loss experience. 897

(3) A contract may be awarded, without the necessity of 898
competitive bidding, to any person, political subdivision, 899
nonprofit corporation organized under Chapter 1702. of the Revised 900
Code, or regional council of governments created under Chapter 901
167. of the Revised Code for purposes of administration of an 902
individual or joint self-insurance program. No such contract shall 903
be entered into without full, prior, public disclosure of all 904
terms and conditions. The disclosure shall include, at a minimum, 905
a statement listing all representations made in connection with 906
any possible savings and losses resulting from the contract, and 907
potential liability of any political subdivision or employee. The 908
proposed contract and statement shall be disclosed and presented 909
at a meeting of the political subdivision not less than one week 910
prior to the meeting at which the political subdivision authorizes 911
the contract. 912

A contract awarded to a nonprofit corporation or a regional 913
council of governments under this division may provide that all 914

employees of the nonprofit corporation or regional council of 915
governments, the employees of all entities related to the 916
nonprofit corporation or regional council of governments, and the 917
employees of other nonprofit corporations that have fifty or fewer 918
employees and have been organized for the primary purpose of 919
representing the interests of political subdivisions, may be 920
covered by the individual or joint self-insurance program under 921
the terms and conditions set forth in the contract. 922

(4) The individual or joint self-insurance program shall 923
include a contract with a certified public accountant and a member 924
of the American academy of actuaries for the preparation of the 925
written evaluations required under division (C)(1) of this 926
section. 927

(5) A joint self-insurance program may allocate the costs of 928
funding the program among the funds or accounts established under 929
this division to the participating political subdivisions on the 930
basis of their relative exposure and loss experience. 931

(6) An individual self-insurance program may allocate the 932
costs of funding the program among the funds or accounts 933
established under this division to the political subdivision that 934
established the program. 935

(7) Two or more political subdivisions may also authorize the 936
establishment and maintenance of a joint health care cost 937
containment program, including, but not limited to, the employment 938
of risk managers, health care cost containment specialists, and 939
consultants, for the purpose of preventing and reducing health 940
care costs covered by insurance, individual self-insurance, or 941
joint self-insurance programs. 942

(8) A political subdivision is not liable under a joint 943
self-insurance program for any amount in excess of amounts payable 944
pursuant to the written agreement for the participation of the 945

political subdivision in the joint self-insurance program. Under a 946
joint self-insurance program agreement, a political subdivision 947
may, to the extent permitted under the written agreement, assume 948
the risks of any other political subdivision. A joint 949
self-insurance program established under this section is deemed a 950
separate legal entity for the public purpose of enabling the 951
members of the joint self-insurance program to obtain insurance or 952
to provide for a formalized, jointly administered self-insurance 953
fund for its members. An entity created pursuant to this section 954
is exempt from all state and local taxes. 955

(9) Any political subdivision, other than an agency or 956
instrumentality, may issue general obligation bonds, or special 957
obligation bonds that are not payable from real or personal 958
property taxes, and may also issue notes in anticipation of such 959
bonds, pursuant to an ordinance or resolution of its legislative 960
authority or other governing body for the purpose of providing 961
funds to pay expenses associated with the settlement of claims, 962
whether by way of a reserve or otherwise, and to pay the political 963
subdivision's portion of the cost of establishing and maintaining 964
an individual or joint self-insurance program or to provide for 965
the reserve in the special fund authorized by division (C)(2) of 966
this section. 967

In its ordinance or resolution authorizing bonds or notes 968
under this section, a political subdivision may elect to issue 969
such bonds or notes under the procedures set forth in Chapter 133. 970
of the Revised Code. In the event of such an election, 971
notwithstanding Chapter 133. of the Revised Code, the maturity of 972
the bonds may be for any period authorized in the ordinance or 973
resolution not exceeding twenty years, which period shall be the 974
maximum maturity of the bonds for purposes of section 133.22 of 975
the Revised Code. 976

Bonds and notes issued under this section shall not be 977

considered in calculating the net indebtedness of the political 978
subdivision under sections 133.04, 133.05, 133.06, and 133.07 of 979
the Revised Code. Sections 9.98 to 9.983 of the Revised Code are 980
hereby made applicable to bonds or notes authorized under this 981
section. 982

(10) A joint self-insurance program is not an insurance 983
company. Its operation does not constitute doing an insurance 984
business and is not subject to the insurance laws of this state. 985

(11) A joint self-insurance program shall pay the run-off 986
expenses of a participating political subdivision that terminates 987
its participation in the program if the political subdivision has 988
accumulated funds in the reserves for incurred but not reported 989
claims. The run-off payment, at minimum, shall be limited to an 990
actuarially determined cap or sixty days, whichever is reached 991
first. This provision shall not apply during the term of a 992
specific, separate agreement with a political subdivision to 993
maintain enrollment for a specified period, not to exceed three 994
years. 995

(D) A political subdivision may procure group life insurance 996
for its employees in conjunction with an individual or joint 997
self-insurance program authorized by this section, provided that 998
the policy of group life insurance is not self-insured. 999

(E) This section does not apply to individual self-insurance 1000
programs created solely by municipal corporations as defined in 1001
section 5705.01 of the Revised Code. 1002

(F) A public official or employee of a political subdivision 1003
who is or becomes a member of the governing body of the program 1004
administrator of a joint self-insurance program in which the 1005
political subdivision participates is not in violation of division 1006
(D) or (E) of section 102.03, division (C) of section 102.04, or 1007
section 2921.42 of the Revised Code as a result of either of the 1008

following:	1009
(1) The political subdivision's entering under this section	1010
into the written agreement to participate in the joint	1011
self-insurance program;	1012
(2) The political subdivision's entering under this section	1013
into any other contract with the joint self-insurance program.	1014
Sec. 9.90. (A) The board of trustees or other governing body	1015
of a state institution of higher education, as defined in section	1016
3345.011 of the Revised Code, board of education of a school	1017
district, or governing board of an educational service center may,	1018
in addition to all other powers provided in the Revised Code:	1019
(1) Contract for, purchase, or otherwise procure from an	1020
insurer or insurers licensed to do business by the state of Ohio	1021
for or on behalf of such of its employees as it may determine,	1022
life insurance, or sickness, accident, annuity, endowment, health,	1023
medical, hospital, dental, or surgical coverage and benefits, or	1024
any combination thereof, by means of insurance plans or other	1025
types of coverage, family, group or otherwise, and may pay from	1026
funds under its control and available for such purpose all or any	1027
portion of the cost, premium, or charge for such insurance,	1028
coverage, or benefits. However, the governing board, in addition	1029
to or as an alternative to the authority otherwise granted by	1030
division (A)(1) of this section, may elect to procure coverage for	1031
health care services, for or on behalf of such of its employees as	1032
it may determine, by means of policies, contracts, certificates,	1033
or agreements issued by at least two health insuring corporations	1034
holding a certificate of authority under Chapter 1751. of the	1035
Revised Code and may pay from funds under the governing board's	1036
control and available for such purpose all or any portion of the	1037
cost of such coverage.	1038
(2) Make payments to a custodial account for investment in	1039

regulated investment company stock that is treated as an annuity 1040
under Internal Revenue Code section 403(b). 1041

Any income of an employee deferred under divisions (A)(1) and 1042
(2) of this section in a deferred compensation program eligible 1043
for favorable tax treatment under the Internal Revenue Code shall 1044
continue to be included as regular compensation for the purpose of 1045
computing the contributions to and benefits from the retirement 1046
system of such employee. Any sum so deferred shall not be included 1047
in the computation of any federal and state income taxes withheld 1048
on behalf of any such employee. 1049

(B) All or any portion of the cost, premium, or charge 1050
therefor may be paid in such other manner or combination of 1051
manner as the board or governing body may determine, including 1052
direct payment by the employee in cases under division (A)(1) of 1053
this section, and, if authorized in writing by the employee in 1054
cases under division (A)(1) or (2) of this section, by the board 1055
or governing body with moneys made available by deduction from or 1056
reduction in salary or wages or by the foregoing of a salary or 1057
wage increase. Nothing in section 3917.01 or section 3917.06 of 1058
the Revised Code shall prohibit the issuance or purchase of group 1059
life insurance authorized by this section by reason of payment of 1060
premiums therefor by the board or governing body from its funds, 1061
and such group life insurance may be so issued and purchased if 1062
otherwise consistent with the provisions of sections 3917.01 to 1063
3917.07 of the Revised Code. 1064

(C) The board of education of any school district may 1065
exercise any of the powers granted to the governing boards of 1066
public institutions of higher education under divisions (A) and 1067
(B) of this section. All health care benefits provided to persons 1068
employed by the public schools of this state shall be through 1069
health care plans that contain best practices ~~established~~ 1070
identified by the department of administrative services ~~pursuant~~ 1071

~~to~~ under section 9.901 of the Revised Code. 1072

Sec. 9.901. (A)(1) ~~All health~~ Health care plans that provide 1073
benefits ~~provided~~ to persons employed by public employers as 1074
defined by this section ~~shall be provided by health care plans~~ 1075
~~that contain~~ may consider best practices established by the former 1076
school employees health care board or identified by the department 1077
of administrative services. All policies or contracts for health 1078
care benefits that are issued or renewed after the expiration of 1079
any applicable collective bargaining agreement ~~must contain all~~ 1080
may consider any best practices ~~established pursuant to~~ identified 1081
under this section at the time of renewal. Health care plans that 1082
contain the best practices may be self-insured. 1083

(2) ~~Upon consulting with the department of administrative~~ 1084
~~services, a political subdivision may adopt a delivery system of~~ 1085
~~benefits that is not in accordance with the department's adopted~~ 1086
~~best practices if it is considered by the department to be most~~ 1087
~~financially advantageous to the political subdivision.~~ 1088

~~(3)~~ As used in this section: 1089

(a) "Public employer" means political subdivisions, public 1090
school districts, or state institutions of higher education. 1091

(b) "Public school district" means a city, local, exempted 1092
village, or joint vocational school district; a STEM school 1093
established under Chapter 3326. of the Revised Code; or an 1094
educational service center. "Public school district" does not mean 1095
a community school established under Chapter 3314. of the Revised 1096
Code. 1097

(c) "State institution of higher education" or "state 1098
institution" means a state institution of higher education as 1099
defined in section 3345.011 of the Revised Code. 1100

(d) "Political subdivision" has the same meaning as defined 1101

in section 9.833 of the Revised Code. 1102

(e) A "health care plan" includes group policies, contracts, 1103
and agreements that provide hospital, surgical, or medical expense 1104
coverage, including self-insured plans. A "health care plan" does 1105
not include an individual plan offered to the employees of a 1106
political subdivision, public school district, or state 1107
institution, or a plan that provides coverage only for specific 1108
disease or accidents, or a hospital indemnity, medicare 1109
supplement, or other plan that provides only supplemental 1110
benefits, paid for by the employees of a political subdivision, 1111
public school district, or state institution. 1112

(f) A "health plan sponsor" means a political subdivision, 1113
public school district, a state institution of higher education, a 1114
consortium of political subdivisions, public school districts, or 1115
state institutions, or a council of governments. 1116

~~(4) The public employees health care fund is hereby created 1117
in the state treasury. The department shall use all funds in the 1118
public employees health care fund solely to carry out the 1119
provisions of this section and related administrative costs. 1120~~

(B) The department of administrative services shall do all of 1121
the following: 1122

(1) Identify strategies to manage health care costs; 1123

(2) Study the potential benefits of state or regional 1124
consortiums of public employers' health care plans; 1125

(3) ~~Publish~~ Study information regarding the health care plans 1126
offered by political subdivisions, public school districts, state 1127
institutions, and existing consortiums; 1128

(4) ~~Assist in the design~~ Provide representative cost 1129
estimates of options for health care plans for political 1130
subdivisions, public school districts, and state institutions of 1131

higher education in accordance with division (A) of this section 1132
separate from the plans for state agencies; 1133

(5) ~~Adopt~~ Study and release a ~~set of~~ standards that ~~shall~~ may 1134
be considered the best practices for health care plans offered to 1135
employees of political subdivisions, public school districts, and 1136
state institutions; 1137

(6) Require that plans the health plan sponsors administer 1138
make readily available to the public all cost and design elements 1139
of the plan; 1140

(7) Promote cooperation among all organizations affected by 1141
this section in identifying the elements for successful 1142
implementation of this section; and 1143

(8) Promote cost containment measures aligned with patient, 1144
plan, and provider management strategies in developing and 1145
managing health care plans; ~~and~~ 1146

~~(9) Prepare and disseminate to the public an annual report on 1147
the status of health plan sponsors' effectiveness in complying 1148
with best practices and making progress to reduce the rate of 1149
increase in insurance premiums and employee out of pocket 1150
expenses, as well as progress in improving the health status of 1151
employees and their families. 1152~~

(C) The director of administrative services may convene a 1153
public health care advisory committee to assist in studying the 1154
issues discussed in this section. ~~The committee shall make 1155
recommendations to the director of administrative services or the 1156
director's designee on the development and adoption of best 1157
practices under this section. The committee shall consist of 1158
fifteen members: five members appointed by the speaker of the 1159
house of representatives; five members appointed by the president 1160
of the senate; and five members appointed by the governor and 1161
shall include representatives from state and local government 1162~~

~~employers, state and local government employees, insurance agents, 1163
health insurance companies, and joint purchasing arrangements 1164
currently in existence. Members shall serve without compensation. 1165~~

~~(D) The department may adopt rules for the enforcement of 1166
health plan sponsors' compliance with the best practices standards 1167
adopted by the department pursuant to this section. 1168~~

~~(E)~~ Any health care plan providing coverage for the employees 1169
of political subdivisions, public school districts, or state 1170
institutions of higher education, or that have provided coverage 1171
within two years before ~~the effective date of this amendment~~ June 1172
30, 2011, shall provide nonidentifiable aggregate claims and 1173
administrative data for the coverage provided as required by the 1174
department, without charge, within thirty days after receiving a 1175
written request from the department. The claims data shall include 1176
data relating to employee group benefit sets, demographics, and 1177
claims experience. 1178

~~(F)~~(E) The department may work with other state agencies to 1179
obtain services as the department deems necessary for the 1180
implementation and operation of this section, based on 1181
demonstrated experience and expertise in administration, 1182
management, data handling, actuarial studies, quality assurance, 1183
or for other needed services. 1184

~~(G)~~(F) The department shall hire staff as necessary to 1185
provide administrative support to the department and the public 1186
employee health care plan program established by this section. 1187

~~(H)~~(G) Nothing in this section shall be construed as 1188
prohibiting political subdivisions, public school districts, or 1189
state institutions from consulting with and compensating insurance 1190
agents and brokers for professional services or from establishing 1191
a self-insurance program. 1192

~~(I)~~(H) Pursuant to Chapter 117. of the Revised Code, the 1193

auditor of state shall conduct all necessary and required audits 1194
of the department. The auditor of state, upon request, also shall 1195
furnish to the department copies of audits of political 1196
subdivisions, public school districts, or consortia performed by 1197
the auditor of state. 1198

Sec. 101.60. A state agency, its officers, employees, and 1199
contractors, shall recognize the state identification card of an 1200
individual who is a member, officer who is not a member, or 1201
employee of the general assembly as a form of identification at 1202
all entry points and check points within the state agency's 1203
building or office and may not require any additional credential 1204
or photograph. 1205

Sec. 101.61. Not later than the first day of January and the 1206
fourth day of July each year, an executive agency, mayor's court, 1207
municipal court, county court, court of common pleas, including a 1208
probate court and a juvenile court, court of appeals, and the 1209
supreme court shall submit to the general assembly a report of all 1210
nongeneral revenue funds the agency or court administers. The 1211
report shall contain information regarding the amounts contained 1212
in the fund and an itemized statement as to the manner in which 1213
the fund has been expended. 1214

As used in this section, "executive agency" means the office 1215
of an elected executive official, a department created under 1216
section 121.02 of the Revised Code, or any other state agency, 1217
department, board, or commission controlled or directed by an 1218
elected executive official or otherwise subject to an elected 1219
executive official's authority. "Executive agency" does not 1220
include the nonprofit corporation formed under section 187.01 of 1221
the Revised Code. 1222

Sec. 102.02. (A)(1) Except as otherwise provided in division 1223

(H) of this section, all of the following shall file with the 1224
appropriate ethics commission the disclosure statement described 1225
in this division on a form prescribed by the appropriate 1226
commission: every person who is elected to or is a candidate for a 1227
state, county, or city office and every person who is appointed to 1228
fill a vacancy for an unexpired term in such an elective office; 1229
all members of the state board of education; the director, 1230
assistant directors, deputy directors, division chiefs, or persons 1231
of equivalent rank of any administrative department of the state; 1232
the president or other chief administrative officer of every state 1233
institution of higher education as defined in section 3345.011 of 1234
the Revised Code; the executive director and the members of the 1235
capitol square review and advisory board appointed or employed 1236
pursuant to section 105.41 of the Revised Code; all members of the 1237
Ohio casino control commission, the executive director of the 1238
commission, all professional employees of the commission, and all 1239
technical employees of the commission who perform an internal 1240
audit function; the individuals set forth in division (B)(2) of 1241
section 187.03 of the Revised Code; the chief executive officer 1242
and the members of the board of each state retirement system; each 1243
employee of a state retirement board who is a state retirement 1244
system investment officer licensed pursuant to section 1707.163 of 1245
the Revised Code; the members of the Ohio retirement study council 1246
appointed pursuant to division (C) of section 171.01 of the 1247
Revised Code; employees of the Ohio retirement study council, 1248
other than employees who perform purely administrative or clerical 1249
functions; the administrator of workers' compensation and each 1250
member of the bureau of workers' compensation board of directors; 1251
the bureau of workers' compensation director of investments; the 1252
chief investment officer of the bureau of workers' compensation; 1253
all members of the board of commissioners on grievances and 1254
discipline of the supreme court and the ethics commission created 1255
under section 102.05 of the Revised Code; every business manager, 1256

treasurer, or superintendent of a city, local, exempted village, 1257
joint vocational, or cooperative education school district or an 1258
educational service center; every person who is elected to or is a 1259
candidate for the office of member of a board of education of a 1260
city, local, exempted village, joint vocational, or cooperative 1261
education school district or of a governing board of an 1262
educational service center that has a total student count of 1263
twelve thousand or more as most recently determined by the 1264
department of education pursuant to section 3317.03 of the Revised 1265
Code; every person who is appointed to the board of education of a 1266
municipal school district pursuant to division (B) or (F) of 1267
section 3311.71 of the Revised Code; all members of the board of 1268
directors of a sanitary district that is established under Chapter 1269
6115. of the Revised Code and organized wholly for the purpose of 1270
providing a water supply for domestic, municipal, and public use, 1271
and that includes two municipal corporations in two counties; 1272
every public official or employee who is paid a salary or wage in 1273
accordance with schedule C of section 124.15 or schedule E-2 of 1274
section 124.152 of the Revised Code; ~~members of the board of~~ 1275
~~trustees and the executive director of the southern Ohio~~ 1276
~~agricultural and community development foundation;~~ 1277
appointed to the Ohio livestock care standards board under section 1278
904.02 of the Revised Code; all entrepreneurs in residence 1279
assigned by the LeanOhio office in the department of 1280
administrative services under section 125.65 of the Revised Code 1281
and every other public official or employee who is designated by 1282
the appropriate ethics commission pursuant to division (B) of this 1283
section. 1284

(2) The disclosure statement shall include all of the 1285
following: 1286

(1)(a) The name of the person filing the statement and each 1287
member of the person's immediate family and all names under which 1288

the person or members of the person's immediate family do 1289
business; 1290

~~(2)(a)(b)(i)~~ Subject to divisions (A)(2)(b)(ii) and ~~(e)(iii)~~ 1291
of this section and except as otherwise provided in section 1292
102.022 of the Revised Code, identification of every source of 1293
income, other than income from a legislative agent identified in 1294
division (A)(2)(b)(ii) of this section, received during the 1295
preceding calendar year, in the person's own name or by any other 1296
person for the person's use or benefit, by the person filing the 1297
statement, and a brief description of the nature of the services 1298
for which the income was received. If the person filing the 1299
statement is a member of the general assembly, the statement shall 1300
identify the amount of every source of income received in 1301
accordance with the following ranges of amounts: zero or more, but 1302
less than one thousand dollars; one thousand dollars or more, but 1303
less than ten thousand dollars; ten thousand dollars or more, but 1304
less than twenty-five thousand dollars; twenty-five thousand 1305
dollars or more, but less than fifty thousand dollars; fifty 1306
thousand dollars or more, but less than one hundred thousand 1307
dollars; and one hundred thousand dollars or more. Division 1308
(A)(2)~~(a)(b)(i)~~ of this section shall not be construed to require 1309
a person filing the statement who derives income from a business 1310
or profession to disclose the individual items of income that 1311
constitute the gross income of that business or profession, except 1312
for those individual items of income that are attributable to the 1313
person's or, if the income is shared with the person, the 1314
partner's, solicitation of services or goods or performance, 1315
arrangement, or facilitation of services or provision of goods on 1316
behalf of the business or profession of clients, including 1317
corporate clients, who are legislative agents. A person who files 1318
the statement under this section shall disclose the identity of 1319
and the amount of income received from a person who the public 1320
official or employee knows or has reason to know is doing or 1321

seeking to do business of any kind with the public official's or 1322
employee's agency. 1323

~~(b)(ii)~~ If the person filing the statement is a member of the 1324
general assembly, the statement shall identify every source of 1325
income and the amount of that income that was received from a 1326
legislative agent during the preceding calendar year, in the 1327
person's own name or by any other person for the person's use or 1328
benefit, by the person filing the statement, and a brief 1329
description of the nature of the services for which the income was 1330
received. Division (A)(2)(b)(ii) of this section requires the 1331
disclosure of clients of attorneys or persons licensed under 1332
section 4732.12 of the Revised Code, or patients of persons 1333
certified under section 4731.14 of the Revised Code, if those 1334
clients or patients are legislative agents. Division (A)(2)(b)(ii) 1335
of this section requires a person filing the statement who derives 1336
income from a business or profession to disclose those individual 1337
items of income that constitute the gross income of that business 1338
or profession that are received from legislative agents. 1339

~~(e)(iii)~~ Except as otherwise provided in division 1340
(A)(2)(~~e~~)(b)(iii) of this section, division (A)(2)(~~a~~)(b)(i) of 1341
this section applies to attorneys, physicians, and other persons 1342
who engage in the practice of a profession and who, pursuant to a 1343
section of the Revised Code, the common law of this state, a code 1344
of ethics applicable to the profession, or otherwise, generally 1345
are required not to reveal, disclose, or use confidences of 1346
clients, patients, or other recipients of professional services 1347
except under specified circumstances or generally are required to 1348
maintain those types of confidences as privileged communications 1349
except under specified circumstances. Division (A)(2)(~~a~~)(b)(i) of 1350
this section does not require an attorney, physician, or other 1351
professional subject to a confidentiality requirement as described 1352
in division (A)(2)(~~e~~)(b)(iii) of this section to disclose the 1353

name, other identity, or address of a client, patient, or other 1354
recipient of professional services if the disclosure would 1355
threaten the client, patient, or other recipient of professional 1356
services, would reveal details of the subject matter for which 1357
legal, medical, or professional advice or other services were 1358
sought, or would reveal an otherwise privileged communication 1359
involving the client, patient, or other recipient of professional 1360
services. Division (A)(2)~~(a)~~(b)(i) of this section does not 1361
require an attorney, physician, or other professional subject to a 1362
confidentiality requirement as described in division 1363
(A)(2)~~(e)~~(b)(iii) of this section to disclose in the brief 1364
description of the nature of services required by division 1365
(A)(2)~~(a)~~(b)(i) of this section any information pertaining to 1366
specific professional services rendered for a client, patient, or 1367
other recipient of professional services that would reveal details 1368
of the subject matter for which legal, medical, or professional 1369
advice was sought or would reveal an otherwise privileged 1370
communication involving the client, patient, or other recipient of 1371
professional services. 1372

~~(3)~~(c) The name of every corporation on file with the 1373
secretary of state that is incorporated in this state or holds a 1374
certificate of compliance authorizing it to do business in this 1375
state, trust, business trust, partnership, or association that 1376
transacts business in this state in which the person filing the 1377
statement or any other person for the person's use and benefit had 1378
during the preceding calendar year an investment of over one 1379
thousand dollars at fair market value as of the thirty-first day 1380
of December of the preceding calendar year, or the date of 1381
disposition, whichever is earlier, or in which the person holds 1382
any office or has a fiduciary relationship, and a description of 1383
the nature of the investment, office, or relationship. Division 1384
(A)~~(3)~~(2)(c) of this section does not require disclosure of the 1385
name of any bank, savings and loan association, credit union, or 1386

building and loan association with which the person filing the 1387
statement has a deposit or a withdrawable share account. 1388

~~(4)~~(d) All fee simple and leasehold interests to which the 1389
person filing the statement holds legal title to or a beneficial 1390
interest in real property located within the state, excluding the 1391
person's residence and property used primarily for personal 1392
recreation; 1393

~~(5)~~(e) The names of all persons residing or transacting 1394
business in the state to whom the person filing the statement 1395
owes, in the person's own name or in the name of any other person, 1396
more than one thousand dollars. Division (A)~~(5)~~(2)(e) of this 1397
section shall not be construed to require the disclosure of debts 1398
owed by the person resulting from the ordinary conduct of a 1399
business or profession or debts on the person's residence or real 1400
property used primarily for personal recreation, except that the 1401
superintendent of financial institutions shall disclose the names 1402
of all state-chartered savings and loan associations and of all 1403
service corporations subject to regulation under division (E)(2) 1404
of section 1151.34 of the Revised Code to whom the superintendent 1405
in the superintendent's own name or in the name of any other 1406
person owes any money, and that the superintendent and any deputy 1407
superintendent of banks shall disclose the names of all 1408
state-chartered banks and all bank subsidiary corporations subject 1409
to regulation under section 1109.44 of the Revised Code to whom 1410
the superintendent or deputy superintendent owes any money. 1411

~~(6)~~(f) The names of all persons residing or transacting 1412
business in the state, other than a depository excluded under 1413
division (A)~~(3)~~(2)(c) of this section, who owe more than one 1414
thousand dollars to the person filing the statement, either in the 1415
person's own name or to any person for the person's use or 1416
benefit. Division (A)~~(6)~~(2)(f) of this section shall not be 1417
construed to require the disclosure of clients of attorneys or 1418

persons licensed under section 4732.12 of the Revised Code, or 1419
patients of persons certified under section 4731.14 of the Revised 1420
Code, nor the disclosure of debts owed to the person resulting 1421
from the ordinary conduct of a business or profession. 1422

~~(7)~~(g) Except as otherwise provided in section 102.022 of the 1423
Revised Code, the source of each gift of over seventy-five 1424
dollars, or of each gift of over twenty-five dollars received by a 1425
member of the general assembly from a legislative agent, received 1426
by the person in the person's own name or by any other person for 1427
the person's use or benefit during the preceding calendar year, 1428
except gifts received by will or by virtue of section 2105.06 of 1429
the Revised Code, or received from spouses, parents, grandparents, 1430
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 1431
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 1432
fathers-in-law, mothers-in-law, or any person to whom the person 1433
filing the statement stands in loco parentis, or received by way 1434
of distribution from any inter vivos or testamentary trust 1435
established by a spouse or by an ancestor; 1436

~~(8)~~(h) Except as otherwise provided in section 102.022 of the 1437
Revised Code, identification of the source and amount of every 1438
payment of expenses incurred for travel to destinations inside or 1439
outside this state that is received by the person in the person's 1440
own name or by any other person for the person's use or benefit 1441
and that is incurred in connection with the person's official 1442
duties, except for expenses for travel to meetings or conventions 1443
of a national or state organization to which any state agency, 1444
including, but not limited to, any legislative agency or state 1445
institution of higher education as defined in section 3345.011 of 1446
the Revised Code, pays membership dues, or any political 1447
subdivision or any office or agency of a political subdivision 1448
pays membership dues; 1449

~~(9)~~(i) Except as otherwise provided in section 102.022 of the 1450

Revised Code, identification of the source of payment of expenses 1451
for meals and other food and beverages, other than for meals and 1452
other food and beverages provided at a meeting at which the person 1453
participated in a panel, seminar, or speaking engagement or at a 1454
meeting or convention of a national or state organization to which 1455
any state agency, including, but not limited to, any legislative 1456
agency or state institution of higher education as defined in 1457
section 3345.011 of the Revised Code, pays membership dues, or any 1458
political subdivision or any office or agency of a political 1459
subdivision pays membership dues, that are incurred in connection 1460
with the person's official duties and that exceed one hundred 1461
dollars aggregated per calendar year; 1462

~~(10)~~(j) If the disclosure statement is filed by a public 1463
official or employee described in division (B)(2) of section 1464
101.73 of the Revised Code or division (B)(2) of section 121.63 of 1465
the Revised Code who receives a statement from a legislative 1466
agent, executive agency lobbyist, or employer that contains the 1467
information described in division (F)(2) of section 101.73 of the 1468
Revised Code or division (G)(2) of section 121.63 of the Revised 1469
Code, all of the nondisputed information contained in the 1470
statement delivered to that public official or employee by the 1471
legislative agent, executive agency lobbyist, or employer under 1472
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 1473
the Revised Code. 1474

(3) A person may file a statement required by this section in 1475
person, by mail, or by electronic means. A 1476

(4) A person who is required to file a statement under this 1477
section shall file that statement according to the following 1478
deadlines, as applicable: 1479

(a) Except as otherwise provided in divisions (A)(4)(b), (c), 1480
and (d) of this section, the person shall file the statement not 1481
later than the fifteenth day of May of each year. 1482

(b) A person who is a candidate for elective office shall 1483
file the statement no later than the thirtieth day before the 1484
primary, special, or general election at which the candidacy is to 1485
be voted on, whichever election occurs soonest, except that a 1486
person who is a write-in candidate shall file the statement no 1487
later than the twentieth day before the earliest election at which 1488
the person's candidacy is to be voted on. ~~A person who holds~~ 1489
~~elective office shall file the statement on or before the~~ 1490
~~fifteenth day of April of each year unless the person is a~~ 1491
~~candidate for office. A~~ 1492

(c) A person who is appointed to fill a vacancy for an 1493
unexpired term in an elective office shall file the statement 1494
within fifteen days after the person qualifies for office. ~~Other~~ 1495
~~persons~~ 1496

(d) A person who is appointed or employed after the fifteenth 1497
day of May, other than a person described in division (A)(4)(c) of 1498
this section, shall file an annual statement ~~on or before the~~ 1499
~~fifteenth day of April or, if appointed or employed after that~~ 1500
~~date,~~ within ninety days after appointment or employment. ~~No~~ 1501

(5) No person shall be required to file with the appropriate 1502
ethics commission more than one statement or pay more than one 1503
filing fee for any one calendar year. 1504

(6) The appropriate ethics commission, for good cause, may 1505
extend for a reasonable time the deadline for filing a statement 1506
under this section. 1507

(7) A statement filed under this section is subject to public 1508
inspection at locations designated by the appropriate ethics 1509
commission except as otherwise provided in this section. 1510

(B) The Ohio ethics commission, the joint legislative ethics 1511
committee, and the board of commissioners on grievances and 1512
discipline of the supreme court, using the rule-making procedures 1513

of Chapter 119. of the Revised Code, may require any class of 1514
public officials or employees under its jurisdiction and not 1515
specifically excluded by this section whose positions involve a 1516
substantial and material exercise of administrative discretion in 1517
the formulation of public policy, expenditure of public funds, 1518
enforcement of laws and rules of the state or a county or city, or 1519
the execution of other public trusts, to file an annual statement 1520
~~on or before the fifteenth day of April~~ under division (A) of this 1521
section. The appropriate ethics commission shall send the public 1522
officials or employees written notice of the requirement ~~by the~~ 1523
~~fifteenth day of February of each year~~ not less than thirty days 1524
before the applicable filing is required deadline unless the 1525
public official or employee is appointed after that date, in which 1526
case the notice shall be sent within thirty days after 1527
appointment, and the filing shall be made not later than ninety 1528
days after appointment. 1529

~~Except for disclosure statements filed by members of the~~ 1530
~~board of trustees and the executive director of the southern Ohio~~ 1531
~~agricultural and community development foundation, disclosure~~ 1532
Disclosure statements filed under this division with the Ohio 1533
ethics commission by members of boards, commissions, or bureaus of 1534
the state for which no compensation is received other than 1535
reasonable and necessary expenses shall be kept confidential. 1536
Disclosure statements filed with the Ohio ethics commission under 1537
division (A) of this section by business managers, treasurers, and 1538
superintendents of city, local, exempted village, joint 1539
vocational, or cooperative education school districts or 1540
educational service centers shall be kept confidential, except 1541
that any person conducting an audit of any such school district or 1542
educational service center pursuant to section 115.56 or Chapter 1543
117. of the Revised Code may examine the disclosure statement of 1544
any business manager, treasurer, or superintendent of that school 1545
district or educational service center. Disclosure statements 1546

filed with the Ohio ethics commission under division (A) of this 1547
section by the individuals set forth in division (B)(2) of section 1548
187.03 of the Revised Code shall be kept confidential. The Ohio 1549
ethics commission shall examine each disclosure statement required 1550
to be kept confidential to determine whether a potential conflict 1551
of interest exists for the person who filed the disclosure 1552
statement. A potential conflict of interest exists if the private 1553
interests of the person, as indicated by the person's disclosure 1554
statement, might interfere with the public interests the person is 1555
required to serve in the exercise of the person's authority and 1556
duties in the person's office or position of employment. If the 1557
commission determines that a potential conflict of interest 1558
exists, it shall notify the person who filed the disclosure 1559
statement and shall make the portions of the disclosure statement 1560
that indicate a potential conflict of interest subject to public 1561
inspection in the same manner as is provided for other disclosure 1562
statements. Any portion of the disclosure statement that the 1563
commission determines does not indicate a potential conflict of 1564
interest shall be kept confidential by the commission and shall 1565
not be made subject to public inspection, except as is necessary 1566
for the enforcement of Chapters 102. and 2921. of the Revised Code 1567
and except as otherwise provided in this division. 1568

(C) No person shall knowingly fail to file, on or before the 1569
applicable filing deadline established under this section, a 1570
statement that is required by this section. 1571

(D) No person shall knowingly file a false statement that is 1572
required to be filed under this section. 1573

(E)(1) Except as provided in divisions (E)(2) and (3) of this 1574
section, the statement required by division (A) or (B) of this 1575
section shall be accompanied by a filing fee of sixty dollars. 1576

(2) The statement required by division (A) of this section 1577
shall be accompanied by the following filing fee to be paid by the 1578

person who is elected or appointed to, or is a candidate for, any		1579
of the following offices:		1580
For state office, except member of the		1581
state board of education	\$95	1582
For office of member of general assembly	\$40	1583
For county office	\$60	1584
For city office	\$35	1585
For office of member of the state board		1586
of education	\$35	1587
For office of member of a city, local,		1588
exempted village, or cooperative		1589
education board of		1590
education or educational service		1591
center governing board	\$30	1592
For position of business manager,		1593
treasurer, or superintendent of a		1594
city, local, exempted village, joint		1595
vocational, or cooperative education		1596
school district or		1597
educational service center	\$30	1598
(3) No judge of a court of record or candidate for judge of a		1599
court of record, and no referee or magistrate serving a court of		1600
record, shall be required to pay the fee required under division		1601
(E)(1) or (2) or (F) of this section.		1602
(4) For any public official who is appointed to a nonelective		1603
office of the state and for any employee who holds a nonelective		1604
position in a public agency of the state, the state agency that is		1605
the primary employer of the state official or employee shall pay		1606
the fee required under division (E)(1) or (F) of this section.		1607
(F) If a statement required to be filed under this section is		1608
not filed by the date on which it is required to be filed, the		1609
appropriate ethics commission shall assess the person required to		1610

file the statement a late filing fee of ten dollars for each day 1611
the statement is not filed, except that the total amount of the 1612
late filing fee shall not exceed two hundred fifty dollars. 1613

(G)(1) The appropriate ethics commission other than the Ohio 1614
ethics commission and the joint legislative ethics committee shall 1615
deposit all fees it receives under divisions (E) and (F) of this 1616
section into the general revenue fund of the state. 1617

(2) The Ohio ethics commission shall deposit all receipts, 1618
including, but not limited to, fees it receives under divisions 1619
(E) and (F) of this section, investigative or other fees, costs, 1620
or other funds it receives as a result of court orders, and all 1621
moneys it receives from settlements under division (G) of section 1622
102.06 of the Revised Code, into the Ohio ethics commission fund, 1623
which is hereby created in the state treasury. All moneys credited 1624
to the fund shall be used solely for expenses related to the 1625
operation and statutory functions of the commission. 1626

(3) The joint legislative ethics committee shall deposit all 1627
receipts it receives from the payment of financial disclosure 1628
statement filing fees under divisions (E) and (F) of this section 1629
into the joint legislative ethics committee investigative fund. 1630

(H) Division (A) of this section does not apply to a person 1631
elected or appointed to the office of precinct, ward, or district 1632
committee member under Chapter 3517. of the Revised Code; a 1633
presidential elector; a delegate to a national convention; village 1634
or township officials and employees; any physician or psychiatrist 1635
who is paid a salary or wage in accordance with schedule C of 1636
section 124.15 or schedule E-2 of section 124.152 of the Revised 1637
Code and whose primary duties do not require the exercise of 1638
administrative discretion; or any member of a board, commission, 1639
or bureau of any county or city who receives less than one 1640
thousand dollars per year for serving in that position. 1641

Sec. 102.022. Each person who is an officer or employee of a political subdivision, who receives compensation of less than sixteen thousand dollars a year for holding an office or position of employment with that political subdivision, and who is required to file a statement under section 102.02 of the Revised Code; each member of the board of trustees of a state institution of higher education as defined in section 3345.011 of the Revised Code who is required to file a statement under section 102.02 of the Revised Code; and each individual set forth in division (B)(2) of section 187.03 of the Revised Code who is required to file a statement under section 102.02 of the Revised Code, shall include in that statement, in place of the information required by divisions (A)(2)(b), ~~(7)(g)~~, ~~(8)(h)~~, and ~~(9)(i)~~ of that section, the following information:

(A) Exclusive of reasonable expenses, identification of every source of income over five hundred dollars received during the preceding calendar year, in the officer's or employee's own name or by any other person for the officer's or employee's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. This division shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code or patients of persons certified under section 4731.14 of the Revised Code. This division shall not be construed to require a person filing the statement who derives income from a business or profession to disclose the individual items of income that constitute the gross income of the business or profession.

(B) The source of each gift of over five hundred dollars received by the person in the officer's or employee's own name or by any other person for the officer's or employee's use or benefit during the preceding calendar year, except gifts received by will

or by virtue of section 2105.06 of the Revised Code, received from 1674
parents, grandparents, children, grandchildren, siblings, nephews, 1675
nieces, uncles, aunts, brothers-in-law, sisters-in-law, 1676
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or 1677
any person to whom the person filing the statement stands in loco 1678
parentis, or received by way of distribution from any inter vivos 1679
or testamentary trust established by a spouse or by an ancestor. 1680

Sec. 103.412. (A) JMOC shall oversee the medicaid program on 1681
a continuing basis. As part of its oversight, JMOC shall do all of 1682
the following: 1683

(1) Review how the medicaid program relates to the public and 1684
private provision of health care coverage in this state and the 1685
United States; 1686

(2) Review the reforms implemented under section 5162.70 of 1687
the Revised Code and evaluate the reforms' successes in achieving 1688
their objectives; 1689

(3) Recommend policies and strategies to encourage both of 1690
the following: 1691

(a) Medicaid recipients being physically and mentally able to 1692
join and stay in the workforce and ultimately becoming 1693
self-sufficient; 1694

(b) Less use of the medicaid program. 1695

(4) Recommend, to the extent JMOC determines appropriate, 1696
improvements in statutes and rules concerning the medicaid 1697
program; 1698

(5) Develop a plan of action for the future of the medicaid 1699
program; 1700

(6) Receive and consider reports submitted by ~~county~~ local 1701
healthier buckeye councils under section 355.04 of the Revised 1702
Code. 1703

(B) JMOC may do all of the following:	1704
(1) Plan, advertise, organize, and conduct forums, conferences, and other meetings at which representatives of state agencies and other individuals having expertise in the medicaid program may participate to increase knowledge and understanding of, and to develop and propose improvements in, the medicaid program;	1705 1706 1707 1708 1709 1710
(2) Prepare and issue reports on the medicaid program;	1711
(3) Solicit written comments on, and conduct public hearings at which persons may offer verbal comments on, drafts of its reports.	1712 1713 1714
<u>Sec. 103.42. (A) During the period beginning July 1, 2015, and ending June 30, 2018, the joint medicaid oversight committee on a quarterly basis shall monitor the actions of the department of medicaid under section 5167.04 of the Revised Code in preparing to implement and implementing inclusion of alcohol, drug addiction, and mental health services covered by medicaid in the care management system established under section 5167.03 of the Revised Code.</u>	1715 1716 1717 1718 1719 1720 1721 1722
<u>Beginning July 1, 2018, the committee on a periodic basis shall monitor the department's inclusion of the services in the system.</u>	1723 1724 1725
<u>(B) With respect to any proposal by the department to include all or part of the services in all or part of the system before January 1, 2018, the committee shall review the proposal and vote on whether to approve or disapprove the proposal. If a majority of the committee members approve the proposal, the committee shall notify the department and the proposal may be implemented.</u>	1726 1727 1728 1729 1730 1731
<u>Sec. 109.57. (A)(1) The superintendent of the bureau of criminal identification and investigation shall procure from</u>	1732 1733

wherever procurable and file for record photographs, pictures, 1734
descriptions, fingerprints, measurements, and other information 1735
that may be pertinent of all persons who have been convicted of 1736
committing within this state a felony, any crime constituting a 1737
misdemeanor on the first offense and a felony on subsequent 1738
offenses, or any misdemeanor described in division (A)(1)(a), 1739
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of 1740
all children under eighteen years of age who have been adjudicated 1741
delinquent children for committing within this state an act that 1742
would be a felony or an offense of violence if committed by an 1743
adult or who have been convicted of or pleaded guilty to 1744
committing within this state a felony or an offense of violence, 1745
and of all well-known and habitual criminals. The person in charge 1746
of any county, multicounty, municipal, municipal-county, or 1747
multicounty-municipal jail or workhouse, community-based 1748
correctional facility, halfway house, alternative residential 1749
facility, or state correctional institution and the person in 1750
charge of any state institution having custody of a person 1751
suspected of having committed a felony, any crime constituting a 1752
misdemeanor on the first offense and a felony on subsequent 1753
offenses, or any misdemeanor described in division (A)(1)(a), 1754
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or 1755
having custody of a child under eighteen years of age with respect 1756
to whom there is probable cause to believe that the child may have 1757
committed an act that would be a felony or an offense of violence 1758
if committed by an adult shall furnish such material to the 1759
superintendent of the bureau. Fingerprints, photographs, or other 1760
descriptive information of a child who is under eighteen years of 1761
age, has not been arrested or otherwise taken into custody for 1762
committing an act that would be a felony or an offense of violence 1763
who is not in any other category of child specified in this 1764
division, if committed by an adult, has not been adjudicated a 1765

delinquent child for committing an act that would be a felony or 1766
an offense of violence if committed by an adult, has not been 1767
convicted of or pleaded guilty to committing a felony or an 1768
offense of violence, and is not a child with respect to whom there 1769
is probable cause to believe that the child may have committed an 1770
act that would be a felony or an offense of violence if committed 1771
by an adult shall not be procured by the superintendent or 1772
furnished by any person in charge of any county, multicounty, 1773
municipal, municipal-county, or multicounty-municipal jail or 1774
workhouse, community-based correctional facility, halfway house, 1775
alternative residential facility, or state correctional 1776
institution, except as authorized in section 2151.313 of the 1777
Revised Code. 1778

(2) Every clerk of a court of record in this state, other 1779
than the supreme court or a court of appeals, shall send to the 1780
superintendent of the bureau a weekly report containing a summary 1781
of each case involving a felony, involving any crime constituting 1782
a misdemeanor on the first offense and a felony on subsequent 1783
offenses, involving a misdemeanor described in division (A)(1)(a), 1784
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or 1785
involving an adjudication in a case in which a child under 1786
eighteen years of age was alleged to be a delinquent child for 1787
committing an act that would be a felony or an offense of violence 1788
if committed by an adult. The clerk of the court of common pleas 1789
shall include in the report and summary the clerk sends under this 1790
division all information described in divisions (A)(2)(a) to (f) 1791
of this section regarding a case before the court of appeals that 1792
is served by that clerk. The summary shall be written on the 1793
standard forms furnished by the superintendent pursuant to 1794
division (B) of this section and shall include the following 1795
information: 1796

(a) The incident tracking number contained on the standard 1797

forms furnished by the superintendent pursuant to division (B) of	1798
this section;	1799
(b) The style and number of the case;	1800
(c) The date of arrest, offense, summons, or arraignment;	1801
(d) The date that the person was convicted of or pleaded	1802
guilty to the offense, adjudicated a delinquent child for	1803
committing the act that would be a felony or an offense of	1804
violence if committed by an adult, found not guilty of the	1805
offense, or found not to be a delinquent child for committing an	1806
act that would be a felony or an offense of violence if committed	1807
by an adult, the date of an entry dismissing the charge, an entry	1808
declaring a mistrial of the offense in which the person is	1809
discharged, an entry finding that the person or child is not	1810
competent to stand trial, or an entry of a nolle prosequi, or the	1811
date of any other determination that constitutes final resolution	1812
of the case;	1813
(e) A statement of the original charge with the section of	1814
the Revised Code that was alleged to be violated;	1815
(f) If the person or child was convicted, pleaded guilty, or	1816
was adjudicated a delinquent child, the sentence or terms of	1817
probation imposed or any other disposition of the offender or the	1818
delinquent child.	1819
If the offense involved the disarming of a law enforcement	1820
officer or an attempt to disarm a law enforcement officer, the	1821
clerk shall clearly state that fact in the summary, and the	1822
superintendent shall ensure that a clear statement of that fact is	1823
placed in the bureau's records.	1824
(3) The superintendent shall cooperate with and assist	1825
sheriffs, chiefs of police, and other law enforcement officers in	1826
the establishment of a complete system of criminal identification	1827
and in obtaining fingerprints and other means of identification of	1828

all persons arrested on a charge of a felony, any crime 1829
constituting a misdemeanor on the first offense and a felony on 1830
subsequent offenses, or a misdemeanor described in division 1831
(A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the 1832
Revised Code and of all children under eighteen years of age 1833
arrested or otherwise taken into custody for committing an act 1834
that would be a felony or an offense of violence if committed by 1835
an adult. The superintendent also shall file for record the 1836
fingerprint impressions of all persons confined in a county, 1837
multicounty, municipal, municipal-county, or multicounty-municipal 1838
jail or workhouse, community-based correctional facility, halfway 1839
house, alternative residential facility, or state correctional 1840
institution for the violation of state laws and of all children 1841
under eighteen years of age who are confined in a county, 1842
multicounty, municipal, municipal-county, or multicounty-municipal 1843
jail or workhouse, community-based correctional facility, halfway 1844
house, alternative residential facility, or state correctional 1845
institution or in any facility for delinquent children for 1846
committing an act that would be a felony or an offense of violence 1847
if committed by an adult, and any other information that the 1848
superintendent may receive from law enforcement officials of the 1849
state and its political subdivisions. 1850

(4) The superintendent shall carry out Chapter 2950. of the 1851
Revised Code with respect to the registration of persons who are 1852
convicted of or plead guilty to a sexually oriented offense or a 1853
child-victim oriented offense and with respect to all other duties 1854
imposed on the bureau under that chapter. 1855

(5) The bureau shall perform centralized recordkeeping 1856
functions for criminal history records and services in this state 1857
for purposes of the national crime prevention and privacy compact 1858
set forth in section 109.571 of the Revised Code and is the 1859
criminal history record repository as defined in that section for 1860

purposes of that compact. The superintendent or the 1861
superintendent's designee is the compact officer for purposes of 1862
that compact and shall carry out the responsibilities of the 1863
compact officer specified in that compact. 1864

(B) The superintendent shall prepare and furnish to every 1865
county, multicounty, municipal, municipal-county, or 1866
multicounty-municipal jail or workhouse, community-based 1867
correctional facility, halfway house, alternative residential 1868
facility, or state correctional institution and to every clerk of 1869
a court in this state specified in division (A)(2) of this section 1870
standard forms for reporting the information required under 1871
division (A) of this section. The standard forms that the 1872
superintendent prepares pursuant to this division may be in a 1873
tangible format, in an electronic format, or in both tangible 1874
formats and electronic formats. 1875

(C)(1) The superintendent may operate a center for 1876
electronic, automated, or other data processing for the storage 1877
and retrieval of information, data, and statistics pertaining to 1878
criminals and to children under eighteen years of age who are 1879
adjudicated delinquent children for committing an act that would 1880
be a felony or an offense of violence if committed by an adult, 1881
criminal activity, crime prevention, law enforcement, and criminal 1882
justice, and may establish and operate a statewide communications 1883
network to be known as the Ohio law enforcement gateway to gather 1884
and disseminate information, data, and statistics for the use of 1885
law enforcement agencies and for other uses specified in this 1886
division. The superintendent may gather, store, retrieve, and 1887
disseminate information, data, and statistics that pertain to 1888
children who are under eighteen years of age and that are gathered 1889
pursuant to sections 109.57 to 109.61 of the Revised Code together 1890
with information, data, and statistics that pertain to adults and 1891
that are gathered pursuant to those sections. 1892

(2) The superintendent or the superintendent's designee shall 1893
gather information of the nature described in division (C)(1) of 1894
this section that pertains to the offense and delinquency history 1895
of a person who has been convicted of, pleaded guilty to, or been 1896
adjudicated a delinquent child for committing a sexually oriented 1897
offense or a child-victim oriented offense for inclusion in the 1898
state registry of sex offenders and child-victim offenders 1899
maintained pursuant to division (A)(1) of section 2950.13 of the 1900
Revised Code and in the internet database operated pursuant to 1901
division (A)(13) of that section and for possible inclusion in the 1902
internet database operated pursuant to division (A)(11) of that 1903
section. 1904

(3) In addition to any other authorized use of information, 1905
data, and statistics of the nature described in division (C)(1) of 1906
this section, the superintendent or the superintendent's designee 1907
may provide and exchange the information, data, and statistics 1908
pursuant to the national crime prevention and privacy compact as 1909
described in division (A)(5) of this section. 1910

(4) The attorney general may adopt rules under Chapter 119. 1911
of the Revised Code establishing guidelines for the operation of 1912
and participation in the Ohio law enforcement gateway. The rules 1913
may include criteria for granting and restricting access to 1914
information gathered and disseminated through the Ohio law 1915
enforcement gateway. The attorney general shall permit the state 1916
medical board and board of nursing to access and view, but not 1917
alter, information gathered and disseminated through the Ohio law 1918
enforcement gateway. 1919

The attorney general may appoint a steering committee to 1920
advise the attorney general in the operation of the Ohio law 1921
enforcement gateway that is comprised of persons who are 1922
representatives of the criminal justice agencies in this state 1923
that use the Ohio law enforcement gateway and is chaired by the 1924

superintendent or the superintendent's designee.	1925
(D)(1) The following are not public records under section 149.43 of the Revised Code:	1926
(a) Information and materials furnished to the superintendent pursuant to division (A) of this section;	1927
(b) Information, data, and statistics gathered or disseminated through the Ohio law enforcement gateway pursuant to division (C)(1) of this section;	1928
(c) Information and materials furnished to any board or person under division (F) or (G) of this section.	1929
(2) The superintendent or the superintendent's designee shall gather and retain information so furnished under division (A) of this section that pertains to the offense and delinquency history of a person who has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense for the purposes described in division (C)(2) of this section.	1930
(E)(1) The attorney general shall adopt rules, in accordance with Chapter 119. of the Revised Code and subject to division (E)(2) of this section, setting forth the procedure by which a person may receive or release information gathered by the superintendent pursuant to division (A) of this section. A reasonable fee may be charged for this service. If a temporary employment service submits a request for a determination of whether a person the service plans to refer to an employment position has been convicted of or pleaded guilty to an offense listed or described in division (A)(1), (2), or (3) of section 109.572 of the Revised Code, the request shall be treated as a single request and only one fee shall be charged.	1931
(2) Except as otherwise provided in this division or division (E)(3) or (4) of this section, a rule adopted under division	1932
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(E)(1) of this section may provide only for the release of 1956
information gathered pursuant to division (A) of this section that 1957
relates to the conviction of a person, or a person's plea of 1958
guilty to, a criminal offense or to the arrest of a person as 1959
provided in division (E)(3) of this section. The superintendent 1960
shall not release, and the attorney general shall not adopt any 1961
rule under division (E)(1) of this section that permits the 1962
release of, any information gathered pursuant to division (A) of 1963
this section that relates to an adjudication of a child as a 1964
delinquent child, or that relates to a criminal conviction of a 1965
person under eighteen years of age if the person's case was 1966
transferred back to a juvenile court under division (B)(2) or (3) 1967
of section 2152.121 of the Revised Code and the juvenile court 1968
imposed a disposition or serious youthful offender disposition 1969
upon the person under either division, unless either of the 1970
following applies with respect to the adjudication or conviction: 1971

(a) The adjudication or conviction was for a violation of 1972
section 2903.01 or 2903.02 of the Revised Code. 1973

(b) The adjudication or conviction was for a sexually 1974
oriented offense, the juvenile court was required to classify the 1975
child a juvenile offender registrant for that offense under 1976
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 1977
classification has not been removed, and the records of the 1978
adjudication or conviction have not been sealed or expunged 1979
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 1980
section 2952.32 of the Revised Code. 1981

(3) A rule adopted under division (E)(1) of this section may 1982
provide for the release of information gathered pursuant to 1983
division (A) of this section that relates to the arrest of a 1984
person who is eighteen years of age or older when the person has 1985
not been convicted as a result of that arrest if any of the 1986
following applies: 1987

(a) The arrest was made outside of this state.	1988
(b) A criminal action resulting from the arrest is pending,	1989
and the superintendent confirms that the criminal action has not	1990
been resolved at the time the criminal records check is performed.	1991
(c) The bureau cannot reasonably determine whether a criminal	1992
action resulting from the arrest is pending, and not more than one	1993
year has elapsed since the date of the arrest.	1994
(4) A rule adopted under division (E)(1) of this section may	1995
provide for the release of information gathered pursuant to	1996
division (A) of this section that relates to an adjudication of a	1997
child as a delinquent child if not more than five years have	1998
elapsed since the date of the adjudication, the adjudication was	1999
for an act that would have been a felony if committed by an adult,	2000
the records of the adjudication have not been sealed or expunged	2001
pursuant to sections 2151.355 to 2151.358 of the Revised Code, and	2002
the request for information is made under division (F) of this	2003
section or under section 109.572 of the Revised Code. In the case	2004
of an adjudication for a violation of the terms of community	2005
control or supervised release, the five-year period shall be	2006
calculated from the date of the adjudication to which the	2007
community control or supervised release pertains.	2008
(F)(1) As used in division (F)(2) of this section, "head	2009
start agency" means an entity in this state that has been approved	2010
to be an agency for purposes of subchapter II of the "Community	2011
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831,	2012
as amended.	2013
(2)(a) In addition to or in conjunction with any request that	2014
is required to be made under section 109.572, 2151.86, 3301.32,	2015
3301.541, division (C) of section 3310.58, or section 3319.39,	2016
3319.391, 3327.10, 3701.881, 5104.012 , 5104.013, 5123.081, or	2017
5153.111 of the Revised Code or that is made under section	2018

3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 2019
board of education of any school district; the director of 2020
developmental disabilities; any county board of developmental 2021
disabilities; any provider or subcontractor as defined in section 2022
5123.081 of the Revised Code; the chief administrator of any 2023
chartered nonpublic school; the chief administrator of a 2024
registered private provider that is not also a chartered nonpublic 2025
school; the chief administrator of any home health agency; the 2026
chief administrator of or person operating any child day-care 2027
center, type A family day-care home, or type B family day-care 2028
home licensed under Chapter 5104. of the Revised Code; the chief 2029
administrator of any head start agency; the executive director of 2030
a public children services agency; a private company described in 2031
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 2032
Code; or an employer described in division (J)(2) of section 2033
3327.10 of the Revised Code may request that the superintendent of 2034
the bureau investigate and determine, with respect to any 2035
individual who has applied for employment in any position after 2036
October 2, 1989, or any individual wishing to apply for employment 2037
with a board of education may request, with regard to the 2038
individual, whether the bureau has any information gathered under 2039
division (A) of this section that pertains to that individual. On 2040
receipt of the request, subject to division (E)(2) of this 2041
section, the superintendent shall determine whether that 2042
information exists and, upon request of the person, board, or 2043
entity requesting information, also shall request from the federal 2044
bureau of investigation any criminal records it has pertaining to 2045
that individual. The superintendent or the superintendent's 2046
designee also may request criminal history records from other 2047
states or the federal government pursuant to the national crime 2048
prevention and privacy compact set forth in section 109.571 of the 2049
Revised Code. Within thirty days of the date that the 2050
superintendent receives a request, subject to division (E)(2) of 2051

this section, the superintendent shall send to the board, entity, 2052
or person a report of any information that the superintendent 2053
determines exists, including information contained in records that 2054
have been sealed under section 2953.32 of the Revised Code, and, 2055
within thirty days of its receipt, subject to division (E)(2) of 2056
this section, shall send the board, entity, or person a report of 2057
any information received from the federal bureau of investigation, 2058
other than information the dissemination of which is prohibited by 2059
federal law. 2060

(b) When a board of education or a registered private 2061
provider is required to receive information under this section as 2062
a prerequisite to employment of an individual pursuant to division 2063
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 2064
may accept a certified copy of records that were issued by the 2065
bureau of criminal identification and investigation and that are 2066
presented by an individual applying for employment with the 2067
district in lieu of requesting that information itself. In such a 2068
case, the board shall accept the certified copy issued by the 2069
bureau in order to make a photocopy of it for that individual's 2070
employment application documents and shall return the certified 2071
copy to the individual. In a case of that nature, a district or 2072
provider only shall accept a certified copy of records of that 2073
nature within one year after the date of their issuance by the 2074
bureau. 2075

(c) Notwithstanding division (F)(2)(a) of this section, in 2076
the case of a request under section 3319.39, 3319.391, or 3327.10 2077
of the Revised Code only for criminal records maintained by the 2078
federal bureau of investigation, the superintendent shall not 2079
determine whether any information gathered under division (A) of 2080
this section exists on the person for whom the request is made. 2081

(3) The state board of education may request, with respect to 2082
any individual who has applied for employment after October 2, 2083

1989, in any position with the state board or the department of 2084
education, any information that a school district board of 2085
education is authorized to request under division (F)(2) of this 2086
section, and the superintendent of the bureau shall proceed as if 2087
the request has been received from a school district board of 2088
education under division (F)(2) of this section. 2089

(4) When the superintendent of the bureau receives a request 2090
for information under section 3319.291 of the Revised Code, the 2091
superintendent shall proceed as if the request has been received 2092
from a school district board of education and shall comply with 2093
divisions (F)(2)(a) and (c) of this section. 2094

(5) When a recipient of a classroom reading improvement grant 2095
paid under section 3301.86 of the Revised Code requests, with 2096
respect to any individual who applies to participate in providing 2097
any program or service funded in whole or in part by the grant, 2098
the information that a school district board of education is 2099
authorized to request under division (F)(2)(a) of this section, 2100
the superintendent of the bureau shall proceed as if the request 2101
has been received from a school district board of education under 2102
division (F)(2)(a) of this section. 2103

(G) In addition to or in conjunction with any request that is 2104
required to be made under section 3701.881, 3712.09, or 3721.121 2105
of the Revised Code with respect to an individual who has applied 2106
for employment in a position that involves providing direct care 2107
to an older adult or adult resident, the chief administrator of a 2108
home health agency, hospice care program, home licensed under 2109
Chapter 3721. of the Revised Code, or adult day-care program 2110
operated pursuant to rules adopted under section 3721.04 of the 2111
Revised Code may request that the superintendent of the bureau 2112
investigate and determine, with respect to any individual who has 2113
applied after January 27, 1997, for employment in a position that 2114
does not involve providing direct care to an older adult or adult 2115

resident, whether the bureau has any information gathered under 2116
division (A) of this section that pertains to that individual. 2117

In addition to or in conjunction with any request that is 2118
required to be made under section 173.27 of the Revised Code with 2119
respect to an individual who has applied for employment in a 2120
position that involves providing ombudsman services to residents 2121
of long-term care facilities or recipients of community-based 2122
long-term care services, the state long-term care ombudsman, the 2123
director of aging, a regional long-term care ombudsman program, or 2124
the designee of the ombudsman, director, or program may request 2125
that the superintendent investigate and determine, with respect to 2126
any individual who has applied for employment in a position that 2127
does not involve providing such ombudsman services, whether the 2128
bureau has any information gathered under division (A) of this 2129
section that pertains to that applicant. 2130

In addition to or in conjunction with any request that is 2131
required to be made under section 173.38 of the Revised Code with 2132
respect to an individual who has applied for employment in a 2133
direct-care position, the chief administrator of a provider, as 2134
defined in section 173.39 of the Revised Code, may request that 2135
the superintendent investigate and determine, with respect to any 2136
individual who has applied for employment in a position that is 2137
not a direct-care position, whether the bureau has any information 2138
gathered under division (A) of this section that pertains to that 2139
applicant. 2140

In addition to or in conjunction with any request that is 2141
required to be made under section 3712.09 of the Revised Code with 2142
respect to an individual who has applied for employment in a 2143
position that involves providing direct care to a pediatric 2144
respite care patient, the chief administrator of a pediatric 2145
respite care program may request that the superintendent of the 2146
bureau investigate and determine, with respect to any individual 2147

who has applied for employment in a position that does not involve 2148
providing direct care to a pediatric respite care patient, whether 2149
the bureau has any information gathered under division (A) of this 2150
section that pertains to that individual. 2151

On receipt of a request under this division, the 2152
superintendent shall determine whether that information exists 2153
and, on request of the individual requesting information, shall 2154
also request from the federal bureau of investigation any criminal 2155
records it has pertaining to the applicant. The superintendent or 2156
the superintendent's designee also may request criminal history 2157
records from other states or the federal government pursuant to 2158
the national crime prevention and privacy compact set forth in 2159
section 109.571 of the Revised Code. Within thirty days of the 2160
date a request is received, subject to division (E)(2) of this 2161
section, the superintendent shall send to the requester a report 2162
of any information determined to exist, including information 2163
contained in records that have been sealed under section 2953.32 2164
of the Revised Code, and, within thirty days of its receipt, shall 2165
send the requester a report of any information received from the 2166
federal bureau of investigation, other than information the 2167
dissemination of which is prohibited by federal law. 2168

(H) Information obtained by a government entity or person 2169
under this section is confidential and shall not be released or 2170
disseminated. 2171

(I) The superintendent may charge a reasonable fee for 2172
providing information or criminal records under division (F)(2) or 2173
(G) of this section. 2174

(J) As used in this section: 2175

(1) "Pediatric respite care program" and "pediatric care 2176
patient" have the same meanings as in section 3712.01 of the 2177
Revised Code. 2178

(2) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code. 2179
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(3) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program. 2182
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Sec. 109.572. (A)(1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: 2188
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(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of 2199
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the Revised Code that would have been a violation of section 2210
2905.04 of the Revised Code as it existed prior to July 1, 1996, 2211
had the violation been committed prior to that date, or a 2212
violation of section 2925.11 of the Revised Code that is not a 2213
minor drug possession offense; 2214

(b) A violation of an existing or former law of this state, 2215
any other state, or the United States that is substantially 2216
equivalent to any of the offenses listed in division (A)(1)(a) of 2217
this section; 2218

(c) If the request is made pursuant to section 3319.39 of the 2219
Revised Code for an applicant who is a teacher, any offense 2220
specified in section 3319.31 of the Revised Code. 2221

(2) On receipt of a request pursuant to section 3712.09 or 2222
3721.121 of the Revised Code, a completed form prescribed pursuant 2223
to division (C)(1) of this section, and a set of fingerprint 2224
impressions obtained in the manner described in division (C)(2) of 2225
this section, the superintendent of the bureau of criminal 2226
identification and investigation shall conduct a criminal records 2227
check with respect to any person who has applied for employment in 2228
a position for which a criminal records check is required by those 2229
sections. The superintendent shall conduct the criminal records 2230
check in the manner described in division (B) of this section to 2231
determine whether any information exists that indicates that the 2232
person who is the subject of the request previously has been 2233
convicted of or pleaded guilty to any of the following: 2234

(a) A violation of section 2903.01, 2903.02, 2903.03, 2235
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2236
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2237
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2238
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2239
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2240
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2241

2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2242
2925.22, 2925.23, or 3716.11 of the Revised Code; 2243

(b) An existing or former law of this state, any other state, 2244
or the United States that is substantially equivalent to any of 2245
the offenses listed in division (A)(2)(a) of this section. 2246

(3) On receipt of a request pursuant to section 173.27, 2247
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 2248
or 5123.169 of the Revised Code, a completed form prescribed 2249
pursuant to division (C)(1) of this section, and a set of 2250
fingerprint impressions obtained in the manner described in 2251
division (C)(2) of this section, the superintendent of the bureau 2252
of criminal identification and investigation shall conduct a 2253
criminal records check of the person for whom the request is made. 2254
The superintendent shall conduct the criminal records check in the 2255
manner described in division (B) of this section to determine 2256
whether any information exists that indicates that the person who 2257
is the subject of the request previously has been convicted of, 2258
has pleaded guilty to, or (except in the case of a request 2259
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 2260
Code) has been found eligible for intervention in lieu of 2261
conviction for any of the following, regardless of the date of the 2262
conviction, the date of entry of the guilty plea, or (except in 2263
the case of a request pursuant to section 5164.34, 5164.341, or 2264
5164.342 of the Revised Code) the date the person was found 2265
eligible for intervention in lieu of conviction: 2266

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2267
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2268
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2269
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2270
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2271
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2272
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2273

2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12,	2274
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21,	2275
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44,	2276
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51,	2277
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123,	2278
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12,	2279
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35,	2280
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161,	2281
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04,	2282
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14,	2283
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56,	2284
2927.12, or 3716.11 of the Revised Code;	2285
(b) Felonious sexual penetration in violation of former	2286
section 2907.12 of the Revised Code;	2287
(c) A violation of section 2905.04 of the Revised Code as it	2288
existed prior to July 1, 1996;	2289
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	2290
the Revised Code when the underlying offense that is the object of	2291
the conspiracy, attempt, or complicity is one of the offenses	2292
listed in divisions (A)(3)(a) to (c) of this section;	2293
(e) A violation of an existing or former municipal ordinance	2294
or law of this state, any other state, or the United States that	2295
is substantially equivalent to any of the offenses listed in	2296
divisions (A)(3)(a) to (d) of this section.	2297
(4) On receipt of a request pursuant to section 2151.86 of	2298
the Revised Code, a completed form prescribed pursuant to division	2299
(C)(1) of this section, and a set of fingerprint impressions	2300
obtained in the manner described in division (C)(2) of this	2301
section, the superintendent of the bureau of criminal	2302
identification and investigation shall conduct a criminal records	2303
check in the manner described in division (B) of this section to	2304

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

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more OVI or OVUAC violations committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

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

(5) Upon receipt of a request pursuant to section ~~5104.012~~ or 5104.013 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal

identification and investigation shall conduct a criminal records 2337
check in the manner described in division (B) of this section to 2338
determine whether any information exists that indicates that the 2339
person who is the subject of the request has been convicted of or 2340
pleaded guilty to any of the following: 2341

(a) A violation of section 2151.421, 2903.01, 2903.02, 2342
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2343
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2344
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2345
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2346
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2347
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2348
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2349
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2350
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2351
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2352
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2353
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2354
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 2355
Revised Code, felonious sexual penetration in violation of former 2356
section 2907.12 of the Revised Code, a violation of section 2357
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2358
violation of section 2919.23 of the Revised Code that would have 2359
been a violation of section 2905.04 of the Revised Code as it 2360
existed prior to July 1, 1996, had the violation been committed 2361
prior to that date, a violation of section 2925.11 of the Revised 2362
Code that is not a minor drug possession offense, a violation of 2363
section 2923.02 or 2923.03 of the Revised Code that relates to a 2364
crime specified in this division, or a second violation of section 2365
4511.19 of the Revised Code within five years of the date of 2366
application for licensure or certification. 2367

(b) A violation of an existing or former law of this state, 2368

any other state, or the United States that is substantially 2369
equivalent to any of the offenses or violations described in 2370
division (A)(5)(a) of this section. 2371

(6) Upon receipt of a request pursuant to section 5153.111 of 2372
the Revised Code, a completed form prescribed pursuant to division 2373
(C)(1) of this section, and a set of fingerprint impressions 2374
obtained in the manner described in division (C)(2) of this 2375
section, the superintendent of the bureau of criminal 2376
identification and investigation shall conduct a criminal records 2377
check in the manner described in division (B) of this section to 2378
determine whether any information exists that indicates that the 2379
person who is the subject of the request previously has been 2380
convicted of or pleaded guilty to any of the following: 2381

(a) A violation of section 2903.01, 2903.02, 2903.03, 2382
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2383
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2384
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2385
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2386
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2387
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2388
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 2389
felonious sexual penetration in violation of former section 2390
2907.12 of the Revised Code, a violation of section 2905.04 of the 2391
Revised Code as it existed prior to July 1, 1996, a violation of 2392
section 2919.23 of the Revised Code that would have been a 2393
violation of section 2905.04 of the Revised Code as it existed 2394
prior to July 1, 1996, had the violation been committed prior to 2395
that date, or a violation of section 2925.11 of the Revised Code 2396
that is not a minor drug possession offense; 2397

(b) A violation of an existing or former law of this state, 2398
any other state, or the United States that is substantially 2399
equivalent to any of the offenses listed in division (A)(6)(a) of 2400

this section. 2401

(7) On receipt of a request for a criminal records check from 2402
an individual pursuant to section 4749.03 or 4749.06 of the 2403
Revised Code, accompanied by a completed copy of the form 2404
prescribed in division (C)(1) of this section and a set of 2405
fingerprint impressions obtained in a manner described in division 2406
(C)(2) of this section, the superintendent of the bureau of 2407
criminal identification and investigation shall conduct a criminal 2408
records check in the manner described in division (B) of this 2409
section to determine whether any information exists indicating 2410
that the person who is the subject of the request has been 2411
convicted of or pleaded guilty to a felony in this state or in any 2412
other state. If the individual indicates that a firearm will be 2413
carried in the course of business, the superintendent shall 2414
require information from the federal bureau of investigation as 2415
described in division (B)(2) of this section. Subject to division 2416
(F) of this section, the superintendent shall report the findings 2417
of the criminal records check and any information the federal 2418
bureau of investigation provides to the director of public safety. 2419

(8) On receipt of a request pursuant to section 1321.37, 2420
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 2421
Code, a completed form prescribed pursuant to division (C)(1) of 2422
this section, and a set of fingerprint impressions obtained in the 2423
manner described in division (C)(2) of this section, the 2424
superintendent of the bureau of criminal identification and 2425
investigation shall conduct a criminal records check with respect 2426
to any person who has applied for a license, permit, or 2427
certification from the department of commerce or a division in the 2428
department. The superintendent shall conduct the criminal records 2429
check in the manner described in division (B) of this section to 2430
determine whether any information exists that indicates that the 2431
person who is the subject of the request previously has been 2432

convicted of or pleaded guilty to any of the following: a 2433
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 2434
2925.03 of the Revised Code; any other criminal offense involving 2435
theft, receiving stolen property, embezzlement, forgery, fraud, 2436
passing bad checks, money laundering, or drug trafficking, or any 2437
criminal offense involving money or securities, as set forth in 2438
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 2439
the Revised Code; or any existing or former law of this state, any 2440
other state, or the United States that is substantially equivalent 2441
to those offenses. 2442

(9) On receipt of a request for a criminal records check from 2443
the treasurer of state under section 113.041 of the Revised Code 2444
or from an individual under section 4701.08, 4715.101, 4717.061, 2445
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 2446
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 2447
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 2448
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 2449
4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, 2450
accompanied by a completed form prescribed under division (C)(1) 2451
of this section and a set of fingerprint impressions obtained in 2452
the manner described in division (C)(2) of this section, the 2453
superintendent of the bureau of criminal identification and 2454
investigation shall conduct a criminal records check in the manner 2455
described in division (B) of this section to determine whether any 2456
information exists that indicates that the person who is the 2457
subject of the request has been convicted of or pleaded guilty to 2458
any criminal offense in this state or any other state. Subject to 2459
division (F) of this section, the superintendent shall send the 2460
results of a check requested under section 113.041 of the Revised 2461
Code to the treasurer of state and shall send the results of a 2462
check requested under any of the other listed sections to the 2463
licensing board specified by the individual in the request. 2464

(10) On receipt of a request pursuant to section 1121.23, 2465
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 2466
Code, a completed form prescribed pursuant to division (C)(1) of 2467
this section, and a set of fingerprint impressions obtained in the 2468
manner described in division (C)(2) of this section, the 2469
superintendent of the bureau of criminal identification and 2470
investigation shall conduct a criminal records check in the manner 2471
described in division (B) of this section to determine whether any 2472
information exists that indicates that the person who is the 2473
subject of the request previously has been convicted of or pleaded 2474
guilty to any criminal offense under any existing or former law of 2475
this state, any other state, or the United States. 2476

(11) On receipt of a request for a criminal records check 2477
from an appointing or licensing authority under section 3772.07 of 2478
the Revised Code, a completed form prescribed under division 2479
(C)(1) of this section, and a set of fingerprint impressions 2480
obtained in the manner prescribed in division (C)(2) of this 2481
section, the superintendent of the bureau of criminal 2482
identification and investigation shall conduct a criminal records 2483
check in the manner described in division (B) of this section to 2484
determine whether any information exists that indicates that the 2485
person who is the subject of the request previously has been 2486
convicted of or pleaded guilty or no contest to any offense under 2487
any existing or former law of this state, any other state, or the 2488
United States that is a disqualifying offense as defined in 2489
section 3772.07 of the Revised Code or substantially equivalent to 2490
such an offense. 2491

(12) On receipt of a request pursuant to section 2151.33 or 2492
2151.412 of the Revised Code, a completed form prescribed pursuant 2493
to division (C)(1) of this section, and a set of fingerprint 2494
impressions obtained in the manner described in division (C)(2) of 2495
this section, the superintendent of the bureau of criminal 2496

identification and investigation shall conduct a criminal records 2497
check with respect to any person for whom a criminal records check 2498
is required by that section. The superintendent shall conduct the 2499
criminal records check in the manner described in division (B) of 2500
this section to determine whether any information exists that 2501
indicates that the person who is the subject of the request 2502
previously has been convicted of or pleaded guilty to any of the 2503
following: 2504

(a) A violation of section 2903.01, 2903.02, 2903.03, 2505
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2506
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2507
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2508
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2509
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2510
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2511
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2512
2925.22, 2925.23, or 3716.11 of the Revised Code; 2513

(b) An existing or former law of this state, any other state, 2514
or the United States that is substantially equivalent to any of 2515
the offenses listed in division (A)(12)(a) of this section. 2516

(B) Subject to division (F) of this section, the 2517
superintendent shall conduct any criminal records check to be 2518
conducted under this section as follows: 2519

(1) The superintendent shall review or cause to be reviewed 2520
any relevant information gathered and compiled by the bureau under 2521
division (A) of section 109.57 of the Revised Code that relates to 2522
the person who is the subject of the criminal records check, 2523
including, if the criminal records check was requested under 2524
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 2525
1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 2526
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 2527
3701.881, 3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 2528

~~5104.012~~, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 2529
5123.169, or 5153.111 of the Revised Code, any relevant 2530
information contained in records that have been sealed under 2531
section 2953.32 of the Revised Code; 2532

(2) If the request received by the superintendent asks for 2533
information from the federal bureau of investigation, the 2534
superintendent shall request from the federal bureau of 2535
investigation any information it has with respect to the person 2536
who is the subject of the criminal records check, including 2537
fingerprint-based checks of national crime information databases 2538
as described in 42 U.S.C. 671 if the request is made pursuant to 2539
section 2151.86, ~~5104.012~~, or 5104.013 of the Revised Code or if 2540
any other Revised Code section requires fingerprint-based checks 2541
of that nature, and shall review or cause to be reviewed any 2542
information the superintendent receives from that bureau. If a 2543
request under section 3319.39 of the Revised Code asks only for 2544
information from the federal bureau of investigation, the 2545
superintendent shall not conduct the review prescribed by division 2546
(B)(1) of this section. 2547

(3) The superintendent or the superintendent's designee may 2548
request criminal history records from other states or the federal 2549
government pursuant to the national crime prevention and privacy 2550
compact set forth in section 109.571 of the Revised Code. 2551

(4) The superintendent shall include in the results of the 2552
criminal records check a list or description of the offenses 2553
listed or described in division (A)(1), (2), (3), (4), (5), (6), 2554
(7), (8), (9), (10), (11), or (12) of this section, whichever 2555
division requires the superintendent to conduct the criminal 2556
records check. The superintendent shall exclude from the results 2557
any information the dissemination of which is prohibited by 2558
federal law. 2559

(5) The superintendent shall send the results of the criminal 2560

records check to the person to whom it is to be sent not later 2561
than the following number of days after the date the 2562
superintendent receives the request for the criminal records 2563
check, the completed form prescribed under division (C)(1) of this 2564
section, and the set of fingerprint impressions obtained in the 2565
manner described in division (C)(2) of this section: 2566

(a) If the superintendent is required by division (A) of this 2567
section (other than division (A)(3) of this section) to conduct 2568
the criminal records check, thirty; 2569

(b) If the superintendent is required by division (A)(3) of 2570
this section to conduct the criminal records check, sixty. 2571

(C)(1) The superintendent shall prescribe a form to obtain 2572
the information necessary to conduct a criminal records check from 2573
any person for whom a criminal records check is to be conducted 2574
under this section. The form that the superintendent prescribes 2575
pursuant to this division may be in a tangible format, in an 2576
electronic format, or in both tangible and electronic formats. 2577

(2) The superintendent shall prescribe standard impression 2578
sheets to obtain the fingerprint impressions of any person for 2579
whom a criminal records check is to be conducted under this 2580
section. Any person for whom a records check is to be conducted 2581
under this section shall obtain the fingerprint impressions at a 2582
county sheriff's office, municipal police department, or any other 2583
entity with the ability to make fingerprint impressions on the 2584
standard impression sheets prescribed by the superintendent. The 2585
office, department, or entity may charge the person a reasonable 2586
fee for making the impressions. The standard impression sheets the 2587
superintendent prescribes pursuant to this division may be in a 2588
tangible format, in an electronic format, or in both tangible and 2589
electronic formats. 2590

(3) Subject to division (D) of this section, the 2591

superintendent shall prescribe and charge a reasonable fee for 2592
providing a criminal records check under this section. The person 2593
requesting the criminal records check shall pay the fee prescribed 2594
pursuant to this division. In the case of a request under section 2595
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2596
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 2597
the manner specified in that section. 2598

(4) The superintendent of the bureau of criminal 2599
identification and investigation may prescribe methods of 2600
forwarding fingerprint impressions and information necessary to 2601
conduct a criminal records check, which methods shall include, but 2602
not be limited to, an electronic method. 2603

(D) The results of a criminal records check conducted under 2604
this section, other than a criminal records check specified in 2605
division (A)(7) of this section, are valid for the person who is 2606
the subject of the criminal records check for a period of one year 2607
from the date upon which the superintendent completes the criminal 2608
records check. If during that period the superintendent receives 2609
another request for a criminal records check to be conducted under 2610
this section for that person, the superintendent shall provide the 2611
results from the previous criminal records check of the person at 2612
a lower fee than the fee prescribed for the initial criminal 2613
records check. 2614

(E) When the superintendent receives a request for 2615
information from a registered private provider, the superintendent 2616
shall proceed as if the request was received from a school 2617
district board of education under section 3319.39 of the Revised 2618
Code. The superintendent shall apply division (A)(1)(c) of this 2619
section to any such request for an applicant who is a teacher. 2620

(F)(1) All information regarding the results of a criminal 2621
records check conducted under this section that the superintendent 2622
reports or sends under division (A)(7) or (9) of this section to 2623

the director of public safety, the treasurer of state, or the 2624
person, board, or entity that made the request for the criminal 2625
records check shall relate to the conviction of the subject 2626
person, or the subject person's plea of guilty to, a criminal 2627
offense. 2628

(2) Division (F)(1) of this section does not limit, restrict, 2629
or preclude the superintendent's release of information that 2630
relates to the arrest of a person who is eighteen years of age or 2631
older, to an adjudication of a child as a delinquent child, or to 2632
a criminal conviction of a person under eighteen years of age in 2633
circumstances in which a release of that nature is authorized 2634
under division (E)(2), (3), or (4) of section 109.57 of the 2635
Revised Code pursuant to a rule adopted under division (E)(1) of 2636
that section. 2637

(G) As used in this section: 2638

(1) "Criminal records check" means any criminal records check 2639
conducted by the superintendent of the bureau of criminal 2640
identification and investigation in accordance with division (B) 2641
of this section. 2642

(2) "Minor drug possession offense" has the same meaning as 2643
in section 2925.01 of the Revised Code. 2644

(3) "OVI or OVUAC violation" means a violation of section 2645
4511.19 of the Revised Code or a violation of an existing or 2646
former law of this state, any other state, or the United States 2647
that is substantially equivalent to section 4511.19 of the Revised 2648
Code. 2649

(4) "Registered private provider" means a nonpublic school or 2650
entity registered with the superintendent of public instruction 2651
under section 3310.41 of the Revised Code to participate in the 2652
autism scholarship program or section 3310.58 of the Revised Code 2653
to participate in the Jon Peterson special needs scholarship 2654

program. 2655

Sec. 109.747. The attorney general shall adopt, in accordance with Chapter 119. of the Revised Code or pursuant to section 109.74 of the Revised Code, rules governing the training of peace officers on companion animal encounters and companion animal behavior. The provisions of the rules shall include all of the following: 2656
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2659
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(A) A specified amount of training that is necessary for satisfactory completion of basic training programs at approved peace officer training schools, other than the Ohio peace officer training academy; 2662
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2664
2665

(B) The time within which a peace officer is required to receive that training, if the peace officer is appointed as a peace officer before receiving that training; 2666
2667
2668

(C) A requirement that the training include training in all of the following: 2669
2670

(1) Handling companion animal-related calls or unplanned encounters with companion animals, with an emphasis on canine-related incidents and the use of nonlethal methods and tools in handling an encounter with a canine; 2671
2672
2673
2674

(2) Identifying and understanding companion animal behavior; 2675

(3) State laws and municipal ordinances related to companion animals; 2676
2677

(4) Avoiding a companion animal attack; 2678

(5) Using nonlethal methods to defend against a companion animal attack. 2679
2680

(D) As used in this section, "companion animal" has the same meaning as in section 959.131 of the Revised Code. 2681
2682

Sec. 109.77. (A) As used in this section, "felony" :	2683
(1) <u>"Felony"</u> has the same meaning as in section 109.511 of the Revised Code.	2684 2685
(2) <u>"Companion animal" has the same meaning as in section 959.131 of the Revised Code.</u>	2686 2687
(B)(1) Notwithstanding any general, special, or local law or charter to the contrary, and except as otherwise provided in this section, no person shall receive an original appointment on a permanent basis as any of the following unless the person previously has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program:	2688 2689 2690 2691 2692 2693 2694 2695 2696
(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;	2697 2698 2699
(b) A natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer of the department of natural resources;	2700 2701 2702
(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;	2703 2704
(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	2705 2706
(e) A state university law enforcement officer;	2707
(f) A special police officer employed by the department of mental health and addiction services pursuant to section 5119.08 of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code;	2708 2709 2710 2711

(g) An enforcement agent of the department of public safety	2712
whom the director of public safety designates under section	2713
5502.14 of the Revised Code;	2714
(h) A special police officer employed by a port authority	2715
under section 4582.04 or 4582.28 of the Revised Code;	2716
(i) A special police officer employed by a municipal	2717
corporation at a municipal airport, or other municipal air	2718
navigation facility, that has scheduled operations, as defined in	2719
section 119.3 of Title 14 of the Code of Federal Regulations, 14	2720
C.F.R. 119.3, as amended, and that is required to be under a	2721
security program and is governed by aviation security rules of the	2722
transportation security administration of the United States	2723
department of transportation as provided in Parts 1542. and 1544.	2724
of Title 49 of the Code of Federal Regulations, as amended;	2725
(j) A gaming agent employed under section 3772.03 of the	2726
Revised Code.	2727
(2) Every person who is appointed on a temporary basis or for	2728
a probationary term or on other than a permanent basis as any of	2729
the following shall forfeit the appointed position unless the	2730
person previously has completed satisfactorily or, within the time	2731
prescribed by rules adopted by the attorney general pursuant to	2732
section 109.74 of the Revised Code, satisfactorily completes a	2733
state, county, municipal, or department of natural resources peace	2734
officer basic training program for temporary or probationary	2735
officers and is awarded a certificate by the director attesting to	2736
the satisfactory completion of the program:	2737
(a) A peace officer of any county, township, municipal	2738
corporation, regional transit authority, or metropolitan housing	2739
authority;	2740
(b) A natural resources law enforcement staff officer, park	2741
officer, forest officer, preserve officer, wildlife officer, or	2742

state watercraft officer of the department of natural resources; 2743

(c) An employee of a park district under section 511.232 or 2744
1545.13 of the Revised Code; 2745

(d) An employee of a conservancy district who is designated 2746
pursuant to section 6101.75 of the Revised Code; 2747

(e) A special police officer employed by the department of 2748
mental health and addiction services pursuant to section 5119.08 2749
of the Revised Code or the department of developmental 2750
disabilities pursuant to section 5123.13 of the Revised Code; 2751

(f) An enforcement agent of the department of public safety 2752
whom the director of public safety designates under section 2753
5502.14 of the Revised Code; 2754

(g) A special police officer employed by a port authority 2755
under section 4582.04 or 4582.28 of the Revised Code; 2756

(h) A special police officer employed by a municipal 2757
corporation at a municipal airport, or other municipal air 2758
navigation facility, that has scheduled operations, as defined in 2759
section 119.3 of Title 14 of the Code of Federal Regulations, 14 2760
C.F.R. 119.3, as amended, and that is required to be under a 2761
security program and is governed by aviation security rules of the 2762
transportation security administration of the United States 2763
department of transportation as provided in Parts 1542. and 1544. 2764
of Title 49 of the Code of Federal Regulations, as amended. 2765

(3) For purposes of division (B) of this section, a state, 2766
county, municipal, or department of natural resources peace 2767
officer basic training program, regardless of whether the program 2768
is to be completed by peace officers appointed on a permanent or 2769
temporary, probationary, or other nonpermanent basis, shall 2770
include training in the handling of the offense of domestic 2771
violence, other types of domestic violence-related offenses and 2772
incidents, ~~and~~ protection orders and consent agreements issued or 2773

approved under section 2919.26 or 3113.31 of the Revised Code and, 2774
crisis intervention training, and training on companion animal 2775
encounters and companion animal behavior. The requirement to 2776
complete training in the handling of the offense of domestic 2777
violence, other types of domestic violence-related offenses and 2778
incidents, and protection orders and consent agreements issued or 2779
approved under section 2919.26 or 3113.31 of the Revised Code does 2780
not apply to any person serving as a peace officer on March 27, 2781
1979, and the requirement to complete training in crisis 2782
intervention does not apply to any person serving as a peace 2783
officer on April 4, 1985. Any person who is serving as a peace 2784
officer on April 4, 1985, who terminates that employment after 2785
that date, and who subsequently is hired as a peace officer by the 2786
same or another law enforcement agency shall complete training in 2787
crisis intervention as prescribed by rules adopted by the attorney 2788
general pursuant to section 109.742 of the Revised Code. No peace 2789
officer shall have employment as a peace officer terminated and 2790
then be reinstated with intent to circumvent this section. 2791

(4) Division (B) of this section does not apply to any person 2792
serving on a permanent basis on March 28, 1985, as a park officer, 2793
forest officer, preserve officer, wildlife officer, or state 2794
watercraft officer of the department of natural resources or as an 2795
employee of a park district under section 511.232 or 1545.13 of 2796
the Revised Code, to any person serving on a permanent basis on 2797
March 6, 1986, as an employee of a conservancy district designated 2798
pursuant to section 6101.75 of the Revised Code, to any person 2799
serving on a permanent basis on January 10, 1991, as a preserve 2800
officer of the department of natural resources, to any person 2801
employed on a permanent basis on July 2, 1992, as a special police 2802
officer by the department of mental health and addiction services 2803
pursuant to section 5119.08 of the Revised Code or by the 2804
department of developmental disabilities pursuant to section 2805
5123.13 of the Revised Code, to any person serving on a permanent 2806

basis on May 17, 2000, as a special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code, to any person serving on a permanent basis on March 19, 2003, as a special police officer employed by a municipal corporation at a municipal airport or other municipal air navigation facility described in division (A)(19) of section 109.71 of the Revised Code, to any person serving on a permanent basis on June 19, 1978, as a state university law enforcement officer pursuant to section 3345.04 of the Revised Code and who, immediately prior to June 19, 1978, was serving as a special police officer designated under authority of that section, or to any person serving on a permanent basis on September 20, 1984, as a liquor control investigator, known after June 30, 1999, as an enforcement agent of the department of public safety, engaged in the enforcement of Chapters 4301. and 4303. of the Revised Code.

(5) Division (B) of this section does not apply to any person who is appointed as a regional transit authority police officer pursuant to division (Y) of section 306.35 of the Revised Code if, on or before July 1, 1996, the person has completed satisfactorily an approved state, county, municipal, or department of natural resources peace officer basic training program and has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of such an approved program and if, on July 1, 1996, the person is performing peace officer functions for a regional transit authority.

(C) No person, after September 20, 1984, shall receive an original appointment on a permanent basis as a veterans' home police officer designated under section 5907.02 of the Revised Code unless the person previously has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an

approved police officer basic training program. Every person who 2839
is appointed on a temporary basis or for a probationary term or on 2840
other than a permanent basis as a veterans' home police officer 2841
designated under section 5907.02 of the Revised Code shall forfeit 2842
that position unless the person previously has completed 2843
satisfactorily or, within one year from the time of appointment, 2844
satisfactorily completes an approved police officer basic training 2845
program. 2846

(D) No bailiff or deputy bailiff of a court of record of this 2847
state and no criminal investigator who is employed by the state 2848
public defender shall carry a firearm, as defined in section 2849
2923.11 of the Revised Code, while on duty unless the bailiff, 2850
deputy bailiff, or criminal investigator has done or received one 2851
of the following: 2852

(1) Has been awarded a certificate by the executive director 2853
of the Ohio peace officer training commission, which certificate 2854
attests to satisfactory completion of an approved state, county, 2855
or municipal basic training program for bailiffs and deputy 2856
bailiffs of courts of record and for criminal investigators 2857
employed by the state public defender that has been recommended by 2858
the Ohio peace officer training commission; 2859

(2) Has successfully completed a firearms training program 2860
approved by the Ohio peace officer training commission prior to 2861
employment as a bailiff, deputy bailiff, or criminal investigator; 2862

(3) Prior to June 6, 1986, was authorized to carry a firearm 2863
by the court that employed the bailiff or deputy bailiff or, in 2864
the case of a criminal investigator, by the state public defender 2865
and has received training in the use of firearms that the Ohio 2866
peace officer training commission determines is equivalent to the 2867
training that otherwise is required by division (D) of this 2868
section. 2869

(E)(1) Before a person seeking a certificate completes an approved peace officer basic training program, the executive director of the Ohio peace officer training commission shall request the person to disclose, and the person shall disclose, any previous criminal conviction of or plea of guilty of that person to a felony.

(2) Before a person seeking a certificate completes an approved peace officer basic training program, the executive director shall request a criminal history records check on the person. The executive director shall submit the person's fingerprints to the bureau of criminal identification and investigation, which shall submit the fingerprints to the federal bureau of investigation for a national criminal history records check.

Upon receipt of the executive director's request, the bureau of criminal identification and investigation and the federal bureau of investigation shall conduct a criminal history records check on the person and, upon completion of the check, shall provide a copy of the criminal history records check to the executive director. The executive director shall not award any certificate prescribed in this section unless the executive director has received a copy of the criminal history records check on the person to whom the certificate is to be awarded.

(3) The executive director of the commission shall not award a certificate prescribed in this section to a person who has been convicted of or has pleaded guilty to a felony or who fails to disclose any previous criminal conviction of or plea of guilty to a felony as required under division (E)(1) of this section.

(4) The executive director of the commission shall revoke the certificate awarded to a person as prescribed in this section, and that person shall forfeit all of the benefits derived from being certified as a peace officer under this section, if the person,

before completion of an approved peace officer basic training 2902
program, failed to disclose any previous criminal conviction of or 2903
plea of guilty to a felony as required under division (E)(1) of 2904
this section. 2905

(F)(1) Regardless of whether the person has been awarded the 2906
certificate or has been classified as a peace officer prior to, 2907
on, or after October 16, 1996, the executive director of the Ohio 2908
peace officer training commission shall revoke any certificate 2909
that has been awarded to a person as prescribed in this section if 2910
the person does either of the following: 2911

(a) Pleads guilty to a felony committed on or after January 2912
1, 1997; 2913

(b) Pleads guilty to a misdemeanor committed on or after 2914
January 1, 1997, pursuant to a negotiated plea agreement as 2915
provided in division (D) of section 2929.43 of the Revised Code in 2916
which the person agrees to surrender the certificate awarded to 2917
the person under this section. 2918

(2) The executive director of the commission shall suspend 2919
any certificate that has been awarded to a person as prescribed in 2920
this section if the person is convicted, after trial, of a felony 2921
committed on or after January 1, 1997. The executive director 2922
shall suspend the certificate pursuant to division (F)(2) of this 2923
section pending the outcome of an appeal by the person from that 2924
conviction to the highest court to which the appeal is taken or 2925
until the expiration of the period in which an appeal is required 2926
to be filed. If the person files an appeal that results in that 2927
person's acquittal of the felony or conviction of a misdemeanor, 2928
or in the dismissal of the felony charge against that person, the 2929
executive director shall reinstate the certificate awarded to the 2930
person under this section. If the person files an appeal from that 2931
person's conviction of the felony and the conviction is upheld by 2932
the highest court to which the appeal is taken or if the person 2933

does not file a timely appeal, the executive director shall revoke 2934
the certificate awarded to the person under this section. 2935

(G)(1) If a person is awarded a certificate under this 2936
section and the certificate is revoked pursuant to division (E)(4) 2937
or (F) of this section, the person shall not be eligible to 2938
receive, at any time, a certificate attesting to the person's 2939
satisfactory completion of a peace officer basic training program. 2940

(2) The revocation or suspension of a certificate under 2941
division (E)(4) or (F) of this section shall be in accordance with 2942
Chapter 119. of the Revised Code. 2943

(H)(1) A person who was employed as a peace officer of a 2944
county, township, or municipal corporation of the state on January 2945
1, 1966, and who has completed at least sixteen years of full-time 2946
active service as such a peace officer, or equivalent service as 2947
determined by the executive director of the Ohio peace officer 2948
training commission, may receive an original appointment on a 2949
permanent basis and serve as a peace officer of a county, 2950
township, or municipal corporation, or as a state university law 2951
enforcement officer, without complying with the requirements of 2952
division (B) of this section. 2953

(2) Any person who held an appointment as a state highway 2954
trooper on January 1, 1966, may receive an original appointment on 2955
a permanent basis and serve as a peace officer of a county, 2956
township, or municipal corporation, or as a state university law 2957
enforcement officer, without complying with the requirements of 2958
division (B) of this section. 2959

(I) No person who is appointed as a peace officer of a 2960
county, township, or municipal corporation on or after April 9, 2961
1985, shall serve as a peace officer of that county, township, or 2962
municipal corporation unless the person has received training in 2963
the handling of missing children and child abuse and neglect cases 2964

from an approved state, county, township, or municipal police officer basic training program or receives the training within the time prescribed by rules adopted by the attorney general pursuant to section 109.741 of the Revised Code.

(J) No part of any approved state, county, or municipal basic training program for bailiffs and deputy bailiffs of courts of record and no part of any approved state, county, or municipal basic training program for criminal investigators employed by the state public defender shall be used as credit toward the completion by a peace officer of any part of the approved state, county, or municipal peace officer basic training program that the peace officer is required by this section to complete satisfactorily.

(K) This section does not apply to any member of the police department of a municipal corporation in an adjoining state serving in this state under a contract pursuant to section 737.04 of the Revised Code.

Sec. 109.79. (A) The Ohio peace officer training commission shall establish and conduct a training school for law enforcement officers of any political subdivision of the state or of the state public defender's office. The school shall be known as the Ohio peace officer training academy. No bailiff or deputy bailiff of a court of record of this state and no criminal investigator employed by the state public defender shall be permitted to attend the academy for training unless the employing court of the bailiff or deputy bailiff or the state public defender, whichever is applicable, has authorized the bailiff, deputy bailiff, or investigator to attend the academy.

The Ohio peace officer training commission shall develop the training program, which shall include courses in both the civil and criminal functions of law enforcement officers, a course in

crisis intervention with six or more hours of training, ~~and~~ 2996
training in the handling of missing children and child abuse and 2997
neglect cases, and training on companion animal encounters and 2998
companion animal behavior, and shall establish rules governing 2999
qualifications for admission to the academy. The commission may 3000
require competitive examinations to determine fitness of 3001
prospective trainees, so long as the examinations or other 3002
criteria for admission to the academy are consistent with the 3003
provisions of Chapter 124. of the Revised Code. 3004

The Ohio peace officer training commission shall determine 3005
tuition costs sufficient in the aggregate to pay the costs of 3006
operating the academy. The costs of acquiring and equipping the 3007
academy shall be paid from appropriations made by the general 3008
assembly to the Ohio peace officer training commission for that 3009
purpose, from gifts or grants received for that purpose, or from 3010
fees for goods related to the academy. 3011

The Ohio peace officer training commission shall create a 3012
gaming-related curriculum for gaming agents. The Ohio peace 3013
officer training commission shall use money distributed to the 3014
Ohio peace officer training academy from the Ohio law enforcement 3015
training fund to first support the academy's training programs for 3016
gaming agents and gaming-related curriculum. The Ohio peace 3017
officer training commission may utilize existing training programs 3018
in other states that specialize in training gaming agents. 3019

The law enforcement officers, during the period of their 3020
training, shall receive compensation as determined by the 3021
political subdivision that sponsors them or, if the officer is a 3022
criminal investigator employed by the state public defender, as 3023
determined by the state public defender. The political subdivision 3024
may pay the tuition costs of the law enforcement officers they 3025
sponsor and the state public defender may pay the tuition costs of 3026
criminal investigators of that office who attend the academy. 3027

If trainee vacancies exist, the academy may train and issue certificates of satisfactory completion to peace officers who are employed by a campus police department pursuant to section 1713.50 of the Revised Code, by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code, or by a railroad company, who are amusement park police officers appointed and commissioned by a judge of the appropriate municipal court or county court pursuant to section 4973.17 of the Revised Code, or who are bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit unions, or hospital police officers appointed and commissioned by the secretary of state pursuant to sections 4973.17 to 4973.22 of the Revised Code, provided that no such officer shall be trained at the academy unless the officer meets the qualifications established for admission to the academy and the qualified nonprofit corporation police department; bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit unions; railroad company; hospital; or amusement park or the private college or university that established the campus police department prepays the entire cost of the training. A qualified nonprofit corporation police department; bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit unions; railroad company; hospital; or amusement park or a private college or university that has established a campus police department is not entitled to reimbursement from the state for any amount paid for the cost of training the bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit unions peace officers; the railroad company's peace officers; or the peace officers of the qualified nonprofit corporation police department, campus police

department, hospital, or amusement park. 3061

The academy shall permit investigators employed by the state 3062
medical board to take selected courses that the board determines 3063
are consistent with its responsibilities for initial and 3064
continuing training of investigators as required under sections 3065
4730.26 and 4731.05 of the Revised Code. The board shall pay the 3066
entire cost of training that investigators receive at the academy. 3067

(B) As used in this section: 3068

(1) "Law enforcement officers" include any undercover drug 3069
agent, any bailiff or deputy bailiff of a court of record, and any 3070
criminal investigator who is employed by the state public 3071
defender. 3072

(2) "Undercover drug agent" means any person who: 3073

(a) Is employed by a county, township, or municipal 3074
corporation for the purposes set forth in division (B)(2)(b) of 3075
this section but who is not an employee of a county sheriff's 3076
department, of a township constable, or of the police department 3077
of a municipal corporation or township; 3078

(b) In the course of the person's employment by a county, 3079
township, or municipal corporation, investigates and gathers 3080
information pertaining to persons who are suspected of violating 3081
Chapter 2925. or 3719. of the Revised Code, and generally does not 3082
wear a uniform in the performance of the person's duties. 3083

(3) "Crisis intervention training" has the same meaning as in 3084
section 109.71 of the Revised Code. 3085

(4) "Missing children" has the same meaning as in section 3086
2901.30 of the Revised Code. 3087

(5) "Companion animal" has the same meaning as in section 3088
959.131 of the Revised Code. 3089

Sec. 111.31. (A) There is hereby created in the state 3090
treasury the absent voter's ballot application mailing fund. The 3091
secretary of state shall use the fund to pay the cost of printing 3092
and mailing unsolicited applications for absent voter's ballots in 3093
accordance with section 3501.05 of the Revised Code if the general 3094
assembly has appropriated funds to the controlling board for such 3095
a mailing. 3096

(B) The fund shall consist of moneys transferred to it by the 3097
controlling board upon the request of the secretary of state. The 3098
controlling board shall transfer any unused moneys in the fund to 3099
the proper appropriation item. 3100

Sec. 113.06. (A) Subject to the provisions of this section, 3101
the treasurer of state may open as many receiving offices as are 3102
necessary for the expedient collection of taxes and fees. The 3103
treasurer of state or ~~his~~ the treasurer of state's deputies may 3104
attend at such offices and receive payment of all taxes and fees 3105
or, if adequate security protection is afforded all funds 3106
involved, ~~he~~ the treasurer of state may appoint a financial 3107
institution or a cashier thereof as ~~his~~ the treasurer of state's 3108
agent or deputy for the collection of taxes and fees. The 3109
treasurer of state may fix the time and place at which taxes and 3110
fees will be received in such receiving offices. Except for 3111
financial institutions or cashiers thereof appointed as agents or 3112
deputies for the collection of taxes and fees, the treasurer of 3113
state may operate receiving offices only in counties exceeding one 3114
million in population. 3115

(B) The reasonable and necessary expenses incurred by the 3116
treasurer of state in the collection of taxes and fees at such 3117
receiving offices may be paid as other expenses of the treasurer 3118
of state's office from funds appropriated for such purposes. 3119

(C) The treasurer of state may deposit in any financial 3120
institution located at a place of collection any money received in 3121
the payment of taxes and fees, as provided in division (A) of this 3122
section. A financial institution receiving any such deposits shall 3123
deposit with or pledge to the treasurer of state such securities 3124
as ~~he~~ the treasurer of state considers sufficient to meet the 3125
requirements of section 135.18 ~~or~~, 135.181, or 135.182 of the 3126
Revised Code. The liability of the treasurer of state for any 3127
losses of money so collected or deposited shall be the same as 3128
provided in section 135.19 of the Revised Code. 3129

Sec. 113.07. The treasurer of state may enter into a contract 3130
with any financial institution under which the financial 3131
institution, in accordance with the terms of the contract, 3132
receives tax and fee payments at a post office box, opens the mail 3133
delivered to that box, processes the checks and other payments 3134
received in such mail and deposits them into the treasurer of 3135
state's account, and provides the treasurer of state daily receipt 3136
information with respect to such payments. The contract shall not 3137
be entered into unless: 3138

(A) There is attached to the contract a certification by the 3139
auditor of state that the financial institution and the treasurer 3140
of state have given assurances satisfactory to the auditor of 3141
state that the records of the financial institution which relate 3142
to tax and fee payments covered by the contract, and only such 3143
records, shall be subject to audit by the auditor of state to the 3144
same extent as if the services which the financial institution has 3145
agreed to perform were being performed by the treasurer of state; 3146

(B) The contract is awarded in accordance with ~~section 125.07~~ 3147
Chapter 125. of the Revised Code; 3148

(C) The treasurer of state's surety bond includes within its 3149
coverage any loss that may occur as the result of the contract; 3150

(D) The contract does not conflict with the requirements for 3151
accounting and financial reporting for public offices prescribed 3152
by the auditor of state. 3153

Sec. 117.54. There is in the state treasury the auditor of 3154
state investigation and forfeiture trust fund. The fund shall 3155
consist of moneys received under sections 2981.13 and 2981.14 and 3156
division (B)(3) of section 2923.32 of the Revised Code, and the 3157
auditor of state shall use those moneys in accordance with those 3158
sections. Interest earned on moneys in the fund shall be credited 3159
to the fund. 3160

Sec. 118.023. (A) Upon determining that one or more of the 3161
conditions described in section 118.022 of the Revised Code are 3162
present, the auditor of state shall issue a written declaration of 3163
the existence of a fiscal watch to the municipal corporation, 3164
county, or township and the county budget commission. The fiscal 3165
watch shall be in effect until the auditor of state determines 3166
that none of the conditions are any longer present and cancels the 3167
watch, or until the auditor of state determines that a state of 3168
fiscal emergency exists. The auditor of state, or a designee, 3169
shall provide such technical and support services to the municipal 3170
corporation, county, or township after a fiscal watch has been 3171
declared to exist as the auditor of state considers necessary. 3172

(B) Within ~~one hundred twenty~~ ninety days after the day a 3173
written declaration of the existence of a fiscal watch is issued 3174
under division (A) of this section, the mayor of the municipal 3175
corporation, the board of county commissioners of the county, or 3176
the board of township trustees of the township for which a fiscal 3177
watch was declared shall submit to the auditor of state a 3178
financial recovery plan that shall identify actions to be taken to 3179
eliminate all of the conditions described in section 118.022 of 3180
the Revised Code, and shall include a schedule detailing the 3181

approximate dates for beginning and completing the actions and a 3182
five-year forecast reflecting the effects of the actions. The 3183
financial recovery plan also shall evaluate the feasibility of 3184
entering into shared services agreements with other political 3185
subdivisions for the joint exercise of any power, performance of 3186
any function, or rendering of any service, if so authorized by 3187
statute. The financial recovery plan is subject to review and 3188
approval by the auditor of state. The auditor of state may extend 3189
the amount of time by which a financial recovery plan is required 3190
to be filed, for good cause shown. 3191

~~(C) If a feasible financial recovery plan for a municipal 3192
corporation, county, or township for which a fiscal watch was 3193
declared is not submitted within the time period prescribed by 3194
division (B) of this section, or within any extension of time 3195
thereof, the~~ The auditor of state shall declare that a fiscal 3196
emergency condition exists under section 118.04 of the Revised 3197
Code in the municipal corporation, county, or township if either 3198
of the following applies: 3199

(1) A feasible financial recovery plan for a municipal 3200
corporation, county, or township for which a fiscal watch was 3201
declared is not submitted within the time period prescribed by 3202
division (B) of this section, or within any extension of time 3203
thereof; or 3204

(2) The auditor of state finds that a municipal corporation, 3205
county, or township for which a fiscal watch has been declared has 3206
not made reasonable proposals or otherwise taken action to 3207
discontinue or correct the fiscal practices or budgetary 3208
conditions that prompted the declaration of fiscal watch, and the 3209
auditor determines a fiscal emergency declaration is necessary to 3210
prevent further decline. 3211

Sec. 118.04. (A) The existence of a fiscal emergency 3212

condition constitutes a fiscal emergency. The existence of fiscal 3213
emergency conditions shall be determined by the auditor of state. 3214
Such determination, for purposes of this chapter, may be made only 3215
upon the filing with the auditor of state of a written request for 3216
such a determination by the governor, by the county budget 3217
commission, by the mayor of the municipal corporation, or by the 3218
presiding officer of the legislative authority of the municipal 3219
corporation when authorized by a majority of the members of such 3220
legislative authority, by the board of county commissioners, or by 3221
the board of township trustees, or upon initiation by the auditor 3222
of state. The request may designate in general or specific terms, 3223
but without thereby limiting the determination thereto, the 3224
condition or conditions to be examined to determine whether they 3225
constitute fiscal emergency conditions. Promptly upon receipt of 3226
such written request, or upon initiation by the auditor of state, 3227
the auditor of state shall transmit copies of such request or a 3228
written notice of such initiation to the mayor and the presiding 3229
officer of the legislative authority of the municipal corporation 3230
or to the board of county commissioners or the board of township 3231
trustees by personal service or certified mail. Such 3232
determinations shall be set forth in written reports and 3233
supplemental reports, which shall be filed with the mayor, fiscal 3234
officer, and presiding officer of the legislative authority of the 3235
municipal corporation, or with the board of county commissioners 3236
or the board of township trustees, and with the treasurer of 3237
state, secretary of state, governor, director of budget and 3238
management, and county budget commission, within thirty days after 3239
the request. The auditor of state shall so file an initial report 3240
immediately upon determining the existence of any fiscal emergency 3241
condition. 3242

(B) In making such determination, the auditor of state may 3243
rely on reports or other information filed or otherwise made 3244
available by the municipal corporation, county, or township, 3245

accountants' reports, or other sources and data the auditor of 3246
state considers reliable for such purpose. As to the status of 3247
funds or accounts, a determination that the amounts stated in 3248
section 118.03 of the Revised Code are exceeded may be made 3249
without need for determination of the specific amount of the 3250
excess. The auditor of state may engage the services of 3251
independent certified or registered public accountants, including 3252
public accountants engaged or previously engaged by the municipal 3253
corporation, county, or township, to conduct audits or make 3254
reports or render such opinions as the auditor of state considers 3255
desirable with respect to any aspect of the determinations to be 3256
made by the auditor of state. 3257

(C) A determination by the auditor of state under this 3258
section that a fiscal emergency condition does not exist is final 3259
and conclusive and not appealable. A determination by the auditor 3260
of state under this section that a fiscal emergency exists is 3261
final, except that the mayor of any municipal corporation affected 3262
by a determination of the existence of a fiscal emergency 3263
condition under this section, when authorized by a majority of the 3264
members of the legislative authority, or the board of county 3265
commissioners or board of township trustees, may appeal the 3266
determination of the existence of a fiscal emergency condition to 3267
the court of appeals having territorial jurisdiction over the 3268
municipal corporation, county, or township. The appeal shall be 3269
heard expeditiously by the court of appeals and for good cause 3270
shown shall take precedence over all other civil matters except 3271
earlier matters of the same character. Notice of such appeal must 3272
be filed with the auditor of state and such court within thirty 3273
days after certification by the auditor of state to the mayor and 3274
presiding officer of the legislative authority of the municipal 3275
corporation or to the board of county commissioners or board of 3276
township trustees as provided for in division (A) of this section. 3277
In such appeal, determinations of the auditor of state shall be 3278

presumed to be valid and the municipal corporation, county, or township shall have the burden of proving, by clear and convincing evidence, that each of the determinations made by the auditor of state as to the existence of a fiscal emergency condition under section 118.03 of the Revised Code was in error. If the municipal corporation, county, or township fails, upon presentation of its case, to prove by clear and convincing evidence that each such determination by the auditor of state was in error, the court shall dismiss the appeal. The municipal corporation, county, or township and the auditor of state may introduce any evidence relevant to the existence or nonexistence of such fiscal emergency conditions at the times indicated in the applicable provisions of divisions (A) and (B) of section 118.03 of the Revised Code. The pendency of any such appeal shall not affect or impede the operations of this chapter; no restraining order, temporary injunction, or other similar restraint upon actions consistent with this chapter shall be imposed by the court or any court pending determination of such appeal; and all things may be done under this chapter that may be done regardless of the pendency of any such appeal. Any action taken or contract executed pursuant to this chapter during the pendency of such appeal is valid and enforceable among all parties, notwithstanding the decision in such appeal. If the court of appeals reverses the determination of the existence of a fiscal emergency condition by the auditor of state, the determination no longer has any effect, and any procedures undertaken as a result of the determination shall be terminated.

(D) All expenses incurred by the auditor of state relating to a determination or termination of a fiscal emergency under this section, a fiscal watch under section 118.021 of the Revised Code, or a fiscal caution under section 118.025 of the Revised Code, including providing technical and support services, or for conducting a performance audit under section 118.041 of the

Revised Code, shall be reimbursed from an appropriation for that 3312
purpose. If necessary, the controlling board may provide 3313
sufficient funds for these purposes. 3314

Sec. 118.041. The auditor of state, on the auditor of state's 3315
initiative, may conduct a performance audit of a municipal 3316
corporation, county, or township that is under a fiscal caution, a 3317
fiscal watch, or a fiscal emergency. 3318

Sec. 119.04. (A)(1) Any rule adopted by any agency shall be 3319
effective on the tenth day after the day on which the rule in 3320
final form and in compliance with division (A)(2) of this section 3321
is filed as follows: 3322

(a) The rule shall be filed in electronic form with both the 3323
secretary of state and the director of the legislative service 3324
commission; 3325

(b) The rule shall be filed in electronic form with the joint 3326
committee on agency rule review. Division (A)(1)(b) of this 3327
section does not apply to any rule to which division (C) of 3328
section 119.03 of the Revised Code does not apply. 3329

If an agency in adopting a rule designates an effective date 3330
that is later than the effective date provided for by this 3331
division, the rule if filed as required by this division shall 3332
become effective on the later date designated by the agency. 3333

An agency that adopts or amends a rule that is subject to 3334
section 106.03 of the Revised Code shall assign a review date to 3335
the rule that is not later than five years after its effective 3336
date. If a review date assigned to a rule exceeds the five-year 3337
maximum, the review date for the rule is five years after its 3338
effective date. A rule with a review date is subject to review 3339
under section 106.03 of the Revised Code. ~~This paragraph does not~~ 3340
~~apply to the department of taxation.~~ 3341

(2) The agency shall file the rule in compliance with the following standards and procedures:

(a) The rule shall be numbered in accordance with the numbering system devised by the director for the Ohio administrative code.

(b) The rule shall be prepared and submitted in compliance with the rules of the legislative service commission.

(c) The rule shall clearly state the date on which it is to be effective and the date on which it will expire, if known.

(d) Each rule that amends or rescinds another rule shall clearly refer to the rule that is amended or rescinded. Each amendment shall fully restate the rule as amended.

If the director of the legislative service commission or the director's designee gives an agency notice pursuant to section 103.05 of the Revised Code that a rule filed by the agency is not in compliance with the rules of the commission, the agency shall within thirty days after receipt of the notice conform the rule to the rules of the commission as directed in the notice.

(3) As used in this section, "rule" includes an amendment or rescission of a rule.

(B) The secretary of state and the director shall preserve the rules filed under division (A)(1)(a) of this section in an accessible manner. Each such rule shall be a public record open to public inspection and may be transmitted to any law publishing company that wishes to reproduce it.

Sec. 119.06. No adjudication order of an agency shall be valid unless the agency is specifically authorized by law to make such order.

No adjudication order shall be valid unless an opportunity for a hearing is afforded in accordance with sections 119.01 to

119.13 of the Revised Code. Such opportunity for a hearing shall 3372
be given before making the adjudication order except in those 3373
situations where this section provides otherwise. 3374

The following adjudication orders shall be effective without 3375
a hearing: 3376

(A) Orders revoking a license in cases where an agency is 3377
required by statute to revoke a license pursuant to the judgment 3378
of a court; 3379

(B) Orders suspending a license where a statute specifically 3380
permits the suspension of a license without a hearing; 3381

(C) Orders or decisions of an authority within an agency if 3382
the rules of the agency or the statutes pertaining to such agency 3383
specifically give a right of appeal to a higher authority within 3384
such agency, to another agency, or to the board of tax appeals, 3385
and also give the appellant a right to a hearing on such appeal. 3386

When a statute permits the suspension of a license without a 3387
prior hearing, any agency issuing an order pursuant to such 3388
statute shall afford the person to whom the order is issued a 3389
hearing upon request. 3390

Whenever an agency claims that a person is required by 3391
statute to obtain a license, it shall afford a hearing upon the 3392
request of a person who claims that the law does not impose such a 3393
requirement. 3394

Every agency shall afford a hearing upon the request of any 3395
person who has been refused admission to an examination where such 3396
examination is a prerequisite to the issuance of a license unless 3397
a hearing was held prior to such refusal. 3398

Unless a hearing was held prior to the refusal to issue the 3399
license, every agency shall afford a hearing upon the request of a 3400
person whose application for a license has been rejected and to 3401

whom the agency has refused to issue a license, whether it is a 3402
renewal or a new license, except that the following are not 3403
required to afford a hearing to a person to whom a new license has 3404
been refused because the person failed a licensing examination: 3405
the state medical board, state chiropractic board, architects 3406
board, ~~Ohio landscape architects board~~, and any section of the 3407
Ohio occupational therapy, physical therapy, and athletic trainers 3408
board. 3409

When periodic registration of licenses is required by law, 3410
the agency shall afford a hearing upon the request of any licensee 3411
whose registration has been denied, unless a hearing was held 3412
prior to such denial. 3413

When periodic registration of licenses or renewal of licenses 3414
is required by law, a licensee who has filed an application for 3415
registration or renewal within the time and in the manner provided 3416
by statute or rule of the agency shall not be required to 3417
discontinue a licensed business or profession merely because of 3418
the failure of the agency to act on the licensee's application. 3419
Action of an agency rejecting any such application shall not be 3420
effective prior to fifteen days after notice of the rejection is 3421
mailed to the licensee. 3422

Sec. 119.12. Any party adversely affected by any order of an 3423
agency issued pursuant to an adjudication denying an applicant 3424
admission to an examination, or denying the issuance or renewal of 3425
a license or registration of a licensee, or revoking or suspending 3426
a license, or allowing the payment of a forfeiture under section 3427
4301.252 of the Revised Code may appeal from the order of the 3428
agency to the court of common pleas of the county in which the 3429
place of business of the licensee is located or the county in 3430
which the licensee is a resident, except that appeals from 3431
decisions of the liquor control commission, the Ohio casino 3432

control commission, the state medical board, the state 3433
chiropractic board, and the board of nursing shall be to the court 3434
of common pleas of Franklin county. If any party appealing from 3435
the order is not a resident of and has no place of business in 3436
this state, the party may appeal to the court of common pleas of 3437
Franklin county. 3438

Any party adversely affected by any order of an agency issued 3439
pursuant to any other adjudication may appeal to the court of 3440
common pleas of Franklin county, except that appeals from orders 3441
of the fire marshal issued under Chapter 3737. of the Revised Code 3442
may be to the court of common pleas of the county in which the 3443
building of the aggrieved person is located and except that 3444
appeals under division (B) of section 124.34 of the Revised Code 3445
from a decision of the state personnel board of review or a 3446
municipal or civil service township civil service commission shall 3447
be taken to the court of common pleas of the county in which the 3448
appointing authority is located or, in the case of an appeal by 3449
the department of rehabilitation and correction, to the court of 3450
common pleas of Franklin county. 3451

This section does not apply to appeals from the department of 3452
taxation. 3453

Any party desiring to appeal shall file a notice of appeal 3454
with the agency setting forth the order appealed from and stating 3455
that the agency's order is not supported by reliable, probative, 3456
and substantial evidence and is not in accordance with law. The 3457
notice of appeal may, but need not, set forth the specific grounds 3458
of the party's appeal beyond the statement that the agency's order 3459
is not supported by reliable, probative, and substantial evidence 3460
and is not in accordance with law. The notice of appeal shall also 3461
be filed by the appellant with the court. In filing a notice of 3462
appeal with the agency or court, the notice that is filed may be 3463
either the original notice or a copy of the original notice. 3464

Unless otherwise provided by law relating to a particular agency, 3465
notices of appeal shall be filed within fifteen days after the 3466
mailing of the notice of the agency's order as provided in this 3467
section. For purposes of this paragraph, an order includes a 3468
determination appealed pursuant to division (C) of section 119.092 3469
of the Revised Code. The amendments made to this paragraph by Sub. 3470
H.B. 215 of the 128th general assembly are procedural, and this 3471
paragraph as amended by those amendments shall be applied 3472
retrospectively to all appeals pursuant to this paragraph filed 3473
before ~~the effective date of those amendments~~ September 13, 2010, 3474
but not earlier than May 7, 2009, which was the date the supreme 3475
court of Ohio released its opinion and judgment in *Medcorp, Inc.* 3476
v. Ohio Dep't. of Job and Family Servs. (2009), 121 Ohio St.3d 3477
622. 3478

The filing of a notice of appeal shall not automatically 3479
operate as a suspension of the order of an agency. If it appears 3480
to the court that an unusual hardship to the appellant will result 3481
from the execution of the agency's order pending determination of 3482
the appeal, the court may grant a suspension and fix its terms. If 3483
an appeal is taken from the judgment of the court and the court 3484
has previously granted a suspension of the agency's order as 3485
provided in this section, the suspension of the agency's order 3486
shall not be vacated and shall be given full force and effect 3487
until the matter is finally adjudicated. No renewal of a license 3488
or permit shall be denied by reason of the suspended order during 3489
the period of the appeal from the decision of the court of common 3490
pleas. In the case of an appeal from the Ohio casino control 3491
commission, the state medical board, or the state chiropractic 3492
board, the court may grant a suspension and fix its terms if it 3493
appears to the court that an unusual hardship to the appellant 3494
will result from the execution of the agency's order pending 3495
determination of the appeal and the health, safety, and welfare of 3496
the public will not be threatened by suspension of the order. This 3497

provision shall not be construed to limit the factors the court 3498
may consider in determining whether to suspend an order of any 3499
other agency pending determination of an appeal. 3500

The final order of adjudication may apply to any renewal of a 3501
license or permit which has been granted during the period of the 3502
appeal. 3503

Notwithstanding any other provision of this section, any 3504
order issued by a court of common pleas or a court of appeals 3505
suspending the effect of an order of the liquor control commission 3506
issued pursuant to Chapter 4301. or 4303. of the Revised Code that 3507
suspends, revokes, or cancels a permit issued under Chapter 4303. 3508
of the Revised Code or that allows the payment of a forfeiture 3509
under section 4301.252 of the Revised Code shall terminate not 3510
more than six months after the date of the filing of the record of 3511
the liquor control commission with the clerk of the court of 3512
common pleas and shall not be extended. The court of common pleas, 3513
or the court of appeals on appeal, shall render a judgment in that 3514
matter within six months after the date of the filing of the 3515
record of the liquor control commission with the clerk of the 3516
court of common pleas. A court of appeals shall not issue an order 3517
suspending the effect of an order of the liquor control commission 3518
that extends beyond six months after the date on which the record 3519
of the liquor control commission is filed with a court of common 3520
pleas. 3521

Notwithstanding any other provision of this section, any 3522
order issued by a court of common pleas or a court of appeals 3523
suspending the effect of an order of the Ohio casino control 3524
commission issued under Chapter 3772. of the Revised Code that 3525
limits, conditions, restricts, suspends, revokes, denies, not 3526
renews, fines, or otherwise penalizes an applicant, licensee, or 3527
person excluded or ejected from a casino facility in accordance 3528
with section 3772.031 of the Revised Code shall terminate not more 3529

than six months after the date of the filing of the record of the 3530
Ohio casino control commission with the clerk of the court of 3531
common pleas and shall not be extended. The court of common pleas, 3532
or the court of appeals on appeal, shall render a judgment in that 3533
matter within six months after the date of the filing of the 3534
record of the Ohio casino control commission with the clerk of the 3535
court of common pleas. A court of appeals shall not issue an order 3536
suspending the effect of an order of the Ohio casino control 3537
commission that extends beyond six months after the date on which 3538
the record of the Ohio casino control commission is filed with the 3539
clerk of a court of common pleas. 3540

Notwithstanding any other provision of this section, any 3541
order issued by a court of common pleas suspending the effect of 3542
an order of the state medical board or state chiropractic board 3543
that limits, revokes, suspends, places on probation, or refuses to 3544
register or reinstate a certificate issued by the board or 3545
reprimands the holder of the certificate shall terminate not more 3546
than fifteen months after the date of the filing of a notice of 3547
appeal in the court of common pleas, or upon the rendering of a 3548
final decision or order in the appeal by the court of common 3549
pleas, whichever occurs first. 3550

Within thirty days after receipt of a notice of appeal from 3551
an order in any case in which a hearing is required by sections 3552
119.01 to 119.13 of the Revised Code, the agency shall prepare and 3553
certify to the court a complete record of the proceedings in the 3554
case. Failure of the agency to comply within the time allowed, 3555
upon motion, shall cause the court to enter a finding in favor of 3556
the party adversely affected. Additional time, however, may be 3557
granted by the court, not to exceed thirty days, when it is shown 3558
that the agency has made substantial effort to comply. The record 3559
shall be prepared and transcribed, and the expense of it shall be 3560
taxed as a part of the costs on the appeal. The appellant shall 3561

provide security for costs satisfactory to the court of common 3562
pleas. Upon demand by any interested party, the agency shall 3563
furnish at the cost of the party requesting it a copy of the 3564
stenographic report of testimony offered and evidence submitted at 3565
any hearing and a copy of the complete record. 3566

Notwithstanding any other provision of this section, any 3567
party desiring to appeal an order or decision of the state 3568
personnel board of review shall, at the time of filing a notice of 3569
appeal with the board, provide a security deposit in an amount and 3570
manner prescribed in rules that the board shall adopt in 3571
accordance with this chapter. In addition, the board is not 3572
required to prepare or transcribe the record of any of its 3573
proceedings unless the appellant has provided the deposit 3574
described above. The failure of the board to prepare or transcribe 3575
a record for an appellant who has not provided a security deposit 3576
shall not cause a court to enter a finding adverse to the board. 3577

Unless otherwise provided by law, in the hearing of the 3578
appeal, the court is confined to the record as certified to it by 3579
the agency. Unless otherwise provided by law, the court may grant 3580
a request for the admission of additional evidence when satisfied 3581
that the additional evidence is newly discovered and could not 3582
with reasonable diligence have been ascertained prior to the 3583
hearing before the agency. 3584

The court shall conduct a hearing on the appeal and shall 3585
give preference to all proceedings under sections 119.01 to 119.13 3586
of the Revised Code, over all other civil cases, irrespective of 3587
the position of the proceedings on the calendar of the court. An 3588
appeal from an order of the state medical board issued pursuant to 3589
division (G) of either section 4730.25 or 4731.22 of the Revised 3590
Code, ~~or~~ the state chiropractic board issued pursuant to section 3591
4734.37 of the Revised Code, ~~or~~ the liquor control commission 3592
issued pursuant to Chapter 4301. or 4303. of the Revised Code, or 3593

the Ohio casino control commission issued pursuant to Chapter 3594
3772. of the Revised Code shall be set down for hearing at the 3595
earliest possible time and takes precedence over all other 3596
actions. The hearing in the court of common pleas shall proceed as 3597
in the trial of a civil action, and the court shall determine the 3598
rights of the parties in accordance with the laws applicable to a 3599
civil action. At the hearing, counsel may be heard on oral 3600
argument, briefs may be submitted, and evidence may be introduced 3601
if the court has granted a request for the presentation of 3602
additional evidence. 3603

The court may affirm the order of the agency complained of in 3604
the appeal if it finds, upon consideration of the entire record 3605
and any additional evidence the court has admitted, that the order 3606
is supported by reliable, probative, and substantial evidence and 3607
is in accordance with law. In the absence of this finding, it may 3608
reverse, vacate, or modify the order or make such other ruling as 3609
is supported by reliable, probative, and substantial evidence and 3610
is in accordance with law. The court shall award compensation for 3611
fees in accordance with section 2335.39 of the Revised Code to a 3612
prevailing party, other than an agency, in an appeal filed 3613
pursuant to this section. 3614

The judgment of the court shall be final and conclusive 3615
unless reversed, vacated, or modified on appeal. These appeals may 3616
be taken either by the party or the agency, shall proceed as in 3617
the case of appeals in civil actions, and shall be pursuant to the 3618
Rules of Appellate Procedure and, to the extent not in conflict 3619
with those rules, Chapter 2505. of the Revised Code. An appeal by 3620
the agency shall be taken on questions of law relating to the 3621
constitutionality, construction, or interpretation of statutes and 3622
rules of the agency, and, in the appeal, the court may also review 3623
and determine the correctness of the judgment of the court of 3624
common pleas that the order of the agency is not supported by any 3625

reliable, probative, and substantial evidence in the entire 3626
record. 3627

The court shall certify its judgment to the agency or take 3628
any other action necessary to give its judgment effect. 3629

Sec. 120.33. (A) In lieu of using a county public defender or 3630
joint county public defender to represent indigent persons in the 3631
proceedings set forth in division (A) of section 120.16 of the 3632
Revised Code, the board of county commissioners of any county may 3633
adopt a resolution to pay counsel who are either personally 3634
selected by the indigent person or appointed by the court. The 3635
resolution shall include those provisions the board of county 3636
commissioners considers necessary to provide effective 3637
representation of indigent persons in any proceeding for which 3638
counsel is provided under this section. The resolution shall 3639
include provisions for contracts with any municipal corporation 3640
under which the municipal corporation shall reimburse the county 3641
for counsel appointed to represent indigent persons charged with 3642
violations of the ordinances of the municipal corporation. 3643

(1) In a county that adopts a resolution to pay counsel, an 3644
indigent person shall have the right to do either of the 3645
following: 3646

(a) To select the person's own personal counsel to represent 3647
the person in any proceeding included within the provisions of the 3648
resolution; 3649

(b) To request the court to appoint counsel to represent the 3650
person in such a proceeding. 3651

(2) The court having jurisdiction over the proceeding in a 3652
county that adopts a resolution to pay counsel shall, after 3653
determining that the person is indigent and entitled to legal 3654
representation under this section, do either of the following: 3655

(a) By signed journal entry recorded on its docket, enter the 3656
name of the lawyer selected by the indigent person as counsel of 3657
record; 3658

(b) Appoint counsel for the indigent person if the person has 3659
requested the court to appoint counsel and, by signed journal 3660
entry recorded on its dockets, enter the name of the lawyer 3661
appointed for the indigent person as counsel of record. 3662

(3) The board of county commissioners shall establish a 3663
schedule of fees by case or on an hourly basis to be paid to 3664
counsel for legal services provided pursuant to a resolution 3665
adopted under this section. Prior to establishing the schedule, 3666
the board of county commissioners shall request the bar 3667
association or associations of the county to submit a proposed 3668
schedule for cases other than capital cases. The schedule 3669
submitted shall be subject to the review, amendment, and approval 3670
of the board of county commissioners, except with respect to 3671
capital cases. With respect to capital cases, the schedule shall 3672
provide for fees by case or on an hourly basis to be paid to 3673
counsel in the amount or at the rate set by the supreme court 3674
pursuant to division (D) of this section, and the board of county 3675
commissioners shall approve that amount or rate. 3676

(4)(a) Counsel selected by the indigent person or appointed 3677
by the court at the request of an indigent person in a county that 3678
adopts a resolution to pay counsel, except for counsel appointed 3679
to represent a person charged with any violation of an ordinance 3680
of a municipal corporation that has not contracted with the county 3681
commissioners for the payment of appointed counsel, shall be paid 3682
by the county and shall receive the compensation and expenses the 3683
court approves. With respect to capital cases, the court shall 3684
approve compensation and expenses in accordance with the amount or 3685
at the rate set by the supreme court pursuant to division (D) of 3686
this section. Each request for payment shall be accompanied by a 3687

financial disclosure form and an affidavit of indigency that are 3688
completed by the indigent person on forms prescribed by the state 3689
public defender. Compensation and expenses shall not exceed the 3690
amounts fixed by the board of county commissioners in the schedule 3691
adopted pursuant to division (A)(3) of this section. No court 3692
shall approve compensation and expenses that exceed the amount 3693
fixed pursuant to division (A)(3) of this section. 3694

(b) The fees and expenses approved by the court shall not be 3695
taxed as part of the costs and shall be paid by the county. 3696
However, if the person represented has, or may reasonably be 3697
expected to have, the means to meet some part of the cost of the 3698
services rendered to the person, the person shall pay the county 3699
an amount that the person reasonably can be expected to pay. 3700
Pursuant to section 120.04 of the Revised Code, the county shall 3701
pay to the state public defender a percentage of the payment 3702
received from the person in an amount proportionate to the 3703
percentage of the costs of the person's case that were paid to the 3704
county by the state public defender pursuant to this section. The 3705
money paid to the state public defender shall be credited to the 3706
client payment fund created pursuant to division (B)(5) of section 3707
120.04 of the Revised Code. 3708

(c) The county auditor shall draw a warrant on the county 3709
treasurer for the payment of counsel in the amount fixed by the 3710
court, plus the expenses the court fixes and certifies to the 3711
auditor. The county auditor shall report periodically, but not 3712
less than annually, to the board of county commissioners and to 3713
the state public defender the amounts paid out pursuant to the 3714
approval of the court. The board of county commissioners, after 3715
review and approval of the auditor's report, or the county 3716
auditor, with permission from and notice to the board of county 3717
commissioners, may then certify it to the state public defender 3718
for reimbursement. The state public defender may pay a requested 3719

reimbursement only if the request for reimbursement is accompanied 3720
by a financial disclosure form and an affidavit of indigency 3721
completed by the indigent person on forms prescribed by the state 3722
public defender or if the court certifies by electronic signature 3723
as prescribed by the state public defender that a financial 3724
disclosure form and affidavit of indigency have been completed by 3725
the indigent person and are available for inspection. If a request 3726
for the reimbursement of the cost of counsel in any case is not 3727
received by the state public defender within ninety days after the 3728
end of the calendar month in which the case is finally disposed of 3729
by the court, unless the county has requested and the state public 3730
defender has granted an extension of the ninety-day limit, the 3731
state public defender shall not pay the requested reimbursement. 3732
The state public defender shall also review the report and, in 3733
accordance with the standards, guidelines, and maximums 3734
established pursuant to divisions (B)(7) and (8) of section 120.04 3735
of the Revised Code, prepare a voucher for fifty per cent of the 3736
total cost of each county appointed counsel system in the period 3737
of time covered by the certified report and a voucher for fifty 3738
per cent of the costs and expenses that are reimbursable under 3739
section 120.35 of the Revised Code, if any, or, if the amount of 3740
money appropriated by the general assembly to reimburse counties 3741
for the operation of county public defender offices, joint county 3742
public defender offices, and county appointed counsel systems is 3743
not sufficient to pay fifty per cent of the total cost of all of 3744
the offices and systems other than costs and expenses that are 3745
reimbursable under section 120.35 of the Revised Code, for the 3746
lesser amount required by section 120.34 of the Revised Code. 3747

(d) If the board of county commissioners establishes a 3748
schedule of fees on an hourly basis under division (A)(3) of this 3749
section that exceeds fifty dollars per hour, the county shall 3750
receive a supplemental amount that constitutes five per cent of 3751
the total reimbursement the county received from the state public 3752

defender for appointed counsel. 3753

(5) If any county appointed counsel system fails to maintain 3754
the standards for the conduct of the system established by the 3755
rules of the Ohio public defender commission pursuant to divisions 3756
(B) and (C) of section 120.03 or the standards established by the 3757
state public defender pursuant to division (B)(7) of section 3758
120.04 of the Revised Code, the Ohio public defender commission 3759
shall notify the board of county commissioners of the county that 3760
the county appointed counsel system has failed to comply with its 3761
rules or the standards of the state public defender. Unless the 3762
board of county commissioners corrects the conduct of its 3763
appointed counsel system to comply with the rules and standards 3764
within ninety days after the date of the notice, the state public 3765
defender may deny all or part of the county's reimbursement from 3766
the state provided for in division (A)(4) of this section. 3767

(B) In lieu of using a county public defender or joint county 3768
public defender to represent indigent persons in the proceedings 3769
set forth in division (A) of section 120.16 of the Revised Code, 3770
and in lieu of adopting the resolution and following the procedure 3771
described in division (A) of this section, the board of county 3772
commissioners of any county may contract with the state public 3773
defender for the state public defender's legal representation of 3774
indigent persons. A contract entered into pursuant to this 3775
division may provide for payment for the services provided on a 3776
per case, hourly, or fixed contract basis. 3777

(C) If a court appoints an attorney pursuant to this section 3778
to represent a petitioner in a postconviction relief proceeding 3779
under section 2953.21 of the Revised Code, the petitioner has 3780
received a sentence of death, and the proceeding relates to that 3781
sentence, the attorney who represents the petitioner in the 3782
proceeding pursuant to the appointment shall be certified under 3783
Rule 20 of the Rules of Superintendence for the Courts of Ohio to 3784

represent indigent defendants charged with or convicted of an 3785
offense for which the death penalty can be or has been imposed. 3786

(D) The supreme court shall set an amount by case, or a rate 3787
on an hourly basis, to be paid under this section to counsel in a 3788
capital case. 3789

Sec. 121.03. The following administrative department heads 3790
shall be appointed by the governor, with the advice and consent of 3791
the senate, and shall hold their offices during the term of the 3792
appointing governor, and are subject to removal at the pleasure of 3793
the governor. 3794

(A) The director of budget and management; 3795

(B) The director of commerce; 3796

(C) The director of transportation; 3797

(D) The director of agriculture; 3798

(E) The director of job and family services; 3799

(F) Until July 1, 1997, the director of liquor control; 3800

(G) The director of public safety; 3801

(H) The superintendent of insurance; 3802

(I) The director of development services; 3803

(J) The tax commissioner; 3804

(K) The director of administrative services; 3805

(L) The director of natural resources; 3806

(M) The director of mental health and addiction services; 3807

(N) The director of developmental disabilities; 3808

(O) The director of health; 3809

(P) The director of youth services; 3810

(Q) The director of rehabilitation and correction; 3811

(R) The director of environmental protection;	3812
(S) The director of aging;	3813
(T) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	3814 3815 3816
(U) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code;	3817 3818
(V) The chancellor of the Ohio board of regents <u>higher education</u> ;	3819 3820
(W) The medicaid director.	3821
Sec. 121.04. Offices are created within the several departments as follows:	3822 3823
In the department of commerce:	3824
Commissioner of securities;	3825
Superintendent of real estate and professional licensing;	3826
Superintendent of financial institutions;	3827
State fire marshal;	3828
Superintendent of industrial compliance;	3829
Superintendent of liquor control;	3830
Superintendent of unclaimed funds.	3831
In the department of administrative services:	3832
Equal employment opportunity coordinator.	3833
In the department of agriculture:	3834
Chiefs of divisions as follows:	3835
Administration;	3836
Animal health;	3837
Livestock environmental permitting;	3838
<u>Soil and water conservation</u> ;	3839

Dairy;	3840
Food safety;	3841
Plant health;	3842
Markets;	3843
Meat inspection;	3844
Consumer protection laboratory;	3845
Amusement ride safety;	3846
Enforcement;	3847
Weights and measures.	3848
In the department of natural resources:	3849
Chiefs of divisions as follows:	3850
Mineral resources management;	3851
Oil and gas resources management;	3852
Forestry;	3853
Natural areas and preserves;	3854
Wildlife;	3855
Geological survey;	3856
Parks and recreation;	3857
Watercraft;	3858
Soil and water <u>Water</u> resources;	3859
Engineering.	3860
In the department of insurance:	3861
Deputy superintendent of insurance;	3862
Assistant superintendent of insurance, technical;	3863
Assistant superintendent of insurance, administrative;	3864
Assistant superintendent of insurance, research.	3865
Sec. 121.22. (A) This section shall be liberally construed to	3866
require public officials to take official action and to conduct	3867
all deliberations upon official business only in open meetings	3868
unless the subject matter is specifically excepted by law.	3869
(B) As used in this section:	3870

(1) "Public body" means any of the following:	3871
(a) Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;	3872 3873 3874 3875 3876 3877
(b) Any committee or subcommittee of a body described in division (B)(1)(a) of this section;	3878 3879
(c) A court of jurisdiction of a sanitary district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use when meeting for the purpose of the appointment, removal, or reappointment of a member of the board of directors of such a district pursuant to section 6115.10 of the Revised Code, if applicable, or for any other matter related to such a district other than litigation involving the district. As used in division (B)(1)(c) of this section, "court of jurisdiction" has the same meaning as "court" in section 6115.01 of the Revised Code.	3880 3881 3882 3883 3884 3885 3886 3887 3888 3889
(2) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members.	3890 3891
(3) "Regulated individual" means either of the following:	3892
(a) A student in a state or local public educational institution;	3893 3894
(b) A person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution because of criminal behavior, mental illness or retardation, disease, disability, age, or other condition requiring custodial care.	3895 3896 3897 3898
(4) "Public office" has the same meaning as in section 149.011 of the Revised Code.	3899 3900

(C) All meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body shall be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting.

The minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (G) or (J) of this section.

(D) This section does not apply to any of the following:

(1) A grand jury;

(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;

(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon;

(4) The organized crime investigations commission established under section 177.01 of the Revised Code;

(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code, meetings related to a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;

(6) The state medical board when determining whether to suspend a certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;

(7) The board of nursing when determining whether to suspend

a license or certificate without a prior hearing pursuant to	3931
division (B) of section 4723.281 of the Revised Code;	3932
(8) The state board of pharmacy when determining whether to	3933
suspend a license without a prior hearing pursuant to division (D)	3934
of section 4729.16 of the Revised Code;	3935
(9) The state chiropractic board when determining whether to	3936
suspend a license without a hearing pursuant to section 4734.37 of	3937
the Revised Code;	3938
(10) The executive committee of the emergency response	3939
commission when determining whether to issue an enforcement order	3940
or request that a civil action, civil penalty action, or criminal	3941
action be brought to enforce Chapter 3750. of the Revised Code;	3942
(11) The board of directors of the nonprofit corporation	3943
formed under section 187.01 of the Revised Code or any committee	3944
thereof, and the board of directors of any subsidiary of that	3945
corporation or a committee thereof;	3946
(12) An audit conference conducted by the audit staff of the	3947
department of job and family services with officials of the public	3948
office that is the subject of that audit under section 5101.37 of	3949
the Revised Code;	3950
(13) The occupational therapy section of the occupational	3951
therapy, physical therapy, and athletic trainers board when	3952
determining whether to suspend a license or limited permit without	3953
a hearing pursuant to division (D) of section 4755.11 of the	3954
Revised Code;	3955
(14) The physical therapy section of the occupational	3956
therapy, physical therapy, and athletic trainers board when	3957
determining whether to suspend a license without a hearing	3958
pursuant to division (E) of section 4755.47 of the Revised Code;	3959
(15) The athletic trainers section of the occupational	3960

therapy, physical therapy, and athletic trainers board when 3961
determining whether to suspend a license without a hearing 3962
pursuant to division (D) of section 4755.64 of the Revised Code. 3963

(E) The controlling board, the tax credit authority, or the 3964
minority development financing advisory board, when meeting to 3965
consider granting assistance pursuant to Chapter 122. or 166. of 3966
the Revised Code, in order to protect the interest of the 3967
applicant or the possible investment of public funds, by unanimous 3968
vote of all board or authority members present, may close the 3969
meeting during consideration of the following information 3970
confidentially received by the authority or board from the 3971
applicant: 3972

(1) Marketing plans; 3973

(2) Specific business strategy; 3974

(3) Production techniques and trade secrets; 3975

(4) Financial projections; 3976

(5) Personal financial statements of the applicant or members 3977
of the applicant's immediate family, including, but not limited 3978
to, tax records or other similar information not open to public 3979
inspection. 3980

The vote by the authority or board to accept or reject the 3981
application, as well as all proceedings of the authority or board 3982
not subject to this division, shall be open to the public and 3983
governed by this section. 3984

(F) Every public body, by rule, shall establish a reasonable 3985
method whereby any person may determine the time and place of all 3986
regularly scheduled meetings and the time, place, and purpose of 3987
all special meetings. A public body shall not hold a special 3988
meeting unless it gives at least twenty-four hours' advance notice 3989
to the news media that have requested notification, except in the 3990

event of an emergency requiring immediate official action. In the 3991
event of an emergency, the member or members calling the meeting 3992
shall notify the news media that have requested notification 3993
immediately of the time, place, and purpose of the meeting. 3994

The rule shall provide that any person, upon request and 3995
payment of a reasonable fee, may obtain reasonable advance 3996
notification of all meetings at which any specific type of public 3997
business is to be discussed. Provisions for advance notification 3998
may include, but are not limited to, mailing the agenda of 3999
meetings to all subscribers on a mailing list or mailing notices 4000
in self-addressed, stamped envelopes provided by the person. 4001

(G) Except as provided in divisions (G)(8) and (J) of this 4002
section, the members of a public body may hold an executive 4003
session only after a majority of a quorum of the public body 4004
determines, by a roll call vote, to hold an executive session and 4005
only at a regular or special meeting for the sole purpose of the 4006
consideration of any of the following matters: 4007

(1) To consider the appointment, employment, dismissal, 4008
discipline, promotion, demotion, or compensation of a public 4009
employee or official, or the investigation of charges or 4010
complaints against a public employee, official, licensee, or 4011
regulated individual, unless the public employee, official, 4012
licensee, or regulated individual requests a public hearing. 4013
Except as otherwise provided by law, no public body shall hold an 4014
executive session for the discipline of an elected official for 4015
conduct related to the performance of the elected official's 4016
official duties or for the elected official's removal from office. 4017
If a public body holds an executive session pursuant to division 4018
(G)(1) of this section, the motion and vote to hold that executive 4019
session shall state which one or more of the approved purposes 4020
listed in division (G)(1) of this section are the purposes for 4021
which the executive session is to be held, but need not include 4022

the name of any person to be considered at the meeting. 4023

(2) To consider the purchase of property for public purposes, 4024
or for the sale of property at competitive bidding, if premature 4025
disclosure of information would give an unfair competitive or 4026
bargaining advantage to a person whose personal, private interest 4027
is adverse to the general public interest. No member of a public 4028
body shall use division (G)(2) of this section as a subterfuge for 4029
providing covert information to prospective buyers or sellers. A 4030
purchase or sale of public property is void if the seller or buyer 4031
of the public property has received covert information from a 4032
member of a public body that has not been disclosed to the general 4033
public in sufficient time for other prospective buyers and sellers 4034
to prepare and submit offers. 4035

If the minutes of the public body show that all meetings and 4036
deliberations of the public body have been conducted in compliance 4037
with this section, any instrument executed by the public body 4038
purporting to convey, lease, or otherwise dispose of any right, 4039
title, or interest in any public property shall be conclusively 4040
presumed to have been executed in compliance with this section 4041
insofar as title or other interest of any bona fide purchasers, 4042
lessees, or transferees of the property is concerned. 4043

(3) Conferences with an attorney for the public body 4044
concerning disputes involving the public body that are the subject 4045
of pending or imminent court action; 4046

(4) Preparing for, conducting, or reviewing negotiations or 4047
bargaining sessions with public employees concerning their 4048
compensation or other terms and conditions of their employment; 4049

(5) Matters required to be kept confidential by federal law 4050
or regulations or state statutes; 4051

(6) Details relative to the security arrangements and 4052
emergency response protocols for a public body or a public office, 4053

if disclosure of the matters discussed could reasonably be 4054
expected to jeopardize the security of the public body or public 4055
office; 4056

(7) In the case of a county hospital operated pursuant to 4057
Chapter 339. of the Revised Code, a joint township hospital 4058
operated pursuant to Chapter 513. of the Revised Code, or a 4059
municipal hospital operated pursuant to Chapter 749. of the 4060
Revised Code, to consider trade secrets, as defined in section 4061
1333.61 of the Revised Code; 4062

(8) To consider confidential information related to the 4063
marketing plans, specific business strategy, production 4064
techniques, trade secrets, or personal financial statements of an 4065
applicant for economic development assistance, or to negotiations 4066
with other political subdivisions respecting requests for economic 4067
development assistance, provided that both of the following 4068
conditions apply: 4069

~~(1)~~(a) The information is directly related to a request for 4070
economic development assistance that is to be provided or 4071
administered under any provision of Chapter 715., 725., 1724., or 4072
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 4073
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of 4074
the Revised Code, or that involves public infrastructure 4075
improvements or the extension of utility services that are 4076
directly related to an economic development project. 4077

~~(2)~~(b) A unanimous quorum of the public body determines, by a 4078
roll call vote, that the executive session is necessary to protect 4079
the interests of the applicant or the possible investment or 4080
expenditure of public funds to be made in connection with the 4081
economic development project. 4082

If a public body holds an executive session to consider any 4083
of the matters listed in divisions (G)(2) to (8) of this section, 4084

the motion and vote to hold that executive session shall state 4085
which one or more of the approved matters listed in those 4086
divisions are to be considered at the executive session. 4087

A public body specified in division (B)(1)(c) of this section 4088
shall not hold an executive session when meeting for the purposes 4089
specified in that division. 4090

(H) A resolution, rule, or formal action of any kind is 4091
invalid unless adopted in an open meeting of the public body. A 4092
resolution, rule, or formal action adopted in an open meeting that 4093
results from deliberations in a meeting not open to the public is 4094
invalid unless the deliberations were for a purpose specifically 4095
authorized in division (G) or (J) of this section and conducted at 4096
an executive session held in compliance with this section. A 4097
resolution, rule, or formal action adopted in an open meeting is 4098
invalid if the public body that adopted the resolution, rule, or 4099
formal action violated division (F) of this section. 4100

(I)(1) Any person may bring an action to enforce this 4101
section. An action under division (I)(1) of this section shall be 4102
brought within two years after the date of the alleged violation 4103
or threatened violation. Upon proof of a violation or threatened 4104
violation of this section in an action brought by any person, the 4105
court of common pleas shall issue an injunction to compel the 4106
members of the public body to comply with its provisions. 4107

(2)(a) If the court of common pleas issues an injunction 4108
pursuant to division (I)(1) of this section, the court shall order 4109
the public body that it enjoins to pay a civil forfeiture of five 4110
hundred dollars to the party that sought the injunction and shall 4111
award to that party all court costs and, subject to reduction as 4112
described in division (I)(2) of this section, reasonable 4113
attorney's fees. The court, in its discretion, may reduce an award 4114
of attorney's fees to the party that sought the injunction or not 4115
award attorney's fees to that party if the court determines both 4116

of the following: 4117

(i) That, based on the ordinary application of statutory law 4118
and case law as it existed at the time of violation or threatened 4119
violation that was the basis of the injunction, a well-informed 4120
public body reasonably would believe that the public body was not 4121
violating or threatening to violate this section; 4122

(ii) That a well-informed public body reasonably would 4123
believe that the conduct or threatened conduct that was the basis 4124
of the injunction would serve the public policy that underlies the 4125
authority that is asserted as permitting that conduct or 4126
threatened conduct. 4127

(b) If the court of common pleas does not issue an injunction 4128
pursuant to division (I)(1) of this section and the court 4129
determines at that time that the bringing of the action was 4130
frivolous conduct, as defined in division (A) of section 2323.51 4131
of the Revised Code, the court shall award to the public body all 4132
court costs and reasonable attorney's fees, as determined by the 4133
court. 4134

(3) Irreparable harm and prejudice to the party that sought 4135
the injunction shall be conclusively and irrebuttably presumed 4136
upon proof of a violation or threatened violation of this section. 4137

(4) A member of a public body who knowingly violates an 4138
injunction issued pursuant to division (I)(1) of this section may 4139
be removed from office by an action brought in the court of common 4140
pleas for that purpose by the prosecuting attorney or the attorney 4141
general. 4142

(J)(1) Pursuant to division (C) of section 5901.09 of the 4143
Revised Code, a veterans service commission shall hold an 4144
executive session for one or more of the following purposes unless 4145
an applicant requests a public hearing: 4146

(a) Interviewing an applicant for financial assistance under 4147

sections 5901.01 to 5901.15 of the Revised Code;	4148
(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the Revised Code;	4149 4150
(c) Reviewing matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code.	4151 4152 4153
(2) A veterans service commission shall not exclude an applicant for, recipient of, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance.	4154 4155 4156 4157 4158 4159 4160 4161
(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance.	4162 4163 4164 4165 4166 4167 4168
Sec. 121.372. (A) As used in this section, "substitute care provider" means any of the following:	4169 4170
(1) A community addiction services provider subject to certification under section 5119.36, as defined in section 5119.01 of the Revised Code;	4171 4172 4173
(2) An institution or association subject to certification under section 5103.03 of the Revised Code;	4174 4175
(3) A residential facility subject to licensure under section 5119.34 of the Revised Code;	4176 4177

(4) A residential facility subject to licensure under section 4178
5123.19 of the Revised Code. 4179

(B) Not later than ninety days after March 18, 1999, the 4180
members of the Ohio family and children first cabinet council, 4181
other than the director of budget and management, shall enter into 4182
an agreement to establish an office to perform the duties 4183
prescribed by division (C) of this section. The agreement shall 4184
specify one of the departments represented on the council as the 4185
department responsible for housing and supervising the office. The 4186
agreement shall include the recommendation of the council for 4187
funding the office. 4188

(C) The office established pursuant to the agreement entered 4189
into under this section shall review rules governing the 4190
certification and licensure of substitute care providers and 4191
determine which of the rules can be made substantively identical 4192
or more similar in order to minimize the number of differing 4193
certification and licensure standards and simplify the 4194
certification or licensure process for substitute care providers 4195
seeking certification or licensure from two or more of the 4196
departments represented on the council. The office shall provide 4197
county family and children first councils, substitute care 4198
providers, and persons interested in substitute care providers the 4199
opportunity to help the office with the review and determination. 4200
The office shall report its findings to the council. Each of the 4201
departments represented on the council that has adopted rules 4202
governing the certification or licensure of substitute care 4203
providers shall review the report and amend the rules as that 4204
department considers appropriate, except that no rule shall be 4205
amended so as to make it inconsistent with substitute care 4206
provider certification or licensure procedures and standards 4207
established by federal or state law. A department shall give 4208
priority to amendments that will not increase the department's 4209

administrative costs. In amending a rule, a department shall 4210
comply with Chapter 119. or section 111.15 of the Revised Code, as 4211
required by the Revised Code section governing the adoption of the 4212
particular rule. 4213

(D) In accordance with section 124.27 of the Revised Code, 4214
the council shall select a coordinator to oversee the office 4215
established pursuant to the agreement entered into under this 4216
section. The coordinator shall be in the classified service. In 4217
addition to overseeing the office, the coordinator shall perform 4218
any other duties the council assigns to the coordinator. The 4219
duties the council assigns to the coordinator shall be related to 4220
the duties of the office under division (C) of this section. 4221

Sec. 121.40. (A) There is hereby created the Ohio commission 4222
on service and volunteerism consisting of twenty-one voting 4223
members including the superintendent of public instruction or the 4224
superintendent's designee, the chancellor of ~~the Ohio board of~~ 4225
~~regents~~ higher education or the chancellor's designee, the 4226
director of youth services or the director's designee, the 4227
director of aging or the director's designee, the chairperson of 4228
the committee of the house of representatives dealing with 4229
education or the chairperson's designee, the chairperson of the 4230
committee of the senate dealing with education or the 4231
chairperson's designee, and fifteen members who shall be appointed 4232
by the governor with the advice and consent of the senate and who 4233
shall serve terms of office of three years. The appointees shall 4234
include educators, including teachers and administrators; 4235
representatives of youth organizations; students and parents; 4236
representatives of organizations engaged in volunteer program 4237
development and management throughout the state, including youth 4238
and conservation programs; and representatives of business, 4239
government, nonprofit organizations, social service agencies, 4240
veterans organizations, religious organizations, or philanthropies 4241

that support or encourage volunteerism within the state. The 4242
director of the governor's office of faith-based and community 4243
initiatives shall serve as a nonvoting ex officio member of the 4244
commission. Members of the commission shall receive no 4245
compensation, but shall be reimbursed for actual and necessary 4246
expenses incurred in the performance of their official duties. 4247

(B) The commission shall appoint an executive director for 4248
the commission, who shall be in the unclassified civil service. 4249
The governor shall be informed of the appointment of an executive 4250
director before such an appointment is made. The executive 4251
director shall supervise the commission's activities and report to 4252
the commission on the progress of those activities. The executive 4253
director shall do all things necessary for the efficient and 4254
effective implementation of the duties of the commission. 4255

The responsibilities assigned to the executive director do 4256
not relieve the members of the commission from final 4257
responsibility for the proper performance of the requirements of 4258
this section. 4259

(C) The commission or its designee shall do all of the 4260
following: 4261

(1) Employ, promote, supervise, and remove all employees as 4262
needed in connection with the performance of its duties under this 4263
section and may assign duties to those employees as necessary to 4264
achieve the most efficient performance of its functions, and to 4265
that end may establish, change, or abolish positions, and assign 4266
and reassign duties and responsibilities of any employee of the 4267
commission. Personnel employed by the commission who are subject 4268
to Chapter 4117. of the Revised Code shall retain all of their 4269
rights and benefits conferred pursuant to that chapter. Nothing in 4270
this chapter shall be construed as eliminating or interfering with 4271
Chapter 4117. of the Revised Code or the rights and benefits 4272
conferred under that chapter to public employees or to any 4273

bargaining unit.	4274
(2) Maintain its office in Columbus, and may hold sessions at any place within the state;	4275 4276
(3) Acquire facilities, equipment, and supplies necessary to house the commission, its employees, and files and records under its control, and to discharge any duty imposed upon it by law. The expense of these acquisitions shall be audited and paid for in the same manner as other state expenses. For that purpose, the commission shall prepare and submit to the office of budget and management a budget for each biennium according to sections 101.532 and 107.03 of the Revised Code. The budget submitted shall cover the costs of the commission and its staff in the discharge of any duty imposed upon the commission by law. The commission shall not delegate any authority to obligate funds.	4277 4278 4279 4280 4281 4282 4283 4284 4285 4286 4287
(4) Pay its own payroll and other operating expenses from line items designated by the general assembly;	4288 4289
(5) Retain its fiduciary responsibility as appointing authority. Any transaction instructions shall be certified by the appointing authority or its designee.	4290 4291 4292
(6) Establish the overall policy and management of the commission in accordance with this chapter;	4293 4294
(7) Assist in coordinating and preparing the state application for funds under sections 101 to 184 of the "National and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C.A. 12411 to 12544, as amended, assist in administering and overseeing the "National and Community Service Trust Act of 1993," P.L. 103-82, 107 Stat. 785, and the americorps program in this state, and assist in developing objectives for a comprehensive strategy to encourage and expand community service programs throughout the state;	4295 4296 4297 4298 4299 4300 4301 4302 4303
(8) Assist the state board of education, school districts,	4304

the chancellor of ~~the board of regents~~ higher education, and 4305
institutions of higher education in coordinating community service 4306
education programs through cooperative efforts between 4307
institutions and organizations in the public and private sectors; 4308

(9) Assist the departments of natural resources, youth 4309
services, aging, and job and family services in coordinating 4310
community service programs through cooperative efforts between 4311
institutions and organizations in the public and private sectors; 4312

(10) Suggest individuals and organizations that are available 4313
to assist school districts, institutions of higher education, and 4314
the departments of natural resources, youth services, aging, and 4315
job and family services in the establishment of community service 4316
programs and assist in investigating sources of funding for 4317
implementing these programs; 4318

(11) Assist in evaluating the state's efforts in providing 4319
community service programs using standards and methods that are 4320
consistent with any statewide objectives for these programs and 4321
provide information to the state board of education, school 4322
districts, the chancellor of ~~the board of regents~~ higher 4323
education, institutions of higher education, and the departments 4324
of natural resources, youth services, aging, and job and family 4325
services to guide them in making decisions about these programs; 4326

(12) Assist the state board of education in complying with 4327
section 3301.70 of the Revised Code and the chancellor of ~~the~~ 4328
~~board of regents~~ higher education in complying with division 4329
(B)(2) of section 3333.043 of the Revised Code. 4330

(D) The commission shall in writing enter into an agreement 4331
with another state agency to serve as the commission's fiscal 4332
agent. Before entering into such an agreement, the commission 4333
shall inform the governor of the terms of the agreement and of the 4334
state agency designated to serve as the commission's fiscal agent. 4335

The fiscal agent shall be responsible for all the commission's 4336
fiscal matters and financial transactions, as specified in the 4337
agreement. Services to be provided by the fiscal agent include, 4338
but are not limited to, the following: 4339

(1) Preparing and processing payroll and other personnel 4340
documents that the commission executes as the appointing 4341
authority; 4342

(2) Maintaining ledgers of accounts and reports of account 4343
balances, and monitoring budgets and allotment plans in 4344
consultation with the commission; and 4345

(3) Performing other routine support services that the fiscal 4346
agent considers appropriate to achieve efficiency. 4347

(E)(1) The commission, in conjunction and consultation with 4348
the fiscal agent, has the following authority and responsibility 4349
relative to fiscal matters: 4350

(a) Sole authority to draw funds for any and all federal 4351
programs in which the commission is authorized to participate; 4352

(b) Sole authority to expend funds from their accounts for 4353
programs and any other necessary expenses the commission may incur 4354
and its subgrantees may incur; and 4355

(c) Responsibility to cooperate with and inform the fiscal 4356
agent fully of all financial transactions. 4357

(2) The commission shall follow all state procurement, 4358
fiscal, human resources, statutory, and administrative rule 4359
requirements. 4360

(3) The fiscal agent shall determine fees to be charged to 4361
the commission, which shall be in proportion to the services 4362
performed for the commission. 4363

(4) The commission shall pay fees owed to the fiscal agent 4364
from a general revenue fund of the commission or from any other 4365

fund from which the operating expenses of the commission are paid. 4366
Any amounts set aside for a fiscal year for the payment of these 4367
fees shall be used only for the services performed for the 4368
commission by the fiscal agent in that fiscal year. 4369

(F) The commission may accept and administer grants from any 4370
source, public or private, to carry out any of the commission's 4371
functions this section establishes. 4372

Sec. 122.17. (A) As used in this section: 4373

(1) "~~Income tax revenue~~ Payroll" means the total amount 4374
~~withheld under section 5747.06 of the Revised Code~~ taxable income 4375
paid by the ~~taxpayer~~ employer during the employer's taxable year, 4376
or during the calendar year that includes the employer's tax 4377
period, ~~from the compensation of~~ to each employee or each 4378
home-based employee employed in the project to the extent ~~the~~ 4379
~~employee's withholdings are~~ such payroll is not used to determine 4380
the credit under section 122.171 of the Revised Code. "~~Income tax~~ 4381
~~revenue~~ Payroll" excludes amounts ~~withheld~~ paid before the day the 4382
taxpayer becomes eligible for the credit and retirement or other 4383
benefits paid or contributed by the employer to or on behalf of 4384
employees. 4385

(2) "Baseline ~~income tax revenue~~ payroll" means ~~income tax~~ 4386
~~revenue~~ Ohio employee payroll, except that the applicable 4387
~~withholding~~ measurement period is the twelve months immediately 4388
preceding the date the tax credit authority approves the 4389
taxpayer's application or the date the tax credit authority 4390
receives the recommendation described in division (C)(2)(a) of 4391
this section, whichever occurs first, multiplied by the sum of one 4392
plus an annual pay increase factor to be determined by the tax 4393
credit authority. 4394

(3) "Ohio employee payroll" means the amount of compensation 4395
used to determine the withholding obligations in division (A) of 4396

section 5747.06 of the Revised Code and paid by the employer 4397
during the employer's taxable year, or during the calendar year 4398
that includes the employer's tax period, to each employee employed 4399
in the project who is a resident of this state, as defined in 4400
section 5747.01 of the Revised Code, to each employee employed at 4401
the project site who is not a resident and whose compensation is 4402
not exempt from the tax imposed under section 5747.02 of the 4403
Revised Code pursuant to a reciprocity agreement with another 4404
state under division (A)(3) of section 5747.05 of the Revised 4405
Code, or to each home-based employee employed in the project, to 4406
the extent such compensation is not used to determine the credit 4407
under section 122.171 of the Revised Code. "Ohio employee payroll" 4408
excludes amounts paid before the day the taxpayer becomes eligible 4409
for the credit. 4410

(4) "Excess income tax revenue payroll" means income tax 4411
revenue Ohio employee payroll minus baseline income tax revenue 4412
payroll. 4413

(4)(5) "Home-based employee" means an employee whose services 4414
are performed primarily from the employee's residence in this 4415
state exclusively for the benefit of the project and whose rate of 4416
pay is at least one hundred thirty-one per cent of the federal 4417
minimum wage under 29 U.S.C. 206. 4418

(6) "Full-time equivalent employees" means the quotient 4419
obtained by dividing the total number of hours for which employees 4420
were compensated for employment in the project by two thousand 4421
eighty. "Full-time equivalent employees" excludes hours that are 4422
counted for a credit under section 122.171 of the Revised Code. 4423

(7) "Metric evaluation date" means the date by which the 4424
taxpayer must meet all of the commitments included in the 4425
agreement. 4426

(B) The tax credit authority may make grants under this 4427

section to foster job creation in this state. Such a grant shall 4428
take the form of a refundable credit allowed against the tax 4429
imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 4430
5747.02 or levied under Chapter 5751. of the Revised Code. The 4431
credit shall be claimed for the taxable years or tax periods 4432
specified in the taxpayer's agreement with the tax credit 4433
authority under division (D) of this section. With respect to 4434
taxes imposed under section 5726.02, 5733.06, or 5747.02 or 4435
Chapter 5751. of the Revised Code, the credit shall be claimed in 4436
the order required under section 5726.98, 5733.98, 5747.98, or 4437
5751.98 of the Revised Code. The amount of the credit available 4438
for a taxable year or for a calendar year that includes a tax 4439
period equals the excess ~~income tax revenue~~ payroll for that year 4440
multiplied by the percentage specified in the agreement with the 4441
tax credit authority. ~~Any credit granted under this section~~ 4442
~~against the tax imposed by section 5733.06 or 5747.02 of the~~ 4443
~~Revised Code, to the extent not fully utilized against such tax~~ 4444
~~for taxable years ending prior to 2008, shall automatically be~~ 4445
~~converted without any action taken by the tax credit authority to~~ 4446
~~a credit against the tax levied under Chapter 5751. of the Revised~~ 4447
~~Code for tax periods beginning on or after July 1, 2008, provided~~ 4448
~~that the person to whom the credit was granted is subject to such~~ 4449
~~tax. The converted credit shall apply to those calendar years in~~ 4450
~~which the remaining taxable years specified in the agreement end.~~ 4451

(C)(1) A taxpayer or potential taxpayer who proposes a 4452
project to create new jobs in this state may apply to the tax 4453
credit authority to enter into an agreement for a tax credit under 4454
this section. 4455

An application shall not propose to include both home-based 4456
employees and employees who are not home-based employees in the 4457
computation of ~~income tax revenue~~ Ohio employee payroll for the 4458
purposes of the same tax credit agreement. If a taxpayer or 4459

potential taxpayer employs both home-based employees and employees 4460
who are not home-based employees in a project, the taxpayer shall 4461
submit separate applications for separate tax credit agreements 4462
for the project, one of which shall include home-based employees 4463
in the computation of ~~income tax revenue~~ Ohio employee payroll and 4464
one of which shall include all other employees in the computation 4465
of ~~income tax revenue~~ Ohio employee payroll. 4466

The director of development services shall prescribe the form 4467
of the application. After receipt of an application, the authority 4468
may enter into an agreement with the taxpayer for a credit under 4469
this section if it determines all of the following: 4470

(a) The taxpayer's project will increase payroll ~~and income~~ 4471
~~tax revenue~~; 4472

(b) The taxpayer's project is economically sound and will 4473
benefit the people of this state by increasing opportunities for 4474
employment and strengthening the economy of this state; 4475

(c) Receiving the tax credit is a major factor in the 4476
taxpayer's decision to go forward with the project. 4477

(2)(a) A taxpayer that chooses to begin the project prior to 4478
receiving the determination of the authority may, upon submitting 4479
the taxpayer's application to the authority, request that the 4480
chief investment officer of the nonprofit corporation formed under 4481
section 187.01 of the Revised Code and the director review the 4482
taxpayer's application and recommend to the authority that the 4483
taxpayer's application be considered. As soon as possible after 4484
receiving such a request, the chief investment officer and the 4485
director shall review the taxpayer's application and, if they 4486
determine that the application warrants consideration by the 4487
authority, make that recommendation to the authority not later 4488
than six months after the application is received by the 4489
authority. 4490

(b) The authority shall consider any taxpayer's application 4491
for which it receives a recommendation under division (C)(2)(a) of 4492
this section. If the authority determines that the taxpayer does 4493
not meet all of the criteria set forth in division (C)(1) of this 4494
section, the authority and the development services agency shall 4495
proceed in accordance with rules adopted by the director pursuant 4496
to division (I) of this section. 4497

(D) An agreement under this section shall include all of the 4498
following: 4499

(1) A detailed description of the project that is the subject 4500
of the agreement; 4501

(2)(a) The term of the tax credit, which, except as provided 4502
in division (D)(2)(b) of this section, shall not exceed fifteen 4503
years, and the first taxable year, or first calendar year that 4504
includes a tax period, for which the credit may be claimed; 4505

(b) If the tax credit is computed on the basis of home-based 4506
employees, the term of the credit shall expire on or before the 4507
last day of the taxable or calendar year ending before the 4508
beginning of the seventh year after September 6, 2012, the 4509
effective date of H.B. 327 of the 129th general assembly. 4510

(3) A requirement that the taxpayer shall maintain operations 4511
at the project location for at least the greater of seven years or 4512
the term of the credit plus three years; 4513

(4) The percentage, as determined by the tax credit 4514
authority, of excess ~~income tax revenue~~ payroll that will be 4515
allowed as the amount of the credit for each taxable year or for 4516
each calendar year that includes a tax period; 4517

(5) The pay increase factor to be applied to the taxpayer's 4518
baseline ~~income tax revenue~~ payroll; 4519

(6) A requirement that the taxpayer annually shall report to 4520

the director of development services ~~employment, tax withholding~~ 4521
~~full-time equivalent employees, payroll, Ohio employee payroll,~~ 4522
investment, the provision of health care benefits and tuition 4523
reimbursement if required in the agreement, and other information 4524
the director needs to perform the director's duties under this 4525
section; 4526

(7) A requirement that the director of development services 4527
annually review the information reported under division (D)(6) of 4528
this section and verify compliance with the agreement; if the 4529
taxpayer is in compliance, a requirement that the director issue a 4530
certificate to the taxpayer stating that the information has been 4531
verified and identifying the amount of the credit that may be 4532
claimed for the taxable or calendar year; 4533

(8) A provision providing that the taxpayer may not relocate 4534
a substantial number of employment positions from elsewhere in 4535
this state to the project location unless the director of 4536
development services determines that the legislative authority of 4537
the county, township, or municipal corporation from which the 4538
employment positions would be relocated has been notified by the 4539
taxpayer of the relocation. 4540

For purposes of this section, the movement of an employment 4541
position from one political subdivision to another political 4542
subdivision shall be considered a relocation of an employment 4543
position unless the employment position in the first political 4544
subdivision is replaced. 4545

(9) If the tax credit is computed on the basis of home-based 4546
employees, that the tax credit may not be claimed by the taxpayer 4547
until the taxable year or tax period in which the taxpayer employs 4548
at least two hundred employees more than the number of employees 4549
the taxpayer employed on June 30, 2011. 4550

(E) If a taxpayer fails to meet or comply with any condition 4551

or requirement set forth in a tax credit agreement, the tax credit 4552
authority may amend the agreement to reduce the percentage or term 4553
of the tax credit. The reduction of the percentage or term may 4554
take effect in the current taxable or calendar year. 4555

(F) Projects that consist solely of point-of-final-purchase 4556
retail facilities are not eligible for a tax credit under this 4557
section. If a project consists of both point-of-final-purchase 4558
retail facilities and nonretail facilities, only the portion of 4559
the project consisting of the nonretail facilities is eligible for 4560
a tax credit and only the excess ~~income tax revenue~~ payroll from 4561
the nonretail facilities shall be considered when computing the 4562
amount of the tax credit. If a warehouse facility is part of a 4563
point-of-final-purchase retail facility and supplies only that 4564
facility, the warehouse facility is not eligible for a tax credit. 4565
Catalog distribution centers are not considered 4566
point-of-final-purchase retail facilities for the purposes of this 4567
division, and are eligible for tax credits under this section. 4568

(G) Financial statements and other information submitted to 4569
the development services agency or the tax credit authority by an 4570
applicant or recipient of a tax credit under this section, and any 4571
information taken for any purpose from such statements or 4572
information, are not public records subject to section 149.43 of 4573
the Revised Code. However, the chairperson of the authority may 4574
make use of the statements and other information for purposes of 4575
issuing public reports or in connection with court proceedings 4576
concerning tax credit agreements under this section. Upon the 4577
request of the tax commissioner or, if the applicant or recipient 4578
is an insurance company, upon the request of the superintendent of 4579
insurance, the chairperson of the authority shall provide to the 4580
commissioner or superintendent any statement or information 4581
submitted by an applicant or recipient of a tax credit in 4582
connection with the credit. The commissioner or superintendent 4583

shall preserve the confidentiality of the statement or 4584
information. 4585

(H) A taxpayer claiming a credit under this section shall 4586
submit to the tax commissioner or, if the taxpayer is an insurance 4587
company, to the superintendent of insurance, a copy of the 4588
director of development services' certificate of verification 4589
under division (D)(7) of this section with the taxpayer's tax 4590
report or return for the taxable year or for the calendar year 4591
that includes the tax period. Failure to submit a copy of the 4592
certificate with the report or return does not invalidate a claim 4593
for a credit if the taxpayer submits a copy of the certificate to 4594
the commissioner or superintendent within ~~sixty~~ thirty days after 4595
the commissioner or superintendent requests it. 4596

(I) The director of development services, after consultation 4597
with the tax commissioner and the superintendent of insurance and 4598
in accordance with Chapter 119. of the Revised Code, shall adopt 4599
rules necessary to implement this section, including rules that 4600
establish a procedure to be followed by the tax credit authority 4601
and the development services agency in the event the authority 4602
considers a taxpayer's application for which it receives a 4603
recommendation under division (C)(2)(a) of this section but does 4604
not approve it. The rules may provide for recipients of tax 4605
credits under this section to be charged fees to cover 4606
administrative costs of the tax credit program. The fees collected 4607
shall be credited to the business assistance fund created in 4608
section 122.174 of the Revised Code. At the time the director 4609
gives public notice under division (A) of section 119.03 of the 4610
Revised Code of the adoption of the rules, the director shall 4611
submit copies of the proposed rules to the chairpersons of the 4612
standing committees on economic development in the senate and the 4613
house of representatives. 4614

(J) For the purposes of this section, a taxpayer may include 4615

a partnership, a corporation that has made an election under 4616
subchapter S of chapter one of subtitle A of the Internal Revenue 4617
Code, or any other business entity through which income flows as a 4618
distributive share to its owners. A partnership, S-corporation, or 4619
other such business entity may elect to pass the credit received 4620
under this section through to the persons to whom the income or 4621
profit of the partnership, S-corporation, or other entity is 4622
distributed. The election shall be made on the annual report 4623
required under division (D)(6) of this section. The election 4624
applies to and is irrevocable for the credit for which the report 4625
is submitted. If the election is made, the credit shall be 4626
apportioned among those persons in the same proportions as those 4627
in which the income or profit is distributed. 4628

(K)(1) If the director of development services determines 4629
that a taxpayer who has received a credit under this section is 4630
not complying with the ~~requirement under division (D)(3) of this~~ 4631
~~section~~ requirements of the agreement, the director shall notify 4632
the tax credit authority of the noncompliance. After receiving 4633
such a notice, and after giving the taxpayer an opportunity to 4634
explain the noncompliance, the tax credit authority may require 4635
the taxpayer to refund to this state a portion of the credit in 4636
accordance with the following: 4637

~~(1)~~(a) If the taxpayer fails to comply with the requirement 4638
under division (D)(3) of this section, an amount determined in 4639
accordance with the following: 4640

(i) If the taxpayer maintained operations at the project 4641
location for a period less than or equal to the term of the 4642
credit, an amount not exceeding one hundred per cent of the sum of 4643
any credits allowed and received under this section; 4644

~~(2)~~(ii) If the taxpayer maintained operations at the project 4645
location for a period longer than the term of the credit, but less 4646
than the greater of seven years or the term of the credit plus 4647

three years, an amount not exceeding seventy-five per cent of the 4648
sum of any credits allowed and received under this section. 4649

(b) If, on the metric evaluation date, the taxpayer fails to 4650
substantially meet the job creation, payroll, or investment 4651
requirements included in the agreement, an amount determined at 4652
the discretion of the authority; 4653

(c) If the taxpayer fails to substantially maintain the 4654
number of new full-time equivalent employees or amount of payroll 4655
required under the agreement at any time during the term of the 4656
agreement after the metric evaluation date, an amount determined 4657
at the discretion of the authority. 4658

(2) If a taxpayer files for bankruptcy and fails as described 4659
in division (K)(1)(a), (b), or (c) of this section, the director 4660
may immediately commence an action to recoup an amount not 4661
exceeding one hundred per cent of the sum of any credits received 4662
by the taxpayer under this section. 4663

(3) In determining the portion of the tax credit to be 4664
refunded to this state, the tax credit authority shall consider 4665
the effect of market conditions on the taxpayer's project and 4666
whether the taxpayer continues to maintain other operations in 4667
this state. After making the determination, the authority shall 4668
certify the amount to be refunded to the tax commissioner or 4669
superintendent of insurance, as appropriate. If the amount is 4670
certified to the commissioner, the commissioner shall make an 4671
assessment for that amount against the taxpayer under Chapter 4672
5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the 4673
amount is certified to the superintendent, the superintendent 4674
shall make an assessment for that amount against the taxpayer 4675
under Chapter 5725. or 5729. of the Revised Code. The time 4676
limitations on assessments under those chapters do not apply to an 4677
assessment under this division, but the commissioner or 4678
superintendent, as appropriate, shall make the assessment within 4679

one year after the date the authority certifies to the 4680
commissioner or superintendent the amount to be refunded. 4681

(L) On or before the first day of August each year, the 4682
director of development services shall submit a report to the 4683
governor, the president of the senate, and the speaker of the 4684
house of representatives on the tax credit program under this 4685
section. The report shall include information on the number of 4686
agreements that were entered into under this section during the 4687
preceding calendar year, a description of the project that is the 4688
subject of each such agreement, and an update on the status of 4689
projects under agreements entered into before the preceding 4690
calendar year. 4691

(M) There is hereby created the tax credit authority, which 4692
consists of the director of development services and four other 4693
members appointed as follows: the governor, the president of the 4694
senate, and the speaker of the house of representatives each shall 4695
appoint one member who shall be a specialist in economic 4696
development; the governor also shall appoint a member who is a 4697
specialist in taxation. ~~Of the initial appointees, the members~~ 4698
~~appointed by the governor shall serve a term of two years; the~~ 4699
~~members appointed by the president of the senate and the speaker~~ 4700
~~of the house of representatives shall serve a term of four years.~~ 4701
~~Thereafter, terms~~ Terms of office shall be for four years. ~~Initial~~ 4702
~~appointments to the authority shall be made within thirty days~~ 4703
~~after January 13, 1993.~~ Each member shall serve on the authority 4704
until the end of the term for which the member was appointed. 4705
Vacancies shall be filled in the same manner provided for original 4706
appointments. Any member appointed to fill a vacancy occurring 4707
prior to the expiration of the term for which the member's 4708
predecessor was appointed shall hold office for the remainder of 4709
that term. Members may be reappointed to the authority. Members of 4710
the authority shall receive their necessary and actual expenses 4711

while engaged in the business of the authority. The director of 4712
development services shall serve as chairperson of the authority, 4713
and the members annually shall elect a vice-chairperson from among 4714
themselves. Three members of the authority constitute a quorum to 4715
transact and vote on the business of the authority. The majority 4716
vote of the membership of the authority is necessary to approve 4717
any such business, including the election of the vice-chairperson. 4718

The director of development services may appoint a 4719
professional employee of the development services agency to serve 4720
as the director's substitute at a meeting of the authority. The 4721
director shall make the appointment in writing. In the absence of 4722
the director from a meeting of the authority, the appointed 4723
substitute shall serve as chairperson. In the absence of both the 4724
director and the director's substitute from a meeting, the 4725
vice-chairperson shall serve as chairperson. 4726

(N) For purposes of the credits granted by this section 4727
against the taxes imposed under sections 5725.18 and 5729.03 of 4728
the Revised Code, "taxable year" means the period covered by the 4729
taxpayer's annual statement to the superintendent of insurance. 4730

(O) On or before the first day of March of each of the five 4731
calendar years beginning with 2014, each taxpayer subject to an 4732
agreement with the tax credit authority under this section on the 4733
basis of home-based employees shall report the number of 4734
home-based employees and other employees employed by the taxpayer 4735
in this state to the development services agency. 4736

(P) On or before the first day of January of 2019, the 4737
director of development services shall submit a report to the 4738
governor, the president of the senate, and the speaker of the 4739
house of representatives on the effect of agreements entered into 4740
under this section in which the taxpayer included home-based 4741
employees in the computation of income tax revenue, as that term 4742
was defined in this section prior to the amendment of this section 4743

by H.B. 64 of the 131st general assembly. The report shall include 4744
information on the number of such agreements that were entered 4745
into in the preceding six years, a description of the projects 4746
that were the subjects of such agreements, and an analysis of 4747
nationwide home-based employment trends, including the number of 4748
home-based jobs created from July 1, 2011, through June 30, 2017, 4749
and a description of any home-based employment tax incentives 4750
provided by other states during that time. 4751

(Q) The director of development services may require any 4752
agreement entered into under this section for a tax credit 4753
computed on the basis of home-based employees to contain a 4754
provision that the taxpayer makes available health care benefits 4755
and tuition reimbursement to all employees. 4756

(R) Original agreements approved by the tax credit authority 4757
under this section in 2014 or 2015 before the effective date of 4758
this division may be revised at the request of the taxpayer to 4759
conform with the amendments to this section and sections 4760
5733.0610, 5736.50, 5747.058, and 5751.50 of the Revised Code by 4761
H.B. 64 of the 131st general assembly, upon mutual agreement of 4762
the taxpayer and the development services agency, and approval by 4763
the tax credit authority. 4764

(S)(1) As used in division (S) of this section: 4765

(a) "Eligible agreement" means an agreement approved by the 4766
tax credit authority under this section on or before December 31, 4767
2013. 4768

(b) "Reporting period" means a period corresponding to the 4769
annual report required under division (D)(6) of this section. 4770

(c) "Income tax revenue" has the same meaning as under this 4771
section as it existed before the effective date of the amendment 4772
of this section by H.B. 64 of the 131st general assembly. 4773

(2) In calendar year 2016 and thereafter, the tax credit 4774

authority shall annually determine a withholding adjustment factor 4775
to be used in the computation of income tax revenue for eligible 4776
agreements. The withholding adjustment factor shall be a numerical 4777
percentage that equals the percentage that employer income tax 4778
withholding rates have been increased or decreased as a result of 4779
changes in the income tax rates prescribed by section 5747.02 of 4780
the Revised Code by amendment of that section taking effect on or 4781
after June 29, 2013. 4782

(3) Except as provided in division (S)(4) of this section, 4783
for reporting periods ending in 2015 and thereafter for taxpayers 4784
subject to eligible agreements, the tax credit authority shall 4785
adjust the income tax revenue reported on the taxpayer's annual 4786
report by multiplying the withholding adjustment factor by the 4787
taxpayer's income tax revenue and doing one of the following: 4788

(a) If the income tax rates prescribed by section 5747.02 of 4789
the Revised Code have decreased by amendment of that section 4790
taking effect on or after June 29, 2013, add the product to the 4791
taxpayer's income tax revenue. 4792

(b) If the income tax rates prescribed by section 5747.02 of 4793
the Revised Code have increased by amendment of that section 4794
taking effect on or after June 29, 2013, subtract the product from 4795
the taxpayer's income tax revenue. 4796

(4) Division (S)(3) of this section shall not apply unless 4797
all of the following apply for the reporting period with respect 4798
to the eligible agreement: (a) The taxpayer has achieved one 4799
hundred per cent of the new employment commitment identified in 4800
the agreement. 4801

(b) If applicable, the taxpayer has achieved one hundred per 4802
cent of the new payroll commitment identified in the agreement. 4803

(c) If applicable, the taxpayer has achieved one hundred per 4804
cent of the investment commitment identified in the agreement. 4805

(5) Failure by a taxpayer to have achieved any of the applicable commitments described in divisions (S)(4)(a) to (c) of this section in a reporting period does not disqualify the taxpayer for the adjustment under division (S) of this section for an ensuing reporting period.

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

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

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

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

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

(2) "Eligible business" means a taxpayer and its related members with Ohio operations satisfying all of the following:

(a) The taxpayer employs at least five hundred full-time equivalent employees or has an annual Ohio employee payroll of at least thirty-five million dollars at the time the tax credit authority grants the tax credit under this section;

(b) The taxpayer makes or causes to be made payments for the capital investment project of one of the following:

(i) If the taxpayer is engaged at the project site primarily as a manufacturer, at least fifty million dollars in the aggregate at the project site during a period of three consecutive calendar

years, including the calendar year that includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted;

(ii) If the taxpayer is engaged at the project site primarily in significant corporate administrative functions, as defined by the director of development services by rule, at least twenty million dollars in the aggregate at the project site during a period of three consecutive calendar years including the calendar year that includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted;

~~(iii) If the taxpayer is applying to enter into an agreement for a tax credit authorized under division (B)(3) of this section, at least five million dollars in the aggregate at the project site during a period of three consecutive calendar years, including the calendar year that includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted.~~

(c) The taxpayer had a capital investment project reviewed and approved by the tax credit authority as provided in divisions (C), (D), and (E) of this section.

(3) "Full-time equivalent employees" means the quotient obtained by dividing the total number of hours for which employees were compensated for employment in the project by two thousand eighty. "Full-time equivalent employees" shall exclude hours that are counted for a credit under section 122.17 of the Revised Code.

(4) ~~"Income tax revenue Ohio employee payroll" means the total amount withheld under section 5747.06 of the Revised Code by the taxpayer during the taxable year, or during the calendar year that includes the tax period, from the compensation of all employees employed in the project whose hours of compensation are included in calculating the number of full-time equivalent employees~~ has the same meaning as in section 122.17 of the Revised

Code. 4867

(5) "Manufacturer" has the same meaning as in section 4868
5739.011 of the Revised Code. 4869

(6) "Project site" means an integrated complex of facilities 4870
in this state, as specified by the tax credit authority under this 4871
section, within a fifteen-mile radius where a taxpayer is 4872
primarily operating as an eligible business. 4873

(7) "Related member" has the same meaning as in section 4874
5733.042 of the Revised Code as that section existed on the 4875
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 4876
general assembly, September 29, 1997. 4877

(8) "Taxable year" includes, in the case of a domestic or 4878
foreign insurance company, the calendar year ending on the 4879
thirty-first day of December preceding the day the superintendent 4880
of insurance is required to certify to the treasurer of state 4881
under section 5725.20 or 5729.05 of the Revised Code the amount of 4882
taxes due from insurance companies. 4883

(B) The tax credit authority created under section 122.17 of 4884
the Revised Code may grant a nonrefundable tax credits credit to 4885
an eligible business under this section for the purpose of 4886
fostering job retention in this state. Upon application by an 4887
eligible business and upon consideration of the ~~recommendation~~ 4888
determination of the director of budget and management, tax 4889
commissioner, and the superintendent of insurance in the case of 4890
an insurance company, and the recommendation and determination of 4891
the director of development services under division (C) of this 4892
section, the tax credit authority may grant the ~~following credits~~ 4893
credit against the tax imposed by section 5725.18, 5726.02, 4894
5729.03, 5733.06, 5736.02, 5747.02, or 5751.02 of the Revised 4895
Code+ 4896

~~(1) A nonrefundable credit to an eligible business;~~ 4897

~~(2) A refundable credit to an eligible business meeting the following conditions, provided that the director of budget and management, tax commissioner, superintendent of insurance in the case of an insurance company, and director of development services have recommended the granting of the credit to the tax credit authority before July 1, 2011:~~

~~(a) The business retains at least one thousand full-time equivalent employees at the project site.~~

~~(b) The business makes or causes to be made payments for a capital investment project of at least twenty-five million dollars in the aggregate at the project site during a period of three consecutive calendar years, including the calendar year that includes a day of the business' taxable year or tax period with respect to which the credit is granted.~~

~~(c) In 2010, the business received a written offer of financial incentives from another state of the United States that the director determines to be sufficient inducement for the business to relocate the business' operations from this state to that state.~~

~~(3) A refundable credit to an eligible business with a total annual payroll of at least twenty million dollars, provided that the tax credit authority grants the tax credit on or after July 1, 2011, and before January 1, 2014.~~

The credits credit authorized in divisions ~~(B)(1), (2), and (3)~~ of this section may be granted for a period up to fifteen taxable years or, in the case of the tax levied by section 5736.02 or 5751.02 of the Revised Code, for a period of up to fifteen calendar years. The credit amount for a taxable year or a calendar year that includes the tax period for which a credit may be claimed equals the ~~income tax revenue~~ Ohio employee payroll for that year multiplied by the percentage specified in the agreement

with the tax credit authority. ~~The percentage may not exceed~~ 4929
~~seventy five per cent.~~ The credit shall be claimed in the order 4930
required under section 5725.98, 5726.98, 5729.98, 5733.98, 4931
5747.98, or 5751.98 of the Revised Code. In determining the 4932
percentage and term of the credit, the tax credit authority shall 4933
consider both the number of full-time equivalent employees and the 4934
value of the capital investment project. The credit amount may not 4935
be based on the ~~income tax revenue~~ Ohio employee payroll for a 4936
calendar year before the calendar year in which the tax credit 4937
authority specifies the tax credit is to begin, and the credit 4938
shall be claimed only for the taxable years or tax periods 4939
specified in the eligible business' agreement with the tax credit 4940
authority. In no event shall the credit be claimed for a taxable 4941
year or tax period terminating before the date specified in the 4942
agreement. ~~Any credit granted under this section against the tax~~ 4943
~~imposed by section 5733.06 or 5747.02 of the Revised Code, to the~~ 4944
~~extent not fully utilized against such tax for taxable years~~ 4945
~~ending prior to 2008, shall automatically be converted without any~~ 4946
~~action taken by the tax credit authority to a credit against the~~ 4947
~~tax levied under Chapter 5751. of the Revised Code for tax periods~~ 4948
~~beginning on or after July 1, 2008, provided that the person to~~ 4949
~~whom the credit was granted is subject to such tax. The converted~~ 4950
~~credit shall apply to those calendar years in which the remaining~~ 4951
~~taxable years specified in the agreement end.~~ 4952

If a ~~nonrefundable~~ credit allowed under ~~division (B)(1) of~~ 4953
this section for a taxable year or tax period exceeds the 4954
taxpayer's tax liability for that year or period, the excess may 4955
be carried forward for the three succeeding taxable or calendar 4956
years, but the amount of any excess credit allowed in any taxable 4957
year or tax period shall be deducted from the balance carried 4958
forward to the succeeding year or period. 4959

(C) A taxpayer that proposes a capital investment project to 4960

retain jobs in this state may apply to the tax credit authority to 4961
enter into an agreement for a tax credit under this section. The 4962
director of development services shall prescribe the form of the 4963
application. After receipt of an application, the authority shall 4964
forward copies of the application to the director of budget and 4965
management, the tax commissioner, and the superintendent of 4966
insurance in the case of an insurance company, ~~and the director of~~ 4967
~~development services~~, each of whom shall review the application to 4968
determine the economic impact the proposed project would have on 4969
the state and the affected political subdivisions and shall submit 4970
a summary of their determinations and recommendations to the 4971
authority. The authority shall also forward a copy of the 4972
application to the director of development services, who shall 4973
review the application to determine the economic impact the 4974
proposed project would have on the state and the affected 4975
political subdivisions and shall submit a summary of their 4976
determinations and recommendations to the authority. 4977

(D) Upon review and consideration of the determinations and 4978
recommendations described in division (C) of this section, the tax 4979
credit authority may enter into an agreement with the taxpayer for 4980
a credit under this section if the authority determines all of the 4981
following: 4982

(1) The taxpayer's capital investment project will result in 4983
the retention of employment in this state. 4984

(2) The taxpayer is economically sound and has the ability to 4985
complete the proposed capital investment project. 4986

(3) The taxpayer intends to and has the ability to maintain 4987
operations at the project site for at least the greater of (a) the 4988
term of the credit plus three years, or (b) seven years. 4989

(4) Receiving the credit is a major factor in the taxpayer's 4990
decision to begin, continue with, or complete the project. 4991

~~(5) If the taxpayer is applying to enter into an agreement for a tax credit authorized under division (B)(3) of this section, the taxpayer's capital investment project will be located in the political subdivision in which the taxpayer maintains its principal place of business or maintains a unit or division with at least four thousand two hundred employees at the project site.~~

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

(1) A detailed description of the project that is the subject of the agreement, including the amount of the investment, the period over which the investment has been or is being made, the number of full-time equivalent employees at the project site, and the anticipated ~~income tax revenue~~ Ohio employee payroll to be generated.

(2) The term of the credit, the percentage of the tax credit, the maximum annual value of tax credits that may be allowed each year, and the first year for which the credit may be claimed.

(3) A requirement that the taxpayer maintain operations at the project site for at least the greater of (a) the term of the credit plus three years, or (b) seven years.

~~(4)(a) In the case of a credit granted under division (B)(1) of this section, a~~ A requirement that the taxpayer retain at least five hundred full-time equivalent employees at the project site and within this state for the entire term of the credit, or a requirement that the taxpayer maintain an annual Ohio employee payroll of at least thirty-five million dollars for the entire term of the credit;

~~(b) In the case of a credit granted under division (B)(2) of this section, a requirement that the taxpayer retain at least one thousand full-time equivalent employees at the project site and within this state for the entire term of the credit;~~

~~(c) In the case of a credit granted under division (B)(3) of this section, either of the following:~~ 5023
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~~(i) A requirement that the taxpayer retain at least five hundred full-time equivalent employees at the project site and within this state for the entire term of the credit and a requirement that the taxpayer maintain an annual payroll of at least twenty million dollars for the entire term of the credit;~~ 5025
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~~(ii) A requirement that the taxpayer maintain an annual payroll of at least thirty-five million dollars for the entire term of the credit.~~ 5030
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(5) A requirement that the taxpayer annually report to the director of development services ~~employment, tax withholding~~ full-time equivalent employees, Ohio employee payroll, capital investment, and other information the director needs to perform the director's duties under this section. 5033
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(6) A requirement that the director of development services annually review the annual reports of the taxpayer to verify the information reported under division (E)(5) of this section and compliance with the agreement. Upon verification, the director shall issue a certificate to the taxpayer stating that the information has been verified and identifying the amount of the credit for the taxable year or calendar year that includes the tax period. In determining the number of full-time equivalent employees, no position shall be counted that is filled by an employee who is included in the calculation of a tax credit under section 122.17 of the Revised Code. 5038
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(7) A provision providing that the taxpayer may not relocate a substantial number of employment positions from elsewhere in this state to the project site unless the director of development services determines that the taxpayer notified the legislative authority of the county, township, or municipal corporation from 5049
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which the employment positions would be relocated. 5054

For purposes of this section, the movement of an employment 5055
position from one political subdivision to another political 5056
subdivision shall be considered a relocation of an employment 5057
position unless the movement is confined to the project site. The 5058
transfer of an employment position from one political subdivision 5059
to another political subdivision shall not be considered a 5060
relocation of an employment position if the employment position in 5061
the first political subdivision is replaced by another employment 5062
position. 5063

(8) A waiver by the taxpayer of any limitations periods 5064
relating to assessments or adjustments resulting from the 5065
taxpayer's failure to comply with the agreement. 5066

(F) If a taxpayer fails to meet or comply with any condition 5067
or requirement set forth in a tax credit agreement, the tax credit 5068
authority may amend the agreement to reduce the percentage or term 5069
of the credit. The reduction of the percentage or term may take 5070
effect in the current taxable or calendar year. 5071

(G) Financial statements and other information submitted to 5072
the department of development services or the tax credit authority 5073
by an applicant for or recipient of a tax credit under this 5074
section, and any information taken for any purpose from such 5075
statements or information, are not public records subject to 5076
section 149.43 of the Revised Code. However, the chairperson of 5077
the authority may make use of the statements and other information 5078
for purposes of issuing public reports or in connection with court 5079
proceedings concerning tax credit agreements under this section. 5080
Upon the request of the tax commissioner, or the superintendent of 5081
insurance in the case of an insurance company, the chairperson of 5082
the authority shall provide to the commissioner or superintendent 5083
any statement or other information submitted by an applicant for 5084
or recipient of a tax credit in connection with the credit. The 5085

commissioner or superintendent shall preserve the confidentiality 5086
of the statement or other information. 5087

(H) A taxpayer claiming a tax credit under this section shall 5088
submit to the tax commissioner or, in the case of an insurance 5089
company, to the superintendent of insurance, a copy of the 5090
director of development services' certificate of verification 5091
under division (E)(6) of this section with the taxpayer's tax 5092
report or return for the taxable year or for the calendar year 5093
that includes the tax period. Failure to submit a copy of the 5094
certificate with the report or return does not invalidate a claim 5095
for a credit if the taxpayer submits a copy of the certificate to 5096
the commissioner or superintendent within ~~sixty~~ thirty days after 5097
the commissioner or superintendent requests it. 5098

(I) For the purposes of this section, a taxpayer may include 5099
a partnership, a corporation that has made an election under 5100
subchapter S of chapter one of subtitle A of the Internal Revenue 5101
Code, or any other business entity through which income flows as a 5102
distributive share to its owners. A partnership, S-corporation, or 5103
other such business entity may elect to pass the credit received 5104
under this section through to the persons to whom the income or 5105
profit of the partnership, S-corporation, or other entity is 5106
distributed. The election shall be made on the annual report 5107
required under division (E)(5) of this section. The election 5108
applies to and is irrevocable for the credit for which the report 5109
is submitted. If the election is made, the credit shall be 5110
apportioned among those persons in the same proportions as those 5111
in which the income or profit is distributed. 5112

(J)(1) If the director of development services determines 5113
that a taxpayer that received a certificate under division (E)(6) 5114
of this section is not complying with the ~~requirement under~~ 5115
~~division (E)(3) of this section~~ requirements of the agreement, the 5116
director shall notify the tax credit authority of the 5117

noncompliance. After receiving such a notice, and after giving the taxpayer an opportunity to explain the noncompliance, the authority may terminate the agreement and require the taxpayer, or any related member or members that claimed the tax credit under division (N) of this section, to refund to the state all or a portion of the credit claimed in previous years, as follows:

(1)(a) If the taxpayer fails to comply with the requirement under division (E)(3) of this section, an amount determined in accordance with the following:

(i) If the taxpayer maintained operations at the project site for less than or equal to the term of the credit, an amount not to exceed one hundred per cent of the sum of any tax credits allowed and received under this section.

(2)(ii) If the taxpayer maintained operations at the project site longer than the term of the credit, but less than the greater of ~~(a) seven years or~~ the term of the credit plus three years, ~~or (b) seven years,~~ the amount required to be refunded shall not exceed seventy-five per cent of the sum of any tax credits allowed and received under this section.

(b) If the taxpayer fails to substantially maintain both the number of full-time equivalent employees and the amount of Ohio employee payroll required under the agreement at any time during the term of the agreement or during the post-term reporting period, an amount determined at the discretion of the authority.

(2) If a taxpayer files for bankruptcy and fails as described in division (J)(1)(a) or (b) of this section, the director may immediately commence an action to recoup an amount not exceeding one hundred per cent of the sum of any credits received by the taxpayer under this section.

(3) In determining the portion of the credit to be refunded to this state, the authority shall consider the effect of market

conditions on the taxpayer's project and whether the taxpayer 5149
continues to maintain other operations in this state. After making 5150
the determination, the authority shall certify the amount to be 5151
refunded to the tax commissioner or the superintendent of 5152
insurance. If the taxpayer, or any related member or members who 5153
claimed the tax credit under division (N) of this section, is not 5154
an insurance company, the commissioner shall make an assessment 5155
for that amount against the taxpayer under Chapter 5726., 5733., 5156
5736., 5747., or 5751. of the Revised Code. If the taxpayer, or 5157
any related member or members that claimed the tax credit under 5158
division (N) of this section, is an insurance company, the 5159
superintendent of insurance shall make an assessment under section 5160
5725.222 or 5729.102 of the Revised Code. The time limitations on 5161
assessments under those chapters and sections do not apply to an 5162
assessment under this division, but the commissioner or 5163
superintendent shall make the assessment within one year after the 5164
date the authority certifies to the commissioner or superintendent 5165
the amount to be refunded. 5166

(K) The director of development services, after consultation 5167
with the tax commissioner and the superintendent of insurance and 5168
in accordance with Chapter 119. of the Revised Code, shall adopt 5169
rules necessary to implement this section. The rules may provide 5170
for recipients of tax credits under this section to be charged 5171
fees to cover administrative costs of the tax credit program. The 5172
fees collected shall be credited to the business assistance fund 5173
created in section 122.174 of the Revised Code. At the time the 5174
director gives public notice under division (A) of section 119.03 5175
of the Revised Code of the adoption of the rules, the director 5176
shall submit copies of the proposed rules to the chairpersons of 5177
the standing committees on economic development in the senate and 5178
the house of representatives. 5179

(L) On or before the first day of August of each year, the 5180

director of development services shall submit a report to the 5181
governor, the president of the senate, and the speaker of the 5182
house of representatives on the tax credit program under this 5183
section. The report shall include information on the number of 5184
agreements that were entered into under this section during the 5185
preceding calendar year, a description of the project that is the 5186
subject of each such agreement, and an update on the status of 5187
projects under agreements entered into before the preceding 5188
calendar year. 5189

(M)~~(1)~~ The aggregate amount of nonrefundable tax credits 5190
issued under ~~division (B)(1)~~ of this section during any calendar 5191
year for capital investment projects reviewed and approved by the 5192
tax credit authority may not exceed the following amounts: 5193

~~(a)(1)~~ For 2010, thirteen million dollars; 5194

~~(b)(2)~~ For 2011 through 2023, the amount of the limit for the 5195
preceding calendar year plus thirteen million dollars; 5196

~~(c)(3)~~ For 2024 and each year thereafter, one hundred 5197
ninety-five million dollars. 5198

~~(2) The aggregate amount of tax credits authorized under 5199
divisions (B)(2) and (3) of this section and allowed to be claimed 5200
by taxpayers in any calendar year for capital improvement projects 5201
reviewed and approved by the tax credit authority in 2011, 2012, 5202
and 2013 combined shall not exceed twenty five million dollars. An 5203
amount equal to the aggregate amount of credits first authorized 5204
in calendar year 2011, 2012, and 2013 may be claimed over the 5205
ensuing period up to fifteen years, subject to the terms of 5206
individual tax credit agreements. 5207~~

The limitations in division (M) of this section do not apply 5208
to credits for capital investment projects approved by the tax 5209
credit authority before July 1, 2009. 5210

(N) This division applies only to an eligible business that 5211

is part of an affiliated group that includes a diversified savings 5212
and loan holding company or a grandfathered unitary savings and 5213
loan holding company, as those terms are defined in section 5214
5726.01 of the Revised Code. Notwithstanding any contrary 5215
provision of the agreement between such an eligible business and 5216
the tax credit authority, any credit granted under this section 5217
against the tax imposed by section 5725.18, 5729.03, 5733.06, 5218
5747.02, or 5751.02 of the Revised Code to the eligible business, 5219
at the election of the eligible business and without any action by 5220
the tax credit authority, may be shared with any member or members 5221
of the affiliated group that includes the eligible business, which 5222
member or members may claim the credit against the taxes imposed 5223
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 5224
of the Revised Code. Credits shall be claimed by the eligible 5225
business in sequential order, as applicable, first claiming the 5226
credits to the fullest extent possible against the tax that the 5227
certificate holder is subject to, then against the tax imposed by, 5228
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 5229
lastly 5726.02 of the Revised Code. The credits may be allocated 5230
among the members of the affiliated group in such manner as the 5231
eligible business elects, but subject to the sequential order 5232
required under this division. This division applies to credits 5233
granted before, on, or after March 27, 2013, the effective date of 5234
H.B. 510 of the 129th general assembly. Credits granted before 5235
that effective date that are shared and allocated under this 5236
division may be claimed in those calendar years in which the 5237
remaining taxable years specified in the agreement end. 5238

As used in this division, "affiliated group" means a group of 5239
two or more persons with fifty per cent or greater of the value of 5240
each person's ownership interests owned or controlled directly, 5241
indirectly, or constructively through related interests by common 5242
owners during all or any portion of the taxable year, and the 5243
common owners. "Affiliated group" includes, but is not limited to, 5244

any person eligible to be included in a consolidated elected taxpayer group under section 5751.011 of the Revised Code or a combined taxpayer group under section 5751.012 of the Revised Code.

(O)(1) As used in division (O) of this section:

(a) "Eligible agreement" means an agreement approved by the tax credit authority under this section on or before December 31, 2013.

(b) "Reporting period" means a period corresponding to the annual report required under division (E)(5) of this section.

(c) "Income tax revenue" has the same meaning as under division (S) of section 122.17 of the Revised Code.

(2) In calendar year 2016 and thereafter, the tax credit authority shall annually determine a withholding adjustment factor to be used in the computation of income tax revenue for eligible agreements. The withholding adjustment factor shall be a numerical percentage that equals the percentage that employer income tax withholding rates have been increased or decreased as a result of changes in the income tax rates prescribed by section 5747.02 of the Revised Code by amendment of that section taking effect on or after June 29, 2013.

(3) Except as provided in division (O)(4) of this section, for reporting periods ending in 2015 and thereafter for taxpayers subject to eligible agreements, the tax credit authority shall adjust the income tax revenue reported on the taxpayer's annual report by multiplying the withholding adjustment factor by the taxpayer's income tax revenue and doing one of the following:

(a) If the income tax rates prescribed by section 5747.02 of the Revised Code have decreased by amendment of this section taking effect on or after June 29, 2013, add the product to the taxpayer's income tax revenue.

(b) If the income tax rates prescribed by section 5747.02 of the Revised Code have increased by amendment of this section taking effect on or after June 29, 2013, subtract the product from the taxpayer's income tax revenue.

(4) Division (O)(3) of this section shall not apply unless all of the following apply with respect to the eligible agreement:

(a) The taxpayer has achieved one hundred per cent of the job retention commitment identified in the agreement.

(b) If applicable, the taxpayer has achieved one hundred per cent of the payroll retention commitment identified in the agreement.

(c) If applicable, the taxpayer has achieved one hundred per cent of the investment commitment identified in the agreement.

(5) Failure by a taxpayer to have achieved any of the applicable commitments described in divisions (O)(4)(a) to (c) of this section in a reporting period does not disqualify the taxpayer for the adjustment under division (O) of this section for an ensuing reporting period.

Sec. 122.174. There is hereby created in the state treasury the business assistance fund. The fund shall consist of any amounts appropriated to it and money credited to the fund pursuant to division (I) of section 121.17, division (K) of section 122.171, division (K) of section 122.175, division (G)(2) of section 122.85, division (C) of section 3735.672, and division (C) of section 5709.68 of the Revised Code. The director of development services shall use money in the fund to pay expenses related to the administration of the business services division of the development services agency.

Sec. 122.175. (A) As used in this section:

(1) "Capital investment project" means a plan of investment 5305
at a project site for the acquisition, construction, renovation, 5306
expansion, replacement, or repair of a computer data center or of 5307
computer data center equipment, but does not include any of the 5308
following: 5309

(a) Project costs paid before a date determined by the tax 5310
credit authority for each capital investment project; 5311

(b) Payments made to a related member as defined in section 5312
5733.042 of the Revised Code or to a consolidated elected taxpayer 5313
or a combined taxpayer as defined in section 5751.01 of the 5314
Revised Code. 5315

(2) "Computer data center" means a facility used or to be 5316
used primarily to house computer data center equipment used or to 5317
be used in conducting one or more computer data center businesses, 5318
as determined by the tax credit authority. 5319

(3) "Computer data center business" means, as may be further 5320
determined by the tax credit authority, a business that provides 5321
electronic information services as defined in division (Y)(1)(c) 5322
of section 5739.01 of the Revised Code, or that leases a facility 5323
to one or more such businesses. "Computer data center business" 5324
does not include providing electronic publishing as defined in 5325
division (LLL) of that section. 5326

(4) "Computer data center equipment" means tangible personal 5327
property used or to be used for any of the following: 5328

(a) To conduct a computer data center business, including 5329
equipment cooling systems to manage the performance of computer 5330
data center equipment; 5331

(b) To generate, transform, transmit, distribute, or manage 5332
electricity necessary to operate the tangible personal property 5333
used or to be used in conducting a computer data center business; 5334

(c) As building and construction materials sold to 5335
construction contractors for incorporation into a computer data 5336
center. 5337

(5) "Eligible computer data center" means a computer data 5338
center that satisfies all of the following requirements: 5339

(a) One or more taxpayers operating a computer data center 5340
business at the project site will, in the aggregate, make payments 5341
for a capital investment project of at least one hundred million 5342
dollars at the project site during one of the following cumulative 5343
periods: 5344

(i) For projects beginning in 2013, five consecutive calendar 5345
years; 5346

(ii) For projects beginning in 2014, four consecutive 5347
calendar years; 5348

(iii) For projects beginning in or after 2015, three 5349
consecutive calendar years. 5350

(b) One or more taxpayers operating a computer data center 5351
business at the project site will, in the aggregate, pay annual 5352
compensation that is subject to the withholding obligation imposed 5353
under section 5747.06 of the Revised Code of at least one million 5354
five hundred thousand dollars to employees employed at the project 5355
site for each year of the agreement beginning on or after the 5356
first day of the twenty-fifth month after the agreement was 5357
entered into under this section. 5358

(6) "Person" has the same meaning as in section 5701.01 of 5359
the Revised Code. 5360

(7) "Project site," "related member," and "tax credit 5361
authority" have the same meanings as in sections 122.17 and 5362
122.171 of the Revised Code. 5363

(8) "Taxpayer" means any person subject to the taxes imposed 5364

under Chapters 5739. and 5741. of the Revised Code. 5365

(B) The tax credit authority may completely or partially 5366
exempt from the taxes levied under Chapters 5739. and 5741. of the 5367
Revised Code the sale, storage, use, or other consumption of 5368
computer data center equipment used or to be used at an eligible 5369
computer data center. Any such exemption shall extend to charges 5370
for the delivery, installation, or repair of the computer data 5371
center equipment subject to the exemption under this section. 5372

(C) A taxpayer that proposes a capital improvement project 5373
for an eligible computer data center in this state may apply to 5374
the tax credit authority to enter into an agreement under this 5375
section authorizing a complete or partial exemption from the taxes 5376
imposed under Chapters 5739. and 5741. of the Revised Code on 5377
computer data center equipment purchased by the applicant or any 5378
other taxpayer that operates a computer data center business at 5379
the project site and used or to be used at the eligible computer 5380
data center. The director of development services shall prescribe 5381
the form of the application. After receipt of an application, the 5382
authority shall forward copies of the application to the director 5383
of budget and management, ~~and~~ the tax commissioner, ~~and the~~
~~director of development services~~, each of whom shall review the 5384
application to determine the economic impact that the proposed 5385
eligible computer data center would have on the state and any 5386
affected political subdivisions and submit to the authority a 5387
summary of their determinations ~~and recommendations~~. The authority
shall also forward a copy of the application to the director of
development services who shall review the application to determine
the economic impact that the proposed eligible computer data
center would have on the state and the affected political
subdivisions and shall submit a summary of their determinations
and recommendations to the authority. 5395

(D) Upon review and consideration of such determinations and 5396

recommendations, the tax credit authority may enter into an 5397
agreement with the applicant and any other taxpayer that operates 5398
a computer data center business at the project site for a complete 5399
or partial exemption from the taxes imposed under Chapters 5739. 5400
and 5741. of the Revised Code on computer data center equipment 5401
used or to be used at an eligible computer data center if the 5402
authority determines all of the following: 5403

(1) The capital investment project for the eligible computer 5404
data center will increase payroll and the amount of income taxes 5405
to be withheld from employee compensation pursuant to section 5406
5747.06 of the Revised Code. 5407

(2) The applicant is economically sound and has the ability 5408
to complete or effect the completion of the proposed capital 5409
investment project. 5410

(3) The applicant intends to and has the ability to maintain 5411
operations at the project site for the term of the agreement. 5412

(4) Receiving the exemption is a major factor in the 5413
applicant's decision to begin, continue with, or complete the 5414
capital investment project. 5415

(E) An agreement entered into under this section shall 5416
include all of the following: 5417

(1) A detailed description of the capital investment project 5418
that is the subject of the agreement, including the amount of the 5419
investment, the period over which the investment has been or is 5420
being made, the annual compensation to be paid by each taxpayer 5421
subject to the agreement to its employees at the project site, and 5422
the anticipated amount of income taxes to be withheld from 5423
employee compensation pursuant to section 5747.06 of the Revised 5424
Code. 5425

(2) The percentage of the exemption from the taxes imposed 5426
under Chapters 5739. and 5741. of the Revised Code for the 5427

computer data center equipment used or to be used at the eligible 5428
computer data center, the length of time the computer data center 5429
equipment will be exempted, and the first date on which the 5430
exemption applies. 5431

(3) A requirement that the computer data center remain an 5432
eligible computer data center during the term of the agreement and 5433
that the applicant maintain operations at the eligible computer 5434
data center during that term. An applicant does not violate the 5435
requirement described in division (E)(3) of this section if the 5436
applicant ceases operations at the eligible computer data center 5437
during the term of the agreement but resumes those operations 5438
within eighteen months after the date of cessation. The agreement 5439
shall provide that, in such a case, the applicant and any other 5440
taxpayer that operates a computer data center business at the 5441
project site shall not claim the tax exemption authorized in the 5442
agreement for any purchase of computer data center equipment made 5443
during the period in which the applicant did not maintain 5444
operations at the eligible computer data center. 5445

(4) A requirement that, for each year of the term of the 5446
agreement beginning on or after the first day of the twenty-fifth 5447
month after the date the agreement was entered into, one or more 5448
taxpayers operating a computer data center business at the project 5449
site will, in the aggregate, pay annual compensation that is 5450
subject to the withholding obligation imposed under section 5451
5747.06 of the Revised Code of at least one million five hundred 5452
thousand dollars to employees at the eligible computer data 5453
center. 5454

(5) A requirement that each taxpayer subject to the agreement 5455
annually report to the director of development services 5456
employment, tax withholding, capital investment, and other 5457
information required by the director to perform the director's 5458
duties under this section. 5459

(6) A requirement that the director of development services 5460
annually review the annual reports of each taxpayer subject to the 5461
agreement to verify the information reported under division (E)(5) 5462
of this section and compliance with the agreement. Upon 5463
verification, the director shall issue a certificate to each such 5464
taxpayer stating that the information has been verified and that 5465
the taxpayer remains eligible for the exemption specified in the 5466
agreement. 5467

(7) A provision providing that the taxpayers subject to the 5468
agreement may not relocate a substantial number of employment 5469
positions from elsewhere in this state to the project site unless 5470
the director of development services determines that the 5471
appropriate taxpayer notified the legislative authority of the 5472
county, township, or municipal corporation from which the 5473
employment positions would be relocated. For purposes of this 5474
paragraph, the movement of an employment position from one 5475
political subdivision to another political subdivision shall be 5476
considered a relocation of an employment position unless the 5477
movement is confined to the project site. The transfer of an 5478
employment position from one political subdivision to another 5479
political subdivision shall not be considered a relocation of an 5480
employment position if the employment position in the first 5481
political subdivision is replaced by another employment position. 5482

(8) A waiver by each taxpayer subject to the agreement of any 5483
limitations periods relating to assessments or adjustments 5484
resulting from the taxpayer's failure to comply with the 5485
agreement. 5486

(F) The term of an agreement under this section shall be 5487
determined by the tax credit authority, and the amount of the 5488
exemption shall not exceed one hundred per cent of such taxes that 5489
would otherwise be owed in respect to the exempted computer data 5490
center equipment. 5491

(G) If any taxpayer subject to an agreement under this 5492
section fails to meet or comply with any condition or requirement 5493
set forth in the agreement, the tax credit authority may amend the 5494
agreement to reduce the percentage of the exemption or term during 5495
which the exemption applies to the computer data center equipment 5496
used or to be used by the noncompliant taxpayer at an eligible 5497
computer data center. The reduction of the percentage or term may 5498
take effect in the current calendar year. 5499

(H) Financial statements and other information submitted to 5500
the department of development services or the tax credit authority 5501
by an applicant for or recipient of an exemption under this 5502
section, and any information taken for any purpose from such 5503
statements or information, are not public records subject to 5504
section 149.43 of the Revised Code. However, the chairperson of 5505
the authority may make use of the statements and other information 5506
for purposes of issuing public reports or in connection with court 5507
proceedings concerning tax exemption agreements under this 5508
section. Upon the request of the tax commissioner, the chairperson 5509
of the authority shall provide to the tax commissioner any 5510
statement or other information submitted by an applicant for or 5511
recipient of an exemption under this section. The tax commissioner 5512
shall preserve the confidentiality of the statement or other 5513
information. 5514

(I) The tax commissioner shall issue a direct payment permit 5515
under section 5739.031 of the Revised Code to each taxpayer 5516
subject to an agreement under this section. Such direct payment 5517
permit shall authorize the taxpayer to pay any sales and use taxes 5518
due on purchases of computer data center equipment used or to be 5519
used in an eligible computer data center and to pay any sales and 5520
use taxes due on purchases of tangible personal property or 5521
taxable services other than computer data center equipment used or 5522
to be used in an eligible computer data center directly to the tax 5523

commissioner. Each such taxpayer shall pay pursuant to such direct 5524
payment permit all sales tax levied on such purchases under 5525
sections 5739.02, 5739.021, 5739.023, 5739.024, and 5739.026 of 5526
the Revised Code and all use tax levied on such purchases under 5527
sections 5741.02, 5741.021, 5741.022, ~~and 5741.023,~~ and 5741.024 5528
of the Revised Code, consistent with the terms of the agreement 5529
entered into under this section. 5530

During the term of an agreement under this section each 5531
taxpayer subject to the agreement shall submit to the tax 5532
commissioner a return that shows the amount of computer data 5533
center equipment purchased for use at the eligible computer data 5534
center, the amount of tangible personal property and taxable 5535
services other than computer data center equipment purchased for 5536
use at the eligible computer data center, the amount of tax under 5537
Chapter 5739. or 5741. of the Revised Code that would be due in 5538
the absence of the agreement under this section, the exemption 5539
percentage for computer data center equipment specified in the 5540
agreement, and the amount of tax due under Chapter 5739. or 5741. 5541
of the Revised Code as a result of the agreement under this 5542
section. Each such taxpayer shall pay the tax shown on the return 5543
to be due in the manner and at the times as may be further 5544
prescribed by the tax commissioner. Each such taxpayer shall 5545
include a copy of the director of development services' 5546
certificate of verification issued under division (E)(6) of this 5547
section. Failure to submit a copy of the certificate with the 5548
return does not invalidate the claim for exemption if the taxpayer 5549
submits a copy of the certificate to the tax commissioner within 5550
sixty days after the tax commissioner requests it. 5551

(J) If the director of development services determines that 5552
one or more taxpayers received an exemption from taxes due on the 5553
purchase of computer data center equipment purchased for use at a 5554
computer data center that no longer complies with the requirement 5555

under division (E)(3) of this section, the director shall notify 5556
the tax credit authority and, if applicable, the taxpayer that 5557
applied to enter the agreement for the exemption under division 5558
(C) of this section of the noncompliance. After receiving such a 5559
notice, and after giving each taxpayer subject to the agreement an 5560
opportunity to explain the noncompliance, the authority may 5561
terminate the agreement and require each such taxpayer to pay to 5562
the state all or a portion of the taxes that would have been owed 5563
in regards to the exempt equipment in previous years, all as 5564
determined under rules adopted pursuant to division (K) of this 5565
section. In determining the portion of the taxes that would have 5566
been owed on the previously exempted equipment to be paid to this 5567
state by a taxpayer, the authority shall consider the effect of 5568
market conditions on the eligible computer data center, whether 5569
the taxpayer continues to maintain other operations in this state, 5570
and, with respect to agreements involving multiple taxpayers, the 5571
taxpayer's level of responsibility for the noncompliance. After 5572
making the determination, the authority shall certify to the tax 5573
commissioner the amount to be paid by each taxpayer subject to the 5574
agreement. The tax commissioner shall make an assessment for that 5575
amount against each such taxpayer under Chapter 5739. or 5741. of 5576
the Revised Code. The time limitations on assessments under those 5577
chapters do not apply to an assessment under this division, but 5578
the tax commissioner shall make the assessment within one year 5579
after the date the authority certifies to the tax commissioner the 5580
amount to be paid by the taxpayer. 5581

(K) The director of development services, after consultation 5582
with the tax commissioner and in accordance with Chapter 119. of 5583
the Revised Code, shall adopt rules necessary to implement this 5584
section. The rules may provide for recipients of tax exemptions 5585
under this section to be charged fees to cover administrative 5586
costs incurred in the administration of this section. The fees 5587
collected shall be credited to the business assistance fund 5588

created in section 122.174 of the Revised Code. At the time the 5589
director gives public notice under division (A) of section 119.03 5590
of the Revised Code of the adoption of the rules, the director 5591
shall submit copies of the proposed rules to the chairpersons of 5592
the standing committees on economic development in the senate and 5593
the house of representatives. 5594

(L) On or before the first day of August of each year, the 5595
director of development services shall submit a report to the 5596
governor, the president of the senate, and the speaker of the 5597
house of representatives on the tax exemption authorized under 5598
this section. The report shall include information on the number 5599
of agreements that were entered into under this section during the 5600
preceding calendar year, a description of the eligible computer 5601
data center that is the subject of each such agreement, and an 5602
update on the status of eligible computer data centers under 5603
agreements entered into before the preceding calendar year. 5604

(M) A taxpayer may be made a party to an existing agreement 5605
entered into under this section by the tax credit authority and 5606
another taxpayer or group of taxpayers. In such a case, the 5607
taxpayer shall be entitled to all benefits and bound by all 5608
obligations contained in the agreement and all requirements 5609
described in this section. When an agreement includes multiple 5610
taxpayers, each taxpayer shall be entitled to a direct payment 5611
permit as authorized in division (I) of this section. 5612

Sec. 122.177. (A) As used in this section: 5613

(1) "Business" means a sole proprietorship, a corporation for 5614
profit, or a pass-through entity as defined in section 5733.04 of 5615
the Revised Code. 5616

(2) "Career exploration internship" means a paid employment 5617
relationship between a student intern and a business in which the 5618
student intern acquires education, instruction, and experience 5619

relevant to the student intern's career aspirations. 5620

(3) "Student intern" means an individual who, at the time the 5621
business applies for a grant under division (B) of this section, 5622
meets both of the following criteria: 5623

(a) The individual is entitled to attend school in this 5624
state. 5625

(b) The individual is either between sixteen and eighteen 5626
years of age or is enrolled in grade eleven or twelve. 5627

(B) There is hereby created in the development services 5628
agency the career exploration internship program to award grants 5629
to businesses that employ a student intern in a career exploration 5630
internship. To qualify for a grant under the program, the career 5631
exploration internship shall be at least twenty weeks in duration 5632
and include at least two hundred hours of paid work and 5633
instruction in this state. To obtain a grant, the business shall 5634
apply to the development services agency before the starting date 5635
of the career exploration internship. The application shall 5636
include all of the following: 5637

(1) A brief description of the career exploration internship; 5638

(2) A signed statement by the student intern briefly 5639
describing the student intern's career aspirations and how the 5640
student intern believes this career exploration internship may 5641
help achieve those aspirations; 5642

(3) A signed statement by a principal or guidance counselor 5643
at the student intern's school or, in the case of a home schooled 5644
student, an individual responsible for administering instruction 5645
to the student intern, acknowledging that the employment 5646
opportunity qualifies as a career exploration internship and 5647
expressing intent to advise the student intern as provided in 5648
division (E) of this section; 5649

(4) The name, address, and telephone number of the business; 5650

(5) Any other information required by the development 5651
services agency. 5652

(C)(1) The development services agency shall review and make 5653
a determination with respect to each application submitted under 5654
division (B) of this section in the order in which the application 5655
is received. The agency shall not approve any application under 5656
this section that is received by the agency ~~more than three years~~ 5657
~~after the effective date of H.B. 107 of the 130th general assembly~~ 5658
later than June 25, 2017, or that was submitted by a business that 5659
does not have substantial operations in this state. The agency may 5660
not otherwise deny an application unless the application is 5661
incomplete, the proposed employment relationship does not qualify 5662
as a career exploration internship for which a grant may be 5663
awarded under this section, the business is ineligible to receive 5664
a grant under division (D)(1) of this section, or the agency 5665
determines that approving the application would cause the amount 5666
that could be awarded to exceed the amount of money in the career 5667
exploration internship fund. 5668

(2) The agency shall send written notice of its determination 5669
to the applicant within thirty days after receiving the 5670
application. If the agency determines that the application shall 5671
not be approved, the notice shall include the reasons for such 5672
determination. 5673

(3) The agency's determination is final and may not be 5674
appealed for any reason. A business may submit a new or amended 5675
application under division (B) of this section at any time before 5676
or after receiving notice under division (C)(2) of this section. 5677

(D)(1) In any calendar year, the development services agency 5678
shall not award grants under this section to any business that has 5679
received grants for three career exploration internships in that 5680

calendar year. The agency shall not award a grant to a business unless the agency receives a report from the business within thirty days after the end of the career exploration internship or thirteen months after the approval of the application, whichever comes first, that includes all of the following:

(a) The date the student intern began the internship;

(b) The date the internship ended or a statement that the student will continue to be employed by the business;

(c) The total number of hours during the internship that the student intern was employed by the business;

(d) The total wages paid by the business to the student intern during the internship;

(e) A signed statement by the student intern briefly describing the duties performed during the internship and the skills and experiences gained throughout the internship;

(f) Any other information required by the agency.

(2) If the agency receives the report and determines that it contains all of the information and the statement required by division (D)(1) of this section and that the career exploration internship described in the report complies with all the provisions of this section, the agency shall award a grant to the business. The amount of the grant shall equal the lesser of the following:

(a) Fifty per cent of the wages paid by the business to the student intern for the first twelve months following the date the application was approved;

(b) Five thousand dollars.

(E) The student intern and the principal, guidance counselor, or other qualified individual who signed the statement described in division (B)(3) of this section shall meet at least once in the

thirty days following the end of the career exploration internship 5711
or in the thirteenth month following the start of the career 5712
exploration internship, whichever comes first. The purpose of the 5713
meeting is to discuss the student intern's experiences during the 5714
career exploration internship, consider the practical applications 5715
of these experiences to the student intern's career aspirations, 5716
and to establish or confirm goals for the student intern. If 5717
practicable, the meeting shall be in person. Otherwise, the 5718
meeting may be conducted over the telephone. 5719

(F) A business that receives a grant under this section may 5720
submit a new application under division (B) of this section for 5721
another career exploration internship with the same student 5722
intern. Such an application does not have to include the 5723
statements otherwise required by divisions (B)(2) and (3) of this 5724
section. 5725

(G) Annually, ~~before on the seventh first~~ day of ~~January~~ 5726
~~August~~ until the ~~January of the third year that follows the year~~ 5727
~~that includes the effective date of H.B. 107 of the 130th general~~ 5728
~~assembly~~ August 2017, the development services agency shall 5729
compile a report indicating the number of career exploration 5730
internships approved by the agency under this section, the 5731
statements issued by the student interns under divisions (B)(2) 5732
and (D)(1)(e) of this section, the number of student interns that 5733
continued employment with the business after the termination of 5734
the career exploration internship, and the total amount of grants 5735
awarded under this section. The report shall not disclose any 5736
student interns' personally identifiable information. The agency 5737
shall provide copies of the report to the governor, the speaker 5738
and minority leader of the house of representatives, and the 5739
president and minority leader of the senate. 5740

(H) The development services agency may adopt rules necessary 5741
to administer this section in accordance with Chapter 119. of the 5742

Revised Code. 5743

(I) The career exploration internship fund is hereby created 5744
in the state treasury. The fund shall consist of a portion of the 5745
proceeds from the upfront license fees paid for the casino 5746
facilities authorized under Section 6(C) of Article XV, Ohio 5747
Constitution. Money in the fund shall be used by the development 5748
services agency to provide grants under this section. 5749

Sec. 122.64. (A) There is hereby established in the 5750
development services agency a business services division. The 5751
division shall be supervised by a deputy director appointed by the 5752
director of development services. 5753

The division is responsible for the administration of the 5754
state economic development financing programs established pursuant 5755
to sections 122.17 and 122.18, sections 122.39 and 122.41 to 5756
122.62, and Chapter 166. of the Revised Code. 5757

(B) The director of development services shall: 5758

(1) Receive applications for assistance pursuant to sections 5759
122.39 and 122.41 to 122.62 and Chapter 166. of the Revised Code. 5760
The director shall process the applications. 5761

(2) With the approval of the director of administrative 5762
services, establish salary schedules for employees of the various 5763
positions of employment with the division and assign the various 5764
positions to those salary schedules; 5765

(3) Employ and fix the compensation of financial consultants, 5766
appraisers, consulting engineers, superintendents, managers, 5767
construction and accounting experts, attorneys, and other agents 5768
for the assistance programs authorized pursuant to sections 122.17 5769
and 122.18, sections 122.39 and 122.41 to 122.62, and Chapter 166. 5770
of the Revised Code as are necessary; 5771

(4) Supervise the administrative operations of the division; 5772

(5) On or before the first day of ~~August~~ October in each 5773
year, make an annual report of the activities and operations under 5774
assistance programs authorized pursuant to sections 122.39 and 5775
122.41 to 122.62 and Chapter 166. of the Revised Code for the 5776
preceding fiscal year to the governor and the general assembly. 5777
Each such report shall set forth a complete operating and 5778
financial statement covering such activities and operations during 5779
the year in accordance with generally accepted accounting 5780
principles and shall be audited by a certified public accountant. 5781
The director of development services shall transmit a copy of the 5782
audited financial report to the office of budget and management. 5783

Sec. 122.641. (A)(1) There is hereby created the lakes in 5784
economic distress revolving loan program to assist businesses and 5785
other entities that are adversely affected due to economic 5786
circumstances that result in the declaration of a lake as an area 5787
under economic distress by the director of natural resources under 5788
division (A)(2) of this section. The director of development 5789
services shall administer the program. 5790

(2) The director of natural resources shall do both of the 5791
following: 5792

(a) Declare a lake as an area under economic distress. The 5793
director shall declare a lake as an area under economic distress 5794
based solely on environmental or safety issues, including the 5795
closure of a dam for safety reasons. 5796

(b) Subsequently declare a lake as an area no longer under 5797
economic distress when the environmental or safety issues, as 5798
applicable, have been resolved. 5799

(B) There is hereby created in the state treasury the lakes 5800
in economic distress revolving loan fund. The fund shall consist 5801
of money appropriated to it, all payments of principal and 5802
interest on loans made from the fund, and all investment earnings 5803

on money in the fund. The director of development services shall 5804
use money in the fund to make loans under this section, provided 5805
that the loans shall be zero interest loans during the time that 5806
an applicable lake has been declared an area under economic 5807
distress under division (A)(2)(a) of this section. 5808

(C) The director shall adopt rules in accordance with Chapter 5809
119. of the Revised that do both of the following: 5810

(1) Establish requirements and procedures for the making of 5811
loans under this section, including all of the following: 5812

(a) Eligibility criteria; 5813

(b) Application procedures; 5814

(c) Criteria for approval or disapproval of loans, including 5815
a stipulation that an applicant must demonstrate that the loan 5816
will help to achieve long-term economic stability in the area; 5817

(d) Criteria for repayment of the loans, including the 5818
establishment of an interest rate that does not exceed two points 5819
less than prime after an applicable lake has been declared as an 5820
area no longer under economic distress under division (A)(2)(b) of 5821
this section. 5822

(2) Establish any other provisions necessary to administer 5823
this section. 5824

(D) In administering the program, the director shall assist 5825
businesses and other entities in determining the amount of loans 5826
needed. 5827

Sec. 122.85. (A) As used in this section and in sections 5828
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 5829

(1) "Tax credit-eligible production" means a motion picture 5830
production certified by the director of development services under 5831
division (B) of this section as qualifying the motion picture 5832

company for a tax credit under section 5726.55, 5733.59, 5747.66, 5833
or 5751.54 of the Revised Code. 5834

(2) "Certificate owner" means a motion picture company to 5835
which a tax credit certificate is issued. 5836

(3) "Motion picture company" means an individual, 5837
corporation, partnership, limited liability company, or other form 5838
of business association producing a motion picture. 5839

(4) "Eligible production expenditures" means expenditures 5840
made after June 30, 2009, for goods or services purchased and 5841
consumed in this state by a motion picture company directly for 5842
the production of a tax credit-eligible production. 5843

"Eligible production expenditures" includes, but is not 5844
limited to, expenditures for resident and nonresident cast and 5845
crew wages, accommodations, costs of set construction and 5846
operations, editing and related services, photography, sound 5847
synchronization, lighting, wardrobe, makeup and accessories, film 5848
processing, transfer, sound mixing, special and visual effects, 5849
music, location fees, and the purchase or rental of facilities and 5850
equipment. 5851

(5) "Motion picture" means entertainment content created in 5852
whole or in part within this state for distribution or exhibition 5853
to the general public, including, but not limited to, 5854
feature-length films; documentaries; long-form, specials, 5855
miniseries, series, and interstitial television programming; 5856
interactive web sites; sound recordings; videos; music videos; 5857
interactive television; interactive games; video games; 5858
commercials; any format of digital media; and any trailer, pilot, 5859
video teaser, or demo created primarily to stimulate the sale, 5860
marketing, promotion, or exploitation of future investment in 5861
either a product or a motion picture by any means and media in any 5862
digital media format, film, or videotape, provided the motion 5863

picture qualifies as a motion picture. "Motion picture" does not 5864
include any television program created primarily as news, weather, 5865
or financial market reports, a production featuring current events 5866
or sporting events, an awards show or other gala event, a 5867
production whose sole purpose is fundraising, a long-form 5868
production that primarily markets a product or service or in-house 5869
corporate advertising or other similar productions, a production 5870
for purposes of political advocacy, or any production for which 5871
records are required to be maintained under 18 U.S.C. 2257 with 5872
respect to sexually explicit content. 5873

(B) For the purpose of encouraging and developing a strong 5874
film industry in this state, the director of development may 5875
certify a motion picture produced by a motion picture company as a 5876
tax credit-eligible production. In the case of a television 5877
series, the director may certify the production of each episode of 5878
the series as a separate tax credit-eligible production. A motion 5879
picture company shall apply for certification of a motion picture 5880
as a tax credit-eligible production on a form and in the manner 5881
prescribed by the director. Each application shall include the 5882
following information: 5883

(1) The name and telephone number of the motion picture 5884
production company; 5885

(2) The name and telephone number of the company's contact 5886
person; 5887

(3) A list of the first preproduction date through the last 5888
production date in Ohio; 5889

(4) The Ohio production office address and telephone number; 5890

(5) The total production budget of the motion picture; 5891

(6) The total budgeted eligible production expenditures and 5892
the percentage that amount is of the total production budget of 5893
the motion picture; 5894

(7) The total percentage of the motion picture being shot in Ohio;	5895 5896
(8) The level of employment of cast and crew who reside in Ohio;	5897 5898
(9) A synopsis of the script;	5899
(10) The shooting script;	5900
(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;	5901 5902
(12) Documentation of financial ability to undertake and complete the motion picture;	5903 5904
(13) Estimated value of the tax credit based upon total budgeted eligible production expenditures;	5905 5906
(14) Any other information considered necessary by the director.	5907 5908
Within ninety days after certification of a motion picture as a tax credit-eligible production, and any time thereafter upon the director of development services' request <u>of the director of development services</u> , the motion picture company shall present to the director sufficient evidence of reviewable progress. If the motion picture company fails to present sufficient evidence, the director may rescind the certification. Upon rescission, the director shall notify the applicant that the certification has been rescinded. Nothing in this section prohibits an applicant whose tax credit-eligible production certification has been rescinded from submitting a subsequent application for certification.	5909 5910 5911 5912 5913 5914 5915 5916 5917 5918 5919 5920
(C)(1) A motion picture company whose motion picture has been certified as a tax credit-eligible production may apply to the director of development services on or after July 1, 2009, for a refundable credit against the tax imposed by section 5726.02,	5921 5922 5923 5924

5733.06, 5747.02, or 5751.02 of the Revised Code. The director in 5925
consultation with the tax commissioner shall prescribe the form 5926
and manner of the application and the information or documentation 5927
required to be submitted with the application. 5928

The credit is determined as follows: 5929

(a) If the total budgeted eligible production expenditures 5930
stated in the application submitted under division (B) of this 5931
section or the actual eligible production expenditures as finally 5932
determined under division (D) of this section, whichever is least, 5933
is less than or equal to three hundred thousand dollars, no credit 5934
is allowed; 5935

(b) If the total budgeted eligible production expenditures 5936
stated in the application submitted under division (B) of this 5937
section or the actual eligible production expenditures as finally 5938
determined under division (D) of this section, whichever is least, 5939
is greater than three hundred thousand dollars, the credit equals 5940
the sum of the following, subject to the limitation in division 5941
(C)(4) of this section: 5942

(i) Twenty-five per cent of the least of such budgeted or 5943
actual eligible expenditure amounts excluding budgeted or actual 5944
eligible expenditures for resident cast and crew wages; 5945

(ii) Thirty-five per cent of budgeted or actual eligible 5946
expenditures for resident cast and crew wages. 5947

(2) Except as provided in division (C)(4) of this section, if 5948
the director of development services approves a motion picture 5949
company's application for a credit, the director shall issue a tax 5950
credit certificate to the company. The director in consultation 5951
with the tax commissioner shall prescribe the form and manner of 5952
issuing certificates. The director shall assign a unique 5953
identifying number to each tax credit certificate and shall record 5954
the certificate in a register devised and maintained by the 5955

director for that purpose. The certificate shall state the amount 5956
of the eligible production expenditures on which the credit is 5957
based and the amount of the credit. Upon the issuance of a 5958
certificate, the director shall certify to the tax commissioner 5959
the name of the applicant, the amount of eligible production 5960
expenditures shown on the certificate, and any other information 5961
required by the rules adopted to administer this section. 5962

(3) The amount of eligible production expenditures for which 5963
a tax credit may be claimed is subject to inspection and 5964
examination by the tax commissioner or employees of the 5965
commissioner under section 5703.19 of the Revised Code and any 5966
other applicable law. Once the eligible production expenditures 5967
are finally determined under section 5703.19 of the Revised Code 5968
and division (D) of this section, the credit amount is not subject 5969
to adjustment unless the director determines an error was 5970
committed in the computation of the credit amount. 5971

(4) No tax credit certificate may be issued before the 5972
completion of the tax credit-eligible production. Not more than 5973
forty million dollars of tax credit may be allowed per fiscal 5974
biennium beginning on or after July 1, 2011, and not more than 5975
twenty million dollars may be allowed in the first year of the 5976
biennium. At any time, not more than five million dollars of tax 5977
credit may be allowed per tax credit-eligible production. 5978

(D) A motion picture company whose motion picture has been 5979
certified as a tax credit-eligible production shall engage, at the 5980
company's expense, an independent certified public accountant to 5981
examine the company's production expenditures to identify the 5982
expenditures that qualify as eligible production expenditures. The 5983
certified public accountant shall issue a report to the company 5984
and to the director of development services certifying the 5985
company's eligible production expenditures and any other 5986
information required by the director. Upon receiving and examining 5987

the report, the director may disallow any expenditure the director 5988
determines is not an eligible production expenditure. If the 5989
director disallows an expenditure, the director shall issue a 5990
written notice to the motion picture production company stating 5991
that the expenditure is disallowed and the reason for the 5992
disallowance. Upon examination of the report and disallowance of 5993
any expenditures, the director shall determine finally the lesser 5994
of the total budgeted eligible production expenditures stated in 5995
the application submitted under division (B) of this section or 5996
the actual eligible production expenditures for the purpose of 5997
computing the amount of the credit. 5998

(E) No credit shall be allowed under section 5726.55, 5999
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 6000
director has reviewed the report and made the determination 6001
prescribed by division (D) of this section. 6002

(F) This state reserves the right to refuse the use of this 6003
state's name in the credits of any tax credit-eligible motion 6004
picture production. 6005

(G)(1) The director of development services in consultation 6006
with the tax commissioner shall adopt rules for the administration 6007
of this section, including rules setting forth and governing the 6008
criteria for determining whether a motion picture production is a 6009
tax credit-eligible production; activities that constitute the 6010
production of a motion picture; reporting sufficient evidence of 6011
reviewable progress; expenditures that qualify as eligible 6012
production expenditures; a competitive process for approving 6013
credits; and consideration of geographic distribution of credits. 6014
The rules shall be adopted under Chapter 119. of the Revised Code. 6015

(2) The director may require a reasonable application fee to 6016
cover administrative costs of the tax credit program. The fees 6017
collected shall be credited to the ~~motion picture tax credit~~ 6018
~~program operating~~ business assistance fund, which is hereby 6019

created in ~~the state treasury~~ section 122.174 of the Revised Code. 6020
~~The motion picture tax credit program operating fund shall consist~~ 6021
~~of all~~ All grants, gifts, fees, and contributions made to the 6022
director for marketing and promotion of the motion picture 6023
industry within this state shall also be credited to the fund. The 6024
director shall use money in the fund to pay expenses related to 6025
the administration of the Ohio film office and the credit 6026
authorized by this section and sections 5726.55~~7~~, 5733.59, 6027
5747.66, and 5751.54 of the Revised Code. 6028

Sec. 122.87. As used in sections 122.87 to 122.90 of the 6029
Revised Code: 6030

(A) "Surety company" means a company that is authorized by 6031
the department of insurance to issue bonds as surety. 6032

(B) "Minority business" means any of the following 6033
occupations: 6034

(1) Minority construction contractor; 6035

(2) Minority seller; 6036

(3) Minority service vendor. 6037

(C) "Minority construction contractor" means a person who is 6038
both a construction contractor and an owner of a minority business 6039
enterprise certified under division (B) of section 123.151 of the 6040
Revised Code. 6041

(D) "Minority seller" means a person who is both a seller of 6042
goods and an owner of a minority business enterprise listed on the 6043
special minority business enterprise bid notification list under 6044
~~division (B) of~~ section 125.08 of the Revised Code. 6045

(E) "Minority service vendor" means a person who is both a 6046
vendor of services and an owner of a minority business enterprise 6047
listed on the special minority business enterprise bid 6048
notification list under ~~division (B) of~~ section 125.08 of the 6049

Revised Code. 6050

(F) "Minority business enterprise" has the meaning given in 6051
section 122.71 of the Revised Code. 6052

(G) "EDGE business enterprise" means a sole proprietorship, 6053
association, partnership, corporation, limited liability 6054
corporation, or joint venture certified as a participant in the 6055
encouraging diversity, growth, and equity program by the director 6056
of administrative services under section 123.152 of the Revised 6057
Code. 6058

Sec. 122.942. (A) The director of development services shall, 6059
with respect to each project for which a loan, grant, tax credit, 6060
or other state-funded financial assistance is awarded by the 6061
development services agency, make all of the following information 6062
available to the public within thirty days after the agency enters 6063
into a contract with the recipient: 6064

~~(A)~~(1) A summary of the project that includes all of the 6065
following: 6066

~~(1)~~(a) A breakdown of the sources of the funds for each 6067
aspect of the project, such as state or federal programs, the 6068
operating company or entity itself, or any private financing, and 6069
a complete description of how each type of funds is to be used; 6070

~~(2)~~(b) The total amount of assistance awarded; 6071

~~(3)~~(c) A brief description of the project; 6072

~~(4)~~(d) The following information regarding the project: 6073

~~(a)~~(i) The operating company or entity that is awarded the 6074
assistance; 6075

~~(b)~~(ii) The products or services provided by the operating 6076
company or entity; 6077

~~(e)~~(iii) The number of new jobs, at-risk jobs, and retained 6078

jobs anticipated; the hourly wages and hourly benefits of those 6079
jobs; and the dollar amount of assistance per job affected. 6080

~~(5)~~(e) The strengths and weaknesses of the project; 6081

~~(6)~~(f) The location of the project, the location of the 6082
operating company or entity, and whether relocation is involved; 6083

~~(7)~~(g) The Ohio house district and Ohio senate district in 6084
which the project is located; 6085

~~(8)~~(h) The payment terms and conditions of the assistance 6086
awarded; 6087

~~(9)~~(i) The collateral or security required; 6088

~~(10)~~(j) The recommendation of the staff assigned to the 6089
project. 6090

~~(B)~~(2) A comprehensive report that provides a description of 6091
the operating company or entity; all relevant information 6092
regarding the project; an analysis of the operating company or 6093
entity and the goods or services it provides; the explicit terms 6094
of any collateral or security required; and the reasoning behind 6095
the staffs' recommendation. 6096

~~(C)~~(3) Any other relevant information the controlling board 6097
may request, or the director may consider necessary to more fully 6098
describe the details of the assistance or the operating company or 6099
entity, that is provided before the controlling board approves the 6100
assistance. 6101

(B)(1) As used in this division, "tax incentive" means any 6102
exemption, either in whole or in part, of the income, goods, 6103
services, or property of a taxpayer from the effect of taxes 6104
levied by or under the Revised Code. "Tax incentive" includes, but 6105
is not limited to, tax exemptions, deferrals, exclusions, 6106
allowances, credits, deductions, reimbursements, and preferential 6107
tax rates. 6108

(2) The director of development services shall estimate the total revenue that will be forgone by the state as a result of each tax incentive approved by the tax credit authority created under section 122.17 of the Revised Code. The estimate shall be based on the monetary value of the tax incentive and not on potential economic growth. The director shall make each estimate, along with the name and address of the taxpayer that will receive the tax incentive, available to the public within thirty days after the date the tax incentive is approved by the tax credit authority.

Nothing in this division precludes the director of development services from making other information regarding tax incentives available to the public unless disclosure of such information is prohibited by any other section of the Revised Code.

(3) The director may adopt rules in accordance with Chapter 119. of the Revised Code to effectuate this division.

(C) Nothing in this section shall be construed as requiring the disclosure of information that is not a public record under section 149.43 of the Revised Code.

Sec. 122.95. As used in ~~sections 122.95 to 122.952~~ this section and section 122.951 of the Revised Code:

(A) "Commercial or industrial areas" means areas zoned either commercial or industrial by the local zoning authority or an area not zoned, but in which there is located one or more commercial or industrial activities.

(B) "Eligible county" means any of the following:

(1) A county designated as being in the "Appalachian region" under the "Appalachian Regional Development Act of 1965," 79 Stat. 5, 40 U.S.C. App. 403;

(2) A county that is a "distressed area" as defined in 6139
section 122.16 of the Revised Code; 6140

(3) A county that within the previous calendar year has had a 6141
job loss numbering two hundred or more of which one hundred or 6142
more are manufacturing-related as reported in the notices prepared 6143
by the department of job and family services pursuant to the 6144
"Worker Adjustment and Retraining Notification Act," 102 Stat. 890 6145
(1988), 29 U.S.C. 2101 et seq., as amended. 6146

Sec. 122.951. (A) If the director of development services 6147
determines that a grant ~~from the industrial site improvement fund~~ 6148
may create new jobs or preserve existing jobs and employment 6149
opportunities in an eligible county, the director may grant up to 6150
seven hundred fifty thousand dollars ~~from the fund~~ to the eligible 6151
county for the purpose of acquiring commercial or industrial land 6152
or buildings and making improvements to commercial or industrial 6153
areas within the eligible county, including, but not limited to: 6154

(1) Expanding, remodeling, renovating, and modernizing 6155
buildings, structures, and other improvements; 6156

(2) Remediating environmentally contaminated property on 6157
which hazardous substances exist under conditions that have caused 6158
or would cause the property to be identified as contaminated by 6159
the Ohio or United States environmental protection agency; and 6160

(3) Infrastructure improvements, including, but not limited 6161
to, site preparation, including building demolition and removal; 6162
streets, roads, bridges, and traffic control devices; parking lots 6163
and facilities; water and sewer lines and treatment plants; gas, 6164
electric, and telecommunications, including broadband, hook-ups; 6165
and water and railway access improvements. 6166

A grant awarded under this section shall provide not more 6167
than seventy-five per cent of the estimated total cost of the 6168

project for which an application is submitted under this section. 6169
In addition, not more than ten per cent of the amount of the grant 6170
shall be used to pay the costs of professional services related to 6171
the project. 6172

(B) An eligible county may apply to the director for a grant 6173
under this section in the form and manner prescribed by the 6174
director. The eligible county shall include on the application all 6175
information required by the director. The application shall 6176
require the eligible county to provide a detailed description of 6177
how the eligible county would use a grant to improve commercial or 6178
industrial areas within the eligible county, and to specify how a 6179
grant will lead to the creation of new jobs or the preservation of 6180
existing jobs and employment opportunities in the eligible county. 6181
The eligible county shall specify in the application the amount of 6182
the grant for which the eligible county is applying. 6183

~~(C) An eligible county that receives a grant under this 6184
section is not eligible for any additional grants from the 6185
industrial site improvement fund in the fiscal year in which the 6186
grant is received and in the subsequent fiscal year. 6187~~

~~(D)~~ An eligible county may designate a port authority, 6188
community improvement corporation as defined in section 122.71 of 6189
the Revised Code, or other economic development entity that is 6190
located in the county to apply for a grant under this section. If 6191
a port authority, community improvement corporation, or other 6192
economic development entity is so designated, references to an 6193
eligible county in this section include references to the 6194
authority, corporation, or other entity. 6195

Sec. 122.97. (A) As used in this section: 6196

(1) "Historic building" means a building, including its 6197
structural components, that is located in this state and that is 6198
either individually listed on the national register of historic 6199

places under 16 U.S.C. 470a, located in a registered historic 6200
district, and certified by the state historic preservation officer 6201
as being of historic significance to the district, or is 6202
individually listed as a historic landmark designated by a local 6203
government certified under 16 U.S.C. 470a(c). 6204

(2) "Qualified rehabilitation expenditures" means 6205
expenditures paid or incurred during the rehabilitation period, 6206
and before and after that period as determined under 26 U.S.C. 47, 6207
by an owner or qualified lessee of a historic building to 6208
rehabilitate the building. "Qualified rehabilitation expenditures" 6209
includes architectural or engineering fees paid or incurred in 6210
connection with the rehabilitation, and expenses incurred in the 6211
preparation of nomination forms for listing on the national 6212
register of historic places. "Qualified rehabilitation 6213
expenditures" does not include any of the following: 6214

(a) The cost of acquiring, expanding, or enlarging a historic 6215
building; 6216

(b) Expenditures attributable to work done to facilities 6217
related to the building, such as parking lots, sidewalks, and 6218
landscaping; 6219

(c) New building construction costs. 6220

(3) "Owner" of a historic building means a person holding the 6221
fee simple interest in the building. "Owner" does not include the 6222
state or a state agency, or any political subdivision as defined 6223
in section 9.23 of the Revised Code. 6224

(4) "Qualified lessee" means a person subject to a lease 6225
agreement for a historic building and eligible for the federal 6226
rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" 6227
does not include the state or a state agency or political 6228
subdivision as defined in section 9.23 of the Revised Code. 6229

(5) "Registered historic district" means a historic district 6230

listed in the national register of historic places under 16 U.S.C. 6231
470a, a historic district designated by a local government 6232
certified under 16 U.S.C. 470a(c), or a local historic district 6233
certified under 36 C.F.R. 67.8 and 67.9. 6234

(6) "Rehabilitation" means the process of repairing or 6235
altering a historic building or buildings, making possible an 6236
efficient use while preserving those portions and features of the 6237
building and its site and environment that are significant to its 6238
historic, architectural, and cultural values. 6239

(7) "Rehabilitation period" means one of the following: 6240

(a) If the rehabilitation initially was not planned to be 6241
completed in stages, a period chosen by the owner or qualified 6242
lessee not to exceed twenty-four months during which 6243
rehabilitation occurs; 6244

(b) If the rehabilitation initially was planned to be 6245
completed in stages, a period chosen by the owner or qualified 6246
lessee not to exceed sixty months during which rehabilitation 6247
occurs. Each stage shall be reviewed as a phase of a 6248
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 6249
successor to that section. 6250

(8) "State historic preservation officer" or "officer" means 6251
the state historic preservation officer appointed by the governor 6252
under 16 U.S.C. 470a. 6253

(9) "Catalytic project" means the rehabilitation of a 6254
historic building, the rehabilitation of which will foster 6255
economic development within two thousand five hundred feet of the 6256
historic building. 6257

(B) The owner or qualified lessee of a historic building may 6258
apply to the director of development services for a grant for 6259
qualified rehabilitation expenditures paid or incurred by such 6260
owner or qualified lessee after June 30, 2015, for rehabilitation 6261

of a historic building. If the owner of a historic building enters 6262
a pass-through agreement with a qualified lessee for the purposes 6263
of the federal rehabilitation tax credit under 26 U.S.C. 47, the 6264
qualified rehabilitation expenditures paid or incurred by the 6265
owner after June 30, 2015, may be attributed to the qualified 6266
lessee. 6267

The form and manner of filing such applications shall be 6268
prescribed by rule of the director. Each application shall state 6269
the amount of qualified rehabilitation expenditures the applicant 6270
estimates will be paid or incurred. The director may require 6271
applicants to furnish documentation of such estimates. 6272

The director shall adopt rules in accordance with Chapter 6273
119. of the Revised Code that establish all of the following: 6274

(1) Forms and procedures by which applicants may apply for 6275
the grant authorized under this section; 6276

(2) Criteria for reviewing, evaluating, and approving grant 6277
applications within the limitations under division (D) of this 6278
section, criteria for assuring that the grants awarded encompass a 6279
mixture of high and low qualified rehabilitation expenditures, and 6280
criteria for issuing grants under division (C)(3)(b) of this 6281
section; 6282

(3) Eligibility requirements for obtaining a grant under this 6283
section; 6284

(4) Reporting requirements and monitoring procedures; 6285

(5) Procedures and criteria for conducting cost-benefit 6286
analyses of historic buildings that are the subjects of 6287
applications filed under this section. The purpose of a 6288
cost-benefit analysis is to determine whether rehabilitation of 6289
the historic building will result in a revenue gain in state and 6290
local taxes in excess of the grant amount once the building is 6291
used. 6292

(6) Any other rules necessary to implement and administer this section. 6293
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(C) The director of development services shall review the applications with the assistance of the state historic preservation officer and determine whether all of the following criteria are met: 6295
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(1) That the building that is the subject of the application is a historic building and the applicant is the owner or qualified lessee of the building; 6299
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(2) That the rehabilitation will satisfy standards prescribed by the United States secretary of the interior under 16 U.S.C. 470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to that section; 6302
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(3) That receiving a grant under this section is a major factor in: 6306
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(a) The applicant's decision to rehabilitate the historic building; or 6308
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(b) Increasing the level of investment in such rehabilitation. 6310
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An applicant shall demonstrate to the satisfaction of the state historic preservation officer and director of development services that the rehabilitation will satisfy the standards described in division (C)(2) of this section before the applicant begins the physical rehabilitation of the historic building. 6312
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(D)(1) If the director of development services determines that an application meets the criteria in divisions (C)(1), (2), and (3) of this section, the director shall conduct a cost-benefit analysis for the historic building that is the subject of the application to determine whether rehabilitation of the historic building will result in a revenue gain in state and local taxes in 6317
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excess of the grant amount once the building is used. The director shall consider the results of the cost-benefit analysis in determining whether to approve the application. The director shall also consider the potential economic impact and the regional distributive balance of grants throughout the state. The director may approve an application only after completion of the cost-benefit analysis. 6323
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(2) A grant shall not be awarded before July 1, 2017, or for an amount greater than the estimated amount furnished by the applicant on the application for such grant and approved by the director. 6330
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(3) For rehabilitations with a rehabilitation period not exceeding twenty-four months as provided in division (A)(7)(a) of this section, a grant shall not be issued before the rehabilitation of the historic building is completed. 6334
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(4) For rehabilitations with a rehabilitation period not exceeding sixty months as provided in division (A)(7)(b) of this section, a grant shall not be issued before a stage of rehabilitation is completed. After all stages of rehabilitation are completed, if the director cannot determine that the criteria in division (C) of this section are satisfied for all stages of rehabilitation, the amount of any grant received by the applicant shall be repaid by the applicant and may be collected by the director in accordance with section 131.02 of the Revised Code. 6338
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(5) The director of development services shall require the applicant to provide a third-party cost certification by a certified public accountant of the actual costs attributed to the rehabilitation of the historic building when qualified rehabilitation expenditures exceed two hundred thousand dollars. 6347
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If an applicant whose application is approved for receipt of a grant fails to provide to the director sufficient evidence of 6352
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reviewable progress, including a viable financial plan, copies of 6354
final construction drawings, and evidence that the applicant has 6355
obtained all historic approvals within twelve months after the 6356
date the applicant received notification of approval, and if the 6357
applicant fails to provide evidence to the director that the 6358
applicant has secured and closed on financing for the 6359
rehabilitation within eighteen months after receiving notification 6360
of approval, the director may rescind the approval of the 6361
application. The director shall notify the applicant if the 6362
approval has been rescinded. Grants that would have been available 6363
to an applicant whose approval was rescinded shall be available 6364
for other qualified applicants. Nothing in this division prohibits 6365
an applicant whose approval has been rescinded from submitting a 6366
new application for a grant. 6367

(6) The director of development services may approve the 6368
application of, and issue a grant to, the owner of a catalytic 6369
project, provided the application otherwise meets the criteria 6370
described in divisions (C) and (D) of this section. The director 6371
may not issue more than one grant under division (D)(6) of this 6372
section during each state fiscal biennium beginning with the 6373
fiscal biennium beginning July 1, 2017. The director shall 6374
consider the following criteria in determining whether to award a 6375
grant under division (D)(6) of this section: 6376

(a) Whether the historic building is a catalytic project; 6377

(b) The effect the award of that grant would have on the 6378
availability of grants for other applicants that qualify for a 6379
grant within the dollar limit described in division (D)(2) of this 6380
section; 6381

(c) The number of jobs, if any, the catalytic project will 6382
create. 6383

(7)(a) The owner or qualified lessee of a historic building 6384

may apply for a grant under both divisions (B) and (D)(6) of this 6385
section. In such a case, the director of development services 6386
shall consider each application at the time the application is 6387
submitted. 6388

(b) The director of development services shall not award more 6389
than one grant under this section with respect to the same 6390
qualified rehabilitation expenditures. 6391

(E) The award of a grant represents a finding by the director 6392
of development services of the matters described in divisions 6393
(C)(1), (2), and (3) of this section only; the award of a grant 6394
does not represent a verification or certification by the director 6395
of the amount of qualified rehabilitation expenditures for which 6396
the grant is awarded under this section. The amount of qualified 6397
rehabilitation expenditures for which a grant is awarded is 6398
subject to inspection and examination by the director or employees 6399
of the director. 6400

(F) Except for a grant awarded under division (D)(6) of this 6401
section, the amount of any grant awarded under this section to an 6402
applicant shall equal the lesser of five million dollars or 6403
twenty-five per cent of the applicant's qualified rehabilitation 6404
expenditures. The amount of a grant awarded under division (D)(6) 6405
of this section shall equal the lesser of twenty-five million 6406
dollars or twenty-five per cent of the applicant's qualified 6407
rehabilitation expenditures. 6408

(G) On or before the first day of August each year beginning 6409
in 2018, the director of development services shall submit to the 6410
president of the senate and the speaker of the house of 6411
representatives a report on the grant program established under 6412
this section. The report shall present an overview of the program 6413
and shall include information on the number and dollar amount of 6414
grants issued under this section during the preceding fiscal year, 6415
an update on the status of each historic building for which an 6416

application was approved under this section, and any other 6417
information the director considers relevant to the topics 6418
addressed in the report. 6419

(H) There is hereby created in the state treasury the 6420
historic rehabilitation grant operating fund. The director of 6421
development services is authorized to charge reasonable 6422
application and other fees in connection with the administration 6423
of grants authorized by this section. Any such fees collected 6424
shall be credited to the fund and used to pay reasonable costs 6425
incurred by the department of development services in 6426
administering this section. 6427

The Ohio historic preservation office is authorized to charge 6428
reasonable fees in connection with its review and approval of 6429
applications under this section. Any such fees collected shall be 6430
credited to the fund and used to pay administrative costs incurred 6431
by the Ohio historic preservation office pursuant to this section. 6432

Sec. 123.10. (A) As used in this section and section 123.11 6433
of the Revised Code, "public exigency" means an injury or 6434
obstruction that occurs in any public works of the state 6435
~~maintained by the director of administrative services~~ and that 6436
materially impairs its immediate use or places in jeopardy 6437
property adjacent to it; an immediate danger of such an injury or 6438
obstruction; or an injury or obstruction, or an immediate danger 6439
of an injury or obstruction, that occurs in any public works of 6440
the state ~~maintained by the director of administrative services~~ 6441
and that materially impairs its immediate use or places in 6442
jeopardy property adjacent to it. 6443

(B) When a declaration of public exigency is issued pursuant 6444
to division (C) of this section, the Ohio facilities construction 6445
commission shall enter into contracts with proper persons for the 6446
performance of labor, the furnishing of materials, or the 6447

construction of any structures and buildings necessary to the 6448
maintenance, control, and management of the public works of the 6449
state or any part of those public works. Any contracts awarded for 6450
the work performed pursuant to the declaration of a public 6451
exigency may be awarded without competitive bidding or selection 6452
as set forth in Chapter 153. of the Revised Code. 6453

(C) The executive director of the Ohio facilities 6454
construction commission may issue a declaration of a public 6455
exigency on the executive director's own initiative or upon the 6456
request of the director of any state agency, a state institution 6457
of higher education as defined in division (A)(1) of section 6458
3345.12 of the Revised Code, or any other state instrumentality. 6459
The executive director's declaration shall identify the specific 6460
injury, obstruction, or danger that is the subject of the 6461
declaration and shall set forth a dollar limitation for the 6462
repair, removal, or prevention of that exigency under the 6463
declaration. 6464

Before any project to repair, remove, or prevent a public 6465
exigency under the executive director's declaration may begin, the 6466
executive director shall send notice of the project, in writing, 6467
to the director of budget and management and to the members of the 6468
controlling board. That notice shall detail the project to be 6469
undertaken to address the public exigency and shall include a copy 6470
of the executive director's declaration that establishes the 6471
monetary limitations on that project. 6472

Sec. 123.28. As used in this section and in section 123.281 6473
of the Revised Code: 6474

(A) "Culture" means any of the following: 6475

(1) Visual, musical, dramatic, graphic, design, and other 6476
arts, including, but not limited to, architecture, dance, 6477
literature, motion pictures, music, painting, photography, 6478

sculpture, and theater, and the provision of training or education 6479
in these arts; 6480

(2) The presentation or making available, in museums or other 6481
indoor or outdoor facilities, of principles of science and their 6482
development, use, or application in business, industry, or 6483
commerce or of the history, heritage, development, presentation, 6484
and uses of the arts described in division (A)(1) of this section 6485
and of transportation; 6486

(3) The preservation, presentation, or making available of 6487
features of archaeological, architectural, environmental, or 6488
historical interest or significance in a state historical facility 6489
or a local historical facility. 6490

(B) "Cultural organization" means either of the following: 6491

(1) A governmental agency or Ohio nonprofit corporation, 6492
including the Ohio historical society, that provides programs or 6493
activities in areas directly concerned with culture; 6494

(2) A regional arts and cultural district as defined in 6495
section 3381.01 of the Revised Code. 6496

(C) "Cultural project" means all or any portion of an Ohio 6497
cultural facility for which the general assembly has made an 6498
appropriation or has specifically authorized the spending of money 6499
or the making of rental payments relating to the financing of 6500
construction. 6501

(D) "Cooperative ~~contract~~ use agreement" means a contract 6502
between the Ohio facilities construction commission and a cultural 6503
organization providing the terms and conditions of the cooperative 6504
use of an Ohio cultural facility. 6505

(E) "Costs of operation" means amounts required to manage an 6506
Ohio cultural facility that are incurred following the completion 6507
of construction of its cultural project, provided that both of the 6508

following apply: 6509

(1) Those amounts either: 6510

(a) Have been committed to a fund dedicated to that purpose; 6511

(b) Equal the principal of any endowment fund, the income 6512
from which is dedicated to that purpose. 6513

(2) The commission and the cultural organization have 6514
executed an agreement with respect to either of those funds. 6515

(F) "Governmental agency" means a state agency, a state 6516
institution of higher education as defined in section 3345.12 of 6517
the Revised Code, a municipal corporation, county, township, or 6518
school district, a port authority created under Chapter 4582. of 6519
the Revised Code, any other political subdivision or special 6520
district in this state established by or pursuant to law, or any 6521
combination of these entities; except where otherwise indicated, 6522
the United States or any department, division, or agency of the 6523
United States, or any agency, commission, or authority established 6524
pursuant to an interstate compact or agreement. 6525

(G) "Local contributions" means the value of an asset 6526
provided by or on behalf of a cultural organization from sources 6527
other than the state, the value and nature of which shall be 6528
approved by the Ohio facilities construction commission, in its 6529
sole discretion. "Local contributions" may include the value of 6530
the site where a cultural project is to be constructed. All "local 6531
contributions," except a contribution attributable to such a site, 6532
shall be for the costs of construction of a cultural project or 6533
the creation or expansion of an endowment for the costs of 6534
operation of a cultural facility. 6535

(H) "Local historical facility" means a site or facility, 6536
other than a state historical facility, of archaeological, 6537
architectural, environmental, or historical interest or 6538
significance, or a facility, including a storage facility, 6539

appurtenant to the operations of such a site or facility, that is 6540
owned by a cultural organization and is used for or in connection 6541
with cultural activities, including the presentation or making 6542
available of culture to the public. 6543

(I) "Manage," "operate," or "management" means the provision 6544
of, or the exercise of control over the provision of, activities: 6545

(1) Relating to culture for an Ohio cultural facility, 6546
including as applicable, but not limited to, providing for 6547
displays, exhibitions, specimens, and models; booking of artists, 6548
performances, or presentations; scheduling; and hiring or 6549
contracting for directors, curators, technical and scientific 6550
staff, ushers, stage managers, and others directly related to the 6551
cultural activities in the facility; but not including general 6552
building services; 6553

(2) Relating to sports and athletic events for an Ohio sports 6554
facility, including as applicable, but not limited to, providing 6555
for booking of athletes, teams, and events; scheduling; and hiring 6556
or contracting for staff, ushers, managers, and others directly 6557
related to the sports and athletic events in the facility; but not 6558
including general building services. 6559

(J) "Ohio cultural facility" means any of the following: 6560

(1) The theaters located in the state office tower at 77 6561
South High street in Columbus; 6562

(2) Any cultural facility in this state that is managed 6563
directly by, or is subject to a cooperative use or management 6564
~~contract~~ agreement with, the Ohio facilities construction 6565
commission. 6566

(3) A state historical facility or a local historical 6567
facility. 6568

(K) "Construction" includes acquisition, including 6569

acquisition by lease-purchase, demolition, reconstruction, 6570
alteration, renovation, remodeling, enlargement, improvement, site 6571
improvements, and related equipping and furnishing. 6572

(L) "State historical facility" means a site or facility that 6573
has all of the following characteristics: 6574

(1) It is created, supervised, operated, protected, 6575
maintained, and promoted by the Ohio historical society pursuant 6576
to the society's performance of public functions under sections 6577
149.30 and 149.302 of the Revised Code. 6578

(2) Its title must reside wholly or in part with the state, 6579
the society, or both the state and the society. 6580

(3) It is managed directly by or is subject to a cooperative 6581
use or management ~~contract~~ agreement with the Ohio facilities 6582
construction commission and is used for or in connection with 6583
cultural activities, including the presentation or making 6584
available of culture to the public. 6585

(M) "Ohio sports facility" means all or a portion of a 6586
stadium, arena, tennis facility, motorsports complex, or other 6587
capital facility in this state. A primary purpose of the facility 6588
shall be to provide a site or venue for the presentation to the 6589
public of motorsports events, professional tennis tournaments, or 6590
events of one or more major or minor league professional athletic 6591
or sports teams that are associated with the state or with a city 6592
or region of the state. The facility shall be, in the case of a 6593
motorsports complex, owned by the state or governmental agency, or 6594
in all other instances, owned by or located on real property owned 6595
by the state or a governmental agency, and includes all parking 6596
facilities, walkways, and other auxiliary facilities, equipment, 6597
furnishings, and real and personal property and interests and 6598
rights therein, that may be appropriate for or used for or in 6599
connection with the facility or its operation, for capital costs 6600

of which state funds are spent pursuant to this section and 6601
section 123.281 of the Revised Code. A facility constructed as an 6602
Ohio sports facility may be both an Ohio cultural facility and an 6603
Ohio sports facility. 6604

(N) "Motorsports" means sporting events in which motor 6605
vehicles are driven on a clearly demarcated tracked surface. 6606

Sec. 123.281. (A) The Ohio facilities construction commission 6607
shall provide for the construction of a cultural project in 6608
conformity with Chapter 153. of the Revised Code, except for 6609
construction services provided on behalf of the state by a 6610
governmental agency or a cultural organization in accordance with 6611
divisions (B) and (C) of this section. 6612

(B) In order for a governmental agency or a cultural 6613
organization to provide construction services on behalf of the 6614
state for a cultural project, other than a state historical 6615
facility, for which the general assembly has made an appropriation 6616
or specifically authorized the spending of money or the making of 6617
rental payments relating to the financing of the construction, the 6618
governmental agency or cultural organization shall submit to the 6619
Ohio facilities construction commission a cooperative use 6620
agreement that includes, but is not limited to, provisions that: 6621

(1) Specify how the proposed project will support culture, ~~as~~ 6622
~~defined in section 123.28 of the Revised Code;~~ 6623

(2) Specify that the governmental agency or cultural 6624
organization has local contributions amounting to not less than 6625
fifty per cent of the total state funding for the cultural 6626
project; 6627

(3) Specify that the funds shall be used only for 6628
~~construction, as defined in section 123.28 of the Revised Code;~~ 6629

(4) Identify the facility to be constructed, renovated, 6630

remodeled, or improved; 6631

(5) Specify that the project scope meets the intent and 6632
purpose of the project appropriation and that the project can be 6633
completed and ready ~~for full occupancy~~ to support culture without 6634
exceeding appropriated funds; 6635

(6) Specify that the governmental agency or cultural 6636
organization shall hold the Ohio facilities construction 6637
commission harmless from all liability for the operation and 6638
maintenance costs of the facility; 6639

(7) Specify that the agreement or any actions taken under it 6640
are not subject to ~~Chapters~~ Chapter 123. or 153. of the Revised 6641
Code, except for ~~section~~ sections 123.20, 123.201, 123.21, 123.28, 6642
123.281, and 153.011 of the Revised Code, and are subject to 6643
Chapter 4115. of the Revised Code; and 6644

(8) Provide that amendments to the agreement shall require 6645
the approval of the Ohio facilities construction commission. 6646

(C) In order for a cultural organization to provide 6647
construction services on behalf of the state for a state 6648
historical facility for which the general assembly has made an 6649
appropriation or specifically authorized the spending of money or 6650
the making of rental payments relating to the financing of the 6651
construction, the cultural organization shall submit to the Ohio 6652
facilities construction commission a cooperative use agreement 6653
that includes, but is not limited to, provisions that: 6654

(1) Specify how the proposed project will support culture, ~~as~~ 6655
~~defined in section 123.28 of the Revised Code;~~ 6656

(2) Specify that the funds shall be used only for 6657
~~construction, as defined in section 123.28 of the Revised Code;~~ 6658

(3) Specify that not more than three per cent of the funds 6659
may be used by the cultural organization to administer the 6660

project; 6661

(4) Identify the facility to be constructed, renovated, 6662
remodeled, or improved; 6663

~~(4)~~(5) Specify that the project scope meets the intent and 6664
purpose of the project appropriation and that the project can be 6665
completed and ready ~~for full occupancy~~ to support culture without 6666
exceeding appropriated funds; 6667

~~(5)~~(6) Specify that the cultural organization shall hold the 6668
Ohio facilities construction commission harmless from all 6669
liability for the operation and maintenance costs of the facility; 6670

~~(6)~~(7) Specify that the agreement or any actions taken under 6671
it are not subject to ~~Chapters~~ Chapter 123., 153., or 4115. of the 6672
Revised Code, except for sections 123.20, 123.201, 123.21, 123.28, 6673
and 123.281 of the Revised Code; and 6674

~~(7)~~(8) Provide that amendments to the agreement shall require 6675
the approval of the Ohio facilities construction commission. 6676

(D) For an Ohio sports facility that is financed in part by 6677
obligations issued under Chapter 154. of the Revised Code, 6678
construction services shall be provided on behalf of the state by 6679
or at the direction of the governmental agency or nonprofit 6680
corporation that will own or be responsible for the management of 6681
the facility. Any construction services to be provided by a 6682
governmental agency or nonprofit corporation shall be specified in 6683
a cooperative use agreement between the Ohio facilities 6684
construction commission and the governmental agency or nonprofit 6685
corporation. The agreement and any actions taken under it are not 6686
subject to Chapter 123. or 153. of the Revised Code, except for 6687
sections 123.20, 123.201, 123.21, 123.28, 123.281, and 153.011 of 6688
the Revised Code, and are subject to Chapter 4115. of the Revised 6689
Code. 6690

(E) State funds shall not be used to pay or reimburse more 6691

than fifteen per cent of the initial estimated construction cost 6692
of an Ohio sports facility, excluding any site acquisition cost, 6693
and no state funds, including any state bond proceeds, shall be 6694
spent on any Ohio sports facility under this chapter unless, with 6695
respect to that facility, all of the following apply: 6696

(1) The Ohio facilities construction commission has received 6697
a financial and development plan satisfactory to it, and provision 6698
has been made, by agreement or otherwise, satisfactory to the 6699
commission, for a contribution amounting to not less than 6700
eighty-five per cent of the total estimated construction cost of 6701
the facility, excluding any site acquisition cost, from sources 6702
other than the state. 6703

(2) The general assembly has specifically authorized the 6704
spending of money on, or made an appropriation for, the 6705
construction of the facility, or for rental payments relating to 6706
state financing of all or a portion of the costs of constructing 6707
the facility. Authorization to spend money, or an appropriation, 6708
for planning or determining the feasibility of or need for the 6709
facility does not constitute authorization to spend money on, or 6710
an appropriation for, costs of constructing the facility. 6711

(3) If state bond proceeds are being used for the Ohio sports 6712
facility, the state or a governmental agency owns or has 6713
sufficient property interests in the facility or in the site of 6714
the facility or in the portion or portions of the facility 6715
financed from proceeds of state bonds, which may include, but is 6716
not limited to, the right to use or to require the use of the 6717
facility for the presentation of sport and athletic events to the 6718
public at the facility. 6719

~~(E)~~(F) In addition to the requirements of division ~~(D)~~(E) of 6720
this section, no state funds, including any state bond proceeds, 6721
shall be spent on any Ohio sports facility that is a motorsports 6722
complex, unless, with respect to that facility, both of the 6723

following apply: 6724

(1) Motorsports events shall be presented at the facility 6725
pursuant to a lease entered into with the owner of the facility. 6726
The term of the lease shall be for a period of not less than the 6727
greater of the useful life of the portion of the facility financed 6728
from proceeds of state bonds as determined using the guidelines 6729
for maximum maturities as provided under divisions (B) and (C) of 6730
section 133.20 of the Revised Code, or the period of time 6731
remaining to the date of payment or provision for payment of 6732
outstanding state bonds allocable to costs of the facility, all as 6733
determined by the director of budget and management and certified 6734
by the executive director of the Ohio facilities construction 6735
commission and to the treasurer of state. 6736

(2) Any motorsports organization that commits to using the 6737
facility for an established period of time shall give the 6738
political subdivision in which the facility is located not less 6739
than six months' advance notice if the organization intends to 6740
cease utilizing the facility prior to the expiration of that 6741
established period. Such a motorsports organization shall be 6742
liable to the state for any state funds used on the construction 6743
costs of the facility. 6744

~~(F)~~(G) In addition to the requirements of division ~~(D)~~(E) of 6745
this section, no state bond proceeds shall be spent on any Ohio 6746
sports facility that is a tennis facility, unless the owner or 6747
manager of the facility provides contractual commitments from a 6748
national or international professional tennis organization in a 6749
form acceptable to the Ohio facilities construction commission 6750
that assures that one or more sanctioned professional tennis 6751
events will be presented at the facility during each year that the 6752
bonds remain outstanding. 6753

Sec. 124.14. (A)(1) The director of administrative services 6754

shall establish, and may modify or rescind, ~~by rule,~~ a job 6755
classification plan for all positions, offices, and employments in 6756
the service of the state. The director shall group jobs within a 6757
classification so that the positions are similar enough in duties 6758
and responsibilities to be described by the same title, to have 6759
the same pay assigned with equity, and to have the same 6760
qualifications for selection applied. The director shall, ~~by rule,~~ 6761
assign a classification title to each classification within the 6762
classification plan. However, the director shall consider in 6763
establishing classifications, including classifications with 6764
parenthetical titles, and assigning pay ranges such factors as 6765
duties performed only on one shift, special skills in short supply 6766
in the labor market, recruitment problems, separation rates, 6767
comparative salary rates, the amount of training required, and 6768
other conditions affecting employment. The director shall describe 6769
the duties and responsibilities of the class, establish the 6770
qualifications for being employed in each position in the class, 6771
and file with the secretary of state a copy of specifications for 6772
all of the classifications. The director shall file new, 6773
additional, or revised specifications with the secretary of state 6774
before they are used. 6775

The director shall, ~~by rule,~~ assign each classification, 6776
either on a statewide basis or in particular counties or state 6777
institutions, to a pay range established under section 124.15 or 6778
section 124.152 of the Revised Code. The director may assign a 6779
classification to a pay range on a temporary basis for a period of 6780
six months. The director may establish, ~~by rule adopted under~~ 6781
~~Chapter 119. of the Revised Code,~~ experimental classification 6782
plans for some or all employees paid directly by warrant of the 6783
director of budget and management. ~~The rule~~ Any such experimental 6784
classification plan shall include specifications for each 6785
classification within the plan and shall specifically address 6786
compensation ranges, and methods for advancing within the ranges, 6787

for the classifications, which may be assigned to pay ranges other 6788
than the pay ranges established under section 124.15 or 124.152 of 6789
the Revised Code. 6790

(2) The director of administrative services may reassign to a 6791
proper classification those positions that have been assigned to 6792
an improper classification. If the compensation of an employee in 6793
such a reassigned position exceeds the maximum rate of pay for the 6794
employee's new classification, the employee shall be placed in pay 6795
step X and shall not receive an increase in compensation until the 6796
maximum rate of pay for that classification exceeds the employee's 6797
compensation. 6798

(3) The director may reassign an exempt employee, as defined 6799
in section 124.152 of the Revised Code, to a bargaining unit 6800
classification if the director determines that the bargaining unit 6801
classification is the proper classification for that employee. 6802
Notwithstanding Chapter 4117. of the Revised Code or instruments 6803
and contracts negotiated under it, these placements are at the 6804
director's discretion. 6805

(4) The director shall, ~~by rule,~~ assign related 6806
classifications, which form a career progression, to a 6807
classification series. The director shall, ~~by rule,~~ assign each 6808
classification in the classification plan a five-digit number, the 6809
first four digits of which shall denote the classification series 6810
to which the classification is assigned. When a career progression 6811
encompasses more than ten classifications, the director shall, ~~by~~ 6812
~~rule,~~ identify the additional classifications belonging to a 6813
classification series. The additional classifications shall be 6814
part of the classification series, notwithstanding the fact that 6815
the first four digits of the number assigned to the additional 6816
classifications do not correspond to the first four digits of the 6817
numbers assigned to other classifications in the classification 6818
series. 6819

(B) Division (A) of this section and sections 124.15 and 6820
124.152 of the Revised Code do not apply to the following persons, 6821
positions, offices, and employments: 6822

(1) Elected officials; 6823

(2) Legislative employees, employees of the legislative 6824
service commission, employees in the office of the governor, 6825
employees who are in the unclassified civil service and exempt 6826
from collective bargaining coverage in the office of the secretary 6827
of state, auditor of state, treasurer of state, and attorney 6828
general, and employees of the supreme court; 6829

(3) Any position for which the authority to determine 6830
compensation is given by law to another individual or entity; 6831

(4) Employees of the bureau of workers' compensation whose 6832
compensation the administrator of workers' compensation 6833
establishes under division (B) of section 4121.121 of the Revised 6834
Code. 6835

(C) The director may employ a consulting agency to aid and 6836
assist the director in carrying out this section. 6837

(D)(1) When the director proposes to modify a classification 6838
or the assignment of classes to appropriate pay ranges, the 6839
director shall ~~send written notice of the proposed rule to~~ notify 6840
the appointing authorities of the affected employees ~~thirty days~~ 6841
~~before a hearing on implementing the proposed rule modification.~~ 6842
The director's notice shall include the effective date of the 6843
modification. The appointing authorities shall notify the affected 6844
employees regarding the proposed rule modification. ~~The director~~ 6845
~~also shall send those appointing authorities notice of any final~~ 6846
~~rule that is adopted within ten days after adoption.~~ 6847

(2) When the director proposes to reclassify any employee in 6848
the service of the state so that the employee is adversely 6849
affected, the director shall give to the employee affected and to 6850

the employee's appointing authority a written notice setting forth 6851
the proposed new classification, pay range, and salary. Upon the 6852
request of any classified employee in the service of the state who 6853
is not serving in a probationary period, the director shall 6854
perform a job audit to review the classification of the employee's 6855
position to determine whether the position is properly classified. 6856
The director shall give to the employee affected and to the 6857
employee's appointing authority a written notice of the director's 6858
determination whether or not to reclassify the position or to 6859
reassign the employee to another classification. An employee or 6860
appointing authority desiring a hearing shall file a written 6861
request for the hearing with the state personnel board of review 6862
within thirty days after receiving the notice. The board shall set 6863
the matter for a hearing and notify the employee and appointing 6864
authority of the time and place of the hearing. The employee, the 6865
appointing authority, or any authorized representative of the 6866
employee who wishes to submit facts for the consideration of the 6867
board shall be afforded reasonable opportunity to do so. After the 6868
hearing, the board shall consider anew the reclassification and 6869
may order the reclassification of the employee and require the 6870
director to assign the employee to such appropriate classification 6871
as the facts and evidence warrant. As provided in division (A)(1) 6872
of section 124.03 of the Revised Code, the board may determine the 6873
most appropriate classification for the position of any employee 6874
coming before the board, with or without a job audit. The board 6875
shall disallow any reclassification or reassignment classification 6876
of any employee when it finds that changes have been made in the 6877
duties and responsibilities of any particular employee for 6878
political, religious, or other unjust reasons. 6879

(E)(1) Employees of each county department of job and family 6880
services shall be paid a salary or wage established by the board 6881
of county commissioners. The provisions of section 124.18 of the 6882
Revised Code concerning the standard work week apply to employees 6883

of county departments of job and family services. A board of 6884
county commissioners may do either of the following: 6885

(a) Notwithstanding any other section of the Revised Code, 6886
supplement the sick leave, vacation leave, personal leave, and 6887
other benefits of any employee of the county department of job and 6888
family services of that county, if the employee is eligible for 6889
the supplement under a written policy providing for the 6890
supplement; 6891

(b) Notwithstanding any other section of the Revised Code, 6892
establish alternative schedules of sick leave, vacation leave, 6893
personal leave, or other benefits for employees not inconsistent 6894
with the provisions of a collective bargaining agreement covering 6895
the affected employees. 6896

(2) Division (E)(1) of this section does not apply to 6897
employees for whom the state employment relations board 6898
establishes appropriate bargaining units pursuant to section 6899
4117.06 of the Revised Code, except in either of the following 6900
situations: 6901

(a) The employees for whom the state employment relations 6902
board establishes appropriate bargaining units elect no 6903
representative in a board-conducted representation election. 6904

(b) After the state employment relations board establishes 6905
appropriate bargaining units for such employees, all employee 6906
organizations withdraw from a representation election. 6907

(F)(1) Notwithstanding any contrary provision of sections 6908
124.01 to 124.64 of the Revised Code, the board of trustees of 6909
each state university or college, as defined in section 3345.12 of 6910
the Revised Code, shall carry out all matters of governance 6911
involving the officers and employees of the university or college, 6912
including, but not limited to, the powers, duties, and functions 6913
of the department of administrative services and the director of 6914

administrative services specified in this chapter. Officers and 6915
employees of a state university or college shall have the right of 6916
appeal to the state personnel board of review as provided in this 6917
chapter. 6918

(2) Each board of trustees shall adopt rules under section 6919
111.15 of the Revised Code to carry out the matters of governance 6920
described in division (F)(1) of this section. Until the board of 6921
trustees adopts those rules, a state university or college shall 6922
continue to operate pursuant to the applicable rules adopted by 6923
the director of administrative services under this chapter. 6924

(G)(1) Each board of county commissioners may, by a 6925
resolution adopted by a majority of its members, establish a 6926
county personnel department to exercise the powers, duties, and 6927
functions specified in division (G) of this section. As used in 6928
division (G) of this section, "county personnel department" means 6929
a county personnel department established by a board of county 6930
commissioners under division (G)(1) of this section. 6931

(2)(a) Each board of county commissioners, by a resolution 6932
adopted by a majority of its members, may designate the county 6933
personnel department of the county to exercise the powers, duties, 6934
and functions specified in sections 124.01 to 124.64 and Chapter 6935
325. of the Revised Code with regard to employees in the service 6936
of the county, except for the powers and duties of the state 6937
personnel board of review, which powers and duties shall not be 6938
construed as having been modified or diminished in any manner by 6939
division (G)(2) of this section, with respect to the employees for 6940
whom the board of county commissioners is the appointing authority 6941
or co-appointing authority. 6942

(b) Nothing in division (G)(2) of this section shall be 6943
construed to limit the right of any employee who possesses the 6944
right of appeal to the state personnel board of review to continue 6945
to possess that right of appeal. 6946

(c) Any board of county commissioners that has established a county personnel department may contract with the department of administrative services, in accordance with division (H) of this section, another political subdivision, or an appropriate public or private entity to provide competitive testing services or other appropriate services.

(3) After the county personnel department of a county has been established as described in division (G)(2) of this section, any elected official, board, agency, or other appointing authority of that county, upon written notification to the county personnel department, may elect to use the services and facilities of the county personnel department. Upon receipt of the notification by the county personnel department, the county personnel department shall exercise the powers, duties, and functions as described in division (G)(2) of this section with respect to the employees of that elected official, board, agency, or other appointing authority.

(4) Each board of county commissioners, by a resolution adopted by a majority of its members, may disband the county personnel department.

(5) Any elected official, board, agency, or appointing authority of a county may end its involvement with a county personnel department upon actual receipt by the department of a certified copy of the notification that contains the decision to no longer participate.

(6) A county personnel department, in carrying out its duties, shall adhere to merit system principles with regard to employees of county departments of job and family services, child support enforcement agencies, and public child welfare agencies so that there is no threatened loss of federal funding for these agencies, and the county is financially liable to the state for any loss of federal funds due to the action or inaction of the

county personnel department. 6979

(H) County agencies may contract with the department of 6980
administrative services for any human resources services, 6981
including, but not limited to, establishment and modification of 6982
job classification plans, competitive testing services, and 6983
periodic audits and reviews of the county's uniform application of 6984
the powers, duties, and functions specified in sections 124.01 to 6985
124.64 and Chapter 325. of the Revised Code with regard to 6986
employees in the service of the county. Nothing in this division 6987
modifies the powers and duties of the state personnel board of 6988
review with respect to employees in the service of the county. 6989
Nothing in this division limits the right of any employee who 6990
possesses the right of appeal to the state personnel board of 6991
review to continue to possess that right of appeal. 6992

(I) The director of administrative services shall establish 6993
the rate and method of compensation for all employees who are paid 6994
directly by warrant of the director of budget and management and 6995
who are serving in positions that the director of administrative 6996
services has determined impracticable to include in the state job 6997
classification plan. This division does not apply to elected 6998
officials, legislative employees, employees of the legislative 6999
service commission, employees who are in the unclassified civil 7000
service and exempt from collective bargaining coverage in the 7001
office of the secretary of state, auditor of state, treasurer of 7002
state, and attorney general, employees of the courts, employees of 7003
the bureau of workers' compensation whose compensation the 7004
administrator of workers' compensation establishes under division 7005
(B) of section 4121.121 of the Revised Code, or employees of an 7006
appointing authority authorized by law to fix the compensation of 7007
those employees. 7008

(J) The director of administrative services shall set the 7009
rate of compensation for all intermittent, seasonal, temporary, 7010

emergency, and casual employees in the service of the state who 7011
 are not considered public employees under section 4117.01 of the 7012
 Revised Code. Those employees are not entitled to receive employee 7013
 benefits. This rate of compensation shall be equitable in terms of 7014
 the rate of employees serving in the same or similar 7015
 classifications. This division does not apply to elected 7016
 officials, legislative employees, employees of the legislative 7017
 service commission, employees who are in the unclassified civil 7018
 service and exempt from collective bargaining coverage in the 7019
 office of the secretary of state, auditor of state, treasurer of 7020
 state, and attorney general, employees of the courts, employees of 7021
 the bureau of workers' compensation whose compensation the 7022
 administrator establishes under division (B) of section 4121.121 7023
 of the Revised Code, or employees of an appointing authority 7024
 authorized by law to fix the compensation of those employees. 7025

Sec. 124.15. (A) Board and commission members appointed prior 7026
 to July 1, 1991, shall be paid a salary or wage in accordance with 7027
 the following schedules of rates: 7028

Schedule B 7029

Pay Ranges and Step Values 7030

Range	Step 1	Step 2	Step 3	Step 4	
23 Hourly	5.72	5.91	6.10	6.31	7031
Annually	11897.60	12292.80	12688.00	13124.80	7032
	Step 5	Step 6			7033
Hourly	6.52	6.75			7034
Annually	13561.60	14040.00			7035
	Step 1	Step 2	Step 3	Step 4	7036
24 Hourly	6.00	6.20	6.41	6.63	7037
Annually	12480.00	12896.00	13332.80	13790.40	7038
	Step 5	Step 6			7039
Hourly	6.87	7.10			7040
					7041

	Annually	14289.60	14768.00			7042
		Step 1	Step 2	Step 3	Step 4	7043
25	Hourly	6.31	6.52	6.75	6.99	7044
	Annually	13124.80	13561.60	14040.00	14539.20	7045
		Step 5	Step 6			7046
	Hourly	7.23	7.41			7047
	Annually	15038.40	15412.80			7048
		Step 1	Step 2	Step 3	Step 4	7049
26	Hourly	6.63	6.87	7.10	7.32	7050
	Annually	13790.40	14289.60	14768.00	15225.60	7051
		Step 5	Step 6			7052
	Hourly	7.53	7.77			7053
	Annually	15662.40	16161.60			7054
		Step 1	Step 2	Step 3	Step 4	7055
27	Hourly	6.99	7.23	7.41	7.64	7056
	Annually	14534.20	15038.40	15412.80	15891.20	7057
		Step 5	Step 6	Step 7		7058
	Hourly	7.88	8.15	8.46		7059
	Annually	16390.40	16952.00	17596.80		7060
		Step 1	Step 2	Step 3	Step 4	7061
28	Hourly	7.41	7.64	7.88	8.15	7062
	Annually	15412.80	15891.20	16390.40	16952.00	7063
		Step 5	Step 6	Step 7		7064
	Hourly	8.46	8.79	9.15		7065
	Annually	17596.80	18283.20	19032.00		7066
		Step 1	Step 2	Step 3	Step 4	7067
29	Hourly	7.88	8.15	8.46	8.79	7068
	Annually	16390.40	16952.00	17596.80	18283.20	7069
		Step 5	Step 6	Step 7		7070
	Hourly	9.15	9.58	10.01		7071
	Annually	19032.00	19926.40	20820.80		7072
		Step 1	Step 2	Step 3	Step 4	7073
30	Hourly	8.46	8.79	9.15	9.58	7074

	Annually	17596.80	18283.20	19032.00	19926.40	7075
		Step 5	Step 6	Step 7		7076
	Hourly	10.01	10.46	10.99		7077
	Annually	20820.80	21756.80	22859.20		7078
		Step 1	Step 2	Step 3	Step 4	7079
31	Hourly	9.15	9.58	10.01	10.46	7080
	Annually	19032.00	19962.40	20820.80	21756.80	7081
		Step 5	Step 6	Step 7		7082
	Hourly	10.99	11.52	12.09		7083
	Annually	22859.20	23961.60	25147.20		7084
		Step 1	Step 2	Step 3	Step 4	7085
32	Hourly	10.01	10.46	10.99	11.52	7086
	Annually	20820.80	21756.80	22859.20	23961.60	7087
		Step 5	Step 6	Step 7	Step 8	7088
	Hourly	12.09	12.68	13.29	13.94	7089
	Annually	25147.20	26374.40	27643.20	28995.20	7090
		Step 1	Step 2	Step 3	Step 4	7091
33	Hourly	10.99	11.52	12.09	12.68	7092
	Annually	22859.20	23961.60	25147.20	26374.40	7093
		Step 5	Step 6	Step 7	Step 8	7094
	Hourly	13.29	13.94	14.63	15.35	7095
	Annually	27643.20	28995.20	30430.40	31928.00	7096
		Step 1	Step 2	Step 3	Step 4	7097
34	Hourly	12.09	12.68	13.29	13.94	7098
	Annually	25147.20	26374.40	27643.20	28995.20	7099
		Step 5	Step 6	Step 7	Step 8	7100
	Hourly	14.63	15.35	16.11	16.91	7101
	Annually	30430.40	31928.00	33508.80	35172.80	7102
		Step 1	Step 2	Step 3	Step 4	7103
35	Hourly	13.29	13.94	14.63	15.35	7104
	Annually	27643.20	28995.20	30430.40	31928.00	7105
		Step 5	Step 6	Step 7	Step 8	7106
	Hourly	16.11	16.91	17.73	18.62	7107

	Annually	33508.80	35172.80	36878.40	38729.60	7108
		Step 1	Step 2	Step 3	Step 4	7109
36	Hourly	14.63	15.35	16.11	16.91	7110
	Annually	30430.40	31928.00	33508.80	35172.80	7111
		Step 5	Step 6	Step 7	Step 8	7112
	Hourly	17.73	18.62	19.54	20.51	7113
	Annually	36878.40	38729.60	40643.20	42660.80	7114

Schedule C 7115

Pay Range and Values 7116

Range	Minimum	Maximum	
41 Hourly	10.44	15.72	7118
Annually	21715.20	32697.60	7119
42 Hourly	11.51	17.35	7120
Annually	23940.80	36088.00	7121
43 Hourly	12.68	19.12	7122
Annually	26374.40	39769.60	7123
44 Hourly	13.99	20.87	7124
Annually	29099.20	43409.60	7125
45 Hourly	15.44	22.80	7126
Annually	32115.20	47424.00	7127
46 Hourly	17.01	24.90	7128
Annually	35380.80	51792.00	7129
47 Hourly	18.75	27.18	7130
Annually	39000.00	56534.40	7131
48 Hourly	20.67	29.69	7132
Annually	42993.60	61755.20	7133
49 Hourly	22.80	32.06	7134
Annually	47424.00	66684.80	7135

(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis. 7136
7137

(C) Part-time employees shall be compensated on an hourly basis for time worked, at the rates shown in division (A) of this 7138
7139

section or in section 124.152 of the Revised Code. 7140

(D) The salary and wage rates in division (A) of this section 7141
or in section 124.152 of the Revised Code represent base rates of 7142
compensation and may be augmented by the provisions of section 7143
124.181 of the Revised Code. In those cases where lodging, meals, 7144
laundry, or other personal services are furnished an employee in 7145
the service of the state, the actual costs or fair market value of 7146
the personal services shall be paid by the employee in such 7147
amounts and manner as determined by the director of administrative 7148
services and approved by the director of budget and management, 7149
and those personal services shall not be considered as a part of 7150
the employee's compensation. An appointing authority that appoints 7151
employees in the service of the state, with the approval of the 7152
director of administrative services and the director of budget and 7153
management, may establish payments to employees for uniforms, 7154
tools, equipment, and other requirements of the department and 7155
payments for the maintenance of them. 7156

The director of administrative services may review collective 7157
bargaining agreements entered into under Chapter 4117. of the 7158
Revised Code that cover employees in the service of the state and 7159
determine whether certain benefits or payments provided to the 7160
employees covered by those agreements should also be provided to 7161
employees in the service of the state who are exempt from 7162
collective bargaining coverage and are paid in accordance with 7163
section 124.152 of the Revised Code or are listed in division 7164
(B)(2) or (4) of section 124.14 of the Revised Code. On completing 7165
the review, the director of administrative services, with the 7166
approval of the director of budget and management, may provide to 7167
some or all of these employees any payment or benefit, except for 7168
salary, contained in such a collective bargaining agreement even 7169
if it is similar to a payment or benefit already provided by law 7170
to some or all of these employees. Any payment or benefit so 7171

provided shall not exceed the highest level for that payment or 7172
benefit specified in such a collective bargaining agreement. The 7173
director of administrative services shall not provide, and the 7174
director of budget and management shall not approve, any payment 7175
or benefit to such an employee under this division unless the 7176
payment or benefit is provided pursuant to a collective bargaining 7177
agreement to a state employee who is in a position with similar 7178
duties as, is supervised by, or is employed by the same appointing 7179
authority as, the employee to whom the benefit or payment is to be 7180
provided. 7181

As used in this division, "payment or benefit already 7182
provided by law" includes, but is not limited to, bereavement, 7183
personal, vacation, administrative, and sick leave, disability 7184
benefits, holiday pay, and pay supplements provided under the 7185
Revised Code, but does not include wages or salary. 7186

(E) New employees paid in accordance with schedule B of 7187
division (A) of this section or schedule E-1 of section 124.152 of 7188
the Revised Code shall be employed at the minimum rate established 7189
for the range unless otherwise provided. Employees with 7190
qualifications that are beyond the minimum normally required for 7191
the position and that are determined by the director to be 7192
exceptional may be employed in, or may be transferred or promoted 7193
to, a position at an advanced step of the range. Further, in time 7194
of a serious labor market condition when it is relatively 7195
impossible to recruit employees at the minimum rate for a 7196
particular classification, the entrance rate may be set at an 7197
advanced step in the range by the director of administrative 7198
services. This rate may be limited to geographical regions of the 7199
state. Appointments made to an advanced step under the provision 7200
regarding exceptional qualifications shall not affect the step 7201
assignment of employees already serving. However, anytime the 7202
hiring rate of an entire classification is advanced to a higher 7203

step, all incumbents of that classification being paid at a step 7204
lower than that being used for hiring, shall be advanced beginning 7205
at the start of the first pay period thereafter to the new hiring 7206
rate, and any time accrued at the lower step will be used to 7207
calculate advancement to a succeeding step. If the hiring rate of 7208
a classification is increased for only a geographical region of 7209
the state, only incumbents who work in that geographical region 7210
shall be advanced to a higher step. When an employee in the 7211
unclassified service changes from one state position to another or 7212
is appointed to a position in the classified service, or if an 7213
employee in the classified service is appointed to a position in 7214
the unclassified service, the employee's salary or wage in the new 7215
position shall be determined in the same manner as if the employee 7216
were an employee in the classified service. When an employee in 7217
the unclassified service who is not eligible for step increases is 7218
appointed to a classification in the classified service under 7219
which step increases are provided, future step increases shall be 7220
based on the date on which the employee last received a pay 7221
increase. If the employee has not received an increase during the 7222
previous year, the date of the appointment to the classified 7223
service shall be used to determine the employee's annual step 7224
advancement eligibility date. In reassigning any employee to a 7225
classification resulting in a pay range increase or to a new pay 7226
range as a result of a promotion, an increase pay range 7227
adjustment, or other classification change resulting in a pay 7228
range increase, the director shall assign such employee to the 7229
step in the new pay range that will provide an increase of 7230
approximately four per cent if the new pay range can accommodate 7231
the increase. When an employee is being assigned to a 7232
classification or new pay range as the result of a class plan 7233
change, if the employee has completed a probationary period, the 7234
employee shall be placed in a step no lower than step two of the 7235
new pay range. If the employee has not completed a probationary 7236

period, the employee may be placed in step one of the new pay 7237
range. Such new salary or wage shall become effective on such date 7238
as the director determines. 7239

(F) If employment conditions and the urgency of the work 7240
require such action, the director of administrative services may, 7241
upon the application of a department head, authorize payment at 7242
any rate established within the range for the class of work, for 7243
work of a casual or intermittent nature or on a project basis. 7244
Payment at such rates shall not be made to the same individual for 7245
more than three calendar months in any one calendar year. Any such 7246
action shall be subject to the approval of the director of budget 7247
and management as to the availability of funds. This section and 7248
sections 124.14 and 124.152 of the Revised Code do not repeal any 7249
authority of any department or public official to contract with or 7250
fix the compensation of professional persons who may be employed 7251
temporarily for work of a casual nature or for work on a project 7252
basis. 7253

(G)(1) Except as provided in divisions (G)(2) and (3) of this 7254
section, each state employee paid in accordance with schedule B of 7255
this section or schedule E-1 of section 124.152 of the Revised 7256
Code shall be eligible for advancement to succeeding steps in the 7257
range for the employee's class or grade according to the schedule 7258
established in this division. Beginning on the first day of the 7259
pay period within which the employee completes the prescribed 7260
probationary period in the employee's classification with the 7261
state, each employee shall receive an automatic salary adjustment 7262
equivalent to the next higher step within the pay range for the 7263
employee's class or grade. 7264

Except as provided in divisions (G)(2) and (3) of this 7265
section, each employee paid in accordance with schedule E-1 of 7266
section 124.152 of the Revised Code shall be eligible to advance 7267
to the next higher step until the employee reaches the top step in 7268

the range for the employee's class or grade, if the employee has 7269
maintained satisfactory performance in accordance with criteria 7270
established by the employee's appointing authority. Those step 7271
advancements shall not occur more frequently than once in any 7272
twelve-month period. 7273

When an employee is promoted, the step entry date shall be 7274
set to account for a probationary period. When an employee is 7275
reassigned to a higher pay range, the step entry date shall be set 7276
to allow an employee who is not at the highest step of the range 7277
to receive a step advancement one year from the reassignment date. 7278
Step advancement shall not be affected by demotion. A promoted 7279
employee shall advance to the next higher step of the pay range on 7280
the first day of the pay period in which the required probationary 7281
period is completed. Step advancement shall become effective at 7282
the beginning of the pay period within which the employee attains 7283
the necessary length of service. Time spent on authorized leave of 7284
absence shall be counted for this purpose. 7285

If determined to be in the best interest of the state 7286
service, the director of administrative services may, either 7287
statewide or in selected agencies, adjust the dates on which 7288
annual step advancements are received by employees paid in 7289
accordance with schedule E-1 of section 124.152 of the Revised 7290
Code. 7291

(2)(a) There shall be a moratorium on annual step 7292
advancements under division (G)(1) of this section beginning June 7293
21, 2009, through June 20, 2011. Step advancements shall resume 7294
with the pay period beginning June 21, 2011. Upon the resumption 7295
of step advancements, there shall be no retroactive step 7296
advancements for the period the moratorium was in effect. The 7297
moratorium shall not affect an employee's performance evaluation 7298
schedule. 7299

An employee who begins a probationary period before June 21, 7300

2009, shall advance to the next step in the employee's pay range 7301
at the end of probation, and then become subject to the 7302
moratorium. An employee who is hired, promoted, or reassigned to a 7303
higher pay range between June 21, 2009, through June 20, 2011, 7304
shall not advance to the next step in the employee's pay range 7305
until the next anniversary of the employee's date of hire, 7306
promotion, or reassignment that occurs on or after June 21, 2011. 7307

(b) The moratorium under division (G)(2)(a) of this section 7308
shall apply to the employees of the secretary of state, the 7309
auditor of state, the treasurer of state, and the attorney 7310
general, who are subject to this section unless the secretary of 7311
state, the auditor of state, the treasurer of state, or the 7312
attorney general decides to exempt the office's employees from the 7313
moratorium and so notifies the director of administrative services 7314
in writing on or before July 1, 2009. 7315

(3) Employees in intermittent positions shall be employed at 7316
the minimum rate established for the pay range for their 7317
classification and are not eligible for step advancements. 7318

(H) Employees in appointive managerial or professional 7319
positions paid in accordance with schedule C of this section or 7320
schedule E-2 of section 124.152 of the Revised Code may be 7321
appointed at any rate within the appropriate pay range. This rate 7322
of pay may be adjusted higher or lower within the respective pay 7323
range at any time the appointing authority so desires as long as 7324
the adjustment is based on the employee's ability to successfully 7325
administer those duties assigned to the employee. Salary 7326
adjustments shall not be made more frequently than once in any 7327
six-month period under this provision to incumbents holding the 7328
same position and classification. 7329

(I) When an employee is assigned to duty outside this state, 7330
the employee may be compensated, upon request of the department 7331
head and with the approval of the director of administrative 7332

services, at a rate not to exceed fifty per cent in excess of the 7333
employee's current base rate for the period of time spent on that 7334
duty. 7335

(J) Unless compensation for members of a board or commission 7336
is otherwise specifically provided by law, the director of 7337
administrative services shall establish the rate and method of 7338
payment for members of boards and commissions pursuant to the pay 7339
schedules listed in section 124.152 of the Revised Code. 7340

(K) Regular full-time employees in positions assigned to 7341
classes within the instruction and education administration series 7342
under the ~~rules~~ job classification plans of the director of 7343
administrative services, except certificated employees on the 7344
instructional staff of the state school for the blind or the state 7345
school for the deaf, whose positions are scheduled to work on the 7346
basis of an academic year rather than a full calendar year, shall 7347
be paid according to the pay range assigned by ~~such rules~~ the 7348
applicable job classification plan, but only during those pay 7349
periods included in the academic year of the school where the 7350
employee is located. 7351

(1) Part-time or substitute teachers or those whose period of 7352
employment is other than the full academic year shall be 7353
compensated for the actual time worked at the rate established by 7354
this section. 7355

(2) Employees governed by this division are exempt from 7356
sections 124.13 and 124.19 of the Revised Code. 7357

(3) Length of service for the purpose of determining 7358
eligibility for step advancements as provided by division (G) of 7359
this section and for the purpose of determining eligibility for 7360
longevity pay supplements as provided by division (E) of section 7361
124.181 of the Revised Code shall be computed on the basis of one 7362
full year of service for the completion of each academic year. 7363

(L) The superintendent of the state school for the deaf and 7364
the superintendent of the state school for the blind shall, 7365
subject to the approval of the superintendent of public 7366
instruction, carry out both of the following: 7367

(1) Annually, between the first day of April and the last day 7368
of June, establish for the ensuing fiscal year a schedule of 7369
hourly rates for the compensation of each certificated employee on 7370
the instructional staff of that superintendent's respective school 7371
constructed as follows: 7372

(a) Determine for each level of training, experience, and 7373
other professional qualification for which an hourly rate is set 7374
forth in the current schedule, the per cent that rate is of the 7375
rate set forth in such schedule for a teacher with a bachelor's 7376
degree and no experience. If there is more than one such rate for 7377
such a teacher, the lowest rate shall be used to make the 7378
computation. 7379

(b) Determine which six city, local, and exempted village 7380
school districts with territory in Franklin county have in effect 7381
on, or have adopted by, the first day of April for the school year 7382
that begins on the ensuing first day of July, teacher salary 7383
schedules with the highest minimum salaries for a teacher with a 7384
bachelor's degree and no experience; 7385

(c) Divide the sum of such six highest minimum salaries by 7386
ten thousand five hundred sixty; 7387

(d) Multiply each per cent determined in division (L)(1)(a) 7388
of this section by the quotient obtained in division (L)(1)(c) of 7389
this section; 7390

(e) One hundred five per cent of each product thus obtained 7391
shall be the hourly rate for the corresponding level of training, 7392
experience, or other professional qualification in the schedule 7393
for the ensuing fiscal year. 7394

(2) Annually, assign each certificated employee on the instructional staff of the superintendent's respective school to an hourly rate on the schedule that is commensurate with the employee's training, experience, and other professional qualifications.

If an employee is employed on the basis of an academic year, the employee's annual salary shall be calculated by multiplying the employee's assigned hourly rate times one thousand seven hundred sixty. If an employee is not employed on the basis of an academic year, the employee's annual salary shall be calculated in accordance with the following formula:

(a) Multiply the number of days the employee is required to work pursuant to the employee's contract by eight;

(b) Multiply the product of division (L)(2)(a) of this section by the employee's assigned hourly rate.

Each employee shall be paid an annual salary in biweekly installments. The amount of each installment shall be calculated by dividing the employee's annual salary by the number of biweekly installments to be paid during the year.

Sections 124.13 and 124.19 of the Revised Code do not apply to an employee who is paid under this division.

As used in this division, "academic year" means the number of days in each school year that the schools are required to be open for instruction with pupils in attendance. Upon completing an academic year, an employee paid under this division shall be deemed to have completed one year of service. An employee paid under this division is eligible to receive a pay supplement under division (L)(1), (2), or (3) of section 124.181 of the Revised Code for which the employee qualifies, but is not eligible to receive a pay supplement under division (L)(4) or (5) of that section. An employee paid under this division is eligible to

receive a pay supplement under division (L)(6) of section 124.181 7426
of the Revised Code for which the employee qualifies, except that 7427
the supplement is not limited to a maximum of five per cent of the 7428
employee's regular base salary in a calendar year. 7429

(M) Division (A) of this section does not apply to "exempt 7430
employees," as defined in section 124.152 of the Revised Code, who 7431
are paid under that section. 7432

Notwithstanding any other provisions of this chapter, when an 7433
employee transfers between bargaining units or transfers out of or 7434
into a bargaining unit, the director of administrative services 7435
shall establish the employee's compensation and adjust the maximum 7436
leave accrual schedule as the director deems equitable. 7437

Sec. 124.181. (A) Except as provided in divisions (M) and (P) 7438
of this section, any employee paid in accordance with schedule B 7439
of section 124.15 or schedule E-1 or schedule E-1 for step seven 7440
only of section 124.152 of the Revised Code is eligible for the 7441
pay supplements provided in this section upon application by the 7442
appointing authority substantiating the employee's qualifications 7443
for the supplement and with the approval of the director of 7444
administrative services except as provided in division (E) of this 7445
section. 7446

(B)(1) Except as provided in section 124.183 of the Revised 7447
Code, in computing any of the pay supplements provided in this 7448
section for an employee paid in accordance with schedule B of 7449
section 124.15 of the Revised Code, the classification salary base 7450
shall be the minimum hourly rate of the pay range, provided in 7451
that section, in which the employee is assigned at the time of 7452
computation. 7453

(2) Except as provided in section 124.183 of the Revised 7454
Code, in computing any of the pay supplements provided in this 7455
section for an employee paid in accordance with schedule E-1 of 7456

section 124.152 of the Revised Code, the classification salary 7457
base shall be the minimum hourly rate of the pay range, provided 7458
in that section, in which the employee is assigned at the time of 7459
computation. 7460

(3) Except as provided in section 124.183 of the Revised 7461
Code, in computing any of the pay supplements provided in this 7462
section for an employee paid in accordance with schedule E-1 for 7463
step seven only of section 124.152 of the Revised Code, the 7464
classification salary base shall be the minimum hourly rate in the 7465
corresponding pay range, provided in schedule E-1 of that section, 7466
to which the employee is assigned at the time of the computation. 7467

(C) The effective date of any pay supplement, except as 7468
provided in section 124.183 of the Revised Code or unless 7469
otherwise provided in this section, shall be determined by the 7470
director. 7471

(D) The director shall, by rule, establish standards 7472
regarding the administration of this section. 7473

(E)(1) Except as otherwise provided in this division, 7474
beginning on the first day of the pay period within which the 7475
employee completes five years of total service with the state 7476
government or any of its political subdivisions, each employee in 7477
positions paid in accordance with schedule B of section 124.15 of 7478
the Revised Code or in accordance with schedule E-1 or schedule 7479
E-1 for step seven only of section 124.152 of the Revised Code 7480
shall receive an automatic salary adjustment equivalent to two and 7481
one-half per cent of the classification salary base, to the 7482
nearest whole cent. Each employee shall receive thereafter an 7483
annual adjustment equivalent to one-half of one per cent of the 7484
employee's classification salary base, to the nearest whole cent, 7485
for each additional year of qualified employment until a maximum 7486
of ten per cent of the employee's classification salary base is 7487
reached. The granting of longevity adjustments shall not be 7488

affected by promotion, demotion, or other changes in 7489
classification held by the employee, nor by any change in pay 7490
range for the employee's class or grade. Longevity pay adjustments 7491
shall become effective at the beginning of the pay period within 7492
which the employee completes the necessary length of service, 7493
except that when an employee requests credit for prior service, 7494
the effective date of the prior service credit and of any 7495
longevity adjustment shall be the first day of the pay period 7496
following approval of the credit by the director of administrative 7497
services. No employee, other than an employee who submits proof of 7498
prior service within ninety days after the date of the employee's 7499
hiring, shall receive any longevity adjustment for the period 7500
prior to the director's approval of a prior service credit. Time 7501
spent on authorized leave of absence shall be counted for this 7502
purpose. 7503

(2) An employee who has retired in accordance with the 7504
provisions of any retirement system offered by the state and who 7505
is employed by the state or any political subdivision of the state 7506
on or after June 24, 1987, shall not have prior service with the 7507
state or any political subdivision of the state counted for the 7508
purpose of determining the amount of the salary adjustment 7509
provided under this division. 7510

(3) There shall be a moratorium on employees' receipt under 7511
this division of credit for service with the state government or 7512
any of its political subdivisions during the period from July 1, 7513
2003, through June 30, 2005. In calculating the number of years of 7514
total service under this division, no credit shall be included for 7515
service during the moratorium. The moratorium shall apply to the 7516
employees of the secretary of state, the auditor of state, the 7517
treasurer of state, and the attorney general, who are subject to 7518
this section unless the secretary of state, the auditor of state, 7519
the treasurer of state, or the attorney general decides to exempt 7520

the office's employees from the moratorium and so notifies the 7521
director of administrative services in writing on or before July 7522
1, 2003. 7523

If an employee is exempt from the moratorium, receives credit 7524
for a period of service during the moratorium, and takes a 7525
position with another entity in the state government or any of its 7526
political subdivisions, either during or after the moratorium, and 7527
if that entity's employees are or were subject to the moratorium, 7528
the employee shall continue to retain the credit. However, if the 7529
moratorium is in effect upon the taking of the new position, the 7530
employee shall cease receiving additional credit as long as the 7531
employee is in the position, until the moratorium expires. 7532

(F) When an exceptional condition exists that creates a 7533
temporary or a permanent hazard for one or more positions in a 7534
class paid in accordance with schedule B of section 124.15 of the 7535
Revised Code or in accordance with schedule E-1 or schedule E-1 7536
for step seven only of section 124.152 of the Revised Code, a 7537
special hazard salary adjustment may be granted for the time the 7538
employee is subjected to the hazardous condition. All special 7539
hazard conditions shall be identified for each position and 7540
incidence from information submitted to the director on an 7541
appropriate form provided by the director and categorized into 7542
standard conditions of: some unusual hazard not common to the 7543
class; considerable unusual hazard not common to the class; and 7544
exceptional hazard not common to the class. 7545

(1) A hazardous salary adjustment of five per cent of the 7546
employee's classification salary base may be applied in the case 7547
of some unusual hazardous condition not common to the class for 7548
those hours worked, or a fraction of those hours worked, while the 7549
employee was subject to the unusual hazard condition. 7550

(2) A hazardous salary adjustment of seven and one-half per 7551
cent of the employee's classification salary base may be applied 7552

in the case of some considerable hazardous condition not common to 7553
the class for those hours worked, or a fraction of those hours 7554
worked, while the employee was subject to the considerable hazard 7555
condition. 7556

(3) A hazardous salary adjustment of ten per cent of the 7557
employee's classification salary base may be applied in the case 7558
of some exceptional hazardous condition not common to the class 7559
for those hours worked, or a fraction of those hours worked, when 7560
the employee was subject to the exceptional hazard condition. 7561

(4) Each claim for temporary hazard pay shall be submitted as 7562
a separate payment and shall be subject to an administrative audit 7563
by the director as to the extent and duration of the employee's 7564
exposure to the hazardous condition. 7565

(G) When a full-time employee whose salary or wage is paid 7566
directly by warrant of the director of budget and management and 7567
who also is eligible for overtime under the "Fair Labor Standards 7568
Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is 7569
ordered by the appointing authority to report back to work after 7570
termination of the employee's regular work schedule and the 7571
employee reports, the employee shall be paid for such time. The 7572
employee shall be entitled to four hours at the employee's total 7573
rate of pay or overtime compensation for the actual hours worked, 7574
whichever is greater. This division does not apply to work that is 7575
a continuation of or immediately preceding an employee's regular 7576
work schedule. 7577

(H) When a certain position or positions paid in accordance 7578
with schedule B of section 124.15 of the Revised Code or in 7579
accordance with schedule E-1 or schedule E-1 for step seven only 7580
of section 124.152 of the Revised Code require the ability to 7581
speak or write a language other than English, a special pay 7582
supplement may be granted to attract bilingual individuals, to 7583
encourage present employees to become proficient in other 7584

languages, or to retain qualified bilingual employees. The 7585
bilingual pay supplement provided in this division may be granted 7586
in the amount of five per cent of the employee's classification 7587
salary base for each required foreign language and shall remain in 7588
effect as long as the bilingual requirement exists. 7589

(I) The director of administrative services may establish a 7590
shift differential for employees. The differential shall be paid 7591
to employees in positions working in other than the regular or 7592
first shift. In those divisions or agencies where only one shift 7593
prevails, no shift differential shall be paid regardless of the 7594
hours of the day that are worked. The director and the appointing 7595
authority shall designate which positions shall be covered by this 7596
division. 7597

(J) ~~Whenever an employee is assigned to work~~ An appointing 7598
authority may assign an employee to work in a higher level 7599
position for a continuous period of more than two weeks but no 7600
more than two years ~~because of a vacancy, the.~~ The employee's pay 7601
~~may shall~~ be established at a rate that is approximately four per 7602
cent above the employee's current base rate for the period the 7603
employee occupies the position, provided that this temporary 7604
~~occupancy~~ assignment is approved by the director. Employees paid 7605
under this division shall continue to receive any of the pay 7606
supplements due them under other divisions of this section based 7607
on the step one base rate for their normal classification. 7608

(K) If a certain position, or positions, within a class paid 7609
in accordance with schedule B of section 124.15 of the Revised 7610
Code or in accordance with schedule E-1 or schedule E-1 for step 7611
seven only of section 124.152 of the Revised Code are mandated by 7612
state or federal law or regulation or other regulatory agency or 7613
other certification authority to have special technical 7614
certification, registration, or licensing to perform the functions 7615
which are under the mandate, a special professional achievement 7616

pay supplement may be granted. This special professional 7617
achievement pay supplement shall not be granted when all 7618
incumbents in all positions in a class require a license as 7619
provided in the classification description published by the 7620
department of administrative services; to licensees where no 7621
special or extensive training is required; when certification is 7622
granted upon completion of a stipulated term of in-service 7623
training; when an appointing authority has required certification; 7624
or any other condition prescribed by the director. 7625

(1) Before this supplement may be applied, evidence as to the 7626
requirement must be provided by the agency for each position 7627
involved, and certification must be received from the director as 7628
to the director's concurrence for each of the positions so 7629
affected. 7630

(2) The professional achievement pay supplement provided in 7631
this division shall be granted in an amount up to ten per cent of 7632
the employee's classification salary base and shall remain in 7633
effect as long as the mandate exists. 7634

(L) Those employees assigned to teaching supervisory, 7635
principal, assistant principal, or superintendent positions who 7636
have attained a higher educational level than a basic bachelor's 7637
degree may receive an educational pay supplement to remain in 7638
effect as long as the employee's assignment and classification 7639
remain the same. 7640

(1) An educational pay supplement of two and one-half per 7641
cent of the employee's classification salary base may be applied 7642
upon the achievement of a bachelor's degree plus twenty quarter 7643
hours of postgraduate work. 7644

(2) An educational pay supplement of an additional five per 7645
cent of the employee's classification salary base may be applied 7646
upon achievement of a master's degree. 7647

(3) An educational pay supplement of an additional two and one-half per cent of the employee's classification salary base may be applied upon achievement of a master's degree plus thirty quarter hours of postgraduate work.

(4) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a master teacher.

(5) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a special education teacher.

(6) Those employees in teaching supervisory, principal, assistant principal, or superintendent positions who are responsible for specific extracurricular activity programs shall receive overtime pay for those hours worked in excess of their normal schedule, at their straight time hourly rate up to a maximum of five per cent of their regular base salary in any calendar year.

(M)(1) A state agency, board, or commission may establish a supplementary compensation schedule for those licensed physicians employed by the agency, board, or commission in positions requiring a licensed physician. The supplementary compensation schedule, together with the compensation otherwise authorized by this chapter, shall provide for the total compensation for these employees to range appropriately, but not necessarily uniformly, for each classification title requiring a licensed physician, in accordance with a schedule approved by the state controlling board. The individual salary levels recommended for each such physician employed shall be approved by the director. Notwithstanding section 124.11 of the Revised Code, such personnel are in the unclassified civil service.

(2) The director of administrative services may approve

supplementary compensation for the director of health, if the 7679
director is a licensed physician, in accordance with a 7680
supplementary compensation schedule approved under division (M)(1) 7681
of this section or in accordance with another supplementary 7682
compensation schedule the director of administrative services 7683
considers appropriate. The supplementary compensation shall not 7684
exceed twenty per cent of the director of health's base rate of 7685
pay. 7686

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 7687
117.42, and 131.02 of the Revised Code, the state shall not 7688
institute any civil action to recover and shall not seek 7689
reimbursement for overpayments made in violation of division (E) 7690
of this section or division (C) of section 9.44 of the Revised 7691
Code for the period starting after June 24, 1987, and ending on 7692
October 31, 1993. 7693

(O) Employees of the office of the treasurer of state who are 7694
exempt from collective bargaining coverage may be granted a merit 7695
pay supplement of up to one and one-half per cent of their step 7696
rate. The rate at which this supplement is granted shall be based 7697
on performance standards established by the treasurer of state. 7698
Any supplements granted under this division shall be administered 7699
on an annual basis. 7700

(P) Intermittent employees appointed under section 124.30 of 7701
the Revised Code are not eligible for the pay supplements provided 7702
by this section. 7703

(Q) Employees of the office of the auditor of state who are 7704
exempt from collective bargaining and who are paid in accordance 7705
with schedule E-1 or in accordance with schedule E-1 for step 7 7706
only and are paid a salary or wage in accordance with the schedule 7707
of rates in division (B) or (C) of section 124.152 of the Revised 7708
Code shall receive a reduction of two per cent in their hourly and 7709
annual pay calculation beginning with the pay period that 7710

immediately follows July 1, 2009. 7711

Sec. 124.392. (A) As used in this section: 7712

(1) "Exempt employee" has the same meaning as in section 7713
124.152 of the Revised Code. 7714

(2) "Fiscal emergency" means a fiscal emergency declared by 7715
the governor under section 126.05 of the Revised Code. 7716

(B) The director of administrative services may establish a 7717
voluntary cost savings program for exempt employees. 7718

(C) The director of administrative services shall establish a 7719
mandatory cost savings program applicable to exempt employees. 7720
Subject to division (C)(1) of this section, the program may 7721
include, but is not limited to, a loss of pay or loss of holiday 7722
pay as determined by the director. The program may be administered 7723
differently among exempt employees based on their classifications, 7724
appointment categories, appointing authorities, or other relevant 7725
distinctions. 7726

(1) Each full-time exempt employee shall participate in the 7727
program for a total of eighty hours of mandatory cost savings in 7728
both fiscal year 2010 and fiscal year 2011. Each part-time exempt 7729
employee shall participate in the program by not receiving holiday 7730
pay during both fiscal year 2010 and fiscal year 2011. Each 7731
employee of the secretary of state, auditor of state, treasurer of 7732
state, and attorney general shall participate in the program 7733
unless the secretary of state, auditor of state, treasurer of 7734
state, or attorney general decides to exempt the officer's 7735
employees from the program and so notifies the director of 7736
administrative services in writing on or before July 1, 2009. 7737

After July 1, 2009, the secretary of state, auditor of state, 7738
treasurer of state, or attorney general may decide to begin 7739
participation in the program for eighty hours or less and shall 7740

notify the director of administrative services in writing. The 7741
secretary of state, auditor of state, treasurer of state, or 7742
attorney general and the director shall mutually agree upon an 7743
implementation date. 7744

(2) After June 30, 2011, the director of administrative 7745
services, in consultation with the director of budget and 7746
management, may implement mandatory cost savings days applicable 7747
to exempt employees in the event of a fiscal emergency. Each 7748
employee of the secretary of state, auditor of state, treasurer of 7749
state, and attorney general shall participate in the mandatory 7750
cost savings days unless the secretary of state, auditor of state, 7751
treasurer of state, or attorney general decides to exempt the 7752
officer's employees from the mandatory cost savings days and so 7753
notifies the director of administrative services in the manner the 7754
director of administrative services prescribes by rule adopted 7755
under this section. 7756

(D) The director shall adopt rules in accordance with Chapter 7757
119. of the Revised Code to provide for the administration of the 7758
voluntary cost savings program and the mandatory cost savings 7759
program ~~and days~~. 7760

(E) Cost savings days provided pursuant to this section or by 7761
a labor-management contract or agreement shall be considered 7762
remuneration for purposes of section 4141.31 of the Revised Code. 7763

~~(F) The cost savings fund is hereby created in the state 7764
treasury. Savings accrued through employee participation in the 7765
mandatory cost savings program and in mandatory cost savings days 7766
shall be allocated to the fund. The fund may be used to pay 7767
employees who participated in the mandatory cost savings program 7768
or in mandatory cost savings days. Any investment earnings of the 7769
fund shall be credited to the fund. 7770~~

Sec. 125.02. ~~Except as to the adjutant general for military 7771~~

~~supplies and services, the capital square review and advisory board, the general assembly, the judicial branch, and institutions administered by boards of trustees, the~~ (A) The department of administrative services ~~may~~ shall establish contracts for supplies and services, including telephone, other telecommunications, and computer services, for the use of state agencies, ~~or~~ and may establish such contracts for the use of any political subdivision as described in division (B) of section 125.04 of the Revised Code, except for the following:

(1) The adjutant general for military supplies and services; 7781

(2) The general assembly; 7782

(3) The judicial branch; 7783

(4) State institutions of higher education; 7784

(5) State elected officials as set forth in section 125.041 of the Revised Code; 7785
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(6) The capitol square review and advisory board. 7787

~~The department~~ The entities set forth in divisions (A)(1) to (6) of this section may request the department of administrative services' assistance in the procurement of supplies and services for their respective offices and, upon the department's approval, may participate in contracts awarded by the department. 7788
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(B) For purchases under division (C) of section 125.05 of the Revised Code, the department shall grant a state agency a release and permit to make the purchase if the department determines that it is not possible or advantageous for the department to make a purchase. 7793
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(C) Upon request, the department may grant a blanket release and permit to a state agency for specific purchases. The department may grant the blanket release and permit for a fiscal year or for a biennium as determined by the director of 7798
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administrative services. 7802

(D) The director of administrative services shall adopt rules 7803
regarding circumstances and criteria for obtaining a release and 7804
permit under this section. The director of administrative services 7805
shall prescribe uniform rules governing forms of specifications, 7806
advertisements for proposals, the opening of bids, the making of 7807
awards and contracts, and the purchase of supplies and performance 7808
of work. 7809

(E) The director may enter into cooperative purchasing 7810
agreements to purchase supplies or services with the following: 7811

(1) The entities set forth in divisions (A)(1) to (5) of this 7812
section; 7813

(2) One or more other states; 7814

(3) Groups of states; 7815

(4) The United States or any department, division, or agency 7816
of the United States; 7817

(5) Other purchasing consortia; 7818

(6) The department of transportation; or 7819

(7) Any political subdivision of this state described in 7820
division (B) of section 125.04 of the Revised Code. 7821

(F) The United States or any department, division, or agency 7822
of the United States, one or more other states, groups of states, 7823
other purchasing consortia, or any agency, commission, or 7824
authority established under an interstate compact or agreement may 7825
purchase supplies and services from contracts established by the 7826
department of administrative services. 7827

(G) Except as provided in section 125.04 of the Revised Code, 7828
the department of administrative services shall purchase any 7829
policy of insurance, including a surety or fidelity bond, covering 7830
officers or employees of a state agency, for which the annual 7831

premium is more than one thousand dollars and which the state may 7832
procure. The department shall purchase the insurance in conformity 7833
with sections 125.04 to 125.15 of the Revised Code. As used in 7834
this division, "annual premium" means the total premium for one 7835
year for one type of insurance regardless of the number of 7836
policies. 7837

Sec. 125.035. (A) Except as otherwise provided in the Revised 7838
Code, a state agency wanting to purchase supplies or services 7839
shall make the purchase subject to the requirements of an 7840
applicable first or second requisite procurement program described 7841
in this section, or obtain a determination from the department of 7842
administrative services that the purchase is not subject to a 7843
first or second requisite procurement program. State agencies 7844
shall submit a purchase request to the department of 7845
administrative services unless the department has determined the 7846
request does not require a review. The director of administrative 7847
services shall adopt rules under Chapter 119. of the Revised Code 7848
to provide for the manner of carrying out the function and the 7849
power and duties imposed upon and vested in the director by this 7850
section. 7851

(B) The following programs are first requisite procurement 7852
programs that shall be given preference in the following order in 7853
fulfilling a purchase request: 7854

(1) Ohio penal industries within the department of 7855
rehabilitation and correction; and 7856

(2) Community rehabilitation programs administered by the 7857
department of administrative services under sections 125.601 to 7858
125.6012 of the Revised Code. 7859

(C) The following programs are second requisite procurement 7860
programs that may be able to fulfill the purchase request if the 7861
first requisite procurement programs are unable to do so: 7862

(1) Business enterprise program at the opportunities for Ohioans with disabilities agency as prescribed in sections 3304.28 to 3304.33 of the Revised Code; 7863
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(2) Office of information technology at the department of administrative services as established in section 125.18 of the Revised Code; 7866
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(3) Office of state printing and mail services at the department of administrative services as prescribed in Chapter 125. of the Revised Code; 7869
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7871

(4) Office of support services at the department of mental health as prescribed in section 5119.44 of the Revised Code; 7872
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(5) Ohio facilities construction commission established in section 123.20 of the Revised Code; and 7874
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(6) Any other program within, or administered by, a state agency that, by law, requires purchases to be made by, or with the approval of, the state agency. 7876
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(D) Upon receipt of a purchase request, the department of administrative services shall provide the requesting agency a notification of receipt of the purchase request. The department then shall determine whether the request can be fulfilled through a first requisite procurement program. In making the determination, the department may consult with each of the first requisite procurement programs. When the department has made its determination, it shall: 7879
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(1) Direct the requesting agency to obtain the desired supplies or services through the proper first requisite procurement program; 7887
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(2) Provide the agency with a waiver from the use of the applicable first requisite procurement programs under sections 125.609 or 5147.07 of the Revised Code; or 7890
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(3) Determine whether the purchase can be fulfilled through a second requisite procurement program under division (E) of this section. 7893
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(E) In making the determination that a purchase is subject to a second requisite procurement program, the department shall identify potentially applicable programs and notify each program of the requested purchase. The notified second requisite procurement program shall respond to the department within two business days with regard to its ability to provide the requested purchase. If the second requisite procurement program can provide the requested purchase, the department shall direct the requesting agency to make the requested purchase from the appropriate second requisite procurement program. If the department has not received notification from a second requisite procurement program within two business days and the department has made the determination that the purchase is not subject to a second requisite procurement program, the department shall provide a waiver to the requesting agency. 7896
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(F) Within five business days after receipt of a request, the department shall notify the requesting agency of its determination and provide any waiver under divisions (D) or (E) of this section. If the department fails to respond within five business days or fails to provide an explanation for any further delay within that time, the requesting agency may use direct purchasing authority to make the requested purchase, subject to the requirements of division (G) of this section and section 127.16 of the Revised Code. 7911
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(G) As provided in sections 125.02 and 125.05 of the Revised Code and subject to such rules as the director of administrative services may adopt, the department may issue a release and permit to the agency to secure supplies or services. A release and permit shall specify the supplies or services to which it applies, the 7920
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time during which it is operative, and the reason for its 7925
issuance. A release and permit for telephone, other 7926
telecommunications, and computer services shall be provided in 7927
accordance with section 125.18 of the Revised Code and shall 7928
specify the type of services to be rendered, the number and type 7929
of hardware to be used, and may specify the amount of such 7930
services to be performed. No requesting agency shall proceed with 7931
such purchase until it has received an approved release and permit 7932
from the director of administrative services or the director's 7933
designee. 7934

Sec. 125.04. (A) ~~Except as provided in division (D) of this~~ 7935
~~section, the department of administrative services shall determine~~ 7936
~~what supplies and services are purchased by or for state agencies.~~ 7937
~~Whenever the department of administrative services makes any~~ 7938
~~change or addition to the lists of supplies and services that it~~ 7939
~~determines to purchase for state agencies, it shall provide a list~~ 7940
~~to the agencies of the changes or additions. Except for the~~ 7941
requirements of division (B) of this section, section 125.092, and 7942
division (B) of section 125.11 of the Revised Code, sections 7943
125.04 to 125.08 and 125.09 to 125.15 of the Revised Code do not 7944
apply to or affect ~~the educational~~ state institutions of ~~the state~~ 7945
higher education. 7946

(B)(1) As used in this division: 7947

(a) "Chartered nonpublic school" has the same meaning as in 7948
section 3310.01 of the Revised Code. 7949

(b) "Emergency medical service organization" has the same 7950
meaning as in section 4765.01 of the Revised Code. 7951

(c) "Governmental agency" means a political subdivision or 7952
special district in this state established by or under law, or any 7953
combination of these entities; the United States or any 7954
department, division, or agency of the United States; one or more 7955

other states or groups of states; other purchasing consortia; and 7956
any agency, commission, or authority established under an 7957
interstate compact or agreement. 7958

(d) "Political subdivision" means any county, township, 7959
municipal corporation, school district, conservancy district, 7960
township park district, park district created under Chapter 1545. 7961
of the Revised Code, regional transit authority, regional airport 7962
authority, regional water and sewer district, or port authority. 7963
"Political subdivision" also includes any other political 7964
subdivision described in the Revised Code that has been approved 7965
by the department to participate in the department's contracts 7966
under this division. 7967

~~(d)~~(e) "Private fire company" has the same meaning as in 7968
section 9.60 of the Revised Code. 7969

(f) "State institution of higher education" has the meaning 7970
defined in section 3345.011 of the Revised Code. 7971

(2) Subject to division (C) of this section, the department 7972
of administrative services may permit a state institution of 7973
higher education, governmental agency, political subdivision, 7974
county board of elections, private fire company, private, 7975
nonprofit emergency medical service organization, or chartered 7976
nonpublic school to participate in contracts into which the 7977
department has entered for the purchase of supplies and services. 7978
The department may charge the entity a reasonable fee to cover the 7979
administrative costs the department incurs as a result of 7980
participation by the entity in such a purchase contract. 7981

A political subdivision desiring to participate in such 7982
purchase contracts shall file with the department a certified copy 7983
of an ordinance or resolution of the legislative authority or 7984
governing board of the political subdivision. The resolution or 7985
ordinance shall request that the political subdivision be 7986

authorized to participate in such contracts and shall agree that 7987
the political subdivision will be bound by such terms and 7988
conditions as the department prescribes and that it will directly 7989
pay the vendor under each purchase contract. A board of elections 7990
desiring to participate in such purchase contracts shall file with 7991
the purchasing authority a written request for inclusion in the 7992
program. A private fire company, private, nonprofit emergency 7993
medical service organization, or chartered nonpublic school 7994
desiring to participate in such purchase contracts shall file with 7995
the department a written request for inclusion in the program 7996
signed by the chief officer of the company, organization, or 7997
chartered nonpublic school. A governmental agency desiring to 7998
participate in such purchase contracts shall file with the 7999
department a written request for inclusion in the program. A state 8000
institution of higher education desiring to participate in such 8001
purchase contracts shall file with the department a certified copy 8002
of resolution of the board of trustees or similar authorizing 8003
body. The resolution shall request that the state institution of 8004
higher education be authorized to participate in such contracts. 8005

A request for inclusion shall include an agreement to be 8006
bound by such terms and conditions as the department prescribes 8007
and to make direct payments to the vendor under each purchase 8008
contract. 8009

The department shall include in its annual report, an 8010
estimate of the ~~cost it incurs by permitting~~ purchases made by 8011
state institutions of higher education, governmental agencies, 8012
political subdivisions, county boards of elections, private fire 8013
companies, private, nonprofit emergency medical service 8014
organizations, and chartered nonpublic schools ~~to participate in 8015~~
from contracts pursuant to this division. The department may 8016
require such entities to file a report with the department, as 8017
often as it finds necessary, stating how many such contracts the 8018

entities participated in within a specified period of time, and 8019
any other information the department requires. 8020

(3) Purchases made by a political subdivision or a county 8021
board of elections under this division are exempt from any 8022
competitive selection procedures otherwise required by law. No 8023
political subdivision shall make any purchase under this division 8024
when bids have been received for such purchase by the subdivision, 8025
unless such purchase can be made upon the same terms, conditions, 8026
and specifications at a lower price under this division. 8027

(C) A political subdivision as defined in division (B) of 8028
this section or a county board of elections may purchase supplies 8029
or services from another party, including a political subdivision, 8030
instead of through participation in contracts described in 8031
division (B) of this section if the political subdivision or 8032
county board of elections can purchase those supplies or services 8033
from the other party upon equivalent terms, conditions, and 8034
specifications but at a lower price than it can through those 8035
contracts. Purchases that a political subdivision or county board 8036
of elections makes under this division are exempt from any 8037
competitive selection procedures otherwise required by law. A 8038
political subdivision or county board of elections that makes any 8039
purchase under this division shall maintain sufficient information 8040
regarding the purchase to verify that the political subdivision or 8041
county board of elections satisfied the conditions for making a 8042
purchase under this division. Nothing in this division restricts 8043
any action taken by a county or township as authorized by division 8044
(B)(1) of section 9.48 of the Revised Code. 8045

(D) This section does not apply to supplies or services 8046
~~required by the legislative or judicial branches, the capitol~~ 8047
~~square review and advisory board, the adjutant general for~~ 8048
~~military supplies and services, to supplies or services purchased~~ 8049
by a state agency directly as provided in ~~division (A), (B), or~~ 8050

~~(F)~~ of section 125.05 of the Revised Code, or to purchases of 8051
supplies or services for the emergency management agency as 8052
provided in section ~~125.023~~ 125.061 of the Revised Code. 8053

Sec. 125.041. (A) Nothing in sections 125.02, ~~125.03~~ 125.04 8054
to 125.08, 125.12 to 125.16, 125.18, 125.31 to 125.76, or 125.831 8055
of the Revised Code shall be construed as limiting the attorney 8056
general, auditor of state, secretary of state, or treasurer of 8057
state in any of the following: 8058

~~(A)~~(1) Purchases for less than the dollar amounts for the 8059
purchase of supplies or services determined ~~pursuant to division~~ 8060
~~(E)~~ of under section 125.05 of the Revised Code; 8061

~~(B)~~(2) Purchases that equal or exceed the dollar amounts for 8062
the purchase of supplies or services determined ~~pursuant to~~ 8063
~~division (E)~~ of under section 125.05 of the Revised Code with the 8064
approval of the controlling board, if that approval is required by 8065
section 127.16 of the Revised Code; 8066

~~(C)~~(3) The final determination of the nature or quantity 8067
~~making of~~ any purchase of supplies or services ~~to be purchased~~ 8068
~~pursuant to~~ under division (B) of section 125.06 125.02 or under 8069
division (G) of section 125.035 of the Revised Code; 8070

~~(D)~~(4) The final determination and disposal of excess and 8071
surplus supplies; 8072

~~(E)~~(5) The inventory of state property; 8073

~~(F)~~(6) The purchase of printing; 8074

~~(G)~~(7) Activities related to information technology 8075
development and use; 8076

~~(H)~~(8) The fleet management program. 8077

(B) Nothing in this section shall be construed as preventing 8078
the attorney general, auditor of state, secretary of state, or 8079

treasurer of state from complying with or participating in any 8080
aspect of Chapter 125. of the Revised Code through the department 8081
of administrative services. 8082

Sec. 125.05. Except as provided in division ~~(F)~~(D) of this 8083
section, no state agency shall purchase any supplies or services 8084
except as provided in divisions (A) to ~~(D)~~(C) of this section. 8085

~~(A) Subject to division (E) of this section, a~~ A state agency 8086
may, without competitive selection, make any purchase of supplies 8087
or services that cost ~~twenty five~~ less than fifty thousand dollars 8088
~~or less after complying with divisions (A) to (E) of section~~ 8089
125.035 of the Revised Code. The agency may make the purchase 8090
directly or may make the purchase from or through the department 8091
of administrative services, whichever the agency determines. The 8092
agency shall adopt written procedures consistent with the 8093
department's purchasing procedures and shall use those procedures 8094
when making purchases under this division. 8095

~~(B) Subject to division (E) of this section and in accordance~~ 8096
~~with section 125.051 of the Revised Code, a state agency may make~~ 8097
~~purchases of supplies and services that cost more than twenty five~~ 8098
~~thousand dollars but less than fifty thousand dollars if the~~ 8099
~~purchases are made under the direction of an employee of the~~ 8100
~~agency who is certified by the department to make purchases and if~~ 8101
~~the purchases comply with the department's purchasing procedures.~~ 8102
Section 127.16 of the Revised Code does not apply to purchases 8103
made under this division. ~~Until the certification effective date~~ 8104
~~established by the department in rules adopted under section~~ 8105
~~125.051 of the Revised Code, state agencies may make purchases of~~ 8106
~~supplies and services that cost more than twenty five thousand~~ 8107
~~dollars but less than fifty thousand dollars in the same manner as~~ 8108
~~provided in division (A) of this section.~~ 8109

(B) A state agency shall make purchases of supplies and 8110

services that cost fifty thousand dollars or more through the 8111
department of administrative services and the process provided in 8112
section 125.035 of the Revised Code, unless the department grants 8113
a waiver under divisions (D) or (E) of that section and a release 8114
and permit under division (G) of that section. 8115

~~(C) Subject to division (E) of this section, a state agency~~ 8116
~~wanting to purchase supplies or services that cost more than~~ 8117
~~twenty five thousand dollars shall, unless otherwise authorized by~~ 8118
~~law, make the purchase from or through the department. The~~ 8119
~~department shall make the purchase by competitive selection. If~~ 8120
~~the director of administrative services determines that it is not~~ 8121
~~possible or not advantageous to the state for the department to~~ 8122
~~make the purchase, the department shall grant the agency a release~~ 8123
~~and permit under section 125.06 of the Revised Code to make the~~ 8124
~~purchase. Section 127.16 of the Revised Code does not apply to~~ 8125
~~purchases the department makes under this section.~~ 8126

~~(D)~~ An agency that has been granted a release and permit 8127
under division (G) of section 125.035 of the Revised Code to make 8128
a purchase may make the purchase without competitive selection if 8129
after making the purchase the cumulative purchase threshold as 8130
computed under division (E) of section 127.16 of the Revised Code 8131
would: 8132

(1) Be exceeded and the controlling board approves the 8133
purchase; 8134

(2) Not be exceeded and the department of administrative 8135
services approves the purchase. 8136

~~(E) Not later than the thirty first day of January of each~~ 8137
~~even numbered year, the directors of administrative services and~~ 8138
~~budget and management shall review and recommend to the general~~ 8139
~~assembly, if necessary, adjustments to the amounts specified in~~ 8140
~~divisions (A) to (C) of this section and division (B) of section~~ 8141

~~127.16 of the Revised Code.~~ 8142

~~(F)(D)~~ If the department of education or the Ohio education 8143
computer network determines that it can purchase software services 8144
or supplies for specified school districts at a price less than 8145
the price for which the districts could purchase the same software 8146
services or supplies for themselves, the department or network 8147
shall certify that fact to the department of administrative 8148
services and, acting as an agent for the specified school 8149
districts, shall make that purchase without following the 8150
provisions in divisions (A) to (D) of this section. 8151

Sec. 125.061. (A) During the period of an emergency as 8152
defined in section 5502.21 of the Revised Code, the department of 8153
administrative services may suspend, for the emergency management 8154
agency established in section 5502.022 of the Revised Code or any 8155
other state agency participating in response and recovery 8156
activities as defined in section 5502.21 of the Revised Code, the 8157
purchasing and contracting requirements contained in Chapter 125. 8158
and any requirement of Chapter 153. of the Revised Code that 8159
otherwise would apply to the agency. The director of public safety 8160
or the executive director of the emergency management agency shall 8161
make the request for the suspension of these requirements to the 8162
department of administrative services concurrently with the 8163
request to the governor or the president of the United States for 8164
the declaration of an emergency. The governor also shall include 8165
in any proclamation the governor issues declaring an emergency 8166
language requesting the suspension of those requirements during 8167
the period of the emergency. 8168

(B) Before any purchase may be made under a suspension 8169
authorized by this section, the director of administrative 8170
services shall send notice of the suspension as approved under 8171
division (A) of this section to the director of budget and 8172

management and to the members of the controlling board. The notice 8173
shall provide details of the request for suspension and shall 8174
include a copy of the director's approval. 8175

(C) Purchases made by state agencies under this section are 8176
exempt from the requirements of section 127.16 of the Revised 8177
Code, except that state agencies making purchases under this 8178
section shall file a report with the president of the controlling 8179
board describing all such purchases made by the agency during the 8180
period covered by the emergency declaration. The report shall be 8181
filed within ninety days after the declaration expires. 8182

Sec. 125.07. (A) In accordance with rules the director shall 8183
adopt under Chapter 119. of the Revised Code, the director of 8184
administrative services may make purchases by competitive sealed 8185
bid. The competitive sealed bid, at a minimum, shall contain a 8186
detailed description of the supplies or services to be purchased, 8187
terms and conditions of the sale, and any other information the 8188
director considers to be necessary for the intended purchase. 8189
Competitive sealed bids shall be awarded as provided in section 8190
125.11 of the Revised Code. 8191

(B) The department of administrative services, in making a 8192
purchase by competitive ~~selection pursuant to division (C) of~~ 8193
~~section 125.05 of the Revised Code~~ sealed bid, shall give notice 8194
in the following manner: 8195

~~(A)(1)~~ The department shall advertise the intended purchases 8196
by notice ~~that is posted by mail or electronic means and that is~~ 8197
for the benefit of competing persons producing or dealing in the 8198
supplies or services to be purchased, ~~including, but not limited~~ 8199
~~to, the persons whose names appear on the appropriate list~~ 8200
~~provided for in section 125.08 of the Revised Code. The notice may~~ 8201
~~be in the form of the bid or proposal document or of a listing in~~ 8202
~~a periodic bulletin, or in any other~~ electronic form the director 8203

of administrative services considers appropriate to sufficiently 8204
notify ~~qualified~~ competing persons of the intended purchases. 8205

~~(B)(2)~~ The notice required under this division ~~(A) of this~~ 8206
~~section~~ shall include the time and place where bids ~~or proposals~~ 8207
will be accepted and opened, or, when bids are made in a reverse 8208
auction, the time when bids will be accepted; the conditions under 8209
which bids ~~or proposals~~ will be received; the terms of the 8210
proposed purchases; and an itemized list of the supplies or 8211
services to be purchased and the estimated quantities or amounts 8212
of them. 8213

~~(C)(3)~~ The ~~posting of the~~ notice required under this division 8214
~~(A) of this section~~ shall be ~~completed by~~ posted the number of 8215
days ~~the director determines~~ preceding the day when the bids ~~or~~ 8216
~~proposals~~ will be opened or accepted that the director determines 8217
sufficient to enable interested bidders to prepare their bids. 8218

~~(D)~~ The department also shall maintain, in a public place in 8219
~~its office, a bulletin board upon which it shall post and maintain~~ 8220
~~a copy of the notice required under division (A) of this section~~ 8221
~~for at least the number of days the director determines under~~ 8222
~~division (C) of this section preceding the day of the opening or~~ 8223
~~acceptance of the bids or proposals. The failure to so~~ 8224
~~additionally post the notice shall invalidate all proceedings had~~ 8225
~~and any contract entered into pursuant to the proceedings.~~ 8226

Sec. 125.08. ~~(A) The department of administrative services~~ 8227
~~may divide the state into purchasing districts wherein supplies or~~ 8228
~~services are to be delivered and shall describe those districts on~~ 8229
~~all applications for the notification list provided for in this~~ 8230
~~section.~~ 8231

~~Any person may have that person's name and address, or the~~ 8232
~~name and address of an agent, placed on the competitive selection~~ 8233
~~notification list of the department of administrative services by~~ 8234

~~sending to the department the person's name and address, together 8235
with a list of the supplies or services described in the manner 8236
prescribed by the department produced or dealt in by the person 8237
with a request for such listing, a list of the districts in which 8238
the person desires to participate, and all other information the 8239
director of administrative services may prescribe. Whenever any 8240
name and address together with a list of the supplies or services 8241
produced or dealt in is so listed, the department shall post 8242
notice, as provided in division (A) of section 125.07 of the 8243
Revised Code, for the benefit of the persons listed on the 8244
notification list that are qualified Ohio business enterprises, 8245
which shall include Ohio penal industries as defined by rule of 8246
the director of administrative services, or have a significant 8247
Ohio presence in this state's economy, except that, in those 8248
circumstances in which the director considers it in the best 8249
interest of this state, the director shall post notice, as 8250
provided in division (A) of section 125.07 of the Revised Code, 8251
for the benefit of all persons listed on the notification list. 8252
The department need only provide competitive selection documents 8253
for a proposed contract to persons who specifically request the 8254
documents. 8255~~

~~The director may remove a person from the notification list 8256
and place the person on an inactive list if the person fails to 8257
respond to any notices of proposed purchases that appear in four 8258
consecutive bulletins or other forms of notification that list 8259
those notices. Upon written request to the director by the person 8260
so removed, the director may return the person to the notification 8261
list if the person provides sufficient evidence regarding intent 8262
to offer bids or proposals to the state. The director shall not 8263
remove any person from the list without notice to the person. The 8264
notice may be a part of the notices of proposed purchase. 8265~~

~~(B) Any person who is certified by the equal employment 8266~~

opportunity coordinator of the department of administrative 8267
services in accordance with the rules adopted under division 8268
(B)(1) of section 123.151 of the Revised Code as a minority 8269
business enterprise may have that person's name placed on a 8270
special minority business enterprise notification list to be used 8271
in connection with contracts awarded under section 125.081 of the 8272
Revised Code. The minority business enterprise notification list 8273
shall be used for bidding on contracts set aside for minority 8274
business enterprises only. ~~In all other respects, the list shall~~ 8275
~~be maintained and used in the same manner and according to the~~ 8276
~~same procedures as the notification list provided for under~~ 8277
~~division (A) of this section, except that a firm shall not be~~ 8278
~~removed from the list unless the coordinator determines that the~~ 8279
~~firm is no longer a minority business enterprise. A minority~~ 8280
~~business enterprise may have its name placed on both the~~ 8281
~~notification lists provided for in this section.~~ 8282

~~(C) The director of administrative services may require an~~ 8283
~~annual registration fee for the listings provided for in division~~ 8284
~~(A) or (B) of this section. This fee shall not be more than ten~~ 8285
~~dollars. The department may charge a fee for any compilation of~~ 8286
~~descriptions of supplies or services. This fee shall be reasonable~~ 8287
~~and shall not exceed the cost required to maintain the~~ 8288
~~notification lists and provide for the distribution of the~~ 8289
~~proposed purchase to the persons whose names appear on the lists.~~ 8290

Sec. 125.081. (A) From the purchases that the department of 8291
administrative services is required by law to make through 8292
competitive selection, the director of administrative services 8293
shall select a number of such purchases, the aggregate value of 8294
which equals approximately fifteen per cent of the estimated total 8295
value of all such purchases to be made in the current fiscal year. 8296
The director shall set aside the purchases selected for 8297
competition only by minority business enterprises, as defined in 8298

division (E)(1) of section 122.71 of the Revised Code. The 8299
competitive selection procedures for such purchases set aside 8300
shall be the same as for all other purchases the department is 8301
required to make through competitive selection, except that only 8302
minority business enterprises certified by the equal employment 8303
opportunity coordinator of the department of administrative 8304
services in accordance with the rules adopted under division 8305
(B)(1) of section 123.151 of the Revised Code and listed by the 8306
director under ~~division (B)~~ of section 125.08 of the Revised Code 8307
shall be qualified to compete. 8308

(B) To the extent that any agency of the state, other than 8309
the department of administrative services, the legislative and 8310
judicial branches, boards of elections, and the adjutant general, 8311
is authorized to make purchases, the agency shall set aside a 8312
number of purchases, the aggregate value of which equals 8313
approximately fifteen per cent of the aggregate value of such 8314
purchases for the current fiscal year for competition by minority 8315
business enterprises only. The procedures for such purchases shall 8316
be the same as for all other such purchases made by the agency, 8317
except that only minority business enterprises certified by the 8318
equal employment opportunity coordinator in accordance with rules 8319
adopted under division (B)(1) of section 123.151 of the Revised 8320
Code shall be qualified to compete. 8321

(C) In the case of purchases set aside under division (A) or 8322
(B) of this section, if no bid is submitted by a minority business 8323
enterprise, the purchase shall be made according to usual 8324
procedures. The contracting agency shall from time to time set 8325
aside such additional purchases for which only minority business 8326
enterprises may compete, as are necessary to replace those 8327
purchases previously set aside for which no minority business 8328
enterprises bid and to ensure that, in any fiscal year, the 8329
aggregate amount of contracts awarded to minority business 8330

enterprises will equal approximately fifteen per cent of the total amount of contracts awarded by the agency.

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

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

(F) Any person who intentionally misrepresents self as owning, controlling, operating, or participating in a minority business enterprise for the purpose of obtaining contracts, subcontracts, or any other benefits under this section shall be guilty of theft by deception as provided for in section 2913.02 of the Revised Code.

Sec. 125.082. (A) When purchasing equipment, materials, or supplies, the general assembly; the offices of all elected state officers; all departments, boards, offices, commissions, agencies, institutions, including, without limitation, state-supported institutions of higher education, and other instrumentalities of this state; the supreme court; all courts of appeals; and all courts of common pleas, may purchase recycled products in accordance with ~~the guidelines adopted under division (B) of this section if the products are available and meet the performance specifications of the procuring entities. Purchases of recycled~~

~~products shall comply with any rules adopted under division (C) of
this section by the director of administrative services.~~ 8362
8363

(B) ~~The director of administrative services shall adopt rules
in accordance with Chapter 119. of the Revised Code establishing
guidelines for the procurement of recycled products pursuant to
division (A) of this section. To the extent practicable, the
guidelines shall do all of the following:~~ 8364
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~~(1) Be consistent with and substantially equivalent to any
relevant regulations adopted by the administrator of the United
States environmental protection agency pursuant to the "Resource
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A.
6921, as amended;~~ 8369
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~~(2) Establish the minimum percentage of recycled materials
the various products shall contain in order to be considered
"recycled" for the purposes of division (A) of this section;~~ 8374
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~~(3) So far as practicable and economically feasible,
incorporate specifications for recycled content materials to
promote the use and purchase of recycled products by state
agencies.~~ 8377
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~~(C) The director may adopt rules in accordance with Chapter
119. of the Revised Code establishing a maximum percentage by
which the cost of recycled products purchased under division (A)
of this section may exceed the cost of comparable products made of
virgin materials.~~ 8381
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~~(D) The department of administrative services and the
environmental protection agency annually shall prepare and submit
to the governor, president of the senate, and speaker of the house
of representatives a report that describes, so far as practicable,
the value and types of recycled products that are purchased with
moneys disbursed from the state treasury by the general assembly;
the offices of all elected state officers; and all departments,~~ 8386
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~~boards, offices, commissions, agencies, and institutions of this~~ 8393
~~state.~~ 8394

Sec. 125.10. (A) The department of administrative services 8395
may require that all competitive sealed bids, competitive sealed 8396
proposals, and bids received in a reverse auction be accompanied 8397
by a performance bond or other ~~cash surety~~ financial assurance 8398
acceptable to the director of administrative services, in the sum 8399
and with the sureties it prescribes, payable to the state, and 8400
conditioned that the person submitting the bid or proposal, if 8401
that person's bid or proposal is accepted, will faithfully execute 8402
the terms of the contract and promptly make deliveries of the 8403
supplies purchased. 8404

(B) A sealed copy of each competitive sealed bid or 8405
competitive sealed proposal shall be filed with the department 8406
prior to the time specified in the notice for opening of the bids 8407
or proposals. All competitive sealed bids and competitive sealed 8408
proposals shall be publicly opened in the office of the department 8409
at the time specified in the notice. A representative of the 8410
auditor of state shall be present at the opening of all 8411
competitive sealed bids and competitive sealed proposals, and 8412
shall certify the opening of each competitive sealed bid and 8413
competitive sealed proposal. No competitive sealed bid or 8414
competitive sealed proposal shall be considered valid unless it is 8415
so certified. 8416

Sec. 125.11. (A) Subject to division (B) of this section, 8417
contracts awarded pursuant to a reverse auction under section 8418
125.072 of the Revised Code or pursuant to competitive sealed 8419
bidding, including contracts awarded under section 125.081 of the 8420
Revised Code, shall be awarded to the lowest responsive and 8421
responsible bidder ~~on each item~~ in accordance with section 9.312 8422
of the Revised Code. When the contract is for meat products as 8423

defined in section 918.01 of the Revised Code or poultry products 8424
as defined in section 918.21 of the Revised Code, only those bids 8425
received from vendors ~~offering products from establishments on the~~ 8426
~~current list of meat and poultry vendors established and~~ 8427
~~maintained by the director of administrative services under~~ 8428
~~section 125.17 of the Revised Code~~ under inspection of the United 8429
States department of agriculture or who are licensed by the Ohio 8430
department of agriculture shall be eligible for acceptance. The 8431
department of administrative services may accept or reject any or 8432
all bids in whole or by items, except that when the contract is 8433
for services or products available from a qualified nonprofit 8434
agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 8435
4115.35 of the Revised Code, the contract shall be awarded to that 8436
agency. 8437

(B) Prior to awarding a contract under division (A) of this 8438
section, the department of administrative services or the state 8439
agency responsible for evaluating a contract for the purchase of 8440
products shall evaluate the bids received according to the 8441
criteria and procedures established pursuant to divisions (C)(1) 8442
and (2) of section 125.09 of the Revised Code for determining if a 8443
product is produced or mined in the United States and if a product 8444
is produced or mined in this state. The department or other state 8445
agency shall first ~~remove~~ consider bids that offer products that 8446
have ~~not~~ been or that will ~~not~~ be produced or mined in the United 8447
States. From among the remaining bids, the department or other 8448
state agency shall select the lowest responsive and responsible 8449
bid, in accordance with section 9.312 of the Revised Code, from 8450
among the bids that offer products that have been produced or 8451
mined in this state where sufficient competition can be generated 8452
within this state to ensure that compliance with these 8453
requirements will not result in an excessive price for the product 8454
or acquiring a disproportionately inferior product. 8455

(C) Division (B) of this section applies to contracts for 8456
which competitive bidding is waived by the controlling board. 8457

(D) Division (B) of this section does not apply to the 8458
purchase by the division of liquor control of spirituous liquor. 8459

(E) The director of administrative services shall publish in 8460
the form of a model act for use by counties, townships, municipal 8461
corporations, or any other political subdivision described in 8462
division (B) of section 125.04 of the Revised Code, a system of 8463
preferences for products mined and produced in this state and in 8464
the United States and for Ohio-based contractors. The model act 8465
shall reflect substantial equivalence to the system of preferences 8466
in purchasing and public improvement contracting procedures under 8467
which the state operates pursuant to this chapter and section 8468
153.012 of the Revised Code. To the maximum extent possible, 8469
consistent with the Ohio system of preferences in purchasing and 8470
public improvement contracting procedures, the model act shall 8471
incorporate all of the requirements of the federal "Buy America 8472
Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and 8473
the rules adopted under that act. 8474

Before and during the development and promulgation of the 8475
model act, the director shall consult with appropriate statewide 8476
organizations representing counties, townships, and municipal 8477
corporations so as to identify the special requirements and 8478
concerns these political subdivisions have in their purchasing and 8479
public improvement contracting procedures. The director shall 8480
promulgate the model act by rule adopted pursuant to Chapter 119. 8481
of the Revised Code and shall revise the act as necessary to 8482
reflect changes in this chapter or section 153.012 of the Revised 8483
Code. 8484

The director shall make available copies of the model act, 8485
supporting information, and technical assistance to any township, 8486
county, or municipal corporation wishing to incorporate the 8487

provisions of the act into its purchasing or public improvement 8488
contracting procedure. 8489

Sec. 125.112. (A) As used in this section: 8490

(1) "Agency" means a department created under section 121.02 8491
of the Revised Code. 8492

(2) "Entity" means, whether for profit or nonprofit, a 8493
corporation, association, partnership, limited liability company, 8494
sole proprietorship, or other business entity. "Entity" does not 8495
include an individual who receives state assistance that is not 8496
related to the individual's business. 8497

(3)(a) "State award" means a contract awarded by the state 8498
costing over twenty-five thousand dollars. 8499

(b) "State award" does not include compensation received as 8500
an employee of the state or any state financial assistance and 8501
expenditure received from the general assembly or any legislative 8502
agency, any court or judicial agency, the secretary of state, 8503
auditor of state, treasurer of state, or attorney general and 8504
their respective offices. 8505

(B) The department of administrative services shall establish 8506
and maintain a single searchable web site, accessible by the 8507
public at no cost, that includes all of the following information 8508
for each state award: 8509

(1) The name of the entity receiving the award; 8510

(2) The amount of the award; 8511

(3) Information on the award, the agency or other 8512
instrumentality of the state that is providing the award, and the 8513
commodity code; 8514

(4) Any other relevant information determined by the 8515
department of administrative services. 8516

(C) The department of administrative services may consult 8517
with other state agencies in the development, establishment, 8518
operation, and support of the web site required by division (B) of 8519
this section. State awards shall be posted on the web site within 8520
thirty days after being made. The department of administrative 8521
services shall provide an opportunity for public comment as to the 8522
utility of the web site required by division (B) of this section 8523
and any suggested improvements. 8524

(D) The web site required by division (B) of this section 8525
shall be fully operational not later than one year after ~~the~~ 8526
~~effective date of this section~~ December 30, 2008, and shall 8527
include information on state awards made in fiscal year 2008 and 8528
thereafter. It shall also provide an electronic link to the daily 8529
journals of the senate and house of representatives. 8530

(E) The director of administrative services shall submit to 8531
the general assembly an annual report regarding the implementation 8532
of the web site established pursuant to division (B) of this 8533
section. The report shall include data regarding the usage of the 8534
web site and any public comments on the utility of the site, 8535
including recommendations for improving data quality and 8536
collection. The director shall post each report on the web site. 8537

(F) Each agency awarding a grant to an entity in fiscal year 8538
2008 and thereafter shall establish and maintain a separate web 8539
site listing the name of the entity receiving each grant, the 8540
grant amount, information on each grant, and any other relevant 8541
information determined by the department of administrative 8542
services. Each agency shall provide the link to such a web site to 8543
the department of administrative services within a reasonable time 8544
after ~~the effective date of this section~~ December 30, 2008, and 8545
shall thereafter update its web site within thirty days of 8546
awarding a new grant. Not later than one year after ~~the effective~~ 8547
~~date of this section~~ December 30, 2008, the department of 8548

administrative services shall establish and maintain a separate 8549
web site, accessible to the public at no cost, which contains the 8550
links to the agency web sites required by this division. 8551

(G) ~~The~~ At the end of the closeout year, the attorney general 8552
shall ~~monitor the compliance of~~ determine the extent to which an 8553
entity has complied with the terms and conditions, including 8554
performance metrics, ~~if any,~~ of a state award for economic 8555
development received by that entity. As necessary, the agency that 8556
makes and administers the state award for economic development 8557
shall assist the attorney general with that ~~monitoring~~ 8558
determination. The attorney general shall submit to the general 8559
assembly pursuant to section 101.68 of the Revised Code an annual 8560
report regarding the level of compliance of each such ~~entities~~ 8561
entity with the terms and conditions, including ~~any~~ performance 8562
metrics, of their state awards for economic development. When the 8563
attorney general determines appropriate and to the extent that an 8564
entity that receives or has received a state award for economic 8565
development does not comply with a performance metric that is 8566
specified in the terms and conditions of the award, the attorney 8567
general shall pursue against and from that entity such remedies 8568
and recoveries as are available under law. For purposes of this 8569
division, "state Closeout year" means the calendar year by which 8570
an entity that receives a state award for economic development 8571
must comply with a performance metric specified in the terms and 8572
conditions of the award. "State award for economic development" 8573
means state financial assistance and expenditure in any of the 8574
following forms: grants, subgrants, loans, awards, cooperative 8575
agreements, or other similar and related forms of financial 8576
assistance and contracts, subcontracts, purchase orders, task 8577
orders, delivery orders, or other similar and related 8578
transactions. "State award for economic development" does not 8579
include compensation received as an employee of the state or any 8580
state financial assistance and expenditure received from the 8581

general assembly or any legislative agency, any court or judicial 8582
agency, the secretary of state, auditor of state, treasurer of 8583
state, or attorney general and their respective offices. 8584

(H) Nothing in this section shall be construed as requiring 8585
the disclosure of information that is not a public record under 8586
section 149.43 of the Revised Code. 8587

Sec. 125.13. (A) As used in this section: 8588

(1) "Emergency medical service organization" has the same 8589
meaning as in section 4765.01 of the Revised Code. 8590

(2) "Private fire company" has the same meaning as in section 8591
9.60 of the Revised Code. 8592

(B) ~~Except as otherwise provided in section 5139.03 of the~~ 8593
~~Revised Code, whenever~~ Whenever a state agency determines that it 8594
has excess or surplus supplies, it shall notify the director of 8595
administrative services. ~~Upon request by the director and on~~ On 8596
forms provided by the director, the state agency shall furnish to 8597
the director a list of ~~all those~~ its excess and surplus supplies 8598
~~and an appraisal of their value, including the location of the~~ 8599
supplies and whether the supplies are currently in the agency's 8600
control. 8601

(C) ~~The~~ Upon receipt of notification and at no cost to the 8602
state agency, the director of administrative services shall make 8603
arrangements for their disposition and shall take immediate 8604
control of a state agency's excess and surplus supplies, except 8605
for the following excess and surplus supplies: 8606

(1) Excess or surplus supplies that have a value below the 8607
minimum value that the director establishes for excess and surplus 8608
supplies under division (F) of this section; 8609

(2) Excess or surplus supplies that the director has 8610
authorized an agency to donate to a ~~public entity~~ governmental 8611

agency, including, but not limited to, public schools and surplus computers and computer equipment transferred to a public school under division ~~(H)~~(G) of this section;

(3) Excess or surplus supplies that an agency trades in as full or partial payment when purchasing a replacement item;

(4) Hazardous property;

(5) Excess or surplus supplies that the director has authorized to be part of an interagency transfer;

(6) Excess or surplus supplies that are donated under division (H) of this section.

(D) The director shall inventory excess and surplus supplies in the director's control and post on a public web site a list of the supplies available for acquisition. The director may have the supplies repaired. The director shall not charge a fee for the collection or transportation of excess and surplus supplies.

(E) The director may do ~~either~~ any of the following:

(1) Dispose of declared surplus or excess supplies in the director's control by sale, lease, donation, or transfer. If the director does so, the director shall dispose of those supplies in any of the following ~~order of priority~~ manners:

(a) To state agencies or by interagency trade;

(b) To state-supported or state-assisted institutions of higher education;

(c) To tax-supported agencies, municipal corporations, or other political subdivisions of this state, private fire companies, or private, nonprofit emergency medical service organizations;

(d) To nonpublic elementary and secondary schools chartered by the state board of education under section 3301.16 of the Revised Code;

(e) To a nonprofit organization that is both exempt from federal income taxation under 26 U.S.C. 501(a) and (c)(3) and that receives funds from the state or has a contract with the state;

(f) To the general public by auction, sealed bid, sale, or negotiation.

(2) If the director has attempted to dispose of any declared surplus or excess motor vehicle that does not exceed four thousand five hundred dollars in value pursuant to divisions (E)(1)(a) to (c) of this section, donate the motor vehicle to a nonprofit organization exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3) for the purpose of meeting the transportation needs of participants in the Ohio works first program established under Chapter 5107. of the Revised Code and participants in the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code. The director may not donate a motor vehicle furnished to the state highway patrol to a nonprofit organization pursuant to this division.

(F) The director may adopt rules governing the sale, lease, or transfer of surplus and excess supplies in the director's control by public auction, sealed bid, sale, or negotiation, except that no employee of the disposing agency shall be allowed to purchase, lease, or receive any such supplies. The director may dispose of declared surplus or excess supplies, including motor vehicles, in the director's control as the director determines proper if such supplies cannot be disposed of pursuant to division (E) of this section. The director shall by rule establish a minimum value for excess and surplus supplies and prescribe procedures for a state agency to follow in disposing of excess and surplus supplies in its control that have a value below the minimum value established by the director.

~~(G) No state supported or state assisted institution of higher education, tax supported agency, municipal corporation, or~~

~~other political subdivision of this state, private fire company, 8674
or private, nonprofit emergency medical service organization shall 8675
sell, lease, or transfer excess or surplus supplies acquired under 8676
this section to private entities or the general public at a price 8677
greater than the price it originally paid for those supplies. 8678~~

~~(H) The director of administrative services may authorize any 8679
state agency to transfer surplus computers and computer equipment 8680
that are not needed by other state agencies directly to an 8681
accredited public school within the state. The computers and 8682
computer equipment may be repaired or refurbished prior to 8683
transfer. The state agency may charge a service fee to the public 8684
schools for the property not to exceed the direct cost of 8685
repairing or refurbishing it. The state agency shall deposit such 8686
funds into the account used for repair or refurbishment. 8687~~

~~(H) Excess and surplus supplies of food shall be exempt from 8688
this section and may be donated directly to nonprofit food 8689
pantries and institutions without notification to the director of 8690
administrative services. 8691~~

Sec. 125.22. (A) The department of administrative services 8692
shall establish the central service agency to perform routine 8693
support for the following boards and commissions: 8694

(1) Architects board; 8695

(2) ~~Barber board;~~ 8696

~~(3) State chiropractic board;~~ 8697

~~(4)(3) State board of barbers and cosmetology;~~ 8698

~~(5)(4) Accountancy board;~~ 8699

~~(6)(5) State dental board;~~ 8700

~~(7)(6) State board of optometry;~~ 8701

~~(8)(7) Ohio occupational therapy, physical therapy, and 8702~~

athletic trainers board;	8703
(9) (8) State board of registration for professional engineers	8704
and surveyors;	8705
(10) (9) State board of sanitarian registration;	8706
(11) (10) Board of embalmers and funeral directors;	8707
(12) (11) State board of psychology;	8708
(13) Ohio optical dispensers board;	8709
(14) (12) Board of speech pathology and audiology;	8710
(15) (13) Counselor, social worker, and marriage and family	8711
therapist board;	8712
(16) (14) State veterinary medical licensing board;	8713
(17) (15) Ohio board of dietetics;	8714
(18) (16) Commission on Hispanic-Latino affairs;	8715
(19) (17) Ohio respiratory care board;	8716
(20) (18) Ohio commission on African-American males;	8717
(21) (19) Chemical dependency professionals board.	8718
(B)(1) Notwithstanding any other section of the Revised Code,	8719
the agency shall perform the following routine support services	8720
for the boards and commissions named in division (A) of this	8721
section unless the controlling board exempts a board or commission	8722
from this requirement on the recommendation of the director of	8723
administrative services:	8724
(a) Preparing and processing payroll and other personnel	8725
documents;	8726
(b) Preparing and processing vouchers, purchase orders,	8727
encumbrances, and other accounting documents;	8728
(c) Maintaining ledgers of accounts and balances;	8729

(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions; 8730
8731

(e) Other routine support services that the director of administrative services considers appropriate to achieve efficiency. 8732
8733
8734

(2) The agency may perform other services which a board or commission named in division (A) of this section delegates to the agency and the agency accepts. 8735
8736
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(3) The agency may perform any service for any professional or occupational licensing board not named in division (A) of this section or any commission if the board or commission requests such service and the agency accepts. 8738
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(C) The director of administrative services shall be the appointing authority for the agency. 8742
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(D) The agency shall determine the fees to be charged to the boards and commissions, which shall be in proportion to the services performed for each board or commission. 8744
8745
8746

(E) Each board or commission named in division (A) of this section and any other board or commission requesting services from the agency shall pay these fees to the agency from the general revenue fund maintenance account of the board or commission or from such other fund as the operating expenses of the board or commission are paid. Any amounts set aside for a fiscal year by a board or commission to allow for the payment of fees shall be used only for the services performed by the agency in that fiscal year. All receipts collected by the agency shall be deposited in the state treasury to the credit of the central service agency fund, which is hereby created. All expenses incurred by the agency in performing services for the boards or commissions shall be paid from the fund. 8747
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(F) Nothing in this section shall be construed as a grant of 8760

authority for the central service agency to initiate or deny 8761
personnel or fiscal actions for the boards and commissions. 8762

Sec. 125.27. (A) There is hereby created in the state 8763
treasury the building improvement fund. The fund shall retain the 8764
interest earned. 8765

(B) The fund shall consist of any ~~payments made by intrastate~~ 8766
~~transfer voucher from the appropriation item for office building~~ 8767
~~operating payments~~ money transferred or deposited into the fund 8768
pursuant to section 125.28 of the Revised Code. 8769

(C) The fund shall be used for major maintenance or 8770
improvements required in ~~the James A. Rhodes or Frank J. Lausche~~ 8771
~~state office tower, Toledo government center, Senator Oliver R.~~ 8772
~~Oeasek government office building, and Vern Riffe center for~~ 8773
~~government and the arts~~ facilities maintained by the department of 8774
administrative services. 8775

Sec. 125.28. (A)(1) ~~Each state agency that is supported in~~ 8776
~~whole or in part by nongeneral revenue fund money and that~~ 8777
~~occupies space in the James A. Rhodes or Frank J. Lausche state~~ 8778
~~office tower, Toledo government center, Senator Oliver R. Oeasek~~ 8779
~~government office building, Vern Riffe center for government and~~ 8780
~~the arts, capitol square, or governor's mansion shall reimburse~~ 8781
~~the general revenue fund for the cost of occupying the space in~~ 8782
~~the ratio that the occupied space in each facility attributable to~~ 8783
~~the nongeneral revenue fund money bears to the total space~~ 8784
~~occupied by the state agency in the facility.~~ 8785

(2) ~~All agencies that occupy space in the old blind school or~~ 8786
~~that occupy warehouse space in the general services facility shall~~ 8787
~~reimburse the department of administrative services for the cost~~ 8788
~~of occupying the space. The director of administrative services~~ 8789
~~shall determine the amount of debt service, if any, to be charged~~ 8790

~~to building tenants reimbursable cost of space in state-owned or 8791
state-leased facilities and shall collect reimbursements for it. 8792~~

~~(3) Each agency that is supported in whole or in part by 8793
nongeneral revenue fund money and that occupies space in any other 8794
facility or facilities owned and maintained by the department of 8795
administrative services or space in the general services facility 8796
other than warehouse space shall reimburse the department for the 8797
cost of occupying the space, including debt service, if any, in 8798
the ratio that the occupied space in each facility attributable to 8799
the nongeneral revenue fund money bears to the total space 8800
occupied by the state agency in the facility that cost. 8801~~

~~(B) The director of administrative services may provide 8802
building maintenance services and minor construction project 8803
management services to any state agency and may collect 8804
reimbursements for the cost of providing those services. 8805~~

~~(C) All money collected by the department of administrative 8806
services for operating expenses of facilities owned or maintained 8807
by the department shall be deposited into the state treasury to 8808
the credit of the building management fund, which is hereby 8809
created, or to the credit of the building operation fund, which is 8810
~~hereby created~~. All money collected by the department for minor 8811
construction project management services shall be deposited into 8812
the state treasury to the credit of the minor construction project 8813
management fund, which is hereby created. All money collected for 8814
~~debt service~~ depreciation and related costs shall be deposited 8815
into the ~~general revenue~~ building improvement fund created under 8816
section 125.27 of the Revised Code or deposited into the building 8817
management fund and then transferred by the director of budget and 8818
management to the building improvement fund. 8819~~

~~(D) The director of administrative services shall determine 8820
the reimbursable cost of space in state owned or state leased 8821
facilities and shall collect reimbursements for that cost. 8822~~

Sec. 125.31. (A) The department of administrative services 8823
shall have supervision of all public printing except as follows: 8824

(1) Printing for the general assembly shall be the sole 8825
responsibility of the clerk of the senate and the clerk of the 8826
house of representatives unless the clerk of the senate or the 8827
clerk of the house of representatives chooses either of the 8828
options specified in section 101.523 or 101.524 of the Revised 8829
Code. 8830

(2) Printing for the Ohio arts council shall be under the 8831
supervision of the council. 8832

(3) Printing for the capitol square review and advisory board 8833
shall be under the supervision of the board. 8834

~~(4) Printing for the bureau of workers' compensation shall be 8835
under the supervision of the administrator of workers' 8836
compensation unless the administrator requests the department to 8837
supervise printing for the bureau. 8838~~

~~(5) Printing for state-supported institutions of higher 8839
education shall be under the supervision of the department of 8840
purchasing of each such institution or the department or officer 8841
within each institution that performs the functions of a 8842
department of purchasing. 8843~~

(B) The department of administrative services shall 8844
determine, except as otherwise specifically provided by law, the 8845
number of copies to be printed of each publication or document, 8846
the source of reproduction, the manner of binding, quality of 8847
paper, the general kind, size, and spacing of type to be used in 8848
all reports, publications, bulletins, documents, or pamphlets 8849
printed at public expense. 8850

The department shall not use its authority to curtail the 8851
release of public information by any elected state official. 8852

(C) For the purposes of sections 125.31 to 125.76 of the Revised Code, all functions, powers, and duties assigned to the department of administrative services are considered to be assigned to the division of state printing within the department of administrative services.

Sec. 125.36. If the department of administrative services is of the opinion that any bids or proposals should be rejected in the interest of the state, it may reject any or all bids or proposals and advertise the invitation to bid or the request for proposals a second time. If after the second advertisement for bids or proposals the department determines that any or all bids or proposals are not in the interest of the state, it may purchase the various kinds of paper printing goods and services required at the lowest price for which such paper printing goods and services can be obtained in the open market.

Sec. 125.38. If ~~such a bond is~~ required by the department of administrative services, a bid or proposal for a term contract for paper printing goods and services, including final printed product, shall be accompanied by a bond to the state, in a sum specified in the invitation to bid or request for proposals, executed by the ~~bidder~~ offeror, with either one corporate or two personal sureties, satisfactory to the department, conditioned for the performance of the contract awarded the ~~bidder~~ offeror, and for the payment to the state, by the ~~bidder~~ offeror, as liquidated damages, of any excess of cost over the bid or proposal of such ~~bidder~~ offeror, which the state may be obliged to pay for such ~~paper printing goods and services~~ by reason of the failure of the ~~bidder~~ offeror to complete the contract. This A bid or proposal unaccompanied by such bond shall not be considered, and this bond shall be void if no contract is awarded to the bidder, and no bid unaccompanied by such bond shall be entertained by the department

offeror. 8884

Sec. 125.39. If the contractor fails to furnish ~~paper~~ 8885
printing goods and services according to the terms of the 8886
contract, the department of administrative services shall purchase 8887
the required ~~paper~~ printing goods and services on the open market 8888
after notifying the contractor in writing of such action, and the 8889
cost in excess of the contract shall be collected from the 8890
contractor or the posted bond, if a bond was provided. 8891

Sec. 125.42. (A) No agency, officer, board, or commission, 8892
except the clerk of the senate and the clerk of the house of 8893
representatives, shall print or cause to be printed at the public 8894
expense, any report, bulletin, document, or pamphlet, unless such 8895
report, bulletin, document, or pamphlet is first submitted to, and 8896
the printing thereof approved by, the department of administrative 8897
services. If ~~such~~ the department approves the printing, it shall 8898
determine the form of such printing and the number of copies. 8899

If such approval is given, the department shall cause the 8900
same to be printed and bound as provided by sections ~~125.47 to~~ 8901
~~125.56~~ 125.49, 125.51, and 125.56 of the Revised Code, except as 8902
otherwise provided by section 125.45 of the Revised Code; and when 8903
printed, such publications or forms shall be delivered to the 8904
ordering officer, board, commission, or department, or sold at a 8905
price not to exceed the total cost. 8906

(B) The department of administrative services annually shall 8907
set a maximum cost per page and a maximum total cost for the 8908
printing by any board, commission, council, or other public body 8909
of the state of any annual report or any other report that it is 8910
required by law to produce. No board, commission, council, or 8911
other public body of the state shall expend or incur the 8912
expenditure of any amount in excess of these maximum amounts 8913

without the prior approval of the department. This division does 8914
not apply to the general assembly or any court. 8915

Sec. 125.43. The department of administrative services shall 8916
~~examine and correct the proof sheets of the printing for the~~ 8917
~~state, and see that the work is~~ any printing services are executed 8918
in accordance with law, ~~and when necessary, prepare indexes for~~ 8919
~~the public documents.~~ The printing of all publications approved by 8920
the department of administrative services shall be ordered through 8921
it and it shall see that the number of copies ordered is received 8922
from the printer and delivered to the proper department. 8923

Sec. 125.45. (A) The department of administrative services 8924
shall maintain facilities to perform office reproduction services 8925
for all boards, commissions, or departments ~~except for the bureau~~ 8926
~~of workers' compensation.~~ Upon written application to the 8927
department of administrative services, permission may be granted 8928
to a board, commission, or department to perform such services 8929
outside the central facility and such permission shall state the 8930
extent of the services which the department, board, or commission 8931
shall perform. 8932

(B) Office reproduction services ~~using stencils, masters, or~~ 8933
~~plates~~ are restricted to duplicating equipment not larger than 8934
seventeen by twenty-two inches. Not to exceed five thousand press 8935
impressions shall be produced of any such order except that up to 8936
one thousand production copies may be produced of any item 8937
consisting of multiple pages and except that over five thousand, 8938
but not more than ten thousand, press impressions may be produced 8939
if the director of administrative services determines that there 8940
is an emergency due to the timing of service delivery or another 8941
factor that may cause financial hardship to the state. 8942

~~Nothing in this section precludes the bureau from entering~~ 8943

~~into a contract with the department of administrative services for~~ 8944
~~the department to perform office reproduction services for the~~ 8945
~~bureau.~~ 8946

(C) No state agency, other than the department of 8947
administrative services, shall perform printing or office 8948
reproduction services for political subdivisions. 8949

Sec. 125.49. Each bid or proposal for state printing shall 8950
state specifically the price at which the ~~bidder~~ offeror will 8951
undertake to ~~de~~ provide the ~~work~~ finished product as specified in 8952
the ~~classes of printing~~ invitation to bid or request for 8953
proposals, including the necessary binding covered by such bid or 8954
proposal. 8955

Sec. 125.51. After careful examination and computation of 8956
each ~~proposal~~ bid, within thirty days the department of 8957
administrative services shall award the contract for such printing 8958
to the lowest responsive and responsible bidder, in accordance 8959
with section 9.312 of the Revised Code, having proper facilities 8960
to ~~insure~~ ensure prompt performance of the work. No contract shall 8961
be awarded unless it contains an agreement for the completion of 8962
the work within the time fixed by the department, but the time so 8963
fixed may be extended by the department if deemed in the best 8964
interest of the state. 8965

Sec. 125.58. The department of administrative services shall 8966
promptly notify each successful ~~bidder~~ offeror of the acceptance 8967
of the ~~bidder's~~ offeror's bid or proposal for state printing. If 8968
such ~~bidder~~ offeror fails to execute the contract because of death 8969
or other cause, or if the ~~bidder~~ offeror fails to execute the work 8970
required by the contract in a proper manner and with reasonable 8971
promptness, or the contract is abandoned, or its execution is 8972
temporarily suspended, the department may enter into a contract 8973

with another person for the prompt execution of the work for the 8974
lowest price which may be obtained. Before any work is relet in 8975
consequence of the misconduct or default of the contractor, the 8976
department shall give the contractor written notice thereof. The 8977
department of administrative services may set a daily penalty 8978
charge for late orders, provided the penalty schedule and amount 8979
are stated in the invitation to bid or request for proposals for 8980
the printing. 8981

Sec. 125.601. ~~(A) Not later than July 1, 2007, the~~ The 8982
director of administrative services shall establish the office of 8983
procurement from community rehabilitation programs within the 8984
department of administrative services. The director shall 8985
designate an employee of the department to serve as administrator 8986
of the office. 8987

~~(B) Not later than July 1, 2007, the director shall abolish 8988
the state committee for the purchase of products and services 8989
provided by persons with severe disabilities in accordance with 8990
section 4115.36 of the Revised Code. 8991~~

Sec. 125.607. (A) Before purchasing any supply or service, a 8992
governmental ordering office shall determine, in compliance with 8993
section 125.035 of the Revised Code, whether the supply or service 8994
is on the procurement list maintained by the office of procurement 8995
from community rehabilitation programs. If the supply or service 8996
is on the list at an established fair market price, the government 8997
ordering office shall purchase it from the qualified nonprofit 8998
agency or approved agent at that price. 8999

(B) If the supply or service is on the procurement list but a 9000
fair market price has not been established, the government 9001
ordering office shall attempt to negotiate an agreement with one 9002
or more of the listed qualified nonprofit agencies or approved 9003

agents. The office of procurement from community rehabilitation 9004
programs may accept as fair market price an agreement negotiated 9005
between the government ordering office and a qualified nonprofit 9006
agency or approved agent. 9007

(C) If an agreement is not successfully negotiated, the 9008
office may establish a fair market price, or it may release a 9009
government ordering office from the requirements of this section. 9010

(D) A purchase under divisions (A) to (C) of this section is 9011
not subject to any competitive selection or competitive bidding 9012
requirements, notwithstanding any other provision of law. 9013

(E) The department of administrative services has the 9014
authority to structure or regulate competition among qualified 9015
nonprofit agencies for the overall benefit of the program. 9016

Sec. 125.609. ~~The office of procurement from community~~ 9017
~~rehabilitation programs~~ department of administrative services, on 9018
its own or pursuant to a request from a government ordering 9019
office, may release a government ordering office from compliance 9020
with sections 125.60 to 125.6012 of the Revised Code. If the 9021
~~office~~ department determines that compliance is not possible or 9022
not advantageous, or if conditions prescribed in rules as may be 9023
adopted under section 125.603 of the Revised Code for granting a 9024
release are met, the ~~office~~ department may grant a release. The 9025
release shall be in writing, and shall specify the supplies or 9026
services to which it applies, the period of time during which it 9027
is effective, and the reason for which it is granted. 9028

Sec. 125.76. All printing and binding for the state, not 9029
authorized by sections 125.43 to 125.71 or section 3345.10 of the 9030
Revised Code, except for maps and printing that is the sole 9031
responsibility of the clerk of the senate or the clerk of the 9032
house of representatives, shall be subject to such sections so far 9033

as practical, and whether provided for by law or resolution of the 9034
general assembly the department of administrative services shall 9035
advertise for bids or proposals and let contracts therefor as 9036
provided in such sections. 9037

Sec. 125.901. (A) There is hereby established the Ohio 9038
geographically referenced information program council within the 9039
department of administrative services to coordinate the property 9040
owned by the state. The department of administrative services 9041
shall provide administrative support for the council. 9042

(B) The council shall consist of the following fifteen 9043
members: 9044

(1) The state chief information officer, or the officer's 9045
designee, who shall serve as the council chair; 9046

(2) The director of ~~the department of~~ natural resources, or 9047
the director's designee; 9048

(3) The director of transportation, or the director's 9049
designee; 9050

(4) The director of environmental protection, or the 9051
director's designee; 9052

(5) The director of development services, or the director's 9053
designee; 9054

(6) The treasurer of state, or the treasurer of state's 9055
designee; 9056

(7) ~~An individual appointed by the governor from the 9057
organization that represents the state's county auditors;~~ 9058

~~(8) An individual appointed by the governor from the 9059
organization that represents the state's county commissioners;~~ 9060

~~(9) An individual appointed by the governor from the 9061
organization that represents the state's county engineers;~~ 9062

(10) An individual appointed by the governor from the organization that represents the state's regional councils;	9063 9064
(11) Two individuals appointed by the governor from the organization that represents the state's municipal governments, one of whom shall represent a municipality with a population of fewer than one hundred thousand people and one of whom shall represent a municipality with a population of one hundred thousand or more people;	9065 9066 9067 9068 9069 9070
(12) An individual appointed by the governor representing the interests of the regulated utilities in this state;	9071 9072
(13) An individual appointed by the governor representing the interests of a public university;	9073 9074
(14) The attorney general, or the attorney general's designee;	9075 9076
<u>(8) The chancellor of higher education or the chancellor's designee;</u>	9077 9078
<u>(9) The chief of the division of oil and gas resources management in the department of natural resources or the chief's designee;</u>	9079 9080 9081
<u>(10) The director of public safety or the director's designee;</u>	9082 9083
<u>(11) The executive director of the county auditors' association or the executive director's designee;</u>	9084 9085
<u>(12) The executive director of the county commissioners' association or the executive director's designee;</u>	9086 9087
<u>(13) The executive director of the county engineers' association or the executive director's designee;</u>	9088 9089
<u>(14) The executive director of the Ohio municipal league or the executive director's designee;</u>	9090 9091

(15) The executive director of the Ohio townships association 9092
or the executive director's designee. 9093

~~(C) The governor shall make initial appointments for the~~ 9094
~~members as provided in this section within a reasonable time. The~~ 9095
~~members appointed to the council by the governor pursuant to this~~ 9096
~~section shall serve two year terms, with each term ending on the~~ 9097
~~same day of the same month as did the term that it succeeds. The~~ 9098
~~chair of the council shall appoint a new member to fill any~~ 9099
~~vacancy created by a member appointed by the governor before the~~ 9100
~~expiration of that member's term. Otherwise, vacancies shall be~~ 9101
~~filled in the same manner as provided in division (B) of this~~ 9102
~~section. Any member appointed to fill a vacancy occurring prior to~~ 9103
~~the expiration date of the term for which a predecessor was~~ 9104
~~appointed shall hold office as a member for the remainder of that~~ 9105
~~term. A member shall continue in office subsequent to the~~ 9106
~~expiration date of the member's term until the member's successor~~ 9107
~~takes office or until a period of sixty days has elapsed,~~ 9108
~~whichever occurs first. All members may be reappointed Members of~~ 9109
~~the council shall serve without compensation.~~ 9110

Sec. 128.40. There is hereby created within the department of 9111
administrative services the 9-1-1 program office, headed by an 9112
administrator in the unclassified civil service pursuant to 9113
division (A)(9) of section 124.11 of the Revised Code. The 9114
administrator shall be appointed by and serve at the pleasure of 9115
the director of administrative services and shall report directly 9116
to the state chief information officer. The program office shall 9117
~~administer~~ oversee administration of the wireless 9-1-1 government 9118
assistance fund ~~as specified in sections 128.53 and 128.55 of the~~ 9119
~~Revised Code, the wireless 9-1-1 program fund, and the next~~ 9120
generation 9-1-1 fund. 9121

Sec. 128.54. (A) ~~Beginning January 1, 2014:~~ 9122

(1) For the purpose of receiving, distributing, and	9123
accounting for amounts received from the wireless 9-1-1 charges	9124
imposed under section 128.42 of the Revised Code, the following	9125
funds are created in the state treasury:	9126
(a) The wireless 9-1-1 government assistance fund;	9127
(b) The wireless 9-1-1 administrative fund;	9128
(c) The wireless 9-1-1 program fund;	9129
(d) The next generation 9-1-1 fund.	9130
(2) Amounts remitted under section 128.46 of the Revised Code	9131
shall be paid to the treasurer of state for deposit as follows:	9132
(a) Ninety-seven per cent to the wireless 9-1-1 government	9133
assistance fund. All interest earned on the wireless 9-1-1	9134
government assistance fund shall be credited to the fund.	9135
(b) One per cent to the wireless 9-1-1 administrative fund;	9136
(c) Two per cent to the 9-1-1 program fund.	9137
(3) The tax commissioner shall use the wireless 9-1-1	9138
administrative fund to defray the costs incurred in carrying out	9139
this chapter.	9140
(4) The steering committee shall use the 9-1-1 program fund	9141
to defray the costs incurred by the steering committee in carrying	9142
out this chapter.	9143
(5) Annually, the tax commissioner and the steering	9144
committee , after paying administrative costs under <u>division (A)(3)</u>	9145
<u>of</u> this section, shall transfer any excess remaining in the	9146
<u>wireless 9-1-1</u> administrative funds <u>fund</u> to the next generation	9147
9-1-1 fund, created under this section.	9148
(B) The <u>At the direction of the steering committee, the</u> tax	9149
commissioner shall transfer the funds remaining in the wireless	9150
9-1-1 government assistance fund after the disbursements made	9151

~~under division (B)(1) of section 128.55 of the Revised Code to the~~ 9152
~~credit of the next generation 9-1-1 fund. All interest earned on~~ 9153
~~the next generation 9-1-1 fund shall be credited to the fund.~~ 9154

(C) From the wireless 9-1-1 government assistance fund, the 9155
director of budget and management shall, as funds are available, 9156
transfer to the tax refund fund, created under section 5703.052 of 9157
the Revised Code, amounts equal to the refunds certified by the 9158
tax commissioner under division (D) of section 128.47 of the 9159
Revised Code. 9160

Sec. 128.55. ~~(A) Prior to January 1, 2014, the steering~~ 9161
~~committee shall disburse moneys from the wireless 9-1-1 government~~ 9162
~~assistance fund to each county in the same manner as the 2012~~ 9163
~~disbursements, in accordance with divisions (A) and (B) of section~~ 9164
~~4931.64 of the Revised Code as those divisions existed prior to~~ 9165
~~the effective date of H.B. 360 of the 129th general assembly,~~ 9166
~~December 20, 2012.~~ 9167

~~(B) Beginning January 1, 2014:~~ 9168

(1) The tax commissioner, not later than the last day of each 9169
month, shall disburse moneys from the wireless 9-1-1 government 9170
assistance fund, plus any accrued interest on the fund, to each 9171
county treasurer. 9172

(a) If there are sufficient funds in the wireless 9-1-1 9173
government assistance fund, each county treasurer shall receive 9174
the same amount distributed to that county by the public utilities 9175
commission in the corresponding calendar month in 2013. ~~If any~~ 9176
~~excess remains after these distributions are made, the tax~~ 9177
~~commissioner shall transfer that excess to the next generation~~ 9178
~~9-1-1 fund.~~ 9179

(b) If the funds available are insufficient to make the 9180
distributions as provided in division ~~(B)~~(A)(1)(a) of this 9181

section, each county's share shall be reduced in proportion to the 9182
amounts received in the corresponding calendar month in 2013, 9183
until the total amount to be distributed to the counties is 9184
equivalent to the amount available in the wireless 9-1-1 9185
government assistance fund. Any shortfall in distributions 9186
resulting from insufficient funds from a previous month shall be 9187
remedied in the following month. 9188

(2) The tax commissioner shall disburse moneys from the next 9189
generation 9-1-1 fund in accordance with the guidelines 9190
established under section 128.022 of the Revised Code. 9191

~~(C)~~(B) Immediately upon receipt by a county treasurer of a 9192
disbursement under division (A) ~~or (B)(1)~~ of this section, the 9193
county shall disburse, in accordance with the allocation formula 9194
set forth in the final plan, the amount the county so received to 9195
any other subdivisions in the county and any regional councils of 9196
governments in the county that pay the costs of a public safety 9197
answering point providing wireless enhanced 9-1-1 under the plan. 9198

~~(D)~~(C) Nothing in this chapter affects the authority of a 9199
subdivision operating or served by a public safety answering point 9200
of a 9-1-1 system or a regional council of governments operating a 9201
public safety answering point of a 9-1-1 system to use, as 9202
provided in the final plan for the system or in an agreement under 9203
section 128.09 of the Revised Code, any other authorized revenue 9204
of the subdivision or the regional council of governments for the 9205
purposes of providing basic or enhanced 9-1-1. 9206

Sec. 128.57. Except as otherwise provided in section 128.571 9207
of the Revised Code: 9208

(A) A countywide 9-1-1 system receiving a disbursement under 9209
section 128.55 of the Revised Code shall provide countywide 9210
wireless enhanced 9-1-1 in accordance with this chapter beginning 9211
as soon as reasonably possible after receipt of the first 9212

disbursement or, if that service is already implemented, shall 9213
continue to provide such service. Except as provided in divisions 9214
(B), (C), and (E) of this section, a disbursement shall be used 9215
solely for the purpose of paying either or both of the following: 9216

(1) Any costs of designing, upgrading, purchasing, leasing, 9217
programming, installing, testing, or maintaining the necessary 9218
data, hardware, software, and trunking required for the public 9219
safety answering point or points of the 9-1-1 system to provide 9220
wireless enhanced 9-1-1, which costs are incurred before or on or 9221
after May 6, 2005, and consist of such additional costs of the 9222
9-1-1 system over and above any costs incurred to provide wireline 9223
9-1-1 or to otherwise provide wireless enhanced 9-1-1. Annually, 9224
up to twenty-five thousand dollars of the disbursements received 9225
on or after January 1, 2009, may be applied to data, hardware, and 9226
software that automatically alerts personnel receiving a 9-1-1 9227
call that a person at the subscriber's address or telephone number 9228
may have a mental or physical disability, of which that personnel 9229
shall inform the appropriate emergency service provider. On or 9230
after the provision of technical and operational standards 9231
pursuant to section 128.021 of the Revised Code, a regional 9232
council of governments operating a public safety answering point 9233
or a subdivision shall consider the standards before incurring any 9234
costs described in this division. 9235

(2) Any costs of training the staff of the public safety 9236
answering point or points to provide wireless enhanced 9-1-1, 9237
which costs are incurred before or on or after May 6, 2005. 9238

(B) A subdivision or a regional council of governments that 9239
certifies to the steering committee that it has paid the costs 9240
described in divisions (A)(1) and (2) of this section and is 9241
providing countywide wireless enhanced 9-1-1 may use disbursements 9242
received under section 128.55 of the Revised Code to pay any of 9243
its personnel costs of one or more public safety answering points 9244

providing countywide wireless enhanced 9-1-1. 9245

(C) After receiving its July 2013 disbursement under division 9246
(A) of section 128.55 of the Revised Code as that division existed 9247
prior to the amendments to that division by H. B. 64 of the 131st 9248
general assembly, a regional council of governments operating a 9249
public safety answering point or a subdivision may use any 9250
remaining balance of disbursements it received under that 9251
division, as it existed prior to the amendments to it by H. B. 64 9252
of the 131st general assembly, to pay any of its costs of 9253
providing countywide wireless 9-1-1, including the personnel costs 9254
of one or more public safety answering points providing that 9255
service. 9256

(D) The costs described in divisions (A), (B), (C), and (E) 9257
of this section may include any such costs payable pursuant to an 9258
agreement under division (J) of section 128.03 of the Revised 9259
Code. 9260

(E)(1) No disbursement to a countywide 9-1-1 system for costs 9261
of a public safety answering point shall be made from the wireless 9262
9-1-1 government assistance fund or the next generation 9-1-1 fund 9263
unless the public safety answering point meets the standards set 9264
by rule of the steering committee under section 128.021 of the 9265
Revised Code. 9266

(2) The steering committee shall monitor compliance with the 9267
standards and shall notify the tax commissioner to suspend 9268
disbursements to a countywide 9-1-1 system that fails to meet the 9269
standards. Upon receipt of this notification, the commissioner 9270
shall suspend disbursements until the commissioner is notified of 9271
compliance with the standards. 9272

(F) The auditor of state may audit and review each county's 9273
expenditures of funds received from the wireless 9-1-1 government 9274
assistance fund to verify that the funds were used in accordance 9275

with the requirements of this chapter. 9276

Sec. 131.025. The attorney general shall enter into an 9277
agreement with the United States secretary of the treasury to 9278
participate in the federal treasury offset program for the 9279
collection of the following debts certified to the attorney 9280
general pursuant to section 131.02 of the Revised Code: 9281

(A) State income tax obligations pursuant to 26 U.S.C. 9282
6402(e); 9283

(B) Covered unemployment compensation debts pursuant to 26 9284
U.S.C. 6402(f). 9285

Sec. 131.09. In addition to the undertakings or security 9286
provided for in sections 135.01 to 135.40 of the Revised Code, the 9287
treasurer of a subdivision or county may accept first mortgages, 9288
upon unencumbered real estate located in this state, provided the 9289
amount owing on such mortgages at the time tendered as security is 9290
double the excess of the amount of public moneys to be at the time 9291
so deposited, over and above any portion of such moneys as is then 9292
insured by the federal deposit insurance corporation, federal 9293
savings and loan insurance corporation, or any other agency or 9294
instrumentality of the federal government. The amount owing on 9295
each mortgage at the time tendered as security shall not exceed 9296
eighty per cent of the then value of the real estate. Upon the 9297
deposit of such security, the treasurer shall require the 9298
financial institution to submit an affidavit stating that no 9299
payment on a mortgage has been more than two months past due at 9300
any time during the two-year period preceding the date the public 9301
moneys are deposited. At such time, the treasurer shall also 9302
require an institution to submit an affidavit stating that any 9303
structures on the mortgaged real estate are insured by an 9304
authorized company in an amount not less than the amount owing on 9305

each mortgage at the time tendered as security, that coverage has 9306
been obtained in favor of the institution by the named authorized 9307
company, and that the institution has obtained a mortgage 9308
impairment policy which assures that such insurance will continue 9309
for the period that the public moneys are deposited with the 9310
institution. The value of such real estate shall be determined 9311
separately for land and structures thereon by valuation made under 9312
oath by two resident freeholders of this state who are conversant 9313
with the real estate values of the county in which the real estate 9314
is located or made and certified under oath by an appraiser as 9315
being in conformity with the appraisal requirements imposed on an 9316
institution by any agency or instrumentality of the federal 9317
government. If such determination has been made earlier than a 9318
period of three months prior to the time of the deposit of public 9319
moneys, such determination shall be updated to reflect the value 9320
of the real estate within such three-month period. There shall be 9321
deposited with the mortgage the opinion of an attorney licensed to 9322
practice in this state, which opinion shall certify that the 9323
mortgage is a first lien upon the premises mortgaged, or the title 9324
shall be guaranteed by a company operating under sections 1735.01 9325
to 1735.04 of the Revised Code or insured by a company operating 9326
under Chapter 3953. of the Revised Code. 9327

If any mortgage tendered as security is paid in full or if 9328
the mortgagor becomes past due for six months to the financial 9329
institution while it acts as a public depository and that mortgage 9330
has been assigned as security for such public moneys, the 9331
financial institution shall replace such mortgage with another in 9332
compliance with this section. Default by the financial institution 9333
as a public depository under this section is to be carried out in 9334
accordance with division ~~(C)~~(F) of section 135.18 of the Revised 9335
Code. 9336

Sec. 131.15. (A) Any depositor enumerated in section 131.11 9337

of the Revised Code shall make ample provisions for the safekeeping of hypothecated securities. The interest thereon, when paid, shall be turned over to the bank or trust company if it is not in default. The depositor may make provisions for the exchange and release of securities and the substitution of other securities or of an undertaking therefor except in those cases where the public depository has deposited eligible securities with a trustee for safekeeping.

(B) When the public depository has deposited eligible securities described in division ~~(B)~~(D)(1) of section 135.18 of the Revised Code with a trustee for safekeeping, the public depository may at any time substitute or exchange eligible securities described in division ~~(B)~~(D)(1) of section 135.18 of the Revised Code having a current market value equal to or greater than the current market value of the securities then on deposit and for which they are to be substituted or exchanged, without specific authorization from the depositor of any substitution or exchange.

(C) When the public depository has deposited eligible securities described in division ~~(B)~~(D)(2) to (9) of section 135.18 of the Revised Code with a trustee for safekeeping, the public depository may at any time substitute or exchange eligible securities having a current market value equal to or greater than the current market value of the securities then on deposit and for which they are to be substituted or exchanged without specific authorization of any depositor of any such substitution or exchange only if:

(1) The depositor has authorized the public depository to make such substitutions or exchanges on a continuing basis during a specified period without prior approval of each substitution or exchange. Such authorization may be effected by the depositor sending to the trustee a written notice stating that substitution

may be effected on a continuing basis during a specified period 9370
that shall not extend beyond the end of the period of designation 9371
during which the notice is given. "Period of designation" as used 9372
in this section means the period under section 135.12 of the 9373
Revised Code for the award of inactive funds of the subdivision of 9374
which the depositor is an officer or employee. The trustee may 9375
rely upon such notice and upon the period of authorization stated 9376
therein and upon the period of designation stated therein. 9377

(2) No continuing authorization for substitution has been 9378
given by the depositor, the public depository notifies the 9379
depositor and the trustee of an intended substitution or exchange, 9380
and the depositor fails to object to the trustee as to the 9381
eligibility or market value of the securities being substituted 9382
within ten calendar days after the date appearing on the notice of 9383
proposed substitution. The notice to the depositor and to the 9384
trustee shall be given in writing and delivered personally or by 9385
certified mail with a return receipt requested. The trustee may 9386
assume in any case that the notice has been delivered to the 9387
depositor. In order for objections of the depositor to be 9388
effective, receipt of the objections must be acknowledged in 9389
writing by the trustee. 9390

(3) The depositor gives written authorization for a 9391
substitution or exchange of specific securities. 9392

(D) The public depository shall notify the depositor of any 9393
substitution or exchange under division (C)(1) or (2) of this 9394
section. If the depository designates a trustee qualified under 9395
section 135.18 of the Revised Code to act as such for the 9396
safekeeping of securities, the depositor shall accept the written 9397
receipt of the designated trustee, describing the securities that 9398
have been deposited with the trustee by the public depository, as 9399
and for a hypothecation of such securities and issue to the 9400
depository the depositor's written acknowledgment to that effect, 9401

keeping a copy thereof in the depositor's office. Thereupon, all 9402
such securities pledged and deposited with the trustee are deemed 9403
hypothecated and deposited with the depositor, for all the 9404
purposes of sections 131.13 to 131.16 of the Revised Code. The 9405
trustee shall hold the securities for the account of the depositor 9406
and the depository as their respective rights to and interests in 9407
such securities under said sections appear and are asserted by 9408
written notice to or demand upon the trustee. 9409

Notwithstanding the fact that a public depository is required 9410
to pledge eligible securities in certain amounts to secure 9411
deposits of public moneys, a trustee shall have no duty or 9412
obligation to determine the eligibility, market value, or face 9413
value of any securities deposited with the trustee by a public 9414
depository. This applies in all situations including, without 9415
limitation, a substitution or exchange of securities. 9416

Sec. 131.34. (A) No moneys shall be transferred between funds 9417
or between state agencies on an intrastate transfer voucher, or by 9418
any other procedure, unless such a transfer is a payment for goods 9419
or services or a service subscription or unless such a transfer is 9420
required or authorized by law. 9421

(B)(1) Any state agency that has provided goods or services 9422
or a service subscription to another state agency may, ~~if the~~ 9423
~~providing agency does not receive payment from the receiving~~ 9424
~~agency within thirty days after delivering the goods or services~~ 9425
~~and submitting an invoice requesting payment for them,~~ certify to 9426
the director of budget and management ~~that~~ both of the following: 9427

(a) That the goods or services have been delivered ~~and the or~~ 9428
that the service subscription has been initiated; 9429

(b) The amount that is due for ~~them~~ the goods and services or 9430
the service subscription. 9431

(2) A providing agency may make such certification only if it 9432
does not receive payment from the receiving agency within thirty 9433
days after: 9434

(a) Delivering the goods or services or initiating the 9435
service subscription; 9436

(b) Submitting an invoice requesting payment for the goods 9437
and services or the service subscription. 9438

(C) If the director determines that all or part of the 9439
certified amount should have been paid by the receiving agency and 9440
that the receiving agency has an unobligated balance in an 9441
appropriation for the payment, ~~he~~ the director may transfer the 9442
amount that should have been paid from the appropriate fund of the 9443
receiving agency to the appropriate fund of the providing agency 9444
on an intrastate transfer voucher. 9445

(D) For the purposes of this section, "service subscription" 9446
means an ongoing service provided to a state agency by another 9447
state agency for which an estimated payment is made in advance and 9448
final payment due is determined based on actual use. 9449

Sec. 131.35. (A) With respect to the federal funds received 9450
into any fund of the state from which transfers may be made under 9451
division (D) of section 127.14 of the Revised Code: 9452

(1) No state agency may make expenditures of any federal 9453
funds, whether such funds are advanced prior to expenditure or as 9454
reimbursement, unless such expenditures are made pursuant to 9455
specific appropriations of the general assembly, are authorized by 9456
the controlling board pursuant to division (A)(5) of this section, 9457
or are authorized by an executive order issued in accordance with 9458
section 107.17 of the Revised Code, and until an allotment has 9459
been approved by the director of budget and management. All 9460
federal funds received by a state agency shall be reported to the 9461

director within fifteen days of the receipt of such funds or the 9462
notification of award, whichever occurs first. The director shall 9463
prescribe the forms and procedures to be used when reporting the 9464
receipt of federal funds. 9465

(2) If the federal funds received are greater than the amount 9466
of such funds appropriated by the general assembly for a specific 9467
purpose, the total appropriation of federal and state funds for 9468
such purpose shall remain at the amount designated by the general 9469
assembly, except that the expenditure of federal funds received in 9470
excess of such specific appropriation may be authorized by the 9471
controlling board, subject to division (D) of this section. 9472

(3) To the extent that the expenditure of excess federal 9473
funds is authorized, the controlling board may transfer a like 9474
amount of general revenue fund appropriation authority from the 9475
affected agency to the emergency purposes appropriation of the 9476
controlling board, if such action is permitted under federal 9477
regulations. 9478

(4) Additional funds may be created by the controlling board 9479
to receive revenues not anticipated in an appropriations act for 9480
the biennium in which such new revenues are received. ~~Expenditures~~ 9481
Subject to division (D) of this section, expenditures from such 9482
additional funds may be authorized by the controlling board, but 9483
such authorization shall not extend beyond the end of the biennium 9484
in which such funds are created. 9485

(5) Controlling board authorization for a state agency to 9486
make an expenditure of federal funds constitutes authority for the 9487
agency to participate in the federal program providing the funds, 9488
and the agency is not required to obtain an executive order under 9489
section 107.17 of the Revised Code to participate in the federal 9490
program. 9491

(B) With respect to nonfederal funds received into the 9492

waterways safety fund, the wildlife fund, and any fund of the 9493
state from which transfers may be made under division (D) of 9494
section 127.14 of the Revised Code: 9495

(1) No state agency may make expenditures of any such funds 9496
unless the expenditures are made pursuant to specific 9497
appropriations of the general assembly. 9498

(2) If the receipts received into any fund are greater than 9499
the amount appropriated, the appropriation for that fund shall 9500
remain at the amount designated by the general assembly or, 9501
subject to division (D) of this section, as increased and approved 9502
by the controlling board. 9503

(3) Additional funds may be created by the controlling board 9504
to receive revenues not anticipated in an appropriations act for 9505
the biennium in which such new revenues are received. ~~Expenditures~~ 9506
Subject to division (D) of this section, expenditures from such 9507
additional funds may be authorized by the controlling board, but 9508
such authorization shall not extend beyond the end of the biennium 9509
in which such funds are created. 9510

(C) The controlling board shall not authorize more than ten 9511
per cent of additional spending from the occupational licensing 9512
and regulatory fund, created in section 4743.05 of the Revised 9513
Code, in excess of any appropriation made by the general assembly 9514
to a licensing agency except an appropriation for costs related to 9515
the examination or reexamination of applicants for a license. As 9516
used in this division, "licensing agency" and "license" have the 9517
same meanings as in section 4745.01 of the Revised Code. 9518

(D) The amount of any expenditure authorized under division 9519
(A)(2) or (4) or (B)(2) or (3) of this section for a specific or 9520
related purpose or item in any fiscal year shall not exceed an 9521
amount greater than one per cent of the general revenue fund 9522
appropriations for that fiscal year. 9523

Sec. 131.43. There is hereby created in the state treasury 9524
the budget stabilization fund. It is the intent of the general 9525
assembly to maintain an amount of money in the budget 9526
stabilization fund that amounts to approximately ~~five~~ eight and 9527
one-half per cent of the general revenue fund revenues for the 9528
preceding fiscal year. The governor shall include in the state 9529
budget ~~he~~ the governor submits to the general assembly under 9530
section 107.03 of the Revised Code proposals for transfers between 9531
the general revenue fund and the budget stabilization fund for the 9532
ensuing fiscal biennium. The balance in the fund may be combined 9533
with the balance in the general revenue fund for purposes of cash 9534
management. 9535

Sec. 131.44. (A) As used in this section: 9536

(1) "Surplus revenue" means the excess, if any, of the total 9537
fund balance over the required year-end balance. 9538

(2) "Total fund balance" means the sum of the unencumbered 9539
balance in the general revenue fund on the last day of the 9540
preceding fiscal year plus the balance in the budget stabilization 9541
fund. 9542

(3) "Required year-end balance" means the sum of the 9543
following: 9544

(a) ~~Five~~ Eight and one-half per cent of the general revenue 9545
fund revenues for the preceding fiscal year; 9546

(b) "Ending fund balance," which means one-half of one per 9547
cent of general revenue fund revenues for the preceding fiscal 9548
year; 9549

(c) "Carryover balance," which means, with respect to a 9550
fiscal biennium, the excess, if any, of the estimated general 9551
revenue fund appropriation and transfer requirement for the second 9552
fiscal year of the biennium over the estimated general revenue 9553

fund revenue for that fiscal year; 9554

(d) "Capital appropriation reserve," which means the amount, 9555
if any, of general revenue fund capital appropriations made for 9556
the current biennium that the director of budget and management 9557
has determined will be encumbered or disbursed; 9558

(e) "Income tax reduction impact reserve," which means an 9559
amount equal to the reduction projected by the director of budget 9560
and management in income tax revenue in the current fiscal year 9561
attributable to the previous reduction in the income tax rate made 9562
by the tax commissioner pursuant to division (B) of section 9563
5747.02 of the Revised Code. 9564

(4) "Estimated general revenue fund appropriation and 9565
transfer requirement" means the most recent adjusted 9566
appropriations made by the general assembly from the general 9567
revenue fund and includes both of the following: 9568

(a) Appropriations made and transfers of appropriations from 9569
the first fiscal year to the second fiscal year of the biennium in 9570
provisions of acts of the general assembly signed by the governor 9571
but not yet effective; 9572

(b) Transfers of appropriations from the first fiscal year to 9573
the second fiscal year of the biennium approved by the controlling 9574
board. 9575

(5) "Estimated general revenue fund revenue" means the most 9576
recent such estimate available to the director of budget and 9577
management. 9578

(B)(1) Not later than the thirty-first day of July each year, 9579
the director of budget and management shall determine the surplus 9580
revenue that existed on the preceding thirtieth day of June and 9581
transfer from the general revenue fund, to the extent of the 9582
unobligated, unencumbered balance on the preceding thirtieth day 9583
of June in excess of one-half of one per cent of the general 9584

revenue fund revenues in the preceding fiscal year, the following: 9585

(a) First, to the budget stabilization fund, any amount 9586
necessary for the balance of the budget stabilization fund to 9587
equal ~~five~~ eight and one-half per cent of the general revenue fund 9588
revenues of the preceding fiscal year; 9589

(b) Then, to the income tax reduction fund, which is hereby 9590
created in the state treasury, an amount equal to the surplus 9591
revenue. 9592

(2) Not later than the thirty-first day of July each year, 9593
the director shall determine the percentage that the balance in 9594
the income tax reduction fund is of the amount of revenue that the 9595
director estimates will be received from the tax levied under 9596
section 5747.02 of the Revised Code in the current fiscal year 9597
without regard to any reduction under division (B) of that 9598
section. If that percentage exceeds thirty-five one hundredths of 9599
one per cent, the director shall certify the percentage to the tax 9600
commissioner not later than the thirty-first day of July. 9601

(C) The director of budget and management shall transfer 9602
money in the income tax reduction fund to the general revenue 9603
fund, the local government fund, and the public library fund as 9604
necessary to offset revenue reductions resulting from the 9605
reductions in taxes required under division (B) of section 5747.02 9606
of the Revised Code in the respective amounts and percentages 9607
prescribed by division (A) of section 5747.03 and divisions (B) 9608
and (C) of section 131.51 of the Revised Code as if the amount 9609
transferred had been collected as taxes under Chapter 5747. of the 9610
Revised Code. If no reductions in taxes are made under that 9611
division that affect revenue received in the current fiscal year, 9612
the director shall not transfer money from the income tax 9613
reduction fund to the general revenue fund, the local government 9614
fund, and the public library fund. 9615

Sec. 133.01. As used in this chapter, in sections 9.95, 9.96, 9616
and 2151.655 of the Revised Code, in other sections of the Revised 9617
Code that make reference to this chapter unless the context does 9618
not permit, and in related proceedings, unless otherwise expressly 9619
provided: 9620

(A) "Acquisition" as applied to real or personal property 9621
includes, among other forms of acquisition, acquisition by 9622
exercise of a purchase option, and acquisition of interests in 9623
property, including, without limitation, easements and 9624
rights-of-way, and leasehold and other lease interests initially 9625
extending or extendable for a period of at least sixty months. 9626

(B) "Anticipatory securities" means securities, including 9627
notes, issued in anticipation of the issuance of other securities. 9628

(C) "Board of elections" means the county board of elections 9629
of the county in which the subdivision is located. If the 9630
subdivision is located in more than one county, "board of 9631
elections" means the county board of elections of the county that 9632
contains the largest portion of the population of the subdivision 9633
or that otherwise has jurisdiction in practice over and 9634
customarily handles election matters relating to the subdivision. 9635

(D) "Bond retirement fund" means the bond retirement fund 9636
provided for in section 5705.09 of the Revised Code, and also 9637
means a sinking fund or any other special fund, regardless of the 9638
name applied to it, established by or pursuant to law or the 9639
proceedings for the payment of debt charges. Provision may be made 9640
in the applicable proceedings for the establishment in a bond 9641
retirement fund of separate accounts relating to debt charges on 9642
particular securities, or on securities payable from the same or 9643
common sources, and for the application of moneys in those 9644
accounts only to specified debt charges on specified securities or 9645
categories of securities. Subject to law and any provisions in the 9646

applicable proceedings, moneys in a bond retirement fund or 9647
separate account in a bond retirement fund may be transferred to 9648
other funds and accounts. 9649

(E) "Capitalized interest" means all or a portion of the 9650
interest payable on securities from their date to a date stated or 9651
provided for in the applicable legislation, which interest is to 9652
be paid from the proceeds of the securities. 9653

(F) "Chapter 133. securities" means securities authorized by 9654
or issued pursuant to or in accordance with this chapter. 9655

(G) "County auditor" means the county auditor of the county 9656
in which the subdivision is located. If the subdivision is located 9657
in more than one county, "county auditor" means the county auditor 9658
of the county that contains the highest amount of the tax 9659
valuation of the subdivision or that otherwise has jurisdiction in 9660
practice over and customarily handles property tax matters 9661
relating to the subdivision. In the case of a county that has 9662
adopted a charter, "county auditor" means the officer who 9663
generally has the duties and functions provided in the Revised 9664
Code for a county auditor. 9665

(H) "Credit enhancement facilities" means letters of credit, 9666
lines of credit, stand-by, contingent, or firm securities purchase 9667
agreements, insurance, or surety arrangements, guarantees, and 9668
other arrangements that provide for direct or contingent payment 9669
of debt charges, for security or additional security in the event 9670
of nonpayment or default in respect of securities, or for making 9671
payment of debt charges to and at the option and on demand of 9672
securities holders or at the option of the issuer or upon certain 9673
conditions occurring under put or similar arrangements, or for 9674
otherwise supporting the credit or liquidity of the securities, 9675
and includes credit, reimbursement, marketing, remarketing, 9676
indexing, carrying, interest rate hedge, and subrogation 9677
agreements, and other agreements and arrangements for payment and 9678

reimbursement of the person providing the credit enhancement 9679
facility and the security for that payment and reimbursement. 9680

(I) "Current operating expenses" or "current expenses" means 9681
the lawful expenditures of a subdivision, except those for 9682
permanent improvements and for payments of debt charges of the 9683
subdivision. 9684

(J) "Debt charges" means the principal, including any 9685
mandatory sinking fund deposits and mandatory redemption payments, 9686
interest, and any redemption premium, payable on securities as 9687
those payments come due and are payable. The use of "debt charges" 9688
for this purpose does not imply that any particular securities 9689
constitute debt within the meaning of the Ohio Constitution or 9690
other laws. 9691

(K) "Financing costs" means all costs and expenses relating 9692
to the authorization, including any required election, issuance, 9693
sale, delivery, authentication, deposit, custody, clearing, 9694
registration, transfer, exchange, fractionalization, replacement, 9695
payment, and servicing of securities, including, without 9696
limitation, costs and expenses for or relating to publication and 9697
printing, postage, delivery, preliminary and final official 9698
statements, offering circulars, and informational statements, 9699
travel and transportation, underwriters, placement agents, 9700
investment bankers, paying agents, registrars, authenticating 9701
agents, remarketing agents, custodians, clearing agencies or 9702
corporations, securities depositories, financial advisory 9703
services, certifications, audits, federal or state regulatory 9704
agencies, accounting and computation services, legal services and 9705
obtaining approving legal opinions and other legal opinions, 9706
credit ratings, redemption premiums, and credit enhancement 9707
facilities. Financing costs may be paid from any moneys available 9708
for the purpose, including, unless otherwise provided in the 9709
proceedings, from the proceeds of the securities to which they 9710

relate and, as to future financing costs, from the same sources 9711
from which debt charges on the securities are paid and as though 9712
debt charges. 9713

(L) "Fiscal officer" means the following, or, in the case of 9714
absence or vacancy in the office, a deputy or assistant authorized 9715
by law or charter to act in the place of the named officer, or if 9716
there is no such authorization then the deputy or assistant 9717
authorized by legislation to act in the place of the named officer 9718
for purposes of this chapter, in the case of the following 9719
subdivisions: 9720

(1) A county, the county auditor; 9721

(2) A municipal corporation, the city auditor or village 9722
clerk or clerk-treasurer, or the officer who, by virtue of a 9723
charter, has the duties and functions provided in the Revised Code 9724
for the city auditor or village clerk or clerk-treasurer; 9725

(3) A school district, the treasurer of the board of 9726
education; 9727

(4) A regional water and sewer district, the secretary of the 9728
board of trustees; 9729

(5) A joint township hospital district, the treasurer of the 9730
district; 9731

(6) A joint ambulance district, the clerk of the board of 9732
trustees; 9733

(7) A joint recreation district, the person designated 9734
pursuant to section 755.15 of the Revised Code; 9735

(8) A detention facility district or a district organized 9736
under section 2151.65 of the Revised Code or a combined district 9737
organized under sections 2152.41 and 2151.65 of the Revised Code, 9738
the county auditor of the county designated by law to act as the 9739
auditor of the district; 9740

(9) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the fiscal officer of the township;	9741 9742 9743
(10) A joint fire district, the clerk of the board of trustees of that district;	9744 9745
(11) A regional or county library district, the person responsible for the financial affairs of that district;	9746 9747
(12) A joint solid waste management district, the fiscal officer appointed by the board of directors of the district under section 343.01 of the Revised Code;	9748 9749 9750
(13) A joint emergency medical services district, the person appointed as fiscal officer pursuant to division (D) of section 307.053 of the Revised Code;	9751 9752 9753
(14) A fire and ambulance district, the person appointed as fiscal officer under division (B) of section 505.375 of the Revised Code;	9754 9755 9756
(15) A subdivision described in division (MM)(19) of this section, the officer who is designated by law as or performs the functions of its chief fiscal officer;	9757 9758 9759
(16) A joint police district, the treasurer of the district;	9760
(17) A lake facilities authority, the fiscal officer designated under section 353.02 of the Revised Code;	9761 9762
(18) A regional transportation improvement project, the county auditor designated under section 5595.10 of the Revised Code.	9763 9764 9765
(M) "Fiscal year" has the same meaning as in section 9.34 of the Revised Code.	9766 9767
(N) "Fractionalized interests in public obligations" means participations, certificates of participation, shares, or other instruments or agreements, separate from the public obligations	9768 9769 9770

themselves, evidencing ownership of interests in public 9771
obligations or of rights to receive payments of, or on account of, 9772
principal or interest or their equivalents payable by or on behalf 9773
of an obligor pursuant to public obligations. 9774

(O) "Fully registered securities" means securities in 9775
certificated or uncertificated form, registered as to both 9776
principal and interest in the name of the owner. 9777

(P) "Fund" means to provide for the payment of debt charges 9778
and expenses related to that payment at or prior to retirement by 9779
purchase, call for redemption, payment at maturity, or otherwise. 9780

(Q) "General obligation" means securities to the payment of 9781
debt charges on which the full faith and credit and the general 9782
property taxing power, including taxes within the tax limitation 9783
if available to the subdivision, of the subdivision are pledged. 9784

(R) "Interest" or "interest equivalent" means those payments 9785
or portions of payments, however denominated, that constitute or 9786
represent consideration for forbearing the collection of money, or 9787
for deferring the receipt of payment of money to a future time. 9788

(S) "Internal Revenue Code" means the "Internal Revenue Code 9789
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and 9790
includes any laws of the United States providing for application 9791
of that code. 9792

(T) "Issuer" means any public issuer and any nonprofit 9793
corporation authorized to issue securities for or on behalf of any 9794
public issuer. 9795

(U) "Legislation" means an ordinance or resolution passed by 9796
a majority affirmative vote of the then members of the taxing 9797
authority unless a different vote is required by charter 9798
provisions governing the passage of the particular legislation by 9799
the taxing authority. 9800

(V) "Mandatory sinking fund redemption requirements" means 9801
amounts required by proceedings to be deposited in a bond 9802
retirement fund for the purpose of paying in any year or fiscal 9803
year by mandatory redemption prior to stated maturity the 9804
principal of securities that is due and payable, except for 9805
mandatory prior redemption requirements as provided in those 9806
proceedings, in a subsequent year or fiscal year. 9807

(W) "Mandatory sinking fund requirements" means amounts 9808
required by proceedings to be deposited in a year or fiscal year 9809
in a bond retirement fund for the purpose of paying the principal 9810
of securities that is due and payable in a subsequent year or 9811
fiscal year. 9812

(X) "Net indebtedness" has the same meaning as in division 9813
(A) of section 133.04 of the Revised Code. 9814

(Y) "Obligor," in the case of securities or fractionalized 9815
interests in public obligations issued by another person the debt 9816
charges or their equivalents on which are payable from payments 9817
made by a public issuer, means that public issuer. 9818

(Z) "One purpose" relating to permanent improvements means 9819
any one permanent improvement or group or category of permanent 9820
improvements for the same utility, enterprise, system, or project, 9821
development or redevelopment project, or for or devoted to the 9822
same general purpose, function, or use or for which 9823
self-supporting securities, based on the same or different sources 9824
of revenues, may be issued or for which special assessments may be 9825
levied by a single ordinance or resolution. "One purpose" 9826
includes, but is not limited to, in any case any off-street 9827
parking facilities relating to another permanent improvement, and: 9828

(1) Any number of roads, highways, streets, bridges, 9829
sidewalks, and viaducts; 9830

(2) Any number of off-street parking facilities; 9831

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

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

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

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

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

(3) Securities for the payment, or redemption or purchase for cancellation prior to maturity, of which sufficient moneys or investments, in accordance with the applicable legislation or other proceedings or any applicable law, by mandatory sinking fund redemption requirements, mandatory sinking fund requirements, or otherwise, have been deposited, and credited for the purpose in a bond retirement fund or with a trustee or paying or escrow agent, whether at or prior to their maturity or redemption, and, in the case of securities to be redeemed prior to their stated maturity, notice of redemption has been given or satisfactory arrangements have been made for giving notice of that redemption, or waiver of that notice by or on behalf of the affected security holders has been filed with the subdivision or its agent for the purpose.

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

(CC) "Permanent improvement" or "improvement" means any 9863
property, asset, or improvement certified by the fiscal officer, 9864
which certification is conclusive, as having an estimated life or 9865
period of usefulness of five years or more, and includes, but is 9866
not limited to, real estate, buildings, and personal property and 9867
interests in real estate, buildings, and personal property, 9868
equipment, furnishings, and site improvements, and reconstruction, 9869
rehabilitation, renovation, installation, improvement, 9870
enlargement, and extension of property, assets, or improvements so 9871
certified as having an estimated life or period of usefulness of 9872
five years or more. The acquisition of all the stock ownership of 9873
a corporation is the acquisition of a permanent improvement to the 9874
extent that the value of that stock is represented by permanent 9875
improvements. A permanent improvement for parking, highway, road, 9876
and street purposes includes resurfacing, but does not include 9877
ordinary repair. 9878

(DD) "Person" has the same meaning as in section 1.59 of the 9879
Revised Code and also includes any federal, state, interstate, 9880
regional, or local governmental agency, any subdivision, and any 9881
combination of those persons. 9882

(EE) "Proceedings" means the legislation, certifications, 9883
notices, orders, sale proceedings, trust agreement or indenture, 9884
mortgage, lease, lease-purchase agreement, assignment, credit 9885
enhancement facility agreements, and other agreements, 9886
instruments, and documents, as amended and supplemented, and any 9887
election proceedings, authorizing, or providing for the terms and 9888
conditions applicable to, or providing for the security or sale or 9889
award of, public obligations, and includes the provisions set 9890
forth or incorporated in those public obligations and proceedings. 9891

(FF) "Public issuer" means any of the following that is 9892
authorized by law to issue securities or enter into public 9893
obligations: 9894

(1) The state, including an agency, commission, officer,	9895
institution, board, authority, or other instrumentality of the	9896
state;	9897
(2) A taxing authority, subdivision, district, or other local	9898
public or governmental entity, and any combination or consortium,	9899
or public division, district, commission, authority, department,	9900
board, officer, or institution, thereof;	9901
(3) Any other body corporate and politic, or other public	9902
entity.	9903
(GG) "Public obligations" means both of the following:	9904
(1) Securities;	9905
(2) Obligations of a public issuer to make payments under	9906
installment sale, lease, lease purchase, or similar agreements,	9907
which obligations may bear interest or interest equivalent.	9908
(HH) "Refund" means to fund and retire outstanding	9909
securities, including advance refunding with or without payment or	9910
redemption prior to maturity.	9911
(II) "Register" means the books kept and maintained by the	9912
registrar for registration, exchange, and transfer of registered	9913
securities.	9914
(JJ) "Registrar" means the person responsible for keeping the	9915
register for the particular registered securities, designated by	9916
or pursuant to the proceedings.	9917
(KK) "Securities" means bonds, notes, certificates of	9918
indebtedness, commercial paper, and other instruments in writing,	9919
including, unless the context does not admit, anticipatory	9920
securities, issued by an issuer to evidence its obligation to	9921
repay money borrowed, or to pay interest, by, or to pay at any	9922
future time other money obligations of, the issuer of the	9923
securities, but not including public obligations described in	9924

division (GG)(2) of this section. 9925

(LL) "Self-supporting securities" means securities or 9926
portions of securities issued for the purpose of paying costs of 9927
permanent improvements to the extent that receipts of the 9928
subdivision, other than the proceeds of taxes levied by that 9929
subdivision, derived from or with respect to the improvements or 9930
the operation of the improvements being financed, or the 9931
enterprise, system, project, or category of improvements of which 9932
the improvements being financed are part, are estimated by the 9933
fiscal officer to be sufficient to pay the current expenses of 9934
that operation or of those improvements or enterprise, system, 9935
project, or categories of improvements and the debt charges 9936
payable from those receipts on securities issued for the purpose. 9937
Until such time as the improvements or increases in rates and 9938
charges have been in operation or effect for a period of at least 9939
six months, the receipts therefrom, for purposes of this 9940
definition, shall be those estimated by the fiscal officer, except 9941
that those receipts may include, without limitation, payments made 9942
and to be made to the subdivision under leases or agreements in 9943
effect at the time the estimate is made. In the case of an 9944
operation, improvements, or enterprise, system, project, or 9945
category of improvements without at least a six-month history of 9946
receipts, the estimate of receipts by the fiscal officer, other 9947
than those to be derived under leases and agreements then in 9948
effect, shall be confirmed by the taxing authority. 9949

(MM) "Subdivision" means any of the following: 9950

(1) A county, including a county that has adopted a charter 9951
under Article X, Ohio Constitution; 9952

(2) A municipal corporation, including a municipal 9953
corporation that has adopted a charter under Article XVIII, Ohio 9954
Constitution; 9955

(3) A school district;	9956
(4) A regional water and sewer district organized under Chapter 6119. of the Revised Code;	9957 9958
(5) A joint township hospital district organized under section 513.07 of the Revised Code;	9959 9960
(6) A joint ambulance district organized under section 505.71 of the Revised Code;	9961 9962
(7) A joint recreation district organized under division (C) of section 755.14 of the Revised Code;	9963 9964
(8) A detention facility district organized under section 2152.41, a district organized under section 2151.65, or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code;	9965 9966 9967 9968
(9) A township police district organized under section 505.48 of the Revised Code;	9969 9970
(10) A township;	9971
(11) A joint fire district organized under section 505.371 of the Revised Code;	9972 9973
(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code;	9974 9975 9976
(13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code;	9977 9978
(14) A joint emergency medical services district organized under section 307.052 of the Revised Code;	9979 9980
(15) A fire and ambulance district organized under section 505.375 of the Revised Code;	9981 9982
(16) A fire district organized under division (C) of section 505.37 of the Revised Code;	9983 9984

(17) A joint police district organized under section 505.482 of the Revised Code;	9985 9986
(18) A lake facilities authority created under Chapter 353. of the Revised Code;	9987 9988
(19) A regional transportation improvement project created under Chapter 5595. of the Revised Code;	9989 9990
(20) Any other political subdivision or taxing district or other local public body or agency authorized by this chapter or other laws to issue Chapter 133. securities.	9991 9992 9993
(NN) "Taxing authority" means in the case of the following subdivisions:	9994 9995
(1) A county, a county library district, or a regional library district, the board or boards of county commissioners, or other legislative authority of a county that has adopted a charter under Article X, Ohio Constitution, but with respect to such a library district acting solely as agent for the board of trustees of that district;	9996 9997 9998 9999 10000 10001
(2) A municipal corporation, the legislative authority;	10002
(3) A school district, the board of education;	10003
(4) A regional water and sewer district, a joint ambulance district, a joint recreation district, a fire and ambulance district, or a joint fire district, the board of trustees of the district;	10004 10005 10006 10007
(5) A joint township hospital district, the joint township hospital board;	10008 10009
(6) A detention facility district or a district organized under section 2151.65 of the Revised Code, a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, or a joint emergency medical services district, the joint board of county commissioners;	10010 10011 10012 10013 10014

(7) A township, a fire district organized under division (C)	10015
of section 505.37 of the Revised Code, or a township police	10016
district, the board of township trustees;	10017
(8) A joint solid waste management district organized under	10018
section 343.01 or 343.012 of the Revised Code, the board of	10019
directors of the district;	10020
(9) A subdivision described in division (MM)(19) of this	10021
section, the legislative or governing body or official;	10022
(10) A joint police district, the joint police district	10023
board;	10024
(11) A lake facilities authority, the board of directors;	10025
(12) A regional transportation improvement project, the	10026
governing board.	10027
(OO) "Tax limitation" means the "ten-mill limitation" as	10028
defined in section 5705.02 of the Revised Code without diminution	10029
by reason of section 5705.313 of the Revised Code or otherwise,	10030
or, in the case of a municipal corporation or county with a	10031
different charter limitation on property taxes levied to pay debt	10032
charges on unvoted securities, that charter limitation. Those	10033
limitations shall be respectively referred to as the "ten-mill	10034
limitation" and the "charter tax limitation."	10035
(PP) "Tax valuation" means the aggregate of the valuations of	10036
property subject to ad valorem property taxation by the	10037
subdivision on the real property, personal property, and public	10038
utility property tax lists and duplicates most recently certified	10039
for collection, and shall be calculated without deductions of the	10040
valuations of otherwise taxable property exempt in whole or in	10041
part from taxation by reason of exemptions of certain amounts of	10042
taxable value under division (C) of section 5709.01, tax	10043
reductions under section 323.152 of the Revised Code, or similar	10044
laws now or in the future in effect.	10045

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

(QQ) "Year" means the calendar year.

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

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

(TT) "Tourism development district revenue supported" means obligations to the payment of debt charges on which tourism development district revenue has been pledged by the taxing authority of a municipal corporation or township under section 133.083 of the Revised Code.

Sec. 133.04. (A) As used in this chapter, "net indebtedness" means, as determined pursuant to this section, the principal amount of the outstanding securities of a subdivision less the amount held in a bond retirement fund to the extent such amount is not taken into account in determining the principal amount outstanding under division (AA) of section 133.01 of the Revised Code. For purposes of this definition, the principal amount of outstanding securities includes the principal amount of

outstanding securities of another subdivision apportioned to the 10077
subdivision as a result of acquisition of territory, and excludes 10078
the principal amount of outstanding securities of the subdivision 10079
apportioned to another subdivision as a result of loss of 10080
territory and the payment or reimbursement obligations of the 10081
subdivision under credit enhancement facilities relating to 10082
outstanding securities. 10083

(B) In calculating the net indebtedness of a subdivision, 10084
none of the following securities, including anticipatory 10085
securities issued in anticipation of their issuance, shall be 10086
considered: 10087

(1) Securities issued in anticipation of the levy or 10088
collection of special assessments, either in original or refunded 10089
form; 10090

(2) Securities issued in anticipation of the collection of 10091
current revenues for the fiscal year or other period not to exceed 10092
twelve consecutive months, or securities issued in anticipation of 10093
the collection of the proceeds from a specifically identified 10094
voter-approved tax levy; 10095

(3) Securities issued for purposes described in section 10096
133.12 of the Revised Code; 10097

(4) Securities issued under Chapter 122., 140., 165., 725., 10098
or 761. or section 131.23 of the Revised Code; 10099

(5) Securities issued to pay final judgments or 10100
court-approved settlements under authorizing laws and securities 10101
issued under section 2744.081 of the Revised Code; 10102

(6) Securities issued to pay costs of permanent improvements 10103
to the extent they are issued in anticipation of the receipt of, 10104
and are payable as to principal from, federal or state grants or 10105
distributions for, or legally available for, that principal or for 10106
the costs of those permanent improvements; 10107

(7) Securities issued to evidence loans from the state	10108
capital improvements fund pursuant to Chapter 164. of the Revised	10109
Code or from the state infrastructure bank pursuant to section	10110
5531.09 of the Revised Code;	10111
(8) That percentage of the principal amount of general	10112
obligation securities issued by a county, township, or municipal	10113
corporation to pay the costs of permanent improvements equal to	10114
the percentage of the debt charges on those securities payable	10115
during the current fiscal year that the fiscal officer estimates	10116
can be paid during the current fiscal year from payments in lieu	10117
of taxes under section 1728.11, 1728.111, 5709.42, 5709.74, or	10118
5709.79 of the Revised Code, and that the legislation authorizing	10119
the issuance of the securities pledges or covenants will be used	10120
for the payment of those debt charges; provided that the amount	10121
excluded from consideration under division (B)(8) of this section	10122
shall not exceed the lesser of thirty million dollars or one-half	10123
per cent of the subdivision's tax valuation in the case of a	10124
county or township, or one and one-tenth per cent of the	10125
subdivision's tax valuation in the case of a municipal	10126
corporation;	10127
(9) Securities issued in an amount equal to the property tax	10128
replacement payments received under section 5727.85 or 5727.86 of	10129
the Revised Code;	10130
(10) Securities issued in an amount equal to the property tax	10131
replacement payments received under section 5751.21 or 5751.22 of	10132
the Revised Code;	10133
(11) Other securities, including self-supporting securities,	10134
excepted by law from the calculation of net indebtedness or from	10135
the application of this chapter;	10136
(12) <u>Securities issued under section 133.083 of the Revised</u>	10137
<u>Code for the purpose of acquiring, constructing, improving, or</u>	10138

equipping any permanent improvement to the extent that the 10139
legislation authorizing the issuance pledges tourism development 10140
district revenue to the payment of debt charges on the securities 10141
and contains a covenant to appropriate from tourism development 10142
district revenue a sufficient amount to cover debt charges or the 10143
financing costs related to the securities as they become due; 10144

(13) Any other securities outstanding on October 30, 1989, 10145
and then excepted from the calculation of net indebtedness or from 10146
the application of this chapter, and securities issued at any time 10147
to fund or refund those securities. 10148

Sec. 133.05. (A) A municipal corporation shall not incur net 10149
indebtedness that exceeds an amount equal to ten and one-half per 10150
cent of its tax valuation, or incur without a vote of the electors 10151
net indebtedness that exceeds an amount equal to five and one-half 10152
per cent of that tax valuation. 10153

(B) In calculating the net indebtedness of a municipal 10154
corporation, none of the following securities shall be considered: 10155

(1) Self-supporting securities issued for any purposes 10156
including, without limitation, any of the following general 10157
purposes: 10158

(a) Water systems or facilities; 10159

(b) Sanitary sewerage systems or facilities, or surface and 10160
storm water drainage and sewerage systems or facilities, or a 10161
combination of those systems or facilities; 10162

(c) Electric plants and facilities and steam or cogeneration 10163
facilities that generate or supply electricity, or steam and 10164
electrical or steam distribution systems and lines; 10165

(d) Airports or landing fields or facilities; 10166

(e) Railroads, rapid transit, and other mass transit systems; 10167

(f) Off-street parking lots, facilities, or buildings, or	10168
on-street parking facilities, or any combination of off-street and	10169
on-street parking facilities;	10170
(g) Facilities for the care or treatment of the sick or	10171
infirm, and for housing the persons providing such care or	10172
treatment and their families;	10173
(h) Solid waste or hazardous waste collection or disposal	10174
facilities, or resource recovery and solid or hazardous waste	10175
recycling facilities, or any combination of those facilities;	10176
(i) Urban redevelopment projects;	10177
(j) Recreational, sports, convention, auditorium, museum,	10178
trade show, and other public attraction facilities;	10179
(k) Facilities for natural resources exploration,	10180
development, recovery, use, and sale;	10181
(1) Correctional and detention facilities, including	10182
multicounty-municipal jails, and related rehabilitation	10183
facilities.	10184
(2) Securities issued for the purpose of purchasing,	10185
constructing, improving, or extending water or sanitary or surface	10186
and storm water sewerage systems or facilities, or a combination	10187
of those systems or facilities, to the extent that an agreement	10188
entered into with another subdivision requires the other	10189
subdivision to pay to the municipal corporation amounts equivalent	10190
to debt charges on the securities;	10191
(3) Securities issued under order of the director of health	10192
or director of environmental protection under section 6109.18 of	10193
the Revised Code;	10194
(4) Securities issued under Section 3, 10, or 12 of Article	10195
XVIII, Ohio Constitution;	10196
(5) Securities that are not general obligations of the	10197

municipal corporation;	10198
(6) Voted securities issued for the purposes of urban	10199
redevelopment to the extent that their principal amount does not	10200
exceed an amount equal to two per cent of the tax valuation of the	10201
municipal corporation;	10202
(7) Unvoted general obligation securities to the extent that	10203
the legislation authorizing them includes covenants to appropriate	10204
annually from lawfully available municipal income taxes or other	10205
municipal excises or taxes, including taxes referred to in section	10206
701.06 of the Revised Code but not including ad valorem property	10207
taxes, and to continue to levy and collect those municipal income	10208
taxes or other applicable excises or taxes in, amounts necessary	10209
to meet the debt charges on those securities, which covenants are	10210
hereby authorized;	10211
(8) Self-supporting securities issued prior to July 1, 1977,	10212
under this chapter for the purpose of municipal university	10213
residence halls to the extent that revenues of the successor state	10214
university allocated to debt charges on those securities, from	10215
sources other than municipal excises and taxes, are sufficient to	10216
pay those debt charges;	10217
(9) Securities issued for the purpose of acquiring or	10218
constructing roads, highways, bridges, or viaducts, for the	10219
purpose of acquiring or making other highway permanent	10220
improvements, or for the purpose of procuring and maintaining	10221
computer systems for the office of the clerk of the municipal	10222
court to the extent that the legislation authorizing the issuance	10223
of the securities includes a covenant to appropriate from money	10224
distributed to the municipal corporation pursuant to Chapter	10225
4501., 4503., 4504., or 5735. of the Revised Code a sufficient	10226
amount to cover debt charges on and financing costs relating to	10227
the securities as they become due;	10228

(10) Securities issued for the purpose of providing some or all of the funds required to satisfy the municipal corporation's obligation under an agreement with the board of trustees of the Ohio police and fire pension fund under section 742.30 of the Revised Code; 10229
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(11) Securities issued for the acquisition, construction, equipping, and improving of a municipal educational and cultural facility under division (B)(2) of section 307.672 of the Revised Code; 10234
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(12) Securities issued for energy conservation measures under section 717.02 of the Revised Code; 10238
10239

(13) Securities that are obligations issued to pay costs of a sports facility under section 307.673 of the Revised Code; 10240
10241

(14) Securities issued under section 133.083 of the Revised Code for the purpose of acquiring, constructing, improving, or equipping any permanent improvement to the extent that the legislation authorizing the issuance pledges tourism development district revenue to the payment of debt charges on the securities and contains a covenant to appropriate from tourism development district revenue a sufficient amount to cover debt charges or the financing costs related to the securities as they become due. 10242
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(C) In calculating the net indebtedness of a municipal corporation, no obligation incurred under section 749.081 of the Revised Code shall be considered. 10250
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Sec. 133.07. (A) A county shall not incur, without a vote of the electors, either of the following: 10253
10254

(1) Net indebtedness for all purposes that exceeds an amount equal to one per cent of its tax valuation; 10255
10256

(2) Net indebtedness for the purpose of paying the county's share of the cost of the construction, improvement, maintenance, 10257
10258

or repair of state highways that exceeds an amount equal to 10259
one-half of one per cent of its tax valuation. 10260

(B) A county shall not incur total net indebtedness that 10261
exceeds an amount equal to one of the following limitations that 10262
applies to the county: 10263

(1) A county with a valuation not exceeding one hundred 10264
million dollars, three per cent of that tax valuation; 10265

(2) A county with a tax valuation exceeding one hundred 10266
million dollars but not exceeding three hundred million dollars, 10267
three million dollars plus one and one-half per cent of that tax 10268
valuation in excess of one hundred million dollars; 10269

(3) A county with a tax valuation exceeding three hundred 10270
million dollars, six million dollars plus two and one-half per 10271
cent of that tax valuation in excess of three hundred million 10272
dollars. 10273

(C) In calculating the net indebtedness of a county, none of 10274
the following securities shall be considered: 10275

(1) Securities described in section 307.201 of the Revised 10276
Code; 10277

(2) Self-supporting securities issued for any purposes, 10278
including, but not limited to, any of the following general 10279
purposes: 10280

(a) Water systems or facilities; 10281

(b) Sanitary sewerage systems or facilities, or surface and 10282
storm water drainage and sewerage systems or facilities, or a 10283
combination of those systems or facilities; 10284

(c) County or joint county scrap tire collection, storage, 10285
monocell, monofill, or recovery facilities, or any combination of 10286
those facilities; 10287

(d) Off-street parking lots, facilities, or buildings, or 10288

on-street parking facilities, or any combination of off-street and	10289
on-street parking facilities;	10290
(e) Facilities for the care or treatment of the sick or	10291
infirm, and for housing the persons providing that care or	10292
treatment and their families;	10293
(f) Recreational, sports, convention, auditorium, museum,	10294
trade show, and other public attraction facilities;	10295
(g) Facilities for natural resources exploration,	10296
development, recovery, use, and sale;	10297
(h) Correctional and detention facilities and related	10298
rehabilitation facilities.	10299
(3) Securities issued for the purpose of purchasing,	10300
constructing, improving, or extending water or sanitary or surface	10301
and storm water sewerage systems or facilities, or a combination	10302
of those systems or facilities, to the extent that an agreement	10303
entered into with another subdivision requires the other	10304
subdivision to pay to the county amounts equivalent to debt	10305
charges on the securities;	10306
(4) Voted general obligation securities issued for the	10307
purpose of permanent improvements for sanitary sewerage or water	10308
systems or facilities to the extent that the total principal	10309
amount of voted securities outstanding for the purpose does not	10310
exceed an amount equal to two per cent of the county's tax	10311
valuation;	10312
(5) Securities issued for permanent improvements to house	10313
agencies, departments, boards, or commissions of the county or of	10314
any municipal corporation located, in whole or in part, in the	10315
county, to the extent that the revenues, other than revenues from	10316
unvoted county property taxes, derived from leases or other	10317
agreements between the county and those agencies, departments,	10318
boards, commissions, or municipal corporations relating to the use	10319

of the permanent improvements are sufficient to cover the cost of 10320
all operating expenses of the permanent improvements paid by the 10321
county and debt charges on the securities; 10322

(6) Securities issued pursuant to section 133.08 of the 10323
Revised Code; 10324

(7) Securities issued for the purpose of acquiring or 10325
constructing roads, highways, bridges, or viaducts, for the 10326
purpose of acquiring or making other highway permanent 10327
improvements, or for the purpose of procuring and maintaining 10328
computer systems for the office of the clerk of any 10329
county-operated municipal court, for the office of the clerk of 10330
the court of common pleas, or for the office of the clerk of the 10331
probate, juvenile, or domestic relations division of the court of 10332
common pleas to the extent that the legislation authorizing the 10333
issuance of the securities includes a covenant to appropriate from 10334
moneys distributed to the county pursuant to division (B) of 10335
section 2101.162, 2151.541, 2153.081, 2301.031, or 2303.201 or 10336
Chapter 4501., 4503., 4504., or 5735. of the Revised Code a 10337
sufficient amount to cover debt charges on and financing costs 10338
relating to the securities as they become due; 10339

(8) Securities issued for the purpose of acquiring, 10340
constructing, improving, and equipping a county, multicounty, or 10341
multicounty-municipal jail, workhouse, juvenile detention 10342
facility, or correctional facility; 10343

(9) Securities issued for the acquisition, construction, 10344
equipping, or repair of any permanent improvement or any class or 10345
group of permanent improvements enumerated in a resolution adopted 10346
pursuant to division (D) of section 5739.026 of the Revised Code 10347
to the extent that the legislation authorizing the issuance of the 10348
securities includes a covenant to appropriate from moneys received 10349
from the taxes authorized under section 5739.023 and division 10350
(A)(5) of section 5739.026 of the Revised Code an amount 10351

sufficient to pay debt charges on the securities and those moneys 10352
shall be pledged for that purpose; 10353

(10) Securities issued for county or joint county solid waste 10354
or hazardous waste collection, transfer, or disposal facilities, 10355
or resource recovery and solid or hazardous waste recycling 10356
facilities, or any combination of those facilities; 10357

(11) Securities issued for the acquisition, construction, and 10358
equipping of a port authority educational and cultural facility 10359
under section 307.671 of the Revised Code; 10360

(12) Securities issued for the acquisition, construction, 10361
equipping, and improving of a municipal educational and cultural 10362
facility under division (B)(1) of section 307.672 of the Revised 10363
Code; 10364

(13) Securities issued for energy conservation measures under 10365
section 307.041 of the Revised Code; 10366

(14) Securities issued for the acquisition, construction, 10367
equipping, improving, or repair of a sports facility, including 10368
obligations issued to pay costs of a sports facility under section 10369
307.673 of the Revised Code; 10370

(15) Securities issued under section 755.17 of the Revised 10371
Code if the legislation authorizing issuance of the securities 10372
includes a covenant to appropriate from revenue received from a 10373
tax authorized under division (A)(5) of section 5739.026 and 10374
section 5741.023 of the Revised Code an amount sufficient to pay 10375
debt charges on the securities, and the board of county 10376
commissioners pledges that revenue for that purpose, pursuant to 10377
section 755.171 of the Revised Code; 10378

(16) Sales tax supported bonds issued pursuant to section 10379
133.081 of the Revised Code for the purpose of acquiring, 10380
constructing, improving, or equipping any permanent improvement to 10381
the extent that the legislation authorizing the issuance of the 10382

sales tax supported bonds pledges county sales taxes to the 10383
payment of debt charges on the sales tax supported bonds and 10384
contains a covenant to appropriate from county sales taxes a 10385
sufficient amount to cover debt charges or the financing costs 10386
related to the sales tax supported bonds as they become due; 10387

(17) Bonds or notes issued under section 133.60 of the 10388
Revised Code if the legislation authorizing issuance of the bonds 10389
or notes includes a covenant to appropriate from revenue received 10390
from a tax authorized under division (A)(9) of section 5739.026 10391
and section 5741.023 of the Revised Code an amount sufficient to 10392
pay the debt charges on the bonds or notes, and the board of 10393
county commissioners pledges that revenue for that purpose; 10394

(18) Securities issued under section 3707.55 of the Revised 10395
Code for the acquisition of real property by a general health 10396
district; 10397

(19) Securities issued under division (A)(3) of section 10398
3313.37 of the Revised Code for the acquisition of real and 10399
personal property by an educational service center; 10400

(20) Securities issued for the purpose of paying the costs of 10401
acquiring, constructing, reconstructing, renovating, 10402
rehabilitating, expanding, adding to, equipping, furnishing, or 10403
otherwise improving an arena, convention center, or a combination 10404
of an arena and convention center under section 307.695 of the 10405
Revised Code; 10406

(21) Securities issued for the purpose of paying project 10407
costs under section 307.678 of the Revised Code; 10408

(22) Securities issued for the purpose of paying project 10409
costs under section 307.679 of the Revised Code. 10410

(D) In calculating the net indebtedness of a county, no 10411
obligation incurred under division (F) of section 339.06 of the 10412
Revised Code shall be considered. 10413

<u>Sec. 133.083. (A) As used in this section:</u>	10414
<u>(1) "Anticipation notes" means notes issued in anticipation</u>	10415
<u>of the tourism development district revenue supported bonds</u>	10416
<u>authorized by this section.</u>	10417
<u>(2) "Authorizing proceedings" means the resolution,</u>	10418
<u>legislation, trust agreement, certification, and other agreements,</u>	10419
<u>instruments, and documents, as amended and supplemented,</u>	10420
<u>authorizing, or providing for the security or sale or award of,</u>	10421
<u>tourism development district revenue supported bonds, and includes</u>	10422
<u>the provisions set forth or incorporated in those bonds and</u>	10423
<u>proceedings.</u>	10424
<u>(3) "Tourism development district revenue" means revenue</u>	10425
<u>received by the taxing authority of a municipal corporation or</u>	10426
<u>township from a tax levied pursuant to section 5739.024, 5739.52,</u>	10427
<u>or 5741.024 of the Revised Code, from fees imposed pursuant to</u>	10428
<u>division (C) of section 5739.50 of the Revised Code, from revenue</u>	10429
<u>received under section 5739.54 of the Revised Code, and, in the</u>	10430
<u>case of a municipal corporation, a tax levied on amounts received</u>	10431
<u>for admission to any place to the extent of the revenue therefrom</u>	10432
<u>is required to be used to foster and develop tourism in a tourism</u>	10433
<u>development district.</u>	10434
<u>(4) "Tourism development district revenue supported bonds"</u>	10435
<u>means the tourism development district revenue supported bonds</u>	10436
<u>authorized by this section, including anticipation notes.</u>	10437
<u>(5) "Refunding bonds" means tourism development district</u>	10438
<u>revenue supported bonds issued to provide for the refunding of the</u>	10439
<u>tourism development district revenue supported bonds referred to</u>	10440
<u>in this section as refunded obligations.</u>	10441
<u>(6) "Tourism development district" means an area designated</u>	10442
<u>by a township or municipal corporation under section 5739.50 of</u>	10443

the Revised Code. 10444

(B) The taxing authority of a municipal corporation or 10445
township that is receiving tourism development district revenue, 10446
for the purpose of fostering and developing tourism within the 10447
tourism development district, may anticipate such revenue and 10448
issue tourism development district revenue supported bonds of the 10449
municipal corporation or township in the principal amount 10450
necessary to pay the costs of financing any permanent improvement, 10451
or to refund any refunded obligations, provided that the taxing 10452
authority certifies that the annual debt charges on the tourism 10453
development district revenue supported bonds, or on the tourism 10454
development district revenue supported bonds being anticipated by 10455
anticipation notes, do not exceed the estimated annual tourism 10456
development district revenue. The maximum aggregate amount of 10457
tourism development district revenue supported bonds that may be 10458
outstanding at any time in accordance with their terms shall not 10459
exceed an amount which requires or is estimated to require 10460
payments from tourism development district revenue of debt charges 10461
on the tourism development district revenue supported bonds, or, 10462
in the case of anticipation notes, projected debt charges on the 10463
tourism development district revenue supported bonds anticipated, 10464
in any calendar year in an amount exceeding tourism development 10465
district revenue in anticipation of which the bonds or 10466
anticipation notes are issued as estimated by the fiscal officer 10467
based on tourism development district revenue averaged for the two 10468
calendar years prior to the year in which the tourism development 10469
district revenue supported bonds are issued, and annualized for 10470
any increase in any tax levied pursuant to section 5739.024, 10471
5739.52, or 5741.024 of the Revised Code during such period or 10472
levied after such period. A taxing authority may at any time issue 10473
renewal anticipation notes, issue tourism development district 10474
revenue supported bonds to pay renewal anticipation notes, and, if 10475
it considers refunding expedient, issue refunding tourism 10476

development district revenue supported bonds whether the refunded 10477
obligations have or have not matured. The refunding tourism 10478
development district revenue supported bonds shall be sold and the 10479
proceeds needed for such purpose applied in the manner provided in 10480
the authorizing proceedings of the taxing authority. 10481

The maximum maturity of tourism development district revenue 10482
supported bonds shall be calculated by the fiscal officer in 10483
accordance with section 133.20 of the Revised Code, and that 10484
calculation shall be filed with the taxing authority of the county 10485
before adoption of the ordinance or resolution authorizing the 10486
issuance. If the tourism development district revenue pledged to 10487
the payment of the tourism development district revenue supported 10488
bonds has a stated expiration date, the final principal maturity 10489
date of the tourism development district revenue supported bonds 10490
shall not extend beyond the final year of collection of the 10491
tourism development district revenue pledged to the payment of the 10492
tourism development district revenue supported bonds. 10493

(C) Every issue of tourism development district revenue 10494
supported bonds outstanding in accordance with their terms shall 10495
be payable out of the tourism development district revenue 10496
received by the municipal corporation or township or proceeds of 10497
tourism development district revenue supported bonds, renewal 10498
anticipation notes, or refunding tourism development district 10499
revenue supported bonds that may be pledged for such payment in 10500
the authorizing proceedings. The pledge shall be valid and binding 10501
from the time the pledge is made, and the tourism development 10502
district revenue so pledged and thereafter received by the county 10503
shall immediately be subject to the lien of that pledge without 10504
any physical delivery of the tourism development district revenue 10505
or proceeds or further act. The lien of any pledge is valid and 10506
binding as against all parties having claims of any kind in tort, 10507
contract, or otherwise against the county, whether or not such 10508

parties have notice of the lien. Neither the resolution nor any 10509
trust agreement by which a pledge is created or further evidenced 10510
need be filed or recorded except in the records of the taxing 10511
authority. 10512

(D) Tourism development district revenue supported bonds 10513
issued under this section do not constitute a general obligation 10514
debt, or a pledge of the full faith and credit, of the state, or 10515
any political subdivision of the state, and the holders or owners 10516
of the bonds have no right to have taxes levied by the general 10517
assembly or property taxes levied by the taxing authority of any 10518
political subdivision of the state for the payment of debt 10519
charges. Unless paid from other sources, tourism development 10520
district revenue supported bonds are payable from the tourism 10521
development district revenue pledged for their payment as 10522
authorized by this section. All tourism development district 10523
revenue supported bonds shall contain on their face a statement to 10524
the effect that the tourism development district revenue supported 10525
bonds, as to debt charges, are not debts or obligations of the 10526
state and are not general obligation debts of any political 10527
subdivision of the state, but, unless paid from other sources, are 10528
payable from the tourism development district revenue pledged for 10529
their payment. The utilization and pledge of the tourism 10530
development district revenue and proceeds of tourism development 10531
district revenue supported bonds, renewal anticipation notes, or 10532
refunding tourism development district revenue supported bonds for 10533
the payment of debt charges is determined by the general assembly 10534
to create a special obligation. 10535

(E) The tourism development district revenue supported bonds 10536
shall bear such date or dates, shall be executed in the manner, 10537
and shall mature at such time or times, in the case of any 10538
anticipation notes not exceeding ten years from the date of issue 10539
of the original anticipation notes and in the case of any tourism 10540

development district revenue supported bonds or of any refunding 10541
tourism development district revenue supported bonds, not 10542
exceeding the maximum maturity certified to the taxing authority 10543
pursuant to division (B) of this section, all as the authorizing 10544
proceedings may provide. The tourism development district revenue 10545
supported bonds shall bear interest at such rates, or at variable 10546
rate or rates changing from time to time, in accordance with 10547
provisions in the authorizing proceedings, be in such 10548
denominations and form, either coupon or registered, carry such 10549
registration privileges, be payable in such medium of payment and 10550
at such place or places, and be subject to such terms of 10551
redemption, as the taxing authority may authorize or provide. The 10552
tourism development district revenue supported bonds may be sold 10553
at public or private sale, and at, or at not less than, the price 10554
or prices as the taxing authority determines. If any officer whose 10555
signature or a facsimile of whose signature appears on any tourism 10556
development district revenue supported bonds or coupons ceases to 10557
be such officer before delivery of the tourism development 10558
district revenue supported bonds or anticipation notes, the 10559
signature or facsimile shall nevertheless be sufficient for all 10560
purposes as if that officer had remained in office until delivery 10561
of the tourism development district revenue supported bonds. 10562
Whether or not the tourism development district revenue supported 10563
bonds are of such form and character as to be negotiable 10564
instruments under Title XIII of the Revised Code, the tourism 10565
development district revenue supported bonds shall have all the 10566
qualities and incidents of negotiable instruments, subject only to 10567
any provisions for registration. Neither the members of the board 10568
of the taxing authority nor any person executing the tourism 10569
development district revenue supported bonds shall be liable 10570
personally on the tourism development district revenue supported 10571
bonds or be subject to any personal liability or accountability by 10572
reason of their issuance. 10573

(F) Notwithstanding any other provision of this section, 10574
sections 9.98 to 9.983, 133.02, 133.70, and 5709.76, and division 10575
(A) of section 133.03 of the Revised Code apply to the tourism 10576
development district revenue supported bonds. Tourism development 10577
district revenue supported bonds issued under this section need 10578
not comply with any other law applicable to notes or bonds but the 10579
authorizing proceedings may provide that divisions (B) to (E) of 10580
section 133.25 of the Revised Code apply to the tourism 10581
development district revenue supported bonds or anticipation 10582
notes. 10583

(G) Any authorized proceedings may contain provisions, 10584
subject to any agreements with holders as may then exist, which 10585
shall be a part of the contract with the holders, as to the 10586
pledging of any or all of the municipal corporation's or 10587
township's anticipated tourism development district revenue to 10588
secure the payment of the tourism development district revenue 10589
supported bonds; the use and disposition of the tourism 10590
development district revenue of the county; the crediting of the 10591
proceeds of the sale of tourism development district revenue 10592
supported bonds to and among the funds referred to or provided for 10593
in the authorizing proceedings; limitations on the purpose to 10594
which the proceeds of the tourism development district revenue 10595
supported bonds may be applied and the pledging of portions of 10596
such proceeds to secure the payment of the tourism development 10597
district revenue supported bonds or of anticipation notes; the 10598
agreement of the municipal corporation or township to do all 10599
things necessary for the authorization, issuance, and sale of 10600
those notes anticipated in such amounts as may be necessary for 10601
the timely payment of debt charges on any anticipation notes; 10602
limitations on the issuance of additional tourism development 10603
district revenue supported bonds; the terms upon which additional 10604
tourism development district revenue supported bonds may be issued 10605
and secured; the refunding of refunded obligations; the procedure 10606

by which the terms of any contract with holders may be amended, 10607
and the manner in which any required consent to amend may be 10608
given; securing any tourism development district revenue supported 10609
bonds by a trust agreement or other agreement; and any other 10610
matters, of like or different character, that in any way affect 10611
the security or protection of the tourism development district 10612
revenue supported bonds or anticipation notes. 10613

(H) The taxing authority of a municipal corporation or 10614
township may not repeal, rescind, or reduce any portion of a tax 10615
pledged to the payment of debt charges on tourism development 10616
district revenue supported bonds issued by the county while such 10617
bonds remain outstanding, and no portion of tourism development 10618
district revenue pledged to the payment of debt charges on such 10619
bonds shall be subject to repeal or reduction by the electorate of 10620
the taxing authority while the bonds are outstanding. 10621

Sec. 133.34. (A) Upon the determination of the taxing 10622
authority that such funding or refunding will be in the 10623
subdivision's best interest, the subdivision may: 10624

(1) Issue general obligation securities to fund or refund any 10625
outstanding revenue or mortgage revenue, sales tax supported, or 10626
other special obligation securities previously issued by it for 10627
permanent improvements pursuant to authorization by law or the 10628
Ohio Constitution. Any general obligation bonds issued pursuant to 10629
this division (A)(1) shall be payable as to principal at such 10630
times and in such installments as determined by the taxing 10631
authority consistent with section 133.21 of the Revised Code, ~~but~~ 10632
~~their.~~ The last maturity of the refunding securities shall not be 10633
later than ~~thirty~~ the later of: 10634

(a) Thirty years from the date of issuance of the original 10635
securities issued for the original purpose; or 10636

(b) The year of the last maturity that would have been 10637

permitted for the original securities if they had been issued as 10638
general obligation securities and the law as to the maximum 10639
maturity of general obligation securities issued for the original 10640
purpose were the same at the time the original securities were 10641
issued as the law existing at the time the refunding securities 10642
are issued. 10643

(2) Issue revenue or mortgage revenue securities, if 10644
authorized by other law or the Ohio Constitution to issue such 10645
securities for the original purpose, to fund or refund any 10646
outstanding general obligation or sales tax supported securities 10647
previously issued by it pursuant to authorization by law. The 10648
taxing authority shall establish the maturity date or dates, the 10649
interest payable, and other terms of such securities as it 10650
considers necessary or appropriate for their issuance. 10651

(3) Issue general obligation securities to fund or refund 10652
outstanding general obligation bonds issued in one or more issues 10653
for any purpose or purposes. General obligation securities issued 10654
pursuant to this division (A)(3) shall be payable as to principal 10655
at such times and in such installments as determined by the taxing 10656
authority. Section 133.21 of the Revised Code is not applicable to 10657
these refunding securities, but the last maturity of these 10658
refunding securities shall not be later than the year of last 10659
maturity permitted by law for the general obligation bonds 10660
refunded. Tax levies for debt charges on the refunding general 10661
obligation securities shall be considered to have the same status 10662
with respect to the provisions of the applicable tax limitation as 10663
the levies for debt charges on, and the refunding general 10664
obligation securities shall be considered to have the same status 10665
with respect to net indebtedness limitations as, the general 10666
obligation bonds that are refunded. 10667

(4) Issue sales tax supported or other special obligation 10668
securities to fund or refund any outstanding general obligation 10669

securities, or revenue or mortgage revenue or general obligation, 10670
sales tax supported, or other special obligation securities 10671
previously issued by it for permanent improvements pursuant to 10672
authorization by law or the Ohio Constitution. Any sales tax 10673
supported bonds issued pursuant to this division (A)(4) shall be 10674
payable as to principal at such times and in such installments as 10675
determined by the taxing authority consistent with division (E) of 10676
section 133.081 of the Revised Code, but their last maturity shall 10677
be consistent with division (B) of section 133.081 of the Revised 10678
Code. Other special obligation securities issued under this 10679
division (A)(4) shall be payable as to principal at such times and 10680
in such installments as determined by the taxing authority, and 10681
are not subject to section 133.21 of the Revised Code. The last 10682
maturity of these refunding securities shall be not later than the 10683
year of last maturity permitted by law for the obligations 10684
refunded. 10685

(5) Apply moneys from other sources to fund any outstanding 10686
securities or public obligations issued by the taxing authority 10687
pursuant to authorization by law or the Ohio Constitution, 10688
including the funding of any mandatory sinking fund redemption 10689
requirements. 10690

(6) Issue tourism development district revenue supported 10691
bonds to fund or refund any outstanding revenue or mortgage 10692
revenue or general obligation or other special obligation 10693
securities previously issued by it for permanent improvements 10694
pursuant to authorization by law or the Ohio Constitution. Any 10695
tourism development district revenue supported bonds issued 10696
pursuant to division (A)(6) of this section shall be payable as to 10697
principal at such times and in such installments as determined by 10698
the taxing authority consistent with division (E) of section 10699
133.083 of the Revised Code, but their last maturity shall be 10700
consistent with division (B) of section 133.083 of the Revised 10701

Code. 10702

(B) Securities issued pursuant to this section shall be 10703
considered to be issued for the same purpose or purposes as the 10704
securities that they are issued to fund or refund, and their 10705
proceeds shall be used as determined by the taxing authority 10706
consistent with their purpose. That use may include the payment of 10707
the outstanding principal amount of, any redemption premium on, 10708
and any interest to redemption or maturity on, the securities 10709
being funded or refunded, and any expenses relating to the funding 10710
or refunding or the issuance of the refunding bonds, including 10711
financing costs, all as determined by the taxing authority. 10712
Proceeds of securities issued pursuant to this section may also be 10713
used to provide additional money for the purpose or purposes for 10714
which the securities being funded or refunded, or which they 10715
funded or refunded, were issued, but section 133.21 of the Revised 10716
Code is applicable to any such portion of general obligation 10717
securities. 10718

(C) Securities may be issued and other moneys may be applied 10719
pursuant to this section to fund or refund all or any portion of 10720
the outstanding securities, and whether or not the securities to 10721
be funded or refunded were issued subject to call or redemption 10722
prior to maturity or are the original securities or are themselves 10723
refunding securities. 10724

(D) Moneys derived from the proceeds of securities issued 10725
pursuant to this section to fund or refund general obligation 10726
bonds, or moneys from other sources, and required for the purpose 10727
shall, under an escrow agreement or otherwise, to the extent 10728
required by the legislation be placed in an escrow fund, which may 10729
be in the bond retirement fund in the case of the funded or 10730
refunded bonds being payable within ninety days of issuance of the 10731
refunding securities, and other moneys applied pursuant to this 10732
section to fund general obligation bonds shall, under an escrow 10733

agreement or otherwise, to the extent required by the legislation, 10734
be placed in an escrow fund that may be in the sinking fund or 10735
bond retirement fund, and in either case are pledged for the 10736
purpose of funding or refunding the refunded general obligation 10737
bonds and shall be used, together with any other available funds 10738
as provided in this section, for that purpose. Pending that use, 10739
the moneys in escrow shall be held in cash or, if and to the 10740
extent authorized by the taxing authority, invested in whole or in 10741
part in direct obligations of or obligations guaranteed as to 10742
payment by the United States that mature or are subject to 10743
redemption by and at the option of the holder not later than the 10744
date or dates when the moneys invested, together with interest or 10745
other investment income accrued on those moneys, and any moneys 10746
held in cash and not invested will be required for that use. Any 10747
moneys in the escrow fund derived from the issuance of revenue or 10748
mortgage revenue ~~or~~, sales tax supported, or other special 10749
obligation securities that will not be needed to pay debt charges 10750
on the funded or refunded general obligation bonds may be used for 10751
and pledged to the payment of debt charges on the refunding 10752
securities and on any securities issued on a parity with the 10753
refunding securities. Any moneys in the escrow fund derived from 10754
the proceeds of refunding general obligation securities and that 10755
will not be needed to pay debt charges on the refunded general 10756
obligation bonds shall be transferred to the bond retirement fund. 10757
When the subdivision has placed in escrow moneys, derived from 10758
proceeds of refunding obligations or otherwise, or those direct or 10759
guaranteed obligations of the United States, or a combination of 10760
both, determined by an independent public accounting firm to be 10761
sufficient, with the interest or other investment income accruing 10762
on those direct or guaranteed obligations, for the payment of debt 10763
charges on the funded or refunded general obligation bonds, the 10764
funded or refunded general obligation bonds shall no longer be 10765
considered to be outstanding, shall not be considered for purposes 10766

of determining any limitation, direct or indirect, on the 10767
indebtedness or net indebtedness of the subdivision, and the levy 10768
of taxes or other charges for the payment of debt charges on the 10769
funded or refunded general obligation bonds under this chapter, 10770
Chapter 5705., or other provisions of the Revised Code, shall not 10771
be required. For purposes of this division, "direct obligations of 10772
or obligations guaranteed as to payment by the United States" 10773
includes rights to receive payment or portions of payments of the 10774
principal of or interest or other investment income on: 10775

(1) Those obligations; and 10776

(2) Other obligations fully secured as to payment by those 10777
obligations and the interest or other investment income on those 10778
obligations. 10779

(E) The authority granted by this section is in addition to 10780
and not a limitation on any other authorizations granted by or 10781
pursuant to law or the Ohio Constitution for the same or similar 10782
purposes, and does not limit or restrict the authority of 10783
municipal corporations to issue, under authority of Article XVIII, 10784
Ohio Constitution, revenue or mortgage revenue securities to fund 10785
or refund either general obligation securities or other revenue or 10786
mortgage revenue securities. 10787

Sec. 135.01. Except as otherwise provided in sections 135.14, 10788
135.143, ~~and~~ 135.181, and 135.182 of the Revised Code, as used in 10789
sections 135.01 to 135.21 of the Revised Code: 10790

(A) "Active deposit" means a public deposit necessary to meet 10791
current demands on the treasury, and that is deposited in any of 10792
the following: 10793

(1) A commercial account that is payable or withdrawable, in 10794
whole or in part, on demand; 10795

(2) A negotiable order of withdrawal account as authorized in 10796

the "Consumer Checking Account Equity Act of 1980," 94 Stat. 146, 10797
12 U.S.C.A. 1832(a); 10798

(3) A money market deposit account as authorized in the 10799
"Garn-St. Germain Depository Institutions Act of 1982," 96 Stat. 10800
1501, 12 U.S.C. 3503. 10801

(B) "Auditor" includes the auditor of state and the auditor, 10802
or officer exercising the functions of an auditor, of any 10803
subdivision. 10804

(C) "Capital funds" means the sum of the following: the par 10805
value of the outstanding common capital stock, the par value of 10806
the outstanding preferred capital stock, the aggregate par value 10807
of all outstanding capital notes and debentures, and the surplus. 10808
In the case of an institution having offices in more than one 10809
county, the capital funds of such institution, for the purposes of 10810
sections 135.01 to 135.21 of the Revised Code, relative to the 10811
deposit of the public moneys of the subdivisions in one such 10812
county, shall be considered to be that proportion of the capital 10813
funds of the institution that is represented by the ratio that the 10814
deposit liabilities of such institution originating at the office 10815
located in the county bears to the total deposit liabilities of 10816
the institution. 10817

(D) "Governing board" means, in the case of the state, the 10818
state board of deposit; in the case of all school districts and 10819
educational service centers except as otherwise provided in this 10820
section, the board of education or governing board of a service 10821
center, and when the case so requires, the board of commissioners 10822
of the sinking fund; in the case of a municipal corporation, the 10823
legislative authority, and when the case so requires, the board of 10824
trustees of the sinking fund; in the case of a township, the board 10825
of township trustees; in the case of a union or joint institution 10826
or enterprise of two or more subdivisions not having a treasurer, 10827
the board of directors or trustees thereof; and in the case of any 10828

other subdivision electing or appointing a treasurer, the 10829
directors, trustees, or other similar officers of such 10830
subdivision. The governing board of a subdivision electing or 10831
appointing a treasurer shall be the governing board of all other 10832
subdivisions for which such treasurer is authorized by law to act. 10833
In the case of a county school financing district that levies a 10834
tax pursuant to section 5705.215 of the Revised Code, the county 10835
board of education that serves as its taxing authority shall 10836
operate as a governing board. Any other county board of education 10837
shall operate as a governing board unless it adopts a resolution 10838
designating the board of county commissioners as the governing 10839
board for the county school district. 10840

(E) "Inactive deposit" means a public deposit other than an 10841
interim deposit or an active deposit. 10842

(F) "Interim deposit" means a deposit of interim moneys. 10843
"Interim moneys" means public moneys in the treasury of the state 10844
or any subdivision after the award of inactive deposits has been 10845
made in accordance with section 135.07 of the Revised Code, which 10846
moneys are in excess of the aggregate amount of the inactive 10847
deposits as estimated by the governing board prior to the period 10848
of designation and which the treasurer or governing board finds 10849
should not be deposited as active or inactive deposits for the 10850
reason that such moneys will not be needed for immediate use but 10851
will be needed before the end of the period of designation. 10852

(G) "Permissible rate of interest" means a rate of interest 10853
that all eligible institutions mentioned in section 135.03 of the 10854
Revised Code are permitted to pay by law or valid regulations. 10855

(H) "Warrant clearance account" means an account established 10856
by the treasurer of state for the deposit of active state moneys 10857
outside the city of Columbus, such account being for the exclusive 10858
purpose of clearing state warrants through the banking system to 10859
the treasurer. 10860

(I) "Public deposit" means public moneys deposited in a public depository pursuant to sections 135.01 to 135.21 of the Revised Code.

(J) "Public depository" means an institution which receives or holds any public deposits.

(K) "Public moneys" means all moneys in the treasury of the state or any subdivision of the state, or moneys coming lawfully into the possession or custody of the treasurer of state or of the treasurer of any subdivision. "Public moneys of the state" includes all such moneys coming lawfully into the possession of the treasurer of state; and "public moneys of a subdivision" includes all such moneys coming lawfully into the possession of the treasurer of the subdivision.

(L) "Subdivision" means any municipal corporation, except one which has adopted a charter under Article XVIII, Ohio Constitution, and the charter or ordinances of the chartered municipal corporation set forth special provisions respecting the deposit or investment of its public moneys, or any school district or educational service center, a county school financing district, township, municipal or school district sinking fund, special taxing or assessment district, or other district or local authority electing or appointing a treasurer, except a county. In the case of a school district or educational service center, special taxing or assessment district, or other local authority for which a treasurer, elected or appointed primarily as the treasurer of a subdivision, is authorized or required by law to act as ex officio treasurer, the subdivision for which such a treasurer has been primarily elected or appointed shall be considered to be the "subdivision." The term also includes a union or joint institution or enterprise of two or more subdivisions, that is not authorized to elect or appoint a treasurer, and for which no ex officio treasurer is provided by law.

(M) "Treasurer" means, in the case of the state, the treasurer of state and in the case of any subdivision, the treasurer, or officer exercising the functions of a treasurer, of such subdivision. In the case of a board of trustees of the sinking fund of a municipal corporation, the board of commissioners of the sinking fund of a school district, or a board of directors or trustees of any union or joint institution or enterprise of two or more subdivisions not having a treasurer, such term means such board of trustees of the sinking fund, board of commissioners of the sinking fund, or board of directors or trustees.

(N) "Treasury investment board" of a municipal corporation means the mayor or other chief executive officer, the village solicitor or city director of law, and the auditor or other chief fiscal officer.

(O) "No-load money market mutual fund" means a no-load money market mutual fund to which all of the following apply:

(1) The fund is registered as an investment company under the "Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 80a-1 to 80a-64;

(2) The fund has the highest letter or numerical rating provided by at least one nationally recognized standard rating service;

(3) The fund does not include any investment in a derivative. As used in division (O)(3) of this section, "derivative" means a financial instrument or contract or obligation whose value or return is based upon or linked to another asset or index, or both, separate from the financial instrument, contract, or obligation itself. Any security, obligation, trust account, or other instrument that is created from an issue of the United States treasury or is created from an obligation of a federal agency or

instrumentality or is created from both is considered a derivative 10924
instrument. An eligible investment described in section 135.14 or 10925
135.35 of the Revised Code with a variable interest rate payment, 10926
based upon a single interest payment or single index comprised of 10927
other investments provided for in division (B)(1) or (2) of 10928
section 135.14 of the Revised Code, is not a derivative, provided 10929
that such variable rate investment has a maximum maturity of two 10930
years. 10931

(P) "Public depositor" means the state or a subdivision, as 10932
applicable, that deposits public moneys in a public depository 10933
pursuant to sections 135.01 to 135.21 of the Revised Code. 10934

(Q) "Uninsured public deposit" means the portion of a public 10935
deposit that is not insured by the federal deposit insurance 10936
corporation or by any other agency or instrumentality of the 10937
federal government. 10938

Sec. 135.04. (A) Any institution mentioned in section 135.03 10939
of the Revised Code is eligible to become a public depository of 10940
the active deposits, inactive deposits, and interim deposits of 10941
public moneys of the state subject to the requirements of sections 10942
135.01 to 135.21 of the Revised Code. 10943

(B) To facilitate the clearance of state warrants to the 10944
state treasury, the state board of deposit may delegate the 10945
authority to the treasurer of state to establish warrant clearance 10946
accounts in any institution mentioned in section 135.03 of the 10947
Revised Code located in areas where the volume of warrant 10948
clearances justifies the establishment of an account as determined 10949
by the treasurer of state. The balances maintained in such warrant 10950
clearance accounts shall be at sufficient levels to cover the 10951
activity generated by such accounts on an individual basis. Any 10952
financial institution in the state that has a warrant clearance 10953
account established by the treasurer of state shall, not more than 10954

ten days after the close of each quarter, prepare and transmit to 10955
the treasurer of state an analysis statement of such account for 10956
the quarter then ended. Such statement shall contain such 10957
information as determined by the state board of deposit, and this 10958
information shall be used in whole or in part by the treasurer of 10959
state in determining the level of balances to be maintained in 10960
such accounts. 10961

(C) Each governing board shall award the active deposits of 10962
public moneys subject to its control to the eligible institutions 10963
in accordance with this section, except that no such public 10964
depository shall thereby be required to take or permitted to 10965
receive and have at any one time a greater amount of active 10966
deposits of such public moneys than that specified in the 10967
application of such depository. When, by reason of such limitation 10968
or otherwise, the amount of active public moneys deposited or to 10969
be deposited in a public depository, pursuant to an award made 10970
under this section, is reduced or withdrawn, as the case requires, 10971
the amount of such reduction or the sum so withdrawn shall be 10972
deposited in another eligible institution applying therefor, or if 10973
there is no such eligible institution, then the amount so withheld 10974
or withdrawn shall be awarded or deposited for the remainder of 10975
the period of designation in accordance with sections 135.01 to 10976
135.21 of the Revised Code. 10977

(D) Any institution mentioned in section 135.03 of the 10978
Revised Code is eligible to become a public depository of the 10979
inactive and interim deposits of public moneys of a subdivision. 10980
In case the aggregate amount of inactive or interim deposits 10981
applied for by such eligible institutions is less than the 10982
aggregate maximum amount of such inactive or interim deposits as 10983
estimated to be deposited pursuant to sections 135.01 to 135.21 of 10984
the Revised Code, the governing board of the subdivision may 10985
designate as a public depository of the inactive or interim 10986

deposits of the public moneys thereof, one or more institutions of 10987
a kind mentioned in section 135.03 of the Revised Code, subject to 10988
the requirements of sections 135.01 to 135.21 of the Revised Code. 10989

(E) Any institution mentioned in section 135.03 of the 10990
Revised Code is eligible to become a public depository of the 10991
active deposits of public moneys of a subdivision. In case the 10992
aggregate amount of active deposits of the public moneys of the 10993
subdivision applied for by such eligible institutions is less than 10994
the aggregate maximum amount to be deposited as such, as estimated 10995
by the governing board, said board may designate as a public 10996
depository of the active deposits of the public moneys of the 10997
subdivision, one or more institutions of the kind mentioned in 10998
section 135.03 of the Revised Code, subject to the requirements of 10999
sections 135.01 to 135.21 of the Revised Code. 11000

(F)(1) The governing board of the state or of a subdivision 11001
may designate one or more minority banks as public depositories of 11002
its inactive, interim, or active deposits of public moneys 11003
designated as federal funds. Except for section 135.18 ~~or~~, 11004
135.181, or 135.182 of the Revised Code, Chapter 135. of the 11005
Revised Code does not apply to the application for, or the award 11006
of, such deposits. As used in this division, "minority bank" means 11007
a bank that is owned or controlled by one or more socially or 11008
economically disadvantaged persons. Such disadvantage may arise 11009
from cultural, ethnic, or racial background, chronic economic 11010
circumstances, or other similar cause. Such persons include, but 11011
are not limited to, Afro-Americans, Puerto Ricans, 11012
Spanish-speaking Americans, and American Indians. 11013

(2) In enacting this division, the general assembly finds 11014
that: 11015

(a) Certain commercial banks are owned or controlled by 11016
minority Americans; 11017

(b) Minority banks are an important source of banking services in their communities; 11018
11019

(c) Minority banks have been unsuccessful in competing under Chapter 135. of the Revised Code for the award of federal funds; 11020
11021

(d) This division contains safeguards for the protection of the general public and the banking industry, since it provides the governing board of the state or political subdivision with permissive authority in the award of deposits; limits the authority of the governing board to the award of federal funds; and subjects minority banks to certain limitations of Chapter 135. of the Revised Code, including the requirement that, as in the case of every financial institution subject to Chapter 135. of the Revised Code, a minority bank pledge certain securities for repayment of the deposits. 11022
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(3) The purpose of this division is to recognize that the state has a substantial and compelling interest in encouraging the establishment, development, and stability of minority banks by facilitating their access to the award of federal funds, while ensuring the protection of the general public and the banking industry. 11032
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(G) The governing board of a subdivision shall award the first twenty-five thousand dollars of the active deposits of public moneys subject to its control to the eligible institution or institutions applying or qualifying therefor on the basis of the operating needs of the subdivision and shall award the active deposits of public moneys subject to its control in excess of twenty-five thousand dollars to the eligible institution or institutions applying or qualifying therefor. 11038
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Sec. 135.14. (A) As used in this section: 11046

(1) "Treasurer" does not include the treasurer of state, and 11047

"governing board" does not include the state board of deposit. 11048

(2) "Other obligations" includes notes whether or not issued 11049
in anticipation of the issuance of bonds. 11050

(B) The treasurer or governing board may invest or deposit 11051
any part or all of the interim moneys. The following 11052
classifications of obligations shall be eligible for such 11053
investment or deposit: 11054

(1) United States treasury bills, notes, bonds, or any other 11055
obligation or security issued by the United States treasury or any 11056
other obligation guaranteed as to principal and interest by the 11057
United States. 11058

Nothing in the classification of eligible obligations set 11059
forth in division (B)(1) of this section or in the classifications 11060
of eligible obligations set forth in divisions (B)(2) to (7) of 11061
this section shall be construed to authorize any investment in 11062
stripped principal or interest obligations of such eligible 11063
obligations. 11064

(2) Bonds, notes, debentures, or any other obligations or 11065
securities issued by any federal government agency or 11066
instrumentality, including but not limited to, the federal 11067
national mortgage association, federal home loan bank, federal 11068
farm credit bank, federal home loan mortgage corporation, and 11069
government national mortgage association. All federal agency 11070
securities shall be direct issuances of federal government 11071
agencies or instrumentalities. 11072

(3) Interim deposits in the eligible institutions applying 11073
for interim moneys as provided in section 135.08 of the Revised 11074
Code. The award of interim deposits shall be made in accordance 11075
with section 135.09 of the Revised Code and the treasurer or the 11076
governing board shall determine the periods for which such interim 11077
deposits are to be made and shall award such interim deposits for 11078

such periods, provided that any eligible institution receiving an 11079
interim deposit award may, upon notification that the award has 11080
been made, decline to accept the interim deposit in which event 11081
the award shall be made as though the institution had not applied 11082
for such interim deposit. 11083

(4) Bonds and other obligations of this state, or the 11084
political subdivisions of this state, provided that, with respect 11085
to bonds or other obligations of political subdivisions, all of 11086
the following apply: 11087

(a) The bonds or other obligations are payable from general 11088
revenues of the political subdivision and backed by the full faith 11089
and credit of the political subdivision. 11090

(b) The bonds or other obligations are rated at the time of 11091
purchase in the three highest classifications established by at 11092
least one nationally recognized standard rating service and 11093
purchased through a registered securities broker or dealer. 11094

(c) The aggregate value of the bonds or other obligations 11095
does not exceed twenty per cent of interim moneys available for 11096
investment at the time of purchase. 11097

(d) The treasurer or governing board is not the sole 11098
purchaser of the bonds or other obligations at original issuance. 11099

No investment shall be made under division (B)(4) of this 11100
section unless the treasurer or governing board has completed 11101
additional training for making the investments authorized by 11102
division (B)(4) of this section. The type and amount of additional 11103
training shall be approved by the treasurer of state and may be 11104
conducted by or provided under the supervision of the treasurer of 11105
state. 11106

(5) No-load money market mutual funds consisting exclusively 11107
of obligations described in division (B)(1) or (2) of this section 11108
and repurchase agreements secured by such obligations, provided 11109

that investments in securities described in this division are made 11110
only through eligible institutions mentioned in section 135.03 of 11111
the Revised Code; 11112

(6) The Ohio subdivision's fund as provided in section 135.45 11113
of the Revised Code; 11114

(7) Up to forty per cent of interim moneys available for 11115
investment in either of the following: 11116

(a) Commercial paper notes issued by an entity that is 11117
defined in division (D) of section 1705.01 of the Revised Code and 11118
that has assets exceeding five hundred million dollars, to which 11119
notes all of the following apply: 11120

(i) The notes are rated at the time of purchase in the 11121
highest classification established by at least two nationally 11122
recognized standard rating services. 11123

(ii) The aggregate value of the notes does not exceed ten per 11124
cent of the aggregate value of the outstanding commercial paper of 11125
the issuing corporation. 11126

(iii) The notes mature not later than two hundred seventy 11127
days after purchase. 11128

(iv) The investment in commercial paper notes of a single 11129
issuer shall not exceed in the aggregate five per cent of interim 11130
moneys available for investment at the time of purchase. 11131

(b) Bankers acceptances of banks that are insured by the 11132
federal deposit insurance corporation and that mature not later 11133
than one hundred eighty days after purchase. 11134

No investment shall be made pursuant to division (B)(7) of 11135
this section unless the treasurer or governing board has completed 11136
additional training for making the investments authorized by 11137
division (B)(7) of this section. The type and amount of additional 11138
training shall be approved by the treasurer of state and may be 11139

conducted by or provided under the supervision of the treasurer of 11140
state. 11141

(C) Nothing in the classifications of eligible obligations 11142
set forth in divisions (B)(1) to (7) of this section shall be 11143
construed to authorize any investment in a derivative, and no 11144
treasurer or governing board shall invest in a derivative. For 11145
purposes of this division, "derivative" means a financial 11146
instrument or contract or obligation whose value or return is 11147
based upon or linked to another asset or index, or both, separate 11148
from the financial instrument, contract, or obligation itself. Any 11149
security, obligation, trust account, or other instrument that is 11150
created from an issue of the United States treasury or is created 11151
from an obligation of a federal agency or instrumentality or is 11152
created from both is considered a derivative instrument. An 11153
eligible investment described in this section with a variable 11154
interest rate payment, based upon a single interest payment or 11155
single index comprised of other eligible investments provided for 11156
in division (B)(1) or (2) of this section, is not a derivative, 11157
provided that such variable rate investment has a maximum maturity 11158
of two years. 11159

(D) Except as provided in division (E) of this section, any 11160
investment made pursuant to this section must mature within five 11161
years from the date of settlement, unless the investment is 11162
matched to a specific obligation or debt of the subdivision. 11163

(E) The treasurer or governing board may also enter into a 11164
written repurchase agreement with any eligible institution 11165
mentioned in section 135.03 of the Revised Code or any eligible 11166
dealer pursuant to division (M) of this section, under the terms 11167
of which agreement the treasurer or governing board purchases, and 11168
such institution or dealer agrees unconditionally to repurchase 11169
any of the securities listed in divisions ~~(B)~~(D)(1) to (5), except 11170
letters of credit described in division ~~(B)~~(D)(2), of section 11171

135.18 of the Revised Code. The market value of securities subject 11172
to an overnight written repurchase agreement must exceed the 11173
principal value of the overnight written repurchase agreement by 11174
at least two per cent. A written repurchase agreement shall not 11175
exceed thirty days and the market value of securities subject to a 11176
written repurchase agreement must exceed the principal value of 11177
the written repurchase agreement by at least two per cent and be 11178
marked to market daily. All securities purchased pursuant to this 11179
division shall be delivered into the custody of the treasurer or 11180
governing board or an agent designated by the treasurer or 11181
governing board. A written repurchase agreement with an eligible 11182
securities dealer shall be transacted on a delivery versus payment 11183
basis. The agreement shall contain the requirement that for each 11184
transaction pursuant to the agreement the participating 11185
institution or dealer shall provide all of the following 11186
information: 11187

(1) The par value of the securities; 11188

(2) The type, rate, and maturity date of the securities; 11189

(3) A numerical identifier generally accepted in the 11190
securities industry that designates the securities. 11191

No treasurer or governing board shall enter into a written 11192
repurchase agreement under the terms of which the treasurer or 11193
governing board agrees to sell securities owned by the subdivision 11194
to a purchaser and agrees with that purchaser to unconditionally 11195
repurchase those securities. 11196

(F) No treasurer or governing board shall make an investment 11197
under this section, unless the treasurer or governing board, at 11198
the time of making the investment, reasonably expects that the 11199
investment can be held until its maturity. 11200

(G) No treasurer or governing board shall pay interim moneys 11201
into a fund established by another subdivision, treasurer, 11202

governing board, or investing authority, if that fund was 11203
established for the purpose of investing the public moneys of 11204
other subdivisions. This division does not apply to the payment of 11205
public moneys into either of the following: 11206

(1) The Ohio subdivision's fund pursuant to division (B)(6) 11207
of this section; 11208

(2) A fund created solely for the purpose of acquiring, 11209
constructing, owning, leasing, or operating municipal utilities 11210
pursuant to the authority provided under section 715.02 of the 11211
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 11212

For purposes of division (G) of this section, "subdivision" 11213
includes a county. 11214

(H) The use of leverage, in which the treasurer or governing 11215
board uses its current investment assets as collateral for the 11216
purpose of purchasing other assets, is prohibited. The issuance of 11217
taxable notes for the purpose of arbitrage is prohibited. 11218
Contracting to sell securities that have not yet been acquired by 11219
the treasurer or governing board, for the purpose of purchasing 11220
such securities on the speculation that bond prices will decline, 11221
is prohibited. 11222

(I) Whenever, during a period of designation, the treasurer 11223
classifies public moneys as interim moneys, the treasurer shall 11224
notify the governing board of such action. The notification shall 11225
be given within thirty days after such classification and in the 11226
event the governing board does not concur in such classification 11227
or in the investments or deposits made under this section, the 11228
governing board may order the treasurer to sell or liquidate any 11229
of such investments or deposits, and any such order shall 11230
specifically describe the investments or deposits and fix the date 11231
upon which they are to be sold or liquidated. Investments or 11232
deposits so ordered to be sold or liquidated shall be sold or 11233

liquidated for cash by the treasurer on the date fixed in such 11234
order at the then current market price. Neither the treasurer nor 11235
the members of the board shall be held accountable for any loss 11236
occasioned by sales or liquidations of investments or deposits at 11237
prices lower than their cost. Any loss or expense incurred in 11238
making such sales or liquidations is payable as other expenses of 11239
the treasurer's office. 11240

(J) If any investments or deposits purchased under the 11241
authority of this section are issuable to a designated payee or to 11242
the order of a designated payee, the name of the treasurer and the 11243
title of the treasurer's office shall be so designated. If any 11244
such securities are registrable either as to principal or 11245
interest, or both, then such securities shall be registered in the 11246
name of the treasurer as such. 11247

(K) The treasurer is responsible for the safekeeping of all 11248
documents evidencing a deposit or investment acquired by the 11249
treasurer under this section. Any securities may be deposited for 11250
safekeeping with a qualified trustee as provided in section 135.18 11251
of the Revised Code, except the delivery of securities acquired 11252
under any repurchase agreement under this section shall be made to 11253
a qualified trustee, provided, however, that the qualified trustee 11254
shall be required to report to the treasurer, governing board, 11255
auditor of state, or an authorized outside auditor at any time 11256
upon request as to the identity, market value, and location of the 11257
document evidencing each security, and that if the participating 11258
institution is a designated depository of the subdivision for the 11259
current period of designation, the securities that are the subject 11260
of the repurchase agreement may be delivered to the treasurer or 11261
held in trust by the participating institution on behalf of the 11262
subdivision. Interest earned on any investments or deposits 11263
authorized by this section shall be collected by the treasurer and 11264
credited by the treasurer to the proper fund of the subdivision. 11265

Upon the expiration of the term of office of a treasurer or 11266
in the event of a vacancy in the office of treasurer by reason of 11267
death, resignation, removal from office, or otherwise, the 11268
treasurer or the treasurer's legal representative shall transfer 11269
and deliver to the treasurer's successor all documents evidencing 11270
a deposit or investment held by the treasurer. For the investments 11271
and deposits so transferred and delivered, such treasurer shall be 11272
credited with and the treasurer's successor shall be charged with 11273
the amount of money held in such investments and deposits. 11274

(L) Whenever investments or deposits acquired under this 11275
section mature and become due and payable, the treasurer shall 11276
present them for payment according to their tenor, and shall 11277
collect the moneys payable thereon. The moneys so collected shall 11278
be treated as public moneys subject to sections 135.01 to 135.21 11279
of the Revised Code. 11280

(M)(1) All investments, except for investments in securities 11281
described in divisions (B)(5) and (6) of this section and for 11282
investments by a municipal corporation in the issues of such 11283
municipal corporation, shall be made only through a member of the 11284
financial industry regulatory authority (FINRA), through a bank, 11285
savings bank, or savings and loan association regulated by the 11286
superintendent of financial institutions, or through an 11287
institution regulated by the comptroller of the currency, federal 11288
deposit insurance corporation, or board of governors of the 11289
federal reserve system. 11290

(2) Payment for investments shall be made only upon the 11291
delivery of securities representing such investments to the 11292
treasurer, governing board, or qualified trustee. If the 11293
securities transferred are not represented by a certificate, 11294
payment shall be made only upon receipt of confirmation of 11295
transfer from the custodian by the treasurer, governing board, or 11296
qualified trustee. 11297

(N) In making investments authorized by this section, a 11298
treasurer or governing board may retain the services of an 11299
investment advisor, provided the advisor is licensed by the 11300
division of securities under section 1707.141 of the Revised Code 11301
or is registered with the securities and exchange commission, and 11302
possesses experience in public funds investment management, 11303
specifically in the area of state and local government investment 11304
portfolios, or the advisor is an eligible institution mentioned in 11305
section 135.03 of the Revised Code. 11306

(O)(1) Except as otherwise provided in divisions (O)(2) and 11307
(3) of this section, no treasurer or governing board shall make an 11308
investment or deposit under this section, unless there is on file 11309
with the auditor of state a written investment policy approved by 11310
the treasurer or governing board. The policy shall require that 11311
all entities conducting investment business with the treasurer or 11312
governing board shall sign the investment policy of that 11313
subdivision. All brokers, dealers, and financial institutions, 11314
described in division (M)(1) of this section, initiating 11315
transactions with the treasurer or governing board by giving 11316
advice or making investment recommendations shall sign the 11317
treasurer's or governing board's investment policy thereby 11318
acknowledging their agreement to abide by the policy's contents. 11319
All brokers, dealers, and financial institutions, described in 11320
division (M)(1) of this section, executing transactions initiated 11321
by the treasurer or governing board, having read the policy's 11322
contents, shall sign the investment policy thereby acknowledging 11323
their comprehension and receipt. 11324

(2) If a written investment policy described in division 11325
(O)(1) of this section is not filed on behalf of the subdivision 11326
with the auditor of state, the treasurer or governing board of 11327
that subdivision shall invest the subdivision's interim moneys 11328
only in interim deposits pursuant to division (B)(3) of this 11329

section or interim deposits pursuant to section 135.145 of the Revised Code and approved by the treasurer of state, no-load money market mutual funds pursuant to division (B)(5) of this section, or the Ohio subdivision's fund pursuant to division (B)(6) of this section.

(3) Divisions (O)(1) and (2) of this section do not apply to a treasurer or governing board of a subdivision whose average annual portfolio of investments held pursuant to this section is one hundred thousand dollars or less, provided that the treasurer or governing board certifies, on a form prescribed by the auditor of state, that the treasurer or governing board will comply and is in compliance with the provisions of sections 135.01 to 135.21 of the Revised Code.

(P) A treasurer or governing board may enter into a written investment or deposit agreement that includes a provision under which the parties agree to submit to nonbinding arbitration to settle any controversy that may arise out of the agreement, including any controversy pertaining to losses of public moneys resulting from investment or deposit. The arbitration provision shall be set forth entirely in the agreement, and the agreement shall include a conspicuous notice to the parties that any party to the arbitration may apply to the court of common pleas of the county in which the arbitration was held for an order to vacate, modify, or correct the award. Any such party may also apply to the court for an order to change venue to a court of common pleas located more than one hundred miles from the county in which the treasurer or governing board is located.

For purposes of this division, "investment or deposit agreement" means any agreement between a treasurer or governing board and a person, under which agreement the person agrees to invest, deposit, or otherwise manage a subdivision's interim moneys on behalf of the treasurer or governing board, or agrees to

provide investment advice to the treasurer or governing board. 11362

(Q) An investment made by the treasurer or governing board 11363
pursuant to this section prior to September 27, 1996, that was a 11364
legal investment under the law as it existed before September 27, 11365
1996, may be held until maturity. 11366

Sec. 135.143. (A) The treasurer of state may invest or 11367
execute transactions for any part or all of the interim funds of 11368
the state in the following classifications of obligations: 11369

(1) United States treasury bills, notes, bonds, or any other 11370
obligations or securities issued by the United States treasury or 11371
any other obligation guaranteed as to principal and interest by 11372
the United States; 11373

(2) Bonds, notes, debentures, or any other obligations or 11374
securities issued by any federal government agency or 11375
instrumentality; 11376

(3)(a) Bonds, notes, and other obligations of the state of 11377
Ohio, including, but not limited to, any obligations issued by the 11378
treasurer of state, the Ohio public facilities commission, the 11379
Ohio building authority, the Ohio housing finance agency, the Ohio 11380
water development authority, and the Ohio turnpike infrastructure 11381
commission; 11382

(b) Bonds, notes, and other obligations of any state or 11383
political subdivision thereof rated in the three highest 11384
categories by at least one nationally recognized standard rating 11385
service and purchased through a registered securities broker or 11386
dealer, provided the treasurer of state is not the sole purchaser 11387
of the bonds, notes, or other obligations at original issuance. 11388

(4)(a) Written repurchase agreements with any eligible Ohio 11389
financial institution that is a member of the federal reserve 11390
system or federal home loan bank, or any registered United States 11391

government securities dealer, under the terms of which agreement 11392
the treasurer of state purchases and the eligible financial 11393
institution or dealer agrees unconditionally to repurchase any of 11394
the securities that are listed in division (A)(1), (2), or (6) of 11395
this section. The market value of securities subject to these 11396
transactions must exceed the principal value of the repurchase 11397
agreement by an amount specified by the treasurer of state, and 11398
the securities must be delivered into the custody of the treasurer 11399
of state or the qualified trustee or agent designated by the 11400
treasurer of state. The agreement shall contain the requirement 11401
that for each transaction pursuant to the agreement, the 11402
participating institution or dealer shall provide all of the 11403
following information: 11404

(i) The par value of the securities; 11405

(ii) The type, rate, and maturity date of the securities; 11406

(iii) A numerical identifier generally accepted in the 11407
securities industry that designates the securities. 11408

(b) The treasurer of state also may sell any securities, 11409
listed in division (A)(1), (2), or (6) of this section, regardless 11410
of maturity or time of redemption of the securities, under the 11411
same terms and conditions for repurchase, provided that the 11412
securities have been fully paid for and are owned by the treasurer 11413
of state at the time of the sale. 11414

(5) Securities lending agreements with any eligible financial 11415
institution that is a member of the federal reserve system or 11416
federal home loan bank or any recognized United States government 11417
securities dealer, under the terms of which agreements the 11418
treasurer of state lends securities and the eligible financial 11419
institution or dealer agrees to simultaneously exchange similar 11420
securities or cash, equal value for equal value. 11421

Securities and cash received as collateral for a securities 11422

lending agreement are not interim funds of the state. The 11423
investment of cash collateral received pursuant to a securities 11424
lending agreement may be invested only in such instruments 11425
specified by the treasurer of state in accordance with a written 11426
investment policy. 11427

(6) Various forms of commercial paper issued by any entity 11428
that is organized under the laws of the United States or a state, 11429
which notes are rated in the two highest categories by two 11430
nationally recognized standard rating services, provided that the 11431
total amount invested under this section in any commercial paper 11432
at any time shall not exceed forty per cent of the state's total 11433
average portfolio, as determined and calculated by the treasurer 11434
of state; 11435

(7) Bankers acceptances, maturing in two hundred seventy days 11436
or less, provided that the total amount invested in bankers 11437
acceptances at any time shall not exceed ten per cent of the 11438
state's total average portfolio, as determined and calculated by 11439
the treasurer of state; 11440

(8) Certificates of deposit in eligible institutions applying 11441
for interim moneys as provided in section 135.08 of the Revised 11442
Code, including linked deposits as provided in sections 135.61 to 11443
135.67 of the Revised Code, agricultural linked deposits as 11444
provided in sections 135.71 to 135.76 of the Revised Code, and 11445
housing linked deposits as provided in sections 135.81 to 135.87 11446
of the Revised Code; 11447

(9) The state treasurer's investment pool authorized under 11448
section 135.45 of the Revised Code; 11449

(10) Debt interests, other than commercial paper described in 11450
division (A)(6) of this section, rated in the three highest 11451
categories by two nationally recognized standard rating services 11452
and issued by entities that are organized under the laws of the 11453

United States or a state, or issued by foreign nations 11454
diplomatically recognized by the United States government, or any 11455
instrument based on, derived from, or related to such interests, 11456
provided that: 11457

(a) The investments in debt interests other than commercial 11458
paper shall not exceed in the aggregate twenty-five per cent of 11459
the state's portfolio. 11460

(b) The investments in debt interests issued by foreign 11461
nations shall not exceed in the aggregate one per cent of the 11462
state's portfolio. 11463

The treasurer of state shall invest under division (A)(10) of 11464
this section in a debt interest issued by a foreign nation only if 11465
the debt interest is backed by the full faith and credit of that 11466
foreign nation, and provided that all interest and principal shall 11467
be denominated and payable in United States funds. 11468

(c) When added to the investment in commercial paper, the 11469
investments in the debt interests of a single issuer shall not 11470
exceed in the aggregate five per cent of the state's portfolio. 11471
11472

(d) For purposes of division (A)(10) of this section, a debt 11473
interest is rated in the three highest categories by two 11474
nationally recognized standard rating services if either the debt 11475
interest itself or the issuer of the debt interest is rated, or is 11476
implicitly rated, in the three highest categories by two 11477
nationally recognized standard rating services. 11478

(e) For purposes of division (A)(10) of this section, the 11479
"state's portfolio" means the state's total average portfolio, as 11480
determined and calculated by the treasurer of state. 11481

(11) No-load money market mutual funds rated in the highest 11482
category by one nationally recognized standard rating service or 11483

consisting exclusively of obligations described in division 11484
(A)(1), (2), or (6) of this section and repurchase agreements 11485
secured by such obligations. 11486

(12) Obligations of a political subdivision issued under 11487
Chapter 133. of the Revised Code and identified in an agreement 11488
described in division (G) of this section. 11489

(B) Whenever, during a period of designation, the treasurer 11490
of state classifies public moneys as interim moneys, the treasurer 11491
of state shall notify the state board of deposit of such action. 11492
The notification shall be given within thirty days after such 11493
classification and, in the event the state board of deposit does 11494
not concur in such classification or in the investments or 11495
deposits made under this section, the board may order the 11496
treasurer of state to sell or liquidate any of the investments or 11497
deposits, and any such order shall specifically describe the 11498
investments or deposits and fix the date upon which they are to be 11499
sold or liquidated. Investments or deposits so ordered to be sold 11500
or liquidated shall be sold or liquidated for cash by the 11501
treasurer of state on the date fixed in such order at the then 11502
current market price. Neither the treasurer of state nor the 11503
members of the state board of deposit shall be held accountable 11504
for any loss occasioned by sales or liquidations of investments or 11505
deposits at prices lower than their cost. Any loss or expense 11506
incurred in making these sales or liquidations is payable as other 11507
expenses of the treasurer's office. 11508

(C) If any securities or obligations invested in by the 11509
treasurer of state pursuant to this section are registrable either 11510
as to principal or interest, or both, such securities or 11511
obligations shall be registered in the name of the treasurer of 11512
state. 11513

(D) The treasurer of state is responsible for the safekeeping 11514
of all securities or obligations under this section. Any such 11515

securities or obligations may be deposited for safekeeping as 11516
provided in section 113.05 of the Revised Code. 11517

(E) Interest earned on any investments or deposits authorized 11518
by this section shall be collected by the treasurer of state and 11519
credited by the treasurer of state to the proper fund of the 11520
state. 11521

(F) Whenever investments or deposits acquired under this 11522
section mature and become due and payable, the treasurer of state 11523
shall present them for payment according to their tenor, and shall 11524
collect the moneys payable thereon. The moneys so collected shall 11525
be treated as public moneys subject to sections 135.01 to 135.21 11526
of the Revised Code. 11527

(G) The treasurer of state and any political subdivision 11528
issuing obligations referred to in division (A)(12) of this 11529
section, which obligations mature within one year from the 11530
original date of issuance, may enter into an agreement providing 11531
for: 11532

(1) The purchase of those obligations by the treasurer of 11533
state on terms and subject to conditions set forth in the 11534
agreement; 11535

(2) The payment by the political subdivision to the treasurer 11536
of state of a reasonable fee as consideration for the agreement of 11537
the treasurer of state to purchase those obligations; provided, 11538
however, that the treasurer of state shall not be authorized to 11539
enter into any such agreement with a board of education of a 11540
school district that has an outstanding obligation with respect to 11541
a loan received under authority of section 3313.483 of the Revised 11542
Code. 11543

(H) For purposes of division (G) of this section, a fee shall 11544
not be considered reasonable unless it is set to recover only the 11545
direct costs, a reasonable estimate of the indirect costs 11546

associated with the purchasing of obligations of a political 11547
subdivision under division (G) of this section and any reselling 11548
of the obligations or any interest in the obligations, including 11549
interests in a fund comprised of the obligations, and the 11550
administration thereof. No money from the general revenue fund 11551
shall be used to subsidize the purchase or resale of these 11552
obligations. 11553

(I) All money collected by the treasurer of state from the 11554
fee imposed by division (G) of this section shall be deposited to 11555
the credit of the state political subdivision obligations fund, 11556
which is hereby created in the state treasury. Money credited to 11557
the fund shall be used solely to pay the treasurer of state's 11558
direct and indirect costs associated with purchasing and reselling 11559
obligations of a political subdivision under division (G) of this 11560
section. 11561

(J) In addition to the classifications of obligations set 11562
forth in divisions (A)(1) to (12) of this section, the treasurer 11563
of state may purchase obligations issued by a political 11564
subdivision relating to eligible federal-military projects as 11565
designated under Chapter 193. of the Revised Code and identified 11566
in an agreement described in division (J) of this section. A 11567
political subdivision and the treasurer may enter into an 11568
agreement that provides for the purchase of investment-grade 11569
obligations under this section by the treasurer under the terms 11570
and conditions set forth in the agreement. The agreement shall 11571
provide for the full payment of any principal and interest owed by 11572
the political subdivision to the treasurer for obligations 11573
purchased by the treasurer pursuant to the agreement. Pursuant to 11574
the terms and conditions of the agreement, a political subdivision 11575
may pay a reasonable fee to the treasurer as consideration for the 11576
treasurer's agreement to purchase the obligations, which shall be 11577
deposited into the state political subdivision obligations fund. 11578

No money from the general revenue fund shall be used to subsidize 11579
the purchase or resale of these obligations. 11580

(K) As used in this section, "political subdivision" means 11581
any political subdivision, taxing district, or other local or 11582
regional public body, agency, or instrumentality authorized under 11583
applicable law to issue bonds, notes, or other evidences of 11584
indebtedness, except that, for the purposes of divisions (A)(12), 11585
(G), (H), and (I) of this section, "political subdivision" means a 11586
county, township, municipal corporation, or school district. 11587

Sec. 135.144. (A) In addition to the authority provided in 11588
section 135.14 or 135.143 of the Revised Code, the treasurer of 11589
state or the treasurer or governing board of a political 11590
subdivision may invest interim moneys in certificates of deposit 11591
in accordance with all of the following: 11592

(1) The interim moneys initially are deposited with an 11593
eligible public depository described in section 135.03 of the 11594
Revised Code and selected, pursuant to section 135.12 of the 11595
Revised Code, by the treasurer of state or the treasurer or 11596
governing board of a political subdivision, for interim moneys of 11597
the state or of the political subdivision. 11598

(2) For the treasurer of state or the treasurer or governing 11599
board of the political subdivision depositing the interim moneys 11600
pursuant to division (A)(1) of this section, the eligible public 11601
depository selected pursuant to that division invests the interim 11602
moneys in certificates of deposit of one or more federally insured 11603
banks, savings banks, or savings and loan associations, wherever 11604
located. The full amount of principal and any accrued interest of 11605
each certificate of deposit invested in pursuant to division 11606
(A)(2) of this section shall be insured by federal deposit 11607
insurance. 11608

(3) For the treasurer of state or the treasurer or governing 11609

board of the political subdivision depositing the interim moneys 11610
pursuant to division (A)(1) of this section, the eligible public 11611
depository selected pursuant to that division acts as custodian of 11612
the certificates of deposit described in division (A)(2) of this 11613
section. 11614

(4) On the same date the public moneys are redeposited by the 11615
public depository, the public depository may, in its sole 11616
discretion, choose whether to receive deposits, in any amount, 11617
from other banks, savings banks, or savings and loan associations. 11618

(5) The public depository provides to the treasurer of state 11619
or the treasurer or governing board of a political subdivision a 11620
monthly account statement that includes the amount of its funds 11621
deposited and held at each bank, savings bank, or savings and loan 11622
association for which the public depository acts as a custodian 11623
pursuant to this section. 11624

(B) Interim moneys deposited or invested in accordance with 11625
division (A) of this section are not subject to any pledging 11626
requirements described in section 135.18 ~~or~~, 135.181, or 135.182 11627
of the Revised Code. 11628

Sec. 135.145. (A) In addition to the authority provided in 11629
section 135.14 or 135.143 of the Revised Code for the investment 11630
or deposit of interim moneys, the treasurer of state or the 11631
treasurer or governing board of a political subdivision, upon the 11632
deposit of interim moneys with, or the award of active or inactive 11633
deposits to, an eligible public depository described in section 11634
135.03 of the Revised Code and designated pursuant to section 11635
135.12 of the Revised Code, may authorize the public depository to 11636
arrange for the redeposit of such public moneys in accordance with 11637
the following conditions: 11638

(1) The public depository, on or after the date the public 11639
moneys are received, arranges for the redeposit of the moneys into 11640

deposit accounts in one or more federally insured banks, savings 11641
banks, or savings and loan associations that are located in the 11642
United States, and acts as custodian of the moneys deposited or 11643
redeposited under this section. 11644

(2) If the amount of the public moneys deposited with and 11645
held at the close of business by the public depository exceeds the 11646
amount insured by the federal deposit insurance corporation, the 11647
excess amount is subject to the pledging requirements described in 11648
section 135.18 ~~or~~, 135.181, or 135.182 of the Revised Code. 11649

(3) The full amount of the public moneys redeposited by the 11650
public depository into deposit accounts in banks, savings banks, 11651
or savings and loan associations, plus any accrued interest, is 11652
insured by the federal deposit insurance corporation. 11653

(4) On the same date the public moneys are redeposited by the 11654
public depository, the public depository may, in its sole 11655
discretion, choose whether to receive deposits, in any amount, 11656
from other banks, savings banks, or savings and loan associations. 11657

(5) The public depository provides to the treasurer of state 11658
or the treasurer or governing board of a political subdivision an 11659
account statement at least monthly and access to daily reporting 11660
that include the amount of its funds deposited and held at each 11661
bank, savings bank, or savings and loan association for which the 11662
public depository acts as a custodian pursuant to this section. 11663

(B) Except as provided in division (A)(2) of this section, 11664
the public moneys deposited in accordance with this section are 11665
not subject to the pledging requirements described in section 11666
135.18 ~~or~~, 135.181, or 135.182 of the Revised Code. 11667

Sec. 135.18. (A) ~~The treasurer, before making the initial~~ 11668
~~deposit in~~ Each institution designated as a public depository 11669
~~pursuant to an award made and awarded public deposits~~ under 11670

sections 135.01 to 135.21 of the Revised Code, except as provided 11671
in section 135.144 or 135.145 of the Revised Code, shall ~~require~~ 11672
~~the institution designated as a public depository to pledge to and~~ 11673
~~deposit with the treasurer, as provide~~ security for the repayment 11674
of all public moneys to be deposits by selecting one of the 11675
following methods: 11676

(1) Securing all uninsured public deposits of each public 11677
depositor separately as set forth in divisions (B) to (J) of this 11678
section; 11679

(2) Securing all uninsured public deposits of every public 11680
depositor pursuant to section 135.181 or 135.182 of the Revised 11681
Code, as applicable, by establishing and pledging to the treasurer 11682
of state a single pool of collateral for the benefit of every 11683
public depositor at the public depository. 11684

(B) If a public depository elects to provide security 11685
pursuant to division (A)(1) of this section, the public depository 11686
shall pledge to the public depositor, as security for the 11687
repayment of all public moneys deposited in the public depository 11688
during the period of designation pursuant to ~~the~~ an award made 11689
under sections 135.01 to 135.21 of the Revised Code, eligible 11690
securities of aggregate market value at all times equal to ~~the~~ 11691
excess of the amount of public moneys to be at the time so 11692
deposited, over and above the portion or amount of such moneys as 11693
is at that time insured by the federal deposit insurance 11694
corporation or by any other agency or instrumentality of the 11695
federal government. In the case of any deposit other than the 11696
initial deposit made during the period of designation, the amount 11697
of the aggregate market value of securities required to be pledged 11698
and deposited shall be equal to the difference between the amount 11699
of public moneys on deposit in such public depository plus the 11700
amount to be so deposited, minus the portion or amount of the 11701
aggregate as is at the time insured as provided in this section. 11702

~~The treasurer may require additional eligible securities to be deposited to provide for any depreciation which may occur in the market value of any of the securities so deposited.~~

~~(B) at least one hundred five per cent of the total amount of the public depositor's uninsured public deposits.~~

(C) In order for a public depository to receive public moneys under this section, the public depository and the public depositor shall first execute an agreement that sets forth the entire arrangement among the parties and that meets the requirements described in 12 U.S.C. 1823(e). In addition, the agreement shall authorize the public depositor to obtain control of the collateral pursuant to division (D) of section 1308.24 of the Revised Code.

(D) The following securities or other obligations shall be eligible for the purposes of this section:

(1) Bonds, notes, or other obligations of the United States; or bonds, notes, or other obligations guaranteed as to principal and interest by the United States or those for which the faith of the United States is pledged for the payment of principal and interest thereon, by language appearing in the instrument specifically providing such guarantee or pledge and not merely by interpretation or otherwise;

(2) Bonds, notes, debentures, letters of credit, or other obligations or securities issued by any federal government agency or instrumentality, or the export-import bank of Washington; bonds, notes, or other obligations guaranteed as to principal and interest by the United States or those for which the faith of the United States is pledged for the payment of principal and interest thereon, by interpretation or otherwise and not by language appearing in the instrument specifically providing such guarantee or pledge;

(3) Obligations of or fully insured or fully guaranteed by

the United States or any federal government agency or instrumentality;	11734 11735
(4) Obligations partially insured or partially guaranteed by any federal agency or instrumentality;	11736 11737
(5) Obligations of or fully guaranteed by the federal national mortgage association, federal home loan mortgage corporation, federal farm credit bank, or student loan marketing association;	11738 11739 11740 11741
(6) Bonds and other obligations of this state;	11742
(7) Bonds and other obligations of any county, township, school district, municipal corporation, or other legally constituted taxing subdivision of this state, which is not at the time of such deposit, in default in the payment of principal or interest on any of its bonds or other obligations, for which the full faith and credit of the issuing subdivision is pledged;	11743 11744 11745 11746 11747 11748
(8) Bonds of other states of the United States which have not during the ten years immediately preceding the time of such deposit defaulted in payments of either interest or principal on any of their bonds;	11749 11750 11751 11752
(9) Shares of no-load money market mutual funds consisting exclusively of obligations described in division (B) (D)(1) or (2) of this section and repurchase agreements secured by such obligations;	11753 11754 11755 11756
(10) A surety bond issued by a corporate surety licensed by the state and authorized to issue surety bonds in this state pursuant to Chapter 3929. of the Revised Code, and qualified to provide surety bonds to the federal government pursuant to 96 Stat. 1047 (1982), 31 U.S.C.A. 9304;	11757 11758 11759 11760 11761
(11) Bonds or other obligations of any county, municipal corporation, or other legally constituted taxing subdivision of	11762 11763

another state of the United States, or of any instrumentality of 11764
such county, municipal corporation, or other taxing subdivision, 11765
for which the full faith and credit of the issuer is pledged and, 11766
at the time of purchase of the bonds or other obligations, rated 11767
in one of the two highest categories by at least one nationally 11768
recognized ~~standard~~ statistical rating ~~service~~ organization. 11769

~~(C)~~(E) An institution designated as a public depository shall 11770
designate a qualified trustee and place the eligible securities 11771
required by division (D) of this section with the trustee for 11772
safekeeping. The trustee shall hold the eligible securities in an 11773
account indicating the public depositor's security interest in the 11774
securities. The trustee shall report to the public depositor 11775
information relating to the securities pledged to secure the 11776
public deposits in the manner and frequency required by the public 11777
depositor. 11778

(F) The qualified trustee shall enter into a custodial 11779
agreement with the public depositor and public depository in which 11780
the trustee agrees to comply with entitlement orders originated by 11781
the public depositor without further consent by the public 11782
depository. If the public depository fails to pay over any part of 11783
the public ~~deposit made~~ deposits made by the public depositor 11784
therein as provided by law, the ~~treasurer~~ public depositor shall 11785
give written notice of this failure to the qualified trustee 11786
holding the securities pledged against its public deposits and, at 11787
the same time, shall send a copy of this notice to the public 11788
depository. Upon receipt of this notice, the trustee shall 11789
transfer to the public depositor for sale, the securities that are 11790
necessary to produce an amount equal to the public deposits made 11791
by the public depositor and not paid over, less the portion of the 11792
deposits covered by any federal deposit insurance, plus any 11793
accrued interest due on the deposits. The public depositor shall 11794
sell at ~~public sale~~ any of the bonds or other securities ~~deposited~~ 11795

~~with the treasurer pursuant to this section or section 131.09 of~~ 11796
~~the Revised Code, or shall draw on any letter of credit to the~~ 11797
~~extent of the failure to pay. Thirty days' notice of the sale~~ 11798
~~shall be given in a newspaper of general circulation at Columbus,~~ 11799
~~in the case of the treasurer of state, and at the county seat of~~ 11800
~~the county in which the office of the treasurer is located, in the~~ 11801
~~case of any other treasurer so transferred. When a sale of bonds~~ 11802
~~or other securities has been so made and upon payment to the~~ 11803
~~treasurer~~ public depository of the purchase money, the ~~treasurer~~ 11804
public depository shall transfer such bonds or securities whereupon 11805
the absolute ownership of such bonds or securities shall pass to 11806
the purchasers. Any surplus ~~remaining~~ after deducting the amount 11807
due the ~~state or subdivision~~ public depository and expenses of sale 11808
shall be paid to the public depository. 11809

~~(D) An institution designated as a public depository may, by~~ 11810
~~written notice to the treasurer, designate a qualified trustee and~~ 11811
~~deposit the eligible securities required by this section with the~~ 11812
~~trustee for safekeeping for the account of the treasurer and the~~ 11813
~~institution as a public depository, as their respective rights to~~ 11814
~~and interests in such securities under this section may appear and~~ 11815
~~be asserted by written notice to or demand upon the trustee. In~~ 11816
~~which case, the treasurer shall accept the written receipt of the~~ 11817
~~trustee describing the securities that have been deposited with~~ 11818
~~the trustee by the public depository, a copy of which shall also~~ 11819
~~be delivered to the public depository. Thereupon all securities so~~ 11820
~~deposited with the trustee are deemed to be pledged with the~~ 11821
~~treasurer and to be deposited with the treasurer, for all the~~ 11822
~~purposes of this section.~~ 11823

~~(E) The governing board may make provisions for the exchange~~ 11824
~~and release of securities and the substitution of other eligible~~ 11825
~~securities therefor except where the public depository has~~ 11826
~~deposited eligible securities with a trustee for safekeeping as~~ 11827

~~provided in this section.~~ 11828

~~(F)~~(G) When the public depository has ~~deposited~~ placed 11829
eligible securities described in division ~~(B)~~(D)(1) of this 11830
section with a trustee for safekeeping, the public depository may 11831
at any time substitute or exchange eligible securities described 11832
in division ~~(B)~~(D)(1) of this section having a current market 11833
value equal to or greater than the current market value of the 11834
securities then on deposit and for which they are to be 11835
substituted or exchanged, without specific authorization from any 11836
public depositor's governing board, boards, or treasurer of any 11837
such substitution or exchange. 11838

~~(G)~~(H) When the public depository has ~~deposited~~ placed 11839
eligible securities described in divisions ~~(B)~~(D)(2) to (9) of 11840
this section with a trustee for safekeeping, the public depository 11841
may at any time substitute or exchange eligible securities having 11842
a current market value equal to or greater than the current market 11843
value of the securities then on deposit and for which they are to 11844
be substituted or exchanged without specific authorization of any 11845
public depositor's governing board, boards, or treasurer of any 11846
such substitution or exchange only if one of the following 11847
applies: 11848

(1) The ~~treasurer~~ public depositor has authorized the public 11849
depository to make such substitution or exchange on a continuing 11850
basis during a specified period without prior approval of each 11851
substitution or exchange. The authorization may be effected by the 11852
~~treasurer~~ public depositor sending to the trustee a written notice 11853
stating that substitution may be effected on a continuing basis 11854
during a specified period which shall not extend beyond the end of 11855
the period of designation during which the notice is given. The 11856
trustee may rely upon this notice and upon the period of 11857
authorization stated therein and upon the period of designation 11858
stated therein. 11859

(2) ~~No continuing authorization for substitution has been~~ 11860
~~given by the treasurer, the~~ The public depository notifies the 11861
~~treasurer~~ public depositor and the trustee of an intended 11862
substitution or exchange, and the ~~treasurer fails to~~ public 11863
depositor does not object to the trustee as to the eligibility or 11864
market value of the securities being substituted within ~~ten~~ 11865
~~calendar~~ three business days after the date appearing on the 11866
notice of proposed substitution. The notice to the ~~treasurer~~ 11867
public depositor and to the trustee shall be given in writing and 11868
delivered ~~personally or by certified or registered mail with a~~ 11869
~~return receipt requested~~ electronically. The trustee may assume in 11870
any case that the notice has been delivered to the ~~treasurer~~ 11871
public depositor. In order for objections of the ~~treasurer~~ public 11872
depositor to be effective, receipt of the objections must be 11873
acknowledged in writing by the trustee. 11874

(3) The ~~treasurer~~ public depositor gives written 11875
authorization for a substitution or exchange of specific 11876
securities. 11877

~~(H)~~(I) The public depository shall notify any ~~governing~~ 11878
~~board, boards, or treasurer~~ public depositor of any substitution 11879
or exchange under division ~~(G)~~(H)(1) or (2) of this section. ~~Upon~~ 11880
~~request from the treasurer, the trustee shall furnish a statement~~ 11881
~~of the securities pledged against such public deposits.~~ 11882

~~(I)~~(J) Any federal reserve bank or branch thereof located in 11883
this state or federal home loan bank, without compliance with 11884
Chapter 1111. of the Revised Code and without becoming subject to 11885
any other law of this state relative to the exercise by 11886
corporations of trust powers generally, is qualified to act as 11887
trustee for the safekeeping of securities, under this section. Any 11888
institution mentioned in section 135.03 or 135.32 of the Revised 11889
Code that holds a certificate of qualification issued by the 11890
superintendent of financial institutions or any institution 11891

complying with sections 1111.04, 1111.05, and 1111.06 of the 11892
Revised Code, is qualified to act as trustee for the safekeeping 11893
of securities under this section, other than those belonging to 11894
itself, ~~under this section. Upon application to the superintendent~~ 11895
~~in writing by an institution, the superintendent shall investigate~~ 11896
~~the applicant and ascertain whether or not it has been authorized~~ 11897
~~to execute and accept trusts in this state and has safe and~~ 11898
~~adequate vaults and efficient supervision thereof for the storage~~ 11899
~~and safekeeping within this state of securities. If the~~ 11900
~~superintendent finds that the applicant has been so authorized and~~ 11901
~~has such vaults and supervision thereof, the superintendent shall~~ 11902
~~approve the application and issue a certificate to that effect,~~ 11903
~~the original or any certified copy of which shall be conclusive~~ 11904
~~evidence that the institution therein named is qualified to act as~~ 11905
~~trustee for the purposes of this section with respect to~~ 11906
~~securities other than those belonging to itself or to an affiliate~~ 11907
~~as defined in section 1101.01 of the Revised Code.~~ 11908

Notwithstanding the fact that a public depository is required 11909
to pledge eligible securities in certain amounts to secure 11910
deposits of public moneys, a trustee has no duty or obligation to 11911
determine the eligibility, market value, or face value of any 11912
securities deposited with the trustee by a public depository. This 11913
applies in all situations including, without limitation, a 11914
substitution or exchange of securities. 11915

Any charges or compensation of a designated trustee for 11916
acting as such under this section shall be paid by the public 11917
depository and in no event shall be chargeable to the state or the 11918
subdivision or to ~~the treasurer or to~~ any officer of the state or 11919
subdivision. The charges or compensation shall not be a lien or 11920
charge upon the securities deposited for safekeeping prior or 11921
superior to the rights to and interests in the securities of the 11922
~~state or the subdivision or of the treasurer~~ public depositor. The 11923

treasurer and the treasurer's bonders or surety shall be relieved 11924
from any liability to the ~~state or the subdivision~~ public 11925
depositor or to the public depository for the loss or destruction 11926
of any securities deposited with a qualified trustee pursuant to 11927
this section. 11928

Sec. 135.181. (A) As used in this section: 11929

(1) "Public depository" means that term as defined in section 11930
135.01 of the Revised Code, but also means an institution which 11931
receives or holds any public deposits as defined in section 135.31 11932
of the Revised Code. 11933

(2) "Public deposits," "public moneys," and "treasurer" mean 11934
those terms as defined in section 135.01 of the Revised Code, but 11935
also have the same meanings as are set forth in section 135.31 of 11936
the Revised Code. 11937

(3) "Subdivision" means that term as defined in section 11938
135.01 of the Revised Code, but also includes a county. 11939

(B) ~~In~~ Prior to the creation of the Ohio pooled collateral 11940
program under section 135.182 of the Revised Code, in lieu of the 11941
pledging requirements prescribed in sections 135.18 and 135.37 of 11942
the Revised Code, an institution designated as a public depository 11943
at its option may pledge a single pool of eligible securities to 11944
secure the repayment of all public moneys deposited in the 11945
institution and not otherwise secured pursuant to law, provided 11946
that at all times the total market value of the securities so 11947
pledged is at least equal to one hundred five per cent of the 11948
total amount of all public deposits to be secured by the pooled 11949
securities that are not covered by any federal deposit insurance. 11950
Each institution shall carry in its accounting records at all 11951
times a general ledger or other appropriate account of the total 11952
amount of all public deposits to be secured by the pool, as 11953
determined at the opening of business each day, and the total 11954

market value of securities pledged to secure such deposits. 11955

(C) The securities described in division (B) of section 11956
135.18 of the Revised Code shall be eligible as collateral for the 11957
purposes of division (B) of this section, provided no such 11958
securities pledged as collateral are at any time in default as to 11959
either principal or interest. 11960

(D) The state and each subdivision shall have an undivided 11961
security interest in the pool of securities pledged by a public 11962
depository pursuant to division (B) of this section in the 11963
proportion that the total amount of the state's or subdivision's 11964
public moneys secured by the pool bears to the total amount of 11965
public deposits so secured. 11966

(E) An institution designated as a public depository shall 11967
designate a qualified trustee and deposit with the trustee for 11968
safekeeping the eligible securities pledged pursuant to division 11969
(B) of this section. The institution shall give written notice of 11970
the qualified trustee to any treasurer or treasurers depositing 11971
public moneys for which such securities are pledged. The treasurer 11972
shall accept the written receipt of the trustee describing the 11973
pool of securities so deposited by the depository, a copy of which 11974
also shall be delivered to the depository. 11975

(F) Any federal reserve bank or branch thereof located in 11976
this state or federal home loan bank, without compliance with 11977
Chapter 1111. of the Revised Code and without becoming subject to 11978
any other law of this state relative to the exercise by 11979
corporations of trust powers generally, is qualified to act as 11980
trustee for the safekeeping of securities, under this section. Any 11981
institution mentioned in section 135.03 or 135.32 of the Revised 11982
Code which holds a certificate of qualification issued by the 11983
superintendent of financial institutions or any institution 11984
complying with sections 1111.04, 1111.05, and 1111.06 of the 11985
Revised Code is qualified to act as trustee for the safekeeping of 11986

securities under this section, other than those belonging to 11987
itself or to an affiliate as defined in division (A) of section 11988
1101.01 of the Revised Code. Upon application to the 11989
superintendent in writing by an institution, the superintendent 11990
shall investigate the applicant and ascertain whether or not it 11991
has been authorized to execute and accept trusts in this state and 11992
has safe and adequate vaults and efficient supervision thereof for 11993
the storage and safekeeping of securities. If the superintendent 11994
finds that the applicant has been so authorized and has such 11995
vaults and supervision thereof, the superintendent shall approve 11996
the application and issue a certificate to that effect, the 11997
original or any certified copy of which shall be conclusive 11998
evidence that the institution named therein is qualified to act as 11999
trustee for the purposes of this section with respect to 12000
securities other than those belonging to itself or to an 12001
affiliate. 12002

(G) The public depository at any time may substitute, 12003
exchange, or release eligible securities deposited with a 12004
qualified trustee pursuant to this section, provided that such 12005
substitution, exchange, or release does not reduce the total 12006
market value of the securities to an amount that is less than one 12007
hundred five per cent of the total amount of public deposits as 12008
determined pursuant to division (B) of this section. 12009

(H) Notwithstanding the fact that a public depository is 12010
required to pledge eligible securities in certain amounts to 12011
secure deposits of public moneys, a trustee has no duty or 12012
obligation to determine the eligibility, market value, or face 12013
value of any securities deposited with the trustee by a public 12014
depository. This applies in all situations including, but not 12015
limited to, a substitution or exchange of securities, but 12016
excluding those situations effectuated by division (I) of this 12017
section in which the trustee is required to determine face and 12018

market value. 12019

(I) If the public depository fails to pay over any part of 12020
the public deposits made therein as provided by law and secured 12021
pursuant to division (B) of this section, the treasurer shall give 12022
written notice of this failure to the qualified trustee holding 12023
the pool of securities pledged against public moneys deposited in 12024
the depository, and at the same time shall send a copy of this 12025
notice to the depository. Upon receipt of this notice, the trustee 12026
shall transfer to the treasurer for public sale, the pooled 12027
securities that are necessary to produce an amount equal to the 12028
deposits made by the treasurer and not paid over, less the portion 12029
of the deposits covered by any federal deposit insurance, plus any 12030
accrued interest due on the deposits; however, the amount shall 12031
not exceed the state's or subdivision's proportional security 12032
interest in the market value of the pool as of the date of the 12033
depository's failure to pay over the deposits, as that interest 12034
and value are determined by the trustee. The treasurer shall sell 12035
at public sale any of the bonds or other securities so 12036
transferred. Thirty days' notice of the sale shall be given in a 12037
newspaper of general circulation at Columbus, in the case of the 12038
treasurer of state, and at the county seat of the county in which 12039
the office of the treasurer is located, in the case of any other 12040
treasurer. When a sale of bonds or other securities has been so 12041
made and upon payment to the treasurer of the purchase money, the 12042
treasurer shall transfer such bonds or securities whereupon the 12043
absolute ownership of such bonds or securities shall pass to the 12044
purchasers. Any surplus after deducting the amount due the state 12045
or subdivision and expenses of sale shall be paid to the public 12046
depository. 12047

(J) Any charges or compensation of a designated trustee for 12048
acting as such under this section shall be paid by the public 12049
depository and in no event shall be chargeable to the state or 12050

subdivision or to the treasurer or to any officer of the state or 12051
subdivision. The charges or compensation shall not be a lien or 12052
charge upon the securities deposited for safekeeping prior or 12053
superior to the rights to and interests in the securities of the 12054
state or subdivision or of the treasurer. The treasurer and the 12055
treasurer's bonders or surety shall be relieved from any liability 12056
to the state or subdivision or to the public depository for the 12057
loss or destruction of any securities deposited with a qualified 12058
trustee pursuant to this section. 12059

(K) In lieu of placing its unqualified endorsement on each 12060
security, a public depository pledging securities pursuant to 12061
division (B) of this section that are not negotiable without its 12062
endorsement or assignment may furnish to the qualified trustee 12063
holding the securities an appropriate resolution and irrevocable 12064
power of attorney authorizing the trustee to assign the 12065
securities. The resolution and power of attorney shall conform to 12066
terms and conditions the trustee prescribes. 12067

(L) Upon request of a treasurer no more often than four times 12068
per year, a public depository shall report the amount of public 12069
moneys deposited by the treasurer and secured pursuant to division 12070
(B) of this section, and the total market value of the pool of 12071
securities pledged to secure public moneys held by the depository, 12072
including those deposited by the treasurer. Upon request of a 12073
treasurer no more often than four times per year, a qualified 12074
trustee shall report the total market value of the pool of 12075
securities deposited with it by the depository and shall provide 12076
an itemized list of the securities in the pool. These reports 12077
shall be made as of the date the treasurer specifies. 12078

Sec. 135.182. (A) As used in this section: 12079

(1) "Public depository" means that term as defined in section 12080
135.01 of the Revised Code, but also means an institution that 12081

receives or holds any public deposits as defined in section 135.31 12082
of the Revised Code. 12083

(2) "Public depositor" means that term as defined in section 12084
135.01 of the Revised Code, but also includes a county and any 12085
municipal corporation that has adopted a charter under Article 12086
XVIII, Ohio Constitution. 12087

(3) "Public deposits," "public moneys," and "treasurer" mean 12088
those terms as defined in section 135.01 of the Revised Code, but 12089
also have the same meanings as are set forth in section 135.31 of 12090
the Revised Code. 12091

(B) Not later than July 1, 2017, the treasurer of state shall 12092
create the Ohio pooled collateral program. Under this program, 12093
each institution designated as a public depository that selects 12094
the pledging method prescribed in division (A)(2) of section 12095
135.18 or division (A)(2) of section 135.37 of the Revised Code 12096
shall pledge to the treasurer of state a single pool of eligible 12097
securities for the benefit of all public depositors at the public 12098
depository to secure the repayment of all uninsured public 12099
deposits at the public depository, provided that at all times the 12100
total market value of the securities so pledged is at least equal 12101
to one hundred two per cent of the total amount of all uninsured 12102
public deposits, or in an amount determined by rules adopted by 12103
the treasurer of state. The rules shall set forth the criteria for 12104
determining the aggregate market value of the pool of eligible 12105
securities pledged by a public depository pursuant to this 12106
division. Such criteria shall include, but is not limited to, 12107
prudent capital and liquidity management by the public depository 12108
and the safety and soundness of the public depository as 12109
determined by a third-party rating organization. The treasurer of 12110
state shall monitor the eligibility, market value, and face value 12111
of the pooled securities pledged by the public depository. Each 12112
public depository shall carry in its accounting records at all 12113

times a general ledger or other appropriate account of the total 12114
amount of all public deposits to be secured by the pool, as 12115
determined at the opening of business each day, and the total 12116
market value of securities pledged to secure such deposits, and 12117
report such information to the treasurer of state in a manner and 12118
frequency as determined by the treasurer of state pursuant to 12119
rules adopted by the treasurer of state. 12120

(C) The public depository shall designate a qualified trustee 12121
approved by the treasurer of state and place with such trustee for 12122
safekeeping the eligible securities pledged pursuant to division 12123
(B) of this section. The trustee shall hold the eligible 12124
securities in an account indicating the treasurer of state's 12125
security interest in the eligible securities. The treasurer of 12126
state shall give written notice of the trustee to all public 12127
depositories for which such securities are pledged. The trustee 12128
shall report to the treasurer of state information relating to the 12129
securities pledged to secure such public deposits in a manner and 12130
frequency as determined by the treasurer of state. 12131

(D) In order for a public depository to receive public moneys 12132
under this section, the public depository and the treasurer of 12133
state shall first execute an agreement that sets forth the entire 12134
arrangement among the parties and that meets the requirements 12135
described in 12 U.S.C. 1823(e). In addition, the agreement shall 12136
authorize the treasurer of state to obtain control of the 12137
collateral pursuant to division (D) of section 1308.24 of the 12138
Revised Code. 12139

(E) The securities or other obligations described in division 12140
(D) of section 135.18 of the Revised Code shall be eligible as 12141
collateral for the purposes of division (B) of this section, 12142
provided no such securities or obligations pledged as collateral 12143
are at any time in default as to either principal or interest. 12144

(F) Any federal reserve bank or branch thereof located in 12145

this state or federal home loan bank, without compliance with 12146
Chapter 1111. of the Revised Code and without becoming subject to 12147
any other law of this state relative to the exercise by 12148
corporations of trust powers generally, is qualified to act as 12149
trustee for the safekeeping of securities, under this section. Any 12150
institution mentioned in section 135.03 or 135.32 of the Revised 12151
Code that holds a certificate of qualification issued by the 12152
superintendent of financial institutions or any institution 12153
complying with sections 1111.04, 1111.05, and 1111.06 of the 12154
Revised Code is qualified to act as trustee for the safekeeping of 12155
securities under this section, other than those belonging to 12156
itself or to an affiliate as defined in section 1101.01 of the 12157
Revised Code. 12158

(G) The public depository may substitute, exchange, or 12159
release eligible securities deposited with the qualified trustee 12160
pursuant to this section, provided that such substitution, 12161
exchange, or release is effectuated pursuant to written 12162
authorization from the treasurer of state, and such action does 12163
not reduce the total market value of the securities to an amount 12164
that is less than the amount established pursuant to division (B) 12165
of this section. 12166

(H) Notwithstanding the fact that a public depository is 12167
required to pledge eligible securities in certain amounts to 12168
secure public deposits, a qualified trustee has no duty or 12169
obligation to determine the eligibility, market value, or face 12170
value of any securities deposited with the trustee by a public 12171
depository. This applies in all situations including, but not 12172
limited to, a substitution or exchange of securities, but 12173
excluding those situations effectuated by division (I) of this 12174
section in which the trustee is required to determine face and 12175
market value. 12176

(I) The qualified trustee shall enter into a custodial 12177

agreement with the treasurer of state and public depository in 12178
which the trustee agrees to comply with entitlement orders 12179
originated by the treasurer of state without further consent by 12180
the public depository or, in the case of a federal reserve bank, 12181
establishing the treasurer of state's control of the eligible 12182
securities pledged pursuant to division (B) of this section. If 12183
the public depository fails to pay over any part of the public 12184
deposits made therein as provided by law and secured pursuant to 12185
division (B) of this section, the treasurer of state shall give 12186
written notice of this failure to the qualified trustee holding 12187
the pool of securities pledged against the public deposits, and at 12188
the same time shall send a copy of this notice to the public 12189
depository. Upon receipt of this notice, the trustee shall 12190
transfer to the treasurer of state for sale, the pooled securities 12191
that are necessary to produce an amount equal to the public 12192
deposits made by the public depositor and not paid over, less the 12193
portion of the deposits covered by any federal deposit insurance, 12194
plus any accrued interest due on the deposits. The treasurer of 12195
state shall sell any of the bonds or other securities so 12196
transferred. When a sale of bonds or other securities has been so 12197
made and upon payment to the public depositor of the purchase 12198
money, the treasurer of state shall transfer such bonds or 12199
securities whereupon the absolute ownership of such bonds or 12200
securities shall pass to the purchasers. Any surplus after 12201
deducting the amount due to the public depositor and expenses of 12202
sale shall be paid to the public depository. 12203

(J) Any charges or compensation of a qualified trustee for 12204
acting as such under this section shall be paid by the public 12205
depository and in no event shall be chargeable to the public 12206
depositor or to any officer of the public depositor. The charges 12207
or compensation shall not be a lien or charge upon the securities 12208
deposited for safekeeping prior or superior to the rights to and 12209
interests in the securities of the public depositor. The treasurer 12210

and the treasurer's bonders or surety shall be relieved from any 12211
liability to the public depositor or to the public depository for 12212
the loss or destruction of any securities deposited with a 12213
qualified trustee pursuant to this section. 12214

Sec. 135.35. (A) The investing authority shall deposit or 12215
invest any part or all of the county's inactive moneys and shall 12216
invest all of the money in the county public library fund when 12217
required by section 135.352 of the Revised Code. The following 12218
classifications of securities and obligations are eligible for 12219
such deposit or investment: 12220

(1) United States treasury bills, notes, bonds, or any other 12221
obligation or security issued by the United States treasury, any 12222
other obligation guaranteed as to principal or interest by the 12223
United States, or any book entry, zero-coupon United States 12224
treasury security that is a direct obligation of the United 12225
States. 12226

Nothing in the classification of eligible securities and 12227
obligations set forth in divisions (A)(2) to (10) of this section 12228
shall be construed to authorize any investment in stripped 12229
principal or interest obligations of such eligible securities and 12230
obligations. 12231

(2) Bonds, notes, debentures, or any other obligations or 12232
securities issued by any federal government agency or 12233
instrumentality, including, but not limited to, the federal 12234
national mortgage association, federal home loan bank, federal 12235
farm credit bank, federal home loan mortgage corporation, and 12236
government national mortgage association. All federal agency 12237
securities shall be direct issuances of federal government 12238
agencies or instrumentalities. 12239

(3) Time certificates of deposit or savings or deposit 12240
accounts, including, but not limited to, passbook accounts, in any 12241

eligible institution mentioned in section 135.32 of the Revised Code;	12242 12243
(4) Bonds and other obligations of this state or the political subdivisions of this state;	12244 12245
(5) No-load money market mutual funds rated in the highest category at the time of purchase by at least one nationally recognized standard rating service or consisting exclusively of obligations described in division (A)(1), (2), or (6) of section 135.143 of the Revised Code and repurchase agreements secured by such obligations, provided that investments in securities described in this division are made only through eligible institutions mentioned in section 135.32 of the Revised Code;	12246 12247 12248 12249 12250 12251 12252 12253
(6) The Ohio subdivision's fund as provided in section 135.45 of the Revised Code;	12254 12255
(7) Securities lending agreements with any eligible institution mentioned in section 135.32 of the Revised Code that is a member of the federal reserve system or federal home loan bank or with any recognized United States government securities dealer meeting the description in division (J)(1) of this section, under the terms of which agreements the investing authority lends securities and the eligible institution or dealer agrees to simultaneously exchange similar securities or cash, equal value for equal value.	12256 12257 12258 12259 12260 12261 12262 12263 12264
Securities and cash received as collateral for a securities lending agreement are not inactive moneys of the county or moneys of a county public library fund. The investment of cash collateral received pursuant to a securities lending agreement may be invested only in instruments specified by the investing authority in the written investment policy described in division (K) of this section.	12265 12266 12267 12268 12269 12270 12271
(8) Up to twenty-five per cent of the county's total average	12272

portfolio in either of the following investments: 12273

(a) Commercial paper notes issued by an entity that is 12274
defined in division (D) of section 1705.01 of the Revised Code and 12275
that has assets exceeding five hundred million dollars, to which 12276
notes all of the following apply: 12277

(i) The notes are rated at the time of purchase in the 12278
highest classification established by at least two nationally 12279
recognized standard rating services. 12280

(ii) The aggregate value of the notes does not exceed ten per 12281
cent of the aggregate value of the outstanding commercial paper of 12282
the issuing corporation. 12283

(iii) The notes mature not later than two hundred seventy 12284
days after purchase. 12285

(b) Bankers acceptances of banks that are insured by the 12286
federal deposit insurance corporation and that mature not later 12287
than one hundred eighty days after purchase. 12288

No investment shall be made pursuant to division (A)(8) of 12289
this section unless the investing authority has completed 12290
additional training for making the investments authorized by 12291
division (A)(8) of this section. The type and amount of additional 12292
training shall be approved by the treasurer of state and may be 12293
conducted by or provided under the supervision of the treasurer of 12294
state. 12295

(9) Up to fifteen per cent of the county's total average 12296
portfolio in notes issued by corporations that are incorporated 12297
under the laws of the United States and that are operating within 12298
the United States, or by depository institutions that are doing 12299
business under authority granted by the United States or any state 12300
and that are operating within the United States, provided both of 12301
the following apply: 12302

(a) The notes are rated in the second highest or higher category by at least two nationally recognized standard rating services at the time of purchase. 12303
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(b) The notes mature not later than two years after purchase. 12306

(10) Debt interests rated at the time of purchase in the three highest categories by two nationally recognized standard rating services and issued by foreign nations diplomatically recognized by the United States government. All interest and principal shall be denominated and payable in United States funds. The investments made under division (A)(10) of this section shall not exceed in the aggregate one per cent of a county's total average portfolio. 12307
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The investing authority shall invest under division (A)(10) of this section in a debt interest issued by a foreign nation only if the debt interest is backed by the full faith and credit of that foreign nation, there is no prior history of default, and the debt interest matures not later than five years after purchase. For purposes of division (A)(10) of this section, a debt interest is rated in the three highest categories by two nationally recognized standard rating services if either the debt interest itself or the issuer of the debt interest is rated, or is implicitly rated, at the time of purchase in the three highest categories by two nationally recognized standard rating services. 12315
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(11) A current unpaid or delinquent tax line of credit authorized under division (G) of section 135.341 of the Revised Code, provided that all of the conditions for entering into such a line of credit under that division are satisfied, or bonds and other obligations of a county land reutilization corporation organized under Chapter 1724. of the Revised Code, if the county land reutilization corporation is located wholly or partly within the same county as the investing authority. 12326
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(B) Nothing in the classifications of eligible obligations and securities set forth in divisions (A)(1) to (10) of this section shall be construed to authorize investment in a derivative, and no investing authority shall invest any county inactive moneys or any moneys in a county public library fund in a derivative. For purposes of this division, "derivative" means a financial instrument or contract or obligation whose value or return is based upon or linked to another asset or index, or both, separate from the financial instrument, contract, or obligation itself. Any security, obligation, trust account, or other instrument that is created from an issue of the United States treasury or is created from an obligation of a federal agency or instrumentality or is created from both is considered a derivative instrument. An eligible investment described in this section with a variable interest rate payment, based upon a single interest payment or single index comprised of other eligible investments provided for in division (A)(1) or (2) of this section, is not a derivative, provided that such variable rate investment has a maximum maturity of two years. A treasury inflation-protected security shall not be considered a derivative, provided the security matures not later than five years after purchase.

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

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

of which agreement the investing authority purchases and the 12366
eligible institution or dealer agrees unconditionally to 12367
repurchase any of the securities listed in divisions ~~(B)~~(D)(1) to 12368
(5), except letters of credit described in division ~~(B)~~(D)(2), of 12369
section 135.18 of the Revised Code. The market value of securities 12370
subject to an overnight written repurchase agreement must exceed 12371
the principal value of the overnight written repurchase agreement 12372
by at least two per cent. A written repurchase agreement must 12373
exceed the principal value of the overnight written repurchase 12374
agreement, by at least two per cent. A written repurchase 12375
agreement shall not exceed thirty days, and the market value of 12376
securities subject to a written repurchase agreement must exceed 12377
the principal value of the written repurchase agreement by at 12378
least two per cent and be marked to market daily. All securities 12379
purchased pursuant to this division shall be delivered into the 12380
custody of the investing authority or the qualified custodian of 12381
the investing authority or an agent designated by the investing 12382
authority. A written repurchase agreement with an eligible 12383
securities dealer shall be transacted on a delivery versus payment 12384
basis. The agreement shall contain the requirement that for each 12385
transaction pursuant to the agreement the participating 12386
institution shall provide all of the following information: 12387

(1) The par value of the securities; 12388

(2) The type, rate, and maturity date of the securities; 12389

(3) A numerical identifier generally accepted in the 12390
securities industry that designates the securities. 12391

No investing authority shall enter into a written repurchase 12392
agreement under the terms of which the investing authority agrees 12393
to sell securities owned by the county to a purchaser and agrees 12394
with that purchaser to unconditionally repurchase those 12395
securities. 12396

(E) No investing authority shall make an investment under 12397
this section, unless the investing authority, at the time of 12398
making the investment, reasonably expects that the investment can 12399
be held until its maturity. The investing authority's written 12400
investment policy shall specify the conditions under which an 12401
investment may be redeemed or sold prior to maturity. 12402

(F) No investing authority shall pay a county's inactive 12403
moneys or moneys of a county public library fund into a fund 12404
established by another subdivision, treasurer, governing board, or 12405
investing authority, if that fund was established by the 12406
subdivision, treasurer, governing board, or investing authority 12407
for the purpose of investing or depositing the public moneys of 12408
other subdivisions. This division does not apply to the payment of 12409
public moneys into either of the following: 12410

(1) The Ohio subdivision's fund pursuant to division (A)(6) 12411
of this section; 12412

(2) A fund created solely for the purpose of acquiring, 12413
constructing, owning, leasing, or operating municipal utilities 12414
pursuant to the authority provided under section 715.02 of the 12415
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 12416

For purposes of division (F) of this section, "subdivision" 12417
includes a county. 12418

(G) The use of leverage, in which the county uses its current 12419
investment assets as collateral for the purpose of purchasing 12420
other assets, is prohibited. The issuance of taxable notes for the 12421
purpose of arbitrage is prohibited. Contracting to sell securities 12422
not owned by the county, for the purpose of purchasing such 12423
securities on the speculation that bond prices will decline, is 12424
prohibited. 12425

(H) Any securities, certificates of deposit, deposit 12426
accounts, or any other documents evidencing deposits or 12427

investments made under authority of this section shall be issued 12428
in the name of the county with the county treasurer or investing 12429
authority as the designated payee. If any such deposits or 12430
investments are registrable either as to principal or interest, or 12431
both, they shall be registered in the name of the treasurer. 12432

(I) The investing authority shall be responsible for the 12433
safekeeping of all documents evidencing a deposit or investment 12434
acquired under this section, including, but not limited to, 12435
safekeeping receipts evidencing securities deposited with a 12436
qualified trustee, as provided in section 135.37 of the Revised 12437
Code, and documents confirming the purchase of securities under 12438
any repurchase agreement under this section shall be deposited 12439
with a qualified trustee, provided, however, that the qualified 12440
trustee shall be required to report to the investing authority, 12441
auditor of state, or an authorized outside auditor at any time 12442
upon request as to the identity, market value, and location of the 12443
document evidencing each security, and that if the participating 12444
institution is a designated depository of the county for the 12445
current period of designation, the securities that are the subject 12446
of the repurchase agreement may be delivered to the treasurer or 12447
held in trust by the participating institution on behalf of the 12448
investing authority. 12449

Upon the expiration of the term of office of an investing 12450
authority or in the event of a vacancy in the office for any 12451
reason, the officer or the officer's legal representative shall 12452
transfer and deliver to the officer's successor all documents 12453
mentioned in this division for which the officer has been 12454
responsible for safekeeping. For all such documents transferred 12455
and delivered, the officer shall be credited with, and the 12456
officer's successor shall be charged with, the amount of moneys 12457
evidenced by such documents. 12458

(J)(1) All investments, except for investments in securities 12459

described in divisions (A)(5), (6), and (11) of this section, 12460
shall be made only through a member of the financial industry 12461
regulatory authority (FINRA), through a bank, savings bank, or 12462
savings and loan association regulated by the superintendent of 12463
financial institutions, or through an institution regulated by the 12464
comptroller of the currency, federal deposit insurance 12465
corporation, or board of governors of the federal reserve system. 12466

(2) Payment for investments shall be made only upon the 12467
delivery of securities representing such investments to the 12468
treasurer, investing authority, or qualified trustee. If the 12469
securities transferred are not represented by a certificate, 12470
payment shall be made only upon receipt of confirmation of 12471
transfer from the custodian by the treasurer, governing board, or 12472
qualified trustee. 12473

(K)(1) Except as otherwise provided in division (K)(2) of 12474
this section, no investing authority shall make an investment or 12475
deposit under this section, unless there is on file with the 12476
auditor of state a written investment policy approved by the 12477
investing authority. The policy shall require that all entities 12478
conducting investment business with the investing authority shall 12479
sign the investment policy of that investing authority. All 12480
brokers, dealers, and financial institutions, described in 12481
division (J)(1) of this section, initiating transactions with the 12482
investing authority by giving advice or making investment 12483
recommendations shall sign the investing authority's investment 12484
policy thereby acknowledging their agreement to abide by the 12485
policy's contents. All brokers, dealers, and financial 12486
institutions, described in division (J)(1) of this section, 12487
executing transactions initiated by the investing authority, 12488
having read the policy's contents, shall sign the investment 12489
policy thereby acknowledging their comprehension and receipt. 12490

(2) If a written investment policy described in division 12491

(K)(1) of this section is not filed on behalf of the county with 12492
the auditor of state, the investing authority of that county shall 12493
invest the county's inactive moneys and moneys of the county 12494
public library fund only in time certificates of deposits or 12495
savings or deposit accounts pursuant to division (A)(3) of this 12496
section, no-load money market mutual funds pursuant to division 12497
(A)(5) of this section, or the Ohio subdivision's fund pursuant to 12498
division (A)(6) of this section. 12499

(L)(1) The investing authority shall establish and maintain 12500
an inventory of all obligations and securities acquired by the 12501
investing authority pursuant to this section. The inventory shall 12502
include a description of each obligation or security, including 12503
type, cost, par value, maturity date, settlement date, and any 12504
coupon rate. 12505

(2) The investing authority shall also keep a complete record 12506
of all purchases and sales of the obligations and securities made 12507
pursuant to this section. 12508

(3) The investing authority shall maintain a monthly 12509
portfolio report and issue a copy of the monthly portfolio report 12510
describing such investments to the county investment advisory 12511
committee, detailing the current inventory of all obligations and 12512
securities, all transactions during the month that affected the 12513
inventory, any income received from the obligations and 12514
securities, and any investment expenses paid, and stating the 12515
names of any persons effecting transactions on behalf of the 12516
investing authority. 12517

(4) The monthly portfolio report shall be a public record and 12518
available for inspection under section 149.43 of the Revised Code. 12519

(5) The inventory and the monthly portfolio report shall be 12520
filed with the board of county commissioners. The monthly 12521
portfolio report also shall be filed with the treasurer of state. 12522

(M) An investing authority may enter into a written investment or deposit agreement that includes a provision under which the parties agree to submit to nonbinding arbitration to settle any controversy that may arise out of the agreement, including any controversy pertaining to losses of public moneys resulting from investment or deposit. The arbitration provision shall be set forth entirely in the agreement, and the agreement shall include a conspicuous notice to the parties that any party to the arbitration may apply to the court of common pleas of the county in which the arbitration was held for an order to vacate, modify, or correct the award. Any such party may also apply to the court for an order to change venue to a court of common pleas located more than one hundred miles from the county in which the investing authority is located.

For purposes of this division, "investment or deposit agreement" means any agreement between an investing authority and a person, under which agreement the person agrees to invest, deposit, or otherwise manage, on behalf of the investing authority, a county's inactive moneys or moneys in a county public library fund, or agrees to provide investment advice to the investing authority.

(N)(1) An investment held in the county portfolio on September 27, 1996, that was a legal investment under the law as it existed before September 27, 1996, may be held until maturity.

(2) An investment held in the county portfolio on September 10, 2012, that was a legal investment under the law as it existed before September 10, 2012, may be held until maturity.

Sec. 135.353. (A) In addition to the investments specified in section 135.35 of the Revised Code, the investing authority of a county may do all of the following:

(1) Invest inactive or public moneys in linked deposits as

authorized by resolution adopted pursuant to section 135.80 or 12554
135.801 of the Revised Code; 12555

(2) Invest inactive or public moneys in linked deposits as 12556
authorized by resolution adopted pursuant to section 135.805 of 12557
the Revised Code for a term considered appropriate by the 12558
investing authority, but not exceeding fifteen years, which 12559
investment may be renewed for up to two additional terms with each 12560
additional term not exceeding fifteen years. 12561

(3) Invest inactive moneys in certificates of deposit in 12562
accordance with all of the following: 12563

(a) The inactive moneys initially are deposited with an 12564
eligible public depository described in section 135.32 of the 12565
Revised Code and selected by the investing authority. 12566

(b) For the investing authority depositing the inactive 12567
moneys pursuant to division (A)(3)(a) of this section, the 12568
eligible public depository selected pursuant to that division 12569
invests the inactive moneys in certificates of deposit of one or 12570
more federally insured banks, savings banks, or savings and loan 12571
associations, wherever located. The full amount of principal and 12572
any accrued interest of each certificate of deposit invested in 12573
pursuant to division (A)(3)(b) of this section shall be insured by 12574
federal deposit insurance. 12575

(c) For the investing authority depositing the inactive 12576
moneys pursuant to division (A)(3)(a) of this section, the 12577
eligible public depository selected pursuant to that division acts 12578
as custodian of the certificates of deposit described in division 12579
(A)(3)(b) of this section. 12580

(d) On the same date the public moneys are redeposited by the 12581
public depository, the public depository may, in its sole 12582
discretion, choose whether to receive deposits, in any amount, 12583
from other banks, savings banks, or savings and loan associations. 12584

(e) The public depository provides to the investing authority 12585
a monthly account statement that includes the amount of its funds 12586
deposited and held at each bank, savings bank, or savings and loan 12587
association for which the public depository acts as a custodian 12588
pursuant to this section. 12589

(B) Inactive moneys deposited or invested in accordance with 12590
division (A)(3) of this section are not subject to any pledging 12591
requirements described in section 135.181, 135.182, or 135.37 of 12592
the Revised Code. 12593

Sec. 135.354. (A) In addition to the authority provided in 12594
section 135.35 of the Revised Code for the investment or deposit 12595
of inactive moneys, the investing authority of a county, upon the 12596
deposit of active or inactive moneys with an eligible public 12597
depository described in section 135.32 of the Revised Code and 12598
selected by the investing authority, may authorize the public 12599
depository to arrange for the redeposit of such public moneys in 12600
accordance with the following conditions: 12601

(1) The public depository, on or after the date the public 12602
moneys are received, arranges for the redeposit of the moneys into 12603
deposit accounts in one or more federally insured banks, savings 12604
banks, or savings and loan associations that are located in the 12605
United States, and acts as custodian of the moneys deposited or 12606
redeposited under this section. 12607

(2) If the amount of the public moneys deposited with and 12608
held at the close of business by the public depository exceeds the 12609
amount insured by the federal deposit insurance corporation, the 12610
excess amount is subject to the pledging requirements described in 12611
section 135.181, 135.182, or 135.37 of the Revised Code. 12612

(3) The full amount of the public moneys redeposited by the 12613
public depository into deposit accounts in banks, savings banks, 12614
or savings and loan associations, plus any accrued interest, is 12615

insured by the federal deposit insurance corporation. 12616

(4) On the same date the public moneys are redeposited by the 12617
public depository, the public depository may, in its sole 12618
discretion, choose whether to receive deposits, in any amount, 12619
from other banks, savings banks, or savings and loan associations. 12620

(5) The public depository provides to the investing authority 12621
an account statement at least monthly and access to daily 12622
reporting that include the amount of its funds deposited and held 12623
at each bank, savings bank, or savings and loan association for 12624
which the public depository acts as a custodian pursuant to this 12625
section. 12626

(B) Except as provided in division (A)(2) of this section, 12627
public moneys deposited in accordance with this section are not 12628
subject to the pledging requirements described in section 135.181, 12629
135.182, or 135.37 of the Revised Code. 12630

Sec. 135.37. (A) Except as provided in section 135.353 or 12631
135.354 of the Revised Code, any institution described in section 12632
135.32 of the Revised Code ~~shall, at the time it receives in~~ 12633
receipt of a deposit of public moneys under section 135.33 or 12634
135.35 of the Revised Code, ~~pledge to and deposit with the~~ 12635
~~investing authority, as~~ shall provide security for the repayment 12636
of all public moneys ~~to be deposited in the public depository by~~ 12637
selecting one of the following methods: 12638

(1) Securing all uninsured public deposits of each investing 12639
authority separately as set forth in divisions (B) to (I) of this 12640
section; 12641

(2) Securing all uninsured public deposits of every public 12642
depositor pursuant to section 135.181 or 135.182 of the Revised 12643
Code, as applicable, by establishing and pledging to the treasurer 12644
of state a single pool of collateral for the benefit of each 12645

public depositor at the public depository. 12646

(B) If a public depository elects to provide security 12647
pursuant to division (A)(1) of this section, the public depository 12648
shall pledge to the investing authority, as security for the 12649
repayment of all public moneys deposited in the public depository 12650
during the period of designation pursuant to an award made under 12651
section 135.33 of the Revised Code or pursuant to section 135.35 12652
of the Revised Code, eligible securities of aggregate market value 12653
at all times equal to ~~or in excess~~ at least one hundred five per 12654
cent of the total amount of ~~public moneys to be at the time so~~ 12655
deposited the investing authority's uninsured public deposits. Any 12656
securities listed in division ~~(B)~~(D) of section 135.18 of the 12657
Revised Code are eligible for such purpose. ~~The collateral so~~ 12658
pledged or deposited may be in an amount that when added to the 12659
portion of the deposit insured by the federal deposit insurance 12660
corporation or any other agency or instrumentality of the federal 12661
government will, in the aggregate, equal or exceed the amount of 12662
public moneys so deposited; provided that, when an investment of 12663
inactive moneys consists of the purchase of one or more of the 12664
type of securities listed in division (A)(1) or (2) of section 12665
135.35 of the Revised Code, no additional collateral need be 12666
pledged or deposited. 12667

The investing authority also may require that additional 12668
eligible securities be pledged or deposited when depreciation 12669
occurs in the market value of any securities pledged or deposited. 12670

~~(B) The public depository may, at any time, provide for the~~ 12671
~~exchange or substitution of securities for other eligible~~ 12672
~~securities or the release of securities when the amount of public~~ 12673
~~moneys on deposit does not require that they be pledged or~~ 12674
~~deposited, by notifying the investing authority of its intent to~~ 12675
~~take such action.~~ 12676

Upon proper notification of the public depository's desire 12677

~~for release of securities, the investing authority may sign a 12678
release of such securities provided that the aggregate amount of 12679
collateral remaining pledged or deposited meets the requirements 12680
of divisions (A) to (E) of this section. 12681~~

~~When a public depository desires to exchange or substitute 12682
securities for other eligible securities, the investing authority 12683
may release the securities pledged or deposited after the deposit 12684
of other securities having a current market value equal to or 12685
greater than the current market value of securities then on 12686
deposit or after a safekeeping receipt has been received 12687
evidencing the deposit and pledge of such securities. 12688~~

~~(C) Upon request from the investing authority, the trustee or 12689
the In order for a public depository shall furnish a statement of 12690
the securities pledged against the to receive public moneys 12691
deposited in under this section, the public depository and the 12692
investing authority shall first execute an agreement that sets 12693
forth the entire arrangement among the parties and that meets the 12694
requirements described in 12 U.S.C. 1823(e). In addition, the 12695
agreement shall authorize the investing authority to obtain 12696
control of the collateral pursuant to division (D) of section 12697
1308.24 of the Revised Code. 12698~~

~~(D) An institution designated as a public depository shall 12699
designate a qualified trustee and place the eligible securities 12700
with the trustee for safekeeping. The trustee shall hold the 12701
eligible securities in an account indicating the investing 12702
authority's security interest in the securities. The trustee shall 12703
report to the investing authority information relating to the 12704
securities pledged to secure the public deposits in the manner and 12705
frequency requested by the investing authority. 12706~~

~~(E) The qualified trustee shall enter into a custodial 12707
agreement with the investing authority and public depository in 12708
which the trustee agrees to comply with entitlement orders 12709~~

originated by the investing authority without further consent by 12710
the public depository. If a the public depository fails to pay 12711
over any part of any the public deposit deposits made as provided 12712
by law, the investing authority shall sell any pledged or 12713
deposited securities, as prescribed in division (C) of section 12714
135.18 of the Revised Code. 12715

~~(E) A public depository may designate, in accordance with the~~ 12716
~~provisions of division (D) of section 135.18 of the Revised Code,~~ 12717
~~a trustee for the safekeeping of any pledged securities. Such~~ 12718
~~trustee shall be any bank or other institution eligible as a~~ 12719
~~trustee under division (I) of section 135.18 of the Revised Code,~~ 12720
~~except that, for the purposes of this section, a bank to which a~~ 12721
~~certificate of qualification is issued shall be an institution~~ 12722
~~mentioned in division (A) of section 135.32 of the Revised Code~~ 12723
therein as provided by law, the investing authority shall give 12724
written notice of this failure to the qualified trustee holding 12725
the securities pledged against its public deposits, and at the 12726
same time shall send a copy of this notice to the public 12727
depository. Upon receipt of this notice, the trustee shall 12728
transfer to the investing authority for sale, the securities that 12729
are necessary to produce an amount equal to the public deposits 12730
made by the investing authority and not paid over, less the 12731
portion of the deposits covered by any federal deposit insurance, 12732
plus any accrued interest due on the deposits. The investing 12733
authority shall sell any of the bonds or other securities so 12734
transferred. When a sale of bonds or other securities has been so 12735
made and upon payment to the investing authority of the purchase 12736
money, the investing authority shall transfer such bonds or 12737
securities whereupon the absolute ownership of such bonds or 12738
securities shall pass to the purchasers. Any surplus after 12739
deducting the amount due the investing authority and expenses of 12740
sale shall be paid to the public depository. 12741

(F) ~~In lieu of the pledging requirements prescribed in divisions (A) to (E) of this section, an institution designated as a public depository may pledge securities pursuant to section 135.181 of the Revised Code~~ When the public depository has placed eligible securities described in division (D)(1) of section 135.18 of the Revised Code with a trustee for safekeeping, the public depository may at any time substitute or exchange eligible securities described in division (D)(1) of section 135.18 of the Revised Code having a current market value equal to or greater than the current market value of the securities then on deposit and for which they are to be substituted or exchanged, without specific authorization from the investing authority of any such substitution or exchange.

(G) When the public depository has placed eligible securities described in divisions (D)(2) to (9) of section 135.18 of the Revised Code with a trustee for safekeeping, the public depository may at any time substitute or exchange eligible securities having a current market value equal to or greater than the current market value of the securities then on deposit and for which they are to be substituted or exchanged without specific authorization from the investing authority of any such substitution or exchange only if one of the following applies:

(1) The investing authority has authorized the public depository to make such substitution or exchange on a continuing basis during a specified period without prior approval of each substitution or exchange. The authorization may be effected by the investing authority sending to the trustee a written notice stating that substitution may be effected on a continuing basis during a specified period which shall not extend beyond the end of the period of designation during which the notice is given. The trustee may rely upon this notice and upon the period of authorization stated therein and upon the period of designation

stated therein. 12774

(2) The public depository notifies the investing authority 12775
and the trustee of an intended substitution or exchange, and the 12776
investing authority does not object to the trustee as to the 12777
eligibility or market value of the securities being substituted 12778
within three business days after the date appearing on the notice 12779
of proposed substitution. The notice to the investing authority 12780
and to the trustee shall be given in writing and delivered 12781
electronically. The trustee may assume in any case that the notice 12782
has been delivered to the investing authority. In order for 12783
objections of the investing authority to be effective, receipt of 12784
the objections must be acknowledged in writing by the trustee. 12785

(3) The investing authority gives written authorization for a 12786
substitution or exchange of specific securities. 12787

(H) The public depository shall notify any investing 12788
authority of any substitution or exchange under division (G)(1) or 12789
(2) of this section. 12790

(I) Any federal reserve bank or branch thereof located in 12791
this state or federal home loan bank, without compliance with 12792
Chapter 1111. of the Revised Code and without becoming subject to 12793
any other law of this state relative to the exercise by 12794
corporations of trust powers generally, is qualified to act as 12795
trustee for the safekeeping of securities, under this section. Any 12796
institution mentioned in section 135.03 or 135.32 of the Revised 12797
Code that holds a certificate of qualification issued by the 12798
superintendent of financial institutions or any institution 12799
complying with sections 1111.04, 1111.05, and 1111.06 of the 12800
Revised Code is qualified to act as trustee for the safekeeping of 12801
securities under this section, other than those belonging to 12802
itself or to an affiliate as defined in section 1101.01 of the 12803
Revised Code. 12804

Notwithstanding the fact that a public depository is required 12805
to pledge eligible securities in certain amounts to secure 12806
deposits of public moneys, a trustee has no duty or obligation to 12807
determine the eligibility, market value, or face value of any 12808
securities deposited with the trustee by a public depository. This 12809
applies in all situations including, without limitation, a 12810
substitution or exchange of securities. 12811

Any charges or compensation of a designated trustee for 12812
acting as such under this section shall be paid by the public 12813
depository and in no event shall be chargeable to the investing 12814
authority or to any officer of the investing authority. The 12815
charges or compensation shall not be a lien or charge upon the 12816
securities deposited for safekeeping prior or superior to the 12817
rights to and interests in the securities of the investing 12818
authority. The treasurer and the treasurer's bonders or surety 12819
shall be relieved from any liability to the investing authority or 12820
to the public depository for the loss or destruction of any 12821
securities deposited with a qualified trustee pursuant to this 12822
section. 12823

Sec. 135.731. (A) For purposes of this section, "western 12824
basin" has the same meaning as in section 905.326 of the Revised 12825
Code. 12826

(B) Notwithstanding any provision in sections 135.71 to 12827
135.76 of the Revised Code to the contrary, before July 1, 2020, 12828
all of the following apply to eligible agricultural businesses 12829
that maintain land or facilities for agricultural purposes in the 12830
western basin: 12831

(1) Such a business shall certify on its loan application 12832
that the reduced rate loan will be used exclusively for 12833
agricultural purposes on land or in facilities owned or operated 12834
by the business in this state in the western basin and that the 12835

loan will materially contribute to the business's compliance with 12836
division (A) of section 1511.10 of the Revised Code. Whoever 12837
knowingly makes a false statement concerning the application is 12838
guilty of the offense of falsification under section 2921.13 of 12839
the Revised Code. 12840

(2) In evaluating such businesses, the treasurer of state 12841
shall give priority to a business's financial need for the loan to 12842
comply with division (A) of section 1511.10 of the Revised Code as 12843
well as the overall financial need of the business and the 12844
economic needs of the area where the business is located. 12845

(3) No loan for such a business shall exceed five hundred 12846
thousand dollars. 12847

Sec. 135.74. (A) The treasurer of state may accept or reject 12848
an agricultural linked deposit loan package or any portion 12849
thereof, based on the treasurer's evaluation of the eligible 12850
agricultural businesses included in the package, the amount of 12851
individual loans in the package, and the amount of the package. In 12852
evaluating the eligible agricultural businesses, the treasurer of 12853
state shall give priority to a business's financial need for the 12854
loan to meet planting deadlines but shall also consider the 12855
overall financial need of the business and the economic needs of 12856
the area where the business is located. 12857

(B) Upon acceptance of the agricultural linked deposit loan 12858
package or any portion thereof, the treasurer of state may place 12859
certificates of deposit with the eligible lending institution at a 12860
rate below current market rates, as determined and calculated by 12861
the treasurer of state, or may invest in bonds, notes, debentures, 12862
or other obligations or securities issued by the federal farm 12863
credit bank with respect to the eligible lending institution at a 12864
rate below current market rates, as determined and calculated by 12865
the treasurer of state. When necessary, the treasurer may place 12866

certificates of deposit or may invest in such obligations or 12867
securities prior to acceptance of an agricultural linked deposit 12868
loan package. 12869

(C) The eligible lending institution shall enter into an 12870
agricultural linked deposit agreement with the treasurer of state, 12871
which shall include requirements necessary to carry out the 12872
purposes of sections 135.71 to 135.76 of the Revised Code. The 12873
requirements shall at least do the following: 12874

(1) Include an agreement by the eligible lending institution 12875
to lend ~~the value of the agricultural linked deposit~~ to eligible 12876
agricultural businesses at a rate equal to ~~the~~ either of the 12877
following: 12878

(a) A rate not more than three hundred basis points below the 12879
present borrowing rate applicable to each specific agricultural 12880
business in the accepted loan package; 12881

(b) The present borrowing rate applicable to each specific 12882
agricultural business in the accepted loan package minus the 12883
difference between one of the following, as applicable: 12884

~~(a)~~(i) The market rate and the actual rate at which the 12885
certificates of deposit that constitute the agricultural linked 12886
deposit were placed; 12887

~~(b)~~(ii) The market rate and the actual rate at which the 12888
investments in bonds, notes, debentures, or other obligations or 12889
securities that constitute the agricultural linked deposit were 12890
made; 12891

(2) Reflect the market conditions prevailing in the eligible 12892
lending institution's lending area. 12893

The agricultural linked deposit agreement may include a 12894
specification of the period of time in which the lending 12895
institution is to lend funds upon the placement of a linked 12896

deposit, and shall include provisions for the certificates of 12897
deposit to be placed or the investment in bonds, notes, 12898
debentures, obligations, or securities to be made for any maturity 12899
considered appropriate by the treasurer of state not to exceed ~~two~~ 12900
~~five~~ years and may be renewed for up to an additional ~~two~~ years at 12901
~~the option of the treasurer~~. Interest shall be paid at the times 12902
determined by the treasurer of state. 12903

(D) Eligible lending institutions shall comply fully with 12904
Chapter 135. of the Revised Code. 12905

Sec. 140.01. As used in this chapter: 12906

(A) "Hospital agency" means any public hospital agency or any 12907
nonprofit hospital agency. 12908

(B) "Public hospital agency" means any county, board of 12909
county hospital trustees established pursuant to section 339.02 of 12910
the Revised Code, county hospital commission established pursuant 12911
to section 339.14 of the Revised Code, municipal corporation, new 12912
community authority organized under Chapter 349. of the Revised 12913
Code, joint township hospital district, state or municipal 12914
university or college operating or authorized to operate a 12915
hospital facility, or the state. 12916

(C) "Nonprofit hospital agency" means a corporation or 12917
association not for profit, no part of the net earnings of which 12918
inures or may lawfully inure to the benefit of any private 12919
shareholder or individual, that has authority to own or operate a 12920
hospital facility or provides or is to provide services to one or 12921
more other hospital agencies. 12922

(D) "Governing body" means, in the case of a county, the 12923
board of county commissioners or other legislative body; in the 12924
case of a board of county hospital trustees, the board; in the 12925
case of a county hospital commission, the commission; in the case 12926

of a municipal corporation, the council or other legislative 12927
authority; in the case of a new community authority, its board of 12928
trustees; in the case of a joint township hospital district, the 12929
joint township district hospital board; in the case of a state or 12930
municipal university or college, its board of trustees or board of 12931
directors; in the case of a nonprofit hospital agency, the board 12932
of trustees or other body having general management of the agency; 12933
and, in the case of the state, the director of development 12934
services or the Ohio higher educational facility commission. 12935

(E) "Hospital facilities" means buildings, structures and 12936
other improvements, additions thereto and extensions thereof, 12937
furnishings, equipment, and real estate and interests in real 12938
estate, used or to be used for or in connection with one or more 12939
hospitals, emergency, intensive, intermediate, extended, 12940
long-term, or self-care facilities, diagnostic and treatment and 12941
out-patient facilities, facilities related to programs for home 12942
health services, clinics, laboratories, public health centers, 12943
research facilities, and rehabilitation facilities, for or 12944
pertaining to diagnosis, treatment, care, or rehabilitation of 12945
sick, ill, injured, infirm, impaired, disabled, or handicapped 12946
persons, or the prevention, detection, and control of disease, and 12947
also includes education, training, and food service facilities for 12948
health professions personnel, housing facilities for such 12949
personnel and their families, and parking and service facilities 12950
in connection with any of the foregoing; and includes any one, 12951
part of, or any combination of the foregoing; and further includes 12952
site improvements, utilities, machinery, facilities, furnishings, 12953
and any separate or connected buildings, structures, improvements, 12954
sites, utilities, facilities, or equipment to be used in, or in 12955
connection with the operation or maintenance of, or supplementing 12956
or otherwise related to the services or facilities to be provided 12957
by, any one or more of such hospital facilities. 12958

(F) "Costs of hospital facilities" means the costs of 12959
acquiring hospital facilities or interests in hospital facilities, 12960
including membership interests in nonprofit hospital agencies, 12961
costs of constructing hospital facilities, costs of improving one 12962
or more hospital facilities, including reconstructing, 12963
rehabilitating, remodeling, renovating, and enlarging, costs of 12964
equipping and furnishing such facilities, and all financing costs 12965
pertaining thereto, including, without limitation thereto, costs 12966
of engineering, architectural, and other professional services, 12967
designs, plans, specifications and surveys, and estimates of cost, 12968
costs of tests and inspections, the costs of any indemnity or 12969
surety bonds and premiums on insurance, all related direct or 12970
allocable administrative expenses pertaining thereto, fees and 12971
expenses of trustees, depositories, and paying agents for the 12972
obligations, cost of issuance of the obligations and financing 12973
charges and fees and expenses of financial advisors, attorneys, 12974
accountants, consultants and rating services in connection 12975
therewith, capitalized interest on the obligations, amounts 12976
necessary to establish reserves as required by the bond 12977
proceedings, the reimbursement of all moneys advanced or applied 12978
by the hospital agency or others or borrowed from others for the 12979
payment of any item or items of costs of such facilities, and all 12980
other expenses necessary or incident to planning or determining 12981
feasibility or practicability with respect to such facilities, and 12982
such other expenses as may be necessary or incident to the 12983
acquisition, construction, reconstruction, rehabilitation, 12984
remodeling, renovation, enlargement, improvement, equipment, and 12985
furnishing of such facilities, the financing thereof, and the 12986
placing of the same in use and operation, including any one, part 12987
of, or combination of such classes of costs and expenses, and 12988
means the costs of refinancing obligations issued by, or 12989
reimbursement of money advanced by, nonprofit hospital agencies or 12990
others the proceeds of which were used for the payment of costs of 12991

hospital facilities, if the governing body of the public hospital 12992
agency determines that the refinancing or reimbursement advances 12993
the purposes of this chapter, whether or not the refinancing or 12994
reimbursement is in conjunction with the acquisition or 12995
construction of additional hospital facilities. 12996

(G) "Hospital receipts" means all moneys received by or on 12997
behalf of a hospital agency from or in connection with the 12998
ownership, operation, acquisition, construction, improvement, 12999
equipping, or financing of any hospital facilities, including, 13000
without limitation thereto, any rentals and other moneys received 13001
from the lease, sale, or other disposition of hospital facilities, 13002
and any gifts, grants, interest subsidies, or other moneys 13003
received under any federal program for assistance in financing the 13004
costs of hospital facilities, and any other gifts, grants, and 13005
donations, and receipts therefrom, available for financing the 13006
costs of hospital facilities. 13007

(H) "Obligations" means bonds, notes, or other evidences of 13008
indebtedness or obligation, including interest coupons pertaining 13009
thereto, issued or issuable by a public hospital agency to pay 13010
costs of hospital facilities. 13011

(I) "Bond service charges" means principal, interest, and 13012
call premium, if any, required to be paid on obligations. 13013

(J) "Bond proceedings" means one or more ordinances, 13014
resolutions, trust agreements, indentures, and other agreements or 13015
documents, and amendments and supplements to the foregoing, or any 13016
combination thereof, authorizing or providing for the terms, 13017
including any variable interest rates, and conditions applicable 13018
to, or providing for the security of, obligations and the 13019
provisions contained in such obligations. 13020

(K) "Nursing home" has the same meaning as in division (A)(1) 13021
of section 5701.13 of the Revised Code. 13022

(L) "Residential care facility" has the same meaning as in 13023
division (A)(2) of section 5701.13 of the Revised Code. 13024

(M) "Independent living facility" means any self-care 13025
facility or other housing facility designed or used as a residence 13026
for elderly persons. An "independent living facility" does not 13027
include a residential facility, or that part of a residential 13028
facility, that is any of the following: 13029

(1) A hospital required to be certified by section 3727.02 of 13030
the Revised Code; 13031

(2) A nursing home or residential care facility; 13032

(3) A facility operated by a hospice care program licensed 13033
under section 3712.04 of the Revised Code and used for the 13034
program's hospice patients; 13035

(4) A residential facility licensed by the department of 13036
mental health and addiction services under section 5119.34 of the 13037
Revised Code that provides accommodations, supervision, and 13038
personal care services for three to sixteen unrelated adults; 13039

(5) A residential facility licensed by the department of 13040
mental health and addiction services under section 5119.34 of the 13041
Revised Code that is not a residential facility described in 13042
division (M)(4) of this section; 13043

(6) A facility licensed to provide methadone treatment under 13044
section 5119.391 of the Revised Code; 13045

(7) A ~~facility certified as a~~ community addiction services 13046
provider ~~under section 5119.36, as defined in section 5119.01~~ of 13047
the Revised Code; 13048

(8) A residential facility licensed under section 5123.19 of 13049
the Revised Code or a facility providing services under a contract 13050
with the department of developmental disabilities under section 13051
5123.18 of the Revised Code; 13052

(9) A residential facility used as part of a hospital to provide housing for staff of the hospital or students pursuing a course of study at the hospital.

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Sec. 141.04. (A) The annual salaries of the chief justice of the supreme court and of the justices and judges named in this section payable from the state treasury are as follows, ~~rounded to the nearest fifty dollars:~~

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13059

(1) For the chief justice of the supreme court, the following amounts effective in the following years:

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13061

(a) Beginning January 1, ~~2000~~ 2014, one hundred ~~twenty-four~~ fifty thousand ~~nine~~ eight hundred fifty dollars;

13062
13063

(b) Beginning ~~January 1, 2001~~ on the effective date of this amendment, one hundred ~~twenty-eight~~ fifty-eight thousand ~~six~~ four hundred fifty dollars;

13064
13065
13066

(c) ~~After 2001, the amount determined under division (E)(1) of this section~~ Beginning January 1, 2017, one hundred sixty-six thousand three hundred fifty dollars;

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13068
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(d) Beginning January 1, 2018, one hundred seventy-four thousand seven hundred dollars;

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13071

(e) Beginning January 1, 2019, and each calendar year thereafter, one hundred eighty-three thousand four hundred fifty dollars.

13072
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13074

(2) For the justices of the supreme court, the following amounts effective in the following years:

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13076

(a) Beginning January 1, ~~2000~~ 2014, one hundred ~~seventeen~~ forty-one thousand ~~two~~ six hundred fifty dollars;

13077
13078

(b) Beginning ~~January 1, 2001~~ on the effective date of this amendment, one hundred ~~twenty~~ forty-eight thousand seven hundred fifty dollars;

13079
13080
13081

(c) After 2001, the amount determined under division (E)(1)	13082
of this section <u>Beginning January 1, 2017, one hundred fifty-six</u>	13083
<u>thousand one hundred fifty dollars;</u>	13084
(d) <u>Beginning January 1, 2018, one hundred sixty-four</u>	13085
<u>thousand dollars;</u>	13086
(e) <u>Beginning January 1, 2019, and each calendar year</u>	13087
<u>thereafter, one hundred seventy-two thousand two hundred dollars.</u>	13088
(3) For the judges of the courts of appeals, the following	13089
amounts effective in the following years:	13090
(a) Beginning January 1, 2000 <u>2014</u> , one hundred nine	13091
<u>thirty-two</u> thousand two hundred fifty dollars;	13092
(b) Beginning January 1, 2001 <u>on the effective date of this</u>	13093
<u>amendment</u> , one hundred twelve <u>thirty-eight</u> thousand five six	13094
hundred fifty dollars;	13095
(c) After 2001, the amount determined under division (E)(1)	13096
of this section <u>Beginning January 1, 2017, one hundred forty-five</u>	13097
<u>thousand five hundred fifty dollars;</u>	13098
(d) <u>Beginning January 1, 2018, one hundred fifty-two thousand</u>	13099
<u>eight hundred fifty dollars;</u>	13100
(e) <u>Beginning January 1, 2019, and each calendar year</u>	13101
<u>thereafter, one hundred sixty thousand five hundred dollars.</u>	13102
(4) For the judges of the courts of common pleas, the	13103
following amounts effective in the following years, <u>reduced by an</u>	13104
<u>amount equal to the annual compensation paid to that judge from</u>	13105
<u>the county treasury pursuant to section 141.05 of the Revised</u>	13106
<u>Code:</u>	13107
(a) Beginning January 1, 2000 <u>2014</u> , one hundred <u>twenty-one</u>	13108
thousand five <u>three</u> hundred <u>fifty</u> dollars, reduced by an amount	13109
equal to the annual compensation paid to that judge from the	13110
county treasury pursuant to section 141.05 of the Revised Code;	13111

(b) ~~Beginning January 1, 2001 on the effective date of this amendment, one hundred three twenty-seven thousand five four hundred fifty dollars, reduced by an amount equal to the annual compensation paid to that judge from the county treasury pursuant to section 141.05 of the Revised Code;~~ 13112
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13114
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13116

(c) ~~After 2001, the aggregate annual salary amount determined under division (E)(2) of this section reduced by an amount equal to the annual compensation paid to that judge from the county treasury pursuant to section 141.05 of the Revised Code Beginning January 1, 2017, one hundred thirty-three thousand eight hundred fifty dollars;~~ 13117
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(d) Beginning January 1, 2018, one hundred forty thousand five hundred fifty dollars; 13123
13124

(e) Beginning January 1, 2019, and each calendar year thereafter, one hundred forty-seven thousand six hundred dollars. 13125
13126

(5) For the full-time judges of a municipal court or the part-time judges of a municipal court of a territory having a population of more than fifty thousand, the following amounts effective in the following years, ~~which amounts shall be in addition to all amounts received~~ reduced by an amount equal to the annual compensation paid to that judge pursuant to ~~divisions~~ division (B)(1)(a) and (2) of section 1901.11 of the Revised Code from municipal corporations and counties: 13127
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(a) ~~Beginning January 1, 2000 2014, thirty-two one hundred fourteen thousand ~~six~~ one hundred fifty dollars;~~ 13135
13136

(b) ~~Beginning January 1, 2001 on the effective date of this amendment, thirty-five one hundred nineteen thousand five eight hundred fifty dollars;~~ 13137
13138
13139

(c) ~~After 2001, the amount determined under ~~division (E)(3) of this section~~ Beginning January 1, 2017, one hundred twenty-five thousand eight hundred fifty dollars;~~ 13140
13141
13142

(d) Beginning January 1, 2018, one hundred thirty-two thousand one hundred fifty dollars; 13143
13144

(e) Beginning January 1, 2019, and each calendar year thereafter, one hundred thirty-eight thousand eight hundred dollars. 13145
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(6) For judges of a municipal court designated as part-time judges by section 1901.08 of the Revised Code, other than part-time judges to whom division (A)(5) of this section applies, and for judges of a county court, the following amounts effective in the following years, ~~which amounts shall be in addition to any amounts received~~ reduced by an amount equal to the annual compensation paid to that judge pursuant to division (A) of section 1901.11 of the Revised Code from municipal corporations and counties or pursuant to division (A) of section 1907.16 of the Revised Code from counties: 13148
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13157

(a) Beginning January 1, ~~2000~~ 2014, ~~eighteen~~ sixty-five thousand ~~eight~~ six hundred fifty dollars; 13158
13159

(b) Beginning ~~January 1, 2001~~ on the effective date of this amendment, ~~twenty~~ sixty-eight thousand ~~four~~ nine hundred fifty dollars; 13160
13161
13162

(c) ~~After 2001, the amount determined under division (E)(4) of this section~~ Beginning January 1, 2017, seventy-two thousand four hundred dollars; 13163
13164
13165

(d) Beginning January 1, 2018, seventy-six thousand fifty dollars; 13166
13167

(e) Beginning January 1, 2019, and each calendar year thereafter, seventy-nine thousand nine hundred dollars. 13168
13169

(B) Except as provided in sections 1901.122 and 1901.123 of the Revised Code, except as otherwise provided in this division, and except for the compensation to which the judges described in 13170
13171
13172

division (A)(5) of this section are entitled pursuant to divisions 13173
(B)(1)(a) and (2) of section 1901.11 of the Revised Code, the 13174
annual salary of the chief justice of the supreme court and of 13175
each justice or judge listed in division (A) of this section shall 13176
be paid in equal monthly installments from the state treasury. If 13177
the chief justice of the supreme court or any justice or judge 13178
listed in division (A)(2), (3), or (4) of this section delivers a 13179
written request to be paid biweekly to the administrative director 13180
of the supreme court prior to the first day of January of any 13181
year, the annual salary of the chief justice or the justice or 13182
judge that is listed in division (A)(2), (3), or (4) of this 13183
section shall be paid, during the year immediately following the 13184
year in which the request is delivered to the administrative 13185
director of the supreme court, biweekly from the state treasury. 13186

(C) Upon the death of the chief justice or a justice of the 13187
supreme court during that person's term of office, an amount shall 13188
be paid in accordance with section 2113.04 of the Revised Code, or 13189
to that person's estate. The amount shall equal the amount of the 13190
salary that the chief justice or justice would have received 13191
during the remainder of the unexpired term or an amount equal to 13192
the salary of office for two years, whichever is less. 13193

(D) Neither the chief justice of the supreme court nor any 13194
justice or judge of the supreme court, the court of appeals, the 13195
court of common pleas, or the probate court shall hold any other 13196
office of trust or profit under the authority of this state or the 13197
United States. 13198

~~(E)(1) Each year from 2002 through 2008, the annual salaries 13199
of the chief justice of the supreme court and of the justices and 13200
judges named in divisions (A)(2) and (3) of this section shall be 13201
increased by an amount equal to the adjustment percentage for that 13202
year multiplied by the compensation paid the preceding year 13203
pursuant to division (A)(1), (2), or (3) of this section. 13204~~

~~(2) Each year from 2002 through 2008, the aggregate annual salary payable under division (A)(4) of this section to the judges named in that division shall be increased by an amount equal to the adjustment percentage for that year multiplied by the aggregate compensation paid the preceding year pursuant to division (A)(4) of this section and section 141.05 of the Revised Code.~~

~~(3) Each year from 2002 through 2008, the salary payable from the state treasury under division (A)(5) of this section to the judges named in that division shall be increased by an amount equal to the adjustment percentage for that year multiplied by the aggregate compensation paid the preceding year pursuant to division (A)(5) of this section and division (B)(1)(a) of section 1901.11 of the Revised Code.~~

~~(4) Each year from 2002 through 2008, the salary payable from the state treasury under division (A)(6) of this section to the judges named in that division shall be increased by an amount equal to the adjustment percentage for that year multiplied by the aggregate compensation paid the preceding year pursuant to division (A)(6) of this section and division (A) of section 1901.11 of the Revised Code from municipal corporations and counties or division (A) of section 1907.16 of the Revised Code from counties.~~

~~(F) In addition to the salaries payable pursuant to this section, the chief justice of the supreme court and the justices of the supreme court shall be entitled to a vehicle allowance of five hundred dollars per month, payable from the state treasury. The allowance shall be increased on the first day of January of each odd-numbered year by an amount equal to the percentage increase, if any, in the consumer price index for the immediately preceding twenty-four month period for which information is available.~~

~~(G)~~(F) On or before the first day of December of each year, 13237
the Ohio supreme court, through its chief administrator, shall 13238
notify the administrative judge of the Montgomery county municipal 13239
court, the board of county commissioners of Montgomery county, and 13240
the treasurer of the state of the yearly salary cost of five 13241
part-time county court judges as of that date. If the total yearly 13242
salary costs of all of the judges of the Montgomery county 13243
municipal court as of the first day of December of that same year 13244
exceeds that amount, the administrative judge of the Montgomery 13245
county municipal court shall cause payment of the excess between 13246
those two amounts less any reduced amount paid for the health care 13247
costs of the Montgomery county municipal court judges in 13248
comparison to the health care costs of five part-time county court 13249
judges from the general special projects fund or the fund for a 13250
specific special project created pursuant to section 1901.26 of 13251
the Revised Code to the treasurer of Montgomery county and to the 13252
treasurer of the state in amounts proportional to the percentage 13253
of the salaries of the municipal court judges paid by the county 13254
and by the state. 13255

~~(H)~~(G) As used in this section: 13256

~~(1) The "adjustment percentage" for a year is the lesser of 13257
the following:~~ 13258

~~(a) Three per cent;~~ 13259

~~(b) The percentage increase, if any, in the consumer price 13260
index over the twelve month period that ends on the thirtieth day 13261
of September of the immediately preceding year, rounded to the 13262
nearest one tenth of one per cent.~~ 13263

~~(2) "Consumer price index" has the same meaning as in section 13264
101.27 of the Revised Code.~~ 13265

~~(3)~~(2) "Salary" does not include any portion of the cost, 13266
premium, or charge for health, medical, hospital, dental, or 13267

surgical benefits, or any combination of those benefits, covering 13268
the chief justice of the supreme court or a justice or judge named 13269
in this section and paid on the chief justice's or the justice's 13270
or judge's behalf by a governmental entity. 13271

Sec. 145.114. (A) As used in this section and in section 13272
145.116 of the Revised Code: 13273

(1) "Agent" means a dealer, as defined in section 1707.01 of 13274
the Revised Code, who is licensed under sections 1707.01 to 13275
1707.45 of the Revised Code or under comparable laws of another 13276
state or of the United States. 13277

(2) "Minority business enterprise" has the same meaning as in 13278
section 122.71 of the Revised Code. 13279

(3) "Ohio-qualified agent" means an agent designated as such 13280
by the public employees retirement board. 13281

(4) "Ohio-qualified investment manager" means an investment 13282
manager designated as such by the public employees retirement 13283
board. 13284

(5) "Principal place of business" means an office in which 13285
the agent regularly provides securities or investment advisory 13286
services and solicits, meets with, or otherwise communicates with 13287
clients. 13288

(B) The public employees retirement board shall, for the 13289
purposes of this section, designate an agent as an Ohio-qualified 13290
agent if the agent meets all of the following requirements: 13291

(1) The agent is subject to taxation under Chapter 5725., 13292
5726., 5733., 5747., or 5751. of the Revised Code; 13293

(2) The agent is authorized to conduct business in this 13294
state; 13295

(3) The agent maintains a principal place of business in this 13296

state and employs at least five residents of this state. 13297

(C) The public employees retirement board shall adopt and 13298
implement a written policy to establish criteria and procedures 13299
used to select agents to execute securities transactions on behalf 13300
of the retirement system. The policy shall address each of the 13301
following: 13302

(1) Commissions charged by the agent, both in the aggregate 13303
and on a per share basis; 13304

(2) The execution speed and trade settlement capabilities of 13305
the agent; 13306

(3) The responsiveness, reliability, and integrity of the 13307
agent; 13308

(4) The nature and value of research provided by the agent; 13309

(5) Any special capabilities of the agent. 13310

(D)(1) The board shall, at least annually, establish a policy 13311
with the goal to increase utilization by the board of 13312
Ohio-qualified agents for the execution of domestic equity and 13313
fixed income trades on behalf of the retirement system, when an 13314
Ohio-qualified agent offers quality, services, and safety 13315
comparable to other agents otherwise available to the board and 13316
meets the criteria established under division (C) of this section. 13317

(2) The board shall review, at least annually, the 13318
performance of the agents that execute securities transactions on 13319
behalf of the board. 13320

(3) The board shall determine whether an agent is an 13321
Ohio-qualified agent, meets the criteria established by the board 13322
pursuant to division (C) of this section, and offers quality, 13323
services, and safety comparable to other agents otherwise 13324
available to the board. The board's determination shall be final. 13325

~~(E) The board shall, at least annually, submit to the Ohio 13326~~

retirement study council a report containing the following	13327
information:	13328
(1) The name of each agent designated as an Ohio qualified	13329
agent under this section:	13330
(2) The name of each agent that executes securities	13331
transactions on behalf of the board:	13332
(3) The amount of equity and fixed income trades that are	13333
executed by Ohio qualified agents, expressed as a percentage of	13334
all equity and fixed income trades that are executed by agents on	13335
behalf of the board:	13336
(4) The compensation paid to Ohio qualified agents, expressed	13337
as a percentage of total compensation paid to all agents that	13338
execute securities transactions on behalf of the board:	13339
(5) The amount of equity and fixed income trades that are	13340
executed by agents that are minority business enterprises,	13341
expressed as a percentage of all equity and fixed income trades	13342
that are executed by agents on behalf of the board:	13343
(6) Any other information requested by the Ohio retirement	13344
study council regarding the board's use of agents.	13345
Sec. 145.116. (A) The public employees retirement board	13346
shall, for the purposes of this section, designate an investment	13347
manager as an Ohio-qualified investment manager if the investment	13348
manager meets all of the following requirements:	13349
(1) The investment manager is subject to taxation under	13350
Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code;	13351
(2) The investment manager meets one of the following	13352
requirements:	13353
(a) Has its corporate headquarters or principal place of	13354
business in this state;	13355

(b) Employs at least five hundred individuals in this state;	13356
(c) Has a principal place of business in this state and employs at least 20 <u>twenty</u> residents of this state.	13357 13358
(B)(1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified investment managers, when an Ohio-qualified investment manager offers quality, services, and safety comparable to other investment managers otherwise available to the board. The policy shall also provide for the following:	13359 13360 13361 13362 13363 13364
(a) A process whereby the board can develop a list of Ohio-qualified investment managers and their investment products;	13365 13366
(b) A process whereby the board can give public notice to Ohio-qualified investment managers of the board's search for an investment manager that includes the board's search criteria.	13367 13368 13369
(2) The board shall determine whether an investment manager is an Ohio-qualified investment manager and whether the investment manager offers quality, services, and safety comparable to other investment managers otherwise available to the board. The board's determination shall be final.	13370 13371 13372 13373 13374
(C) The board shall, at least annually, submit to the Ohio retirement study council a report containing the following information:	13375 13376 13377
(1) The name of each investment manager designated as an Ohio-qualified investment manager under this section;	13378 13379
(2) The name of each investment manager with which the board contracts;	13380 13381
(3) The amount of assets managed by Ohio-qualified investment managers, expressed as a percentage of the total assets held by the retirement system and as a percentage of assets managed by investment managers with which the board has contracted;	13382 13383 13384 13385

~~(4) The compensation paid to Ohio qualified investment managers, expressed as a percentage of total compensation paid to all investment managers with which the board has contracted;~~ 13386
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13388

~~(5) Any other information requested by the Ohio retirement study council regarding the board's use of investment managers.~~ 13389
13390

Sec. 149.04. Messages of the governor, and the inaugural address of the governor-elect, shall be ~~printed~~ produced and distributed in ~~pamphlet~~ electronic form and ~~distributed as follows:~~ 13391
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~~(A) To~~ to the governor ~~delivering a message or address, two hundred fifty copies;~~ 13395
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~~(B) To~~ to each member of the general assembly, ~~five copies;~~ 13397

~~(C) To~~ and to the state library, ~~two copies. A physical copy of the message or address shall be provided, upon request, to any recipient named in this section.~~ 13398
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13400

Sec. 149.311. (A) As used in this section: 13401

(1) "Historic building" means a building, including its structural components, that is located in this state and that is either individually listed on the national register of historic places under 16 U.S.C. 470a, located in a registered historic district, and certified by the state historic preservation officer as being of historic significance to the district, or is individually listed as ~~an~~ a historic landmark designated by a local government certified under 16 U.S.C. 470a(c). 13402
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(2) "Qualified rehabilitation expenditures" means expenditures paid or incurred during the rehabilitation period, and before and after that period as determined under 26 U.S.C. 47, by an owner or qualified lessee of ~~an~~ a historic building to rehabilitate the building. "Qualified rehabilitation expenditures" 13410
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includes architectural or engineering fees paid or incurred in 13415
connection with the rehabilitation, and expenses incurred in the 13416
preparation of nomination forms for listing on the national 13417
register of historic places. "Qualified rehabilitation 13418
expenditures" does not include any of the following: 13419

(a) The cost of acquiring, expanding, or enlarging ~~an~~ a 13420
historic building; 13421

(b) Expenditures attributable to work done to facilities 13422
related to the building, such as parking lots, sidewalks, and 13423
landscaping; 13424

(c) New building construction costs. 13425

(3) "Owner" of ~~an~~ a historic building means a person holding 13426
the fee simple interest in the building. "Owner" does not include 13427
the state or a state agency, or any political subdivision as 13428
defined in section 9.23 of the Revised Code. 13429

(4) "Qualified lessee" means a person subject to a lease 13430
agreement for ~~an~~ a historic building and eligible for the federal 13431
rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" 13432
does not include the state or a state agency or political 13433
subdivision as defined in section 9.23 of the Revised Code. 13434

(5) "Certificate owner" means the owner or qualified lessee 13435
of ~~an~~ a historic building to which a rehabilitation tax credit 13436
certificate was issued under this section. 13437

(6) "Registered historic district" means ~~an~~ a historic 13438
district listed in the national register of historic places under 13439
16 U.S.C. 470a, ~~an~~ a historic district designated by a local 13440
government certified under 16 U.S.C. 470a(c), or a local historic 13441
district certified under 36 C.F.R. 67.8 and 67.9. 13442

(7) "Rehabilitation" means the process of repairing or 13443
altering ~~an~~ a historic building or buildings, making possible ~~an~~ a 13444

efficient use while preserving those portions and features of the building and its site and environment that are significant to its historic, architectural, and cultural values.

(8) "Rehabilitation period" means one of the following:

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

(b) If the rehabilitation initially was planned to be completed in stages, a period chosen by the owner or qualified lessee not to exceed sixty months during which rehabilitation occurs. Each stage shall be reviewed as a phase of a rehabilitation as determined under 26 C.F.R. 1.48-12 or a successor to that section.

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

(10) "Catalytic project" means the rehabilitation of ~~an~~ a historic building, the rehabilitation of which will foster economic development within two thousand five hundred feet of the historic building.

(B) The owner or qualified lessee of ~~an~~ a historic building may apply to the director of development services for a rehabilitation tax credit certificate for qualified rehabilitation expenditures paid or incurred by such owner or qualified lessee after April 4, 2007, for rehabilitation of ~~an~~ a historic building. If the owner of ~~an~~ a historic building enters a pass-through agreement with a qualified lessee for the purposes of the federal rehabilitation tax credit under 26 U.S.C. 47, the qualified rehabilitation expenditures paid or incurred by the owner after April 4, 2007, may be attributed to the qualified lessee.

The form and manner of filing such applications shall be 13476
prescribed by rule of the director. Each application shall state 13477
the amount of qualified rehabilitation expenditures the applicant 13478
estimates will be paid or incurred. The director may require 13479
applicants to furnish documentation of such estimates. 13480

The director, after consultation with the tax commissioner 13481
and in accordance with Chapter 119. of the Revised Code, shall 13482
adopt rules that establish all of the following: 13483

(1) Forms and procedures by which applicants may apply for 13484
rehabilitation tax credit certificates; 13485

(2) Criteria for reviewing, evaluating, and approving 13486
applications for certificates within the limitations under 13487
division (D) of this section, criteria for assuring that the 13488
certificates issued encompass a mixture of high and low qualified 13489
rehabilitation expenditures, and criteria for issuing certificates 13490
under division (C)(3)(b) of this section; 13491

(3) Eligibility requirements for obtaining a certificate 13492
under this section; 13493

(4) The form of rehabilitation tax credit certificates; 13494

(5) Reporting requirements and monitoring procedures; 13495

(6) Procedures and criteria for conducting cost-benefit 13496
analyses of historic buildings that are the subjects of 13497
applications filed under this section. The purpose of a 13498
cost-benefit analysis shall be to determine whether rehabilitation 13499
of the historic building will result in a net revenue gain in 13500
state and local taxes once the building is used. 13501

(7) Any other rules necessary to implement and administer 13502
this section. 13503

(C) The director of development services shall review the 13504
applications with the assistance of the state historic 13505

preservation officer and determine whether all of the following 13506
criteria are met: 13507

(1) That the building that is the subject of the application 13508
is ~~an~~ a historic building and the applicant is the owner or 13509
qualified lessee of the building; 13510

(2) That the rehabilitation will satisfy standards prescribed 13511
by the United States secretary of the interior under 16 U.S.C. 13512
470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to 13513
that section; 13514

(3) That receiving a rehabilitation tax credit certificate 13515
under this section is a major factor in: 13516

(a) The applicant's decision to rehabilitate the historic 13517
building; or 13518

(b) To increase the level of investment in such 13519
rehabilitation. 13520

An applicant shall demonstrate to the satisfaction of the 13521
state historic preservation officer and director of development 13522
services that the rehabilitation will satisfy the standards 13523
described in division (C)(2) of this section before the applicant 13524
begins the physical rehabilitation of the historic building. 13525

(D)(1) If the director of development services determines 13526
that an application meets the criteria in divisions (C)(1), (2), 13527
and (3) of this section, the director shall conduct a cost-benefit 13528
analysis for the historic building that is the subject of the 13529
application to determine whether rehabilitation of the historic 13530
building will result in a net revenue gain in state and local 13531
taxes once the building is used. The director shall consider the 13532
results of the cost-benefit analysis in determining whether to 13533
approve the application. The director shall also consider the 13534
potential economic impact and the regional distributive balance of 13535
the credits throughout the state. The director may approve an 13536

application only after completion of the cost-benefit analysis. 13537

(2) A rehabilitation tax credit certificate shall not be 13538
issued for an amount greater than the estimated amount furnished 13539
by the applicant on the application for such certificate and 13540
approved by the director. The director shall not approve more than 13541
a total of sixty million dollars of rehabilitation tax credits per 13542
fiscal year but the director may reallocate unused tax credits 13543
from a prior fiscal year for new applicants and such reallocated 13544
credits shall not apply toward the dollar limit of this division. 13545

(3) For rehabilitations with a rehabilitation period not 13546
exceeding twenty-four months as provided in division (A)(8)(a) of 13547
this section, a rehabilitation tax credit certificate shall not be 13548
issued before the rehabilitation of the historic building is 13549
completed. 13550

(4) For rehabilitations with a rehabilitation period not 13551
exceeding sixty months as provided in division (A)(8)(b) of this 13552
section, a rehabilitation tax credit certificate shall not be 13553
issued before a stage of rehabilitation is completed. After all 13554
stages of rehabilitation are completed, if the director cannot 13555
determine that the criteria in division (C) of this section are 13556
satisfied for all stages of rehabilitations, the director shall 13557
certify this finding to the tax commissioner, and any 13558
rehabilitation tax credits received by the applicant shall be 13559
repaid by the applicant and may be collected by assessment as 13560
unpaid tax by the commissioner. 13561

(5) The director of development services shall require the 13562
applicant to provide a third-party cost certification by a 13563
certified public accountant of the actual costs attributed to the 13564
rehabilitation of the historic building when qualified 13565
rehabilitation expenditures exceed two hundred thousand dollars. 13566

If an applicant whose application is approved for receipt of 13567

a rehabilitation tax credit certificate fails to provide to the 13568
director sufficient evidence of reviewable progress, including a 13569
viable financial plan, copies of final construction drawings, and 13570
evidence that the applicant has obtained all historic approvals 13571
within twelve months after the date the applicant received 13572
notification of approval, and if the applicant fails to provide 13573
evidence to the director that the applicant has secured and closed 13574
on financing for the rehabilitation within eighteen months after 13575
receiving notification of approval, the director may rescind the 13576
approval of the application. The director shall notify the 13577
applicant if the approval has been rescinded. Credits that would 13578
have been available to an applicant whose approval was rescinded 13579
shall be available for other qualified applicants. Nothing in this 13580
division prohibits an applicant whose approval has been rescinded 13581
from submitting a new application for a rehabilitation tax credit 13582
certificate. 13583

(6) The director of development services may approve the 13584
application of, and issue a rehabilitation tax credit certificate 13585
to, the owner of a catalytic project, provided the application 13586
otherwise meets the criteria described in divisions (C) and (D) of 13587
this section. The director may not issue more than one 13588
rehabilitation tax credit certificate under division (D)(6) of 13589
this section during each state fiscal biennium. The director shall 13590
consider the following criteria in determining whether to issue a 13591
certificate under division (D)(6) of this section: 13592

(a) Whether the historic building is a catalytic project; 13593

(b) The effect issuance of the certificate would have on the 13594
availability of credits for other applicants that qualify for a 13595
credit certificate within the credit dollar limit described in 13596
division (D)(2) of this section; 13597

(c) The number of jobs, if any, the catalytic project will 13598
create. 13599

(7)(a) The owner or qualified lessee of a historic building 13600
may apply for a rehabilitation tax credit certificate under both 13601
divisions (B) and (D)(6) of this section. In such a case, the 13602
director of development services shall consider each application 13603
at the time the application is submitted. 13604

(b) The director of development services shall not issue more 13605
than one certificate under this section with respect to the same 13606
qualified rehabilitation expenditures. 13607

(8) The director shall issue no certificate under this 13608
section on or after July 1, 2015. 13609

(E) Issuance of a certificate represents a finding by the 13610
director of development services of the matters described in 13611
divisions (C)(1), (2), and (3) of this section only; issuance of a 13612
certificate does not represent a verification or certification by 13613
the director of the amount of qualified rehabilitation 13614
expenditures for which a tax credit may be claimed under section 13615
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the 13616
Revised Code. The amount of qualified rehabilitation expenditures 13617
for which a tax credit may be claimed is subject to inspection and 13618
examination by the tax commissioner or employees of the 13619
commissioner under section 5703.19 of the Revised Code and any 13620
other applicable law. Upon the issuance of a certificate, the 13621
director shall certify to the tax commissioner, in the form and 13622
manner requested by the tax commissioner, the name of the 13623
applicant, the amount of qualified rehabilitation expenditures 13624
shown on the certificate, and any other information required by 13625
the rules adopted under this section. 13626

(F)(1) On or before the first day of August each year, the 13627
director of development services and tax commissioner jointly 13628
shall submit to the president of the senate and the speaker of the 13629
house of representatives a report on the tax credit program 13630
established under this section and sections 5725.151, 5725.34, 13631

5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. The 13632
report shall present an overview of the program and shall include 13633
information on the number of rehabilitation tax credit 13634
certificates issued under this section during the preceding fiscal 13635
year, an update on the status of each historic building for which 13636
an application was approved under this section, the dollar amount 13637
of the tax credits granted under sections 5725.151, 5725.34, 13638
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, and 13639
any other information the director and commissioner consider 13640
relevant to the topics addressed in the report. 13641

(2) On or before December 1, 2015, the director of 13642
development services and tax commissioner jointly shall submit to 13643
the president of the senate and the speaker of the house of 13644
representatives a comprehensive report that includes the 13645
information required by division (F)(1) of this section and a 13646
detailed analysis of the effectiveness of issuing tax credits for 13647
rehabilitating historic buildings. The report shall be prepared 13648
with the assistance of an economic research organization jointly 13649
chosen by the director and commissioner. 13650

(G) There is hereby created in the state treasury the 13651
historic rehabilitation tax credit operating fund. The director of 13652
development services is authorized to charge reasonable 13653
application and other fees in connection with the administration 13654
of tax credits authorized by this section and sections 5725.151, 13655
5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised 13656
Code. Any such fees collected shall be credited to the fund and 13657
used to pay reasonable costs incurred by the department of 13658
development services in administering this section and sections 13659
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the 13660
Revised Code. 13661

The Ohio historic preservation office is authorized to charge 13662
reasonable fees in connection with its review and approval of 13663

applications under this section. Any such fees collected shall be 13664
credited to the fund and used to pay administrative costs incurred 13665
by the Ohio historic preservation office pursuant to this section. 13666

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 13667
5729.17, 5733.47, and 5747.76 of the Revised Code, the certificate 13668
owner of a tax credit certificate issued under division (D)(6) of 13669
this section may claim a tax credit equal to twenty-five per cent 13670
of the dollar amount indicated on the certificate for a total 13671
credit of not more than twenty-five million dollars. The credit 13672
claimed by such a certificate owner for any calendar year, tax 13673
year, or taxable year under section 5725.151, 5725.34, 5726.52, 13674
5729.17, 5733.47, or 5747.76 of the Revised Code shall not exceed 13675
five million dollars. If the certificate owner is eligible for 13676
more than five million dollars in total credits, the certificate 13677
owner may carry forward the balance of the credit in excess of the 13678
amount claimed for that year for not more than five ensuing 13679
calendar years, tax years, or taxable years. If the credit claimed 13680
in any calendar year, tax year, or taxable year exceeds the tax 13681
otherwise due, the excess shall be refunded to the taxpayer. 13682

Sec. 149.43. (A) As used in this section: 13683

(1) "Public record" means records kept by any public office, 13684
including, but not limited to, state, county, city, village, 13685
township, and school district units, and records pertaining to the 13686
delivery of educational services by an alternative school in this 13687
state kept by the nonprofit or for-profit entity operating the 13688
alternative school pursuant to section 3313.533 of the Revised 13689
Code. "Public record" does not mean any of the following: 13690

(a) Medical records; 13691

(b) Records pertaining to probation and parole proceedings or 13692
to proceedings related to the imposition of community control 13693
sanctions and post-release control sanctions; 13694

(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;	13695 13696 13697
(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;	13698 13699 13700
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	13701 13702 13703 13704 13705 13706
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	13707 13708
(g) Trial preparation records;	13709
(h) Confidential law enforcement investigatory records;	13710
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	13711 13712
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	13713 13714
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	13715 13716 13717 13718
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	13719 13720 13721 13722
(m) Intellectual property records;	13723
(n) Donor profile records;	13724

(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	13725 13726
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information;	13727 13728 13729 13730 13731 13732
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	13733 13734 13735 13736 13737
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	13738 13739
(s) Records provided to, statements made by review board members during meetings of, and all work products <u>In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board,</u> child fatality review data submitted by the child fatality review board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	13740 13741 13742 13743 13744 13745 13746 13747 13748 13749 13750 13751 13752 13753
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting	13754 13755

attorney acting pursuant to section 5153.171 of the Revised Code	13756
other than the information released under that section;	13757
(u) Test materials, examinations, or evaluation tools used in	13758
an examination for licensure as a nursing home administrator that	13759
the board of executives of long-term services and supports	13760
administers under section 4751.04 of the Revised Code or contracts	13761
under that section with a private or government entity to	13762
administer;	13763
(v) Records the release of which is prohibited by state or	13764
federal law;	13765
(w) Proprietary information of or relating to any person that	13766
is submitted to or compiled by the Ohio venture capital authority	13767
created under section 150.01 of the Revised Code;	13768
(x) Financial statements and data any person submits for any	13769
purpose to the Ohio housing finance agency or the controlling	13770
board in connection with applying for, receiving, or accounting	13771
for financial assistance from the agency, and information that	13772
identifies any individual who benefits directly or indirectly from	13773
financial assistance from the agency;	13774
(y) Records listed in section 5101.29 of the Revised Code;	13775
(z) Discharges recorded with a county recorder under section	13776
317.24 of the Revised Code, as specified in division (B)(2) of	13777
that section;	13778
(aa) Usage information including names and addresses of	13779
specific residential and commercial customers of a municipally	13780
owned or operated public utility;	13781
(bb) Records described in division (C) of section 187.04 of	13782
the Revised Code that are not designated to be made available to	13783
the public as provided in that division;	13784
(cc) Information and records that are made confidential,	13785

privileged, and not subject to disclosure under divisions (B) and 13786
(C) of section 2949.221 of the Revised Code. 13787

(2) "Confidential law enforcement investigatory record" means 13788
any record that pertains to a law enforcement matter of a 13789
criminal, quasi-criminal, civil, or administrative nature, but 13790
only to the extent that the release of the record would create a 13791
high probability of disclosure of any of the following: 13792

(a) The identity of a suspect who has not been charged with 13793
the offense to which the record pertains, or of an information 13794
source or witness to whom confidentiality has been reasonably 13795
promised; 13796

(b) Information provided by an information source or witness 13797
to whom confidentiality has been reasonably promised, which 13798
information would reasonably tend to disclose the source's or 13799
witness's identity; 13800

(c) Specific confidential investigatory techniques or 13801
procedures or specific investigatory work product; 13802

(d) Information that would endanger the life or physical 13803
safety of law enforcement personnel, a crime victim, a witness, or 13804
a confidential information source. 13805

(3) "Medical record" means any document or combination of 13806
documents, except births, deaths, and the fact of admission to or 13807
discharge from a hospital, that pertains to the medical history, 13808
diagnosis, prognosis, or medical condition of a patient and that 13809
is generated and maintained in the process of medical treatment. 13810

(4) "Trial preparation record" means any record that contains 13811
information that is specifically compiled in reasonable 13812
anticipation of, or in defense of, a civil or criminal action or 13813
proceeding, including the independent thought processes and 13814
personal trial preparation of an attorney. 13815

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

(7) "Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information" means any information that discloses any of the following about a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation:

(a) The address of the actual personal residence of a peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or an investigator of the bureau of criminal identification and investigation, except for the state or political subdivision in which the peace officer, parole officer,

probation officer, bailiff, assistant prosecuting attorney,	13848
correctional employee, community-based correctional facility	13849
employee, youth services employee, firefighter, EMT, or	13850
investigator of the bureau of criminal identification and	13851
investigation resides;	13852
(b) Information compiled from referral to or participation in	13853
an employee assistance program;	13854
(c) The social security number, the residential telephone	13855
number, any bank account, debit card, charge card, or credit card	13856
number, or the emergency telephone number of, or any medical	13857
information pertaining to, a peace officer, parole officer,	13858
probation officer, bailiff, prosecuting attorney, assistant	13859
prosecuting attorney, correctional employee, community-based	13860
correctional facility employee, youth services employee,	13861
firefighter, EMT, or investigator of the bureau of criminal	13862
identification and investigation;	13863
(d) The name of any beneficiary of employment benefits,	13864
including, but not limited to, life insurance benefits, provided	13865
to a peace officer, parole officer, probation officer, bailiff,	13866
prosecuting attorney, assistant prosecuting attorney, correctional	13867
employee, community-based correctional facility employee, youth	13868
services employee, firefighter, EMT, or investigator of the bureau	13869
of criminal identification and investigation by the peace	13870
officer's, parole officer's, probation officer's, bailiff's,	13871
prosecuting attorney's, assistant prosecuting attorney's,	13872
correctional employee's, community-based correctional facility	13873
employee's, youth services employee's, firefighter's, EMT's, or	13874
investigator of the bureau of criminal identification and	13875
investigation's employer;	13876
(e) The identity and amount of any charitable or employment	13877
benefit deduction made by the peace officer's, parole officer's,	13878
probation officer's, bailiff's, prosecuting attorney's, assistant	13879

prosecuting attorney's, correctional employee's, community-based 13880
correctional facility employee's, youth services employee's, 13881
firefighter's, EMT's, or investigator of the bureau of criminal 13882
identification and investigation's employer from the peace 13883
officer's, parole officer's, probation officer's, bailiff's, 13884
prosecuting attorney's, assistant prosecuting attorney's, 13885
correctional employee's, community-based correctional facility 13886
employee's, youth services employee's, firefighter's, EMT's, or 13887
investigator of the bureau of criminal identification and 13888
investigation's compensation unless the amount of the deduction is 13889
required by state or federal law; 13890

(f) The name, the residential address, the name of the 13891
employer, the address of the employer, the social security number, 13892
the residential telephone number, any bank account, debit card, 13893
charge card, or credit card number, or the emergency telephone 13894
number of the spouse, a former spouse, or any child of a peace 13895
officer, parole officer, probation officer, bailiff, prosecuting 13896
attorney, assistant prosecuting attorney, correctional employee, 13897
community-based correctional facility employee, youth services 13898
employee, firefighter, EMT, or investigator of the bureau of 13899
criminal identification and investigation; 13900

(g) A photograph of a peace officer who holds a position or 13901
has an assignment that may include undercover or plain clothes 13902
positions or assignments as determined by the peace officer's 13903
appointing authority. 13904

As used in divisions (A)(7) and (B)(9) of this section, 13905
"peace officer" has the same meaning as in section 109.71 of the 13906
Revised Code and also includes the superintendent and troopers of 13907
the state highway patrol; it does not include the sheriff of a 13908
county or a supervisory employee who, in the absence of the 13909
sheriff, is authorized to stand in for, exercise the authority of, 13910
and perform the duties of the sheriff. 13911

As used in divisions (A)(7) and (B)(9) of this section, 13912
"correctional employee" means any employee of the department of 13913
rehabilitation and correction who in the course of performing the 13914
employee's job duties has or has had contact with inmates and 13915
persons under supervision. 13916

As used in divisions (A)(7) and (B)(9) of this section, 13917
"youth services employee" means any employee of the department of 13918
youth services who in the course of performing the employee's job 13919
duties has or has had contact with children committed to the 13920
custody of the department of youth services. 13921

As used in divisions (A)(7) and (B)(9) of this section, 13922
"firefighter" means any regular, paid or volunteer, member of a 13923
lawfully constituted fire department of a municipal corporation, 13924
township, fire district, or village. 13925

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 13926
means EMTs-basic, EMTs-I, and paramedics that provide emergency 13927
medical services for a public emergency medical service 13928
organization. "Emergency medical service organization," 13929
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 13930
section 4765.01 of the Revised Code. 13931

As used in divisions (A)(7) and (B)(9) of this section, 13932
"investigator of the bureau of criminal identification and 13933
investigation" has the meaning defined in section 2903.11 of the 13934
Revised Code. 13935

(8) "Information pertaining to the recreational activities of 13936
a person under the age of eighteen" means information that is kept 13937
in the ordinary course of business by a public office, that 13938
pertains to the recreational activities of a person under the age 13939
of eighteen years, and that discloses any of the following: 13940

(a) The address or telephone number of a person under the age 13941
of eighteen or the address or telephone number of that person's 13942

parent, guardian, custodian, or emergency contact person; 13943

(b) The social security number, birth date, or photographic 13944
image of a person under the age of eighteen; 13945

(c) Any medical record, history, or information pertaining to 13946
a person under the age of eighteen; 13947

(d) Any additional information sought or required about a 13948
person under the age of eighteen for the purpose of allowing that 13949
person to participate in any recreational activity conducted or 13950
sponsored by a public office or to use or obtain admission 13951
privileges to any recreational facility owned or operated by a 13952
public office. 13953

(9) "Community control sanction" has the same meaning as in 13954
section 2929.01 of the Revised Code. 13955

(10) "Post-release control sanction" has the same meaning as 13956
in section 2967.01 of the Revised Code. 13957

(11) "Redaction" means obscuring or deleting any information 13958
that is exempt from the duty to permit public inspection or 13959
copying from an item that otherwise meets the definition of a 13960
"record" in section 149.011 of the Revised Code. 13961

(12) "Designee" and "elected official" have the same meanings 13962
as in section 109.43 of the Revised Code. 13963

(B)(1) Upon request and subject to division (B)(8) of this 13964
section, all public records responsive to the request shall be 13965
promptly prepared and made available for inspection to any person 13966
at all reasonable times during regular business hours. Subject to 13967
division (B)(8) of this section, upon request, a public office or 13968
person responsible for public records shall make copies of the 13969
requested public record available at cost and within a reasonable 13970
period of time. If a public record contains information that is 13971
exempt from the duty to permit public inspection or to copy the 13972

public record, the public office or the person responsible for the 13973
public record shall make available all of the information within 13974
the public record that is not exempt. When making that public 13975
record available for public inspection or copying that public 13976
record, the public office or the person responsible for the public 13977
record shall notify the requester of any redaction or make the 13978
redaction plainly visible. A redaction shall be deemed a denial of 13979
a request to inspect or copy the redacted information, except if 13980
federal or state law authorizes or requires a public office to 13981
make the redaction. 13982

(2) To facilitate broader access to public records, a public 13983
office or the person responsible for public records shall organize 13984
and maintain public records in a manner that they can be made 13985
available for inspection or copying in accordance with division 13986
(B) of this section. A public office also shall have available a 13987
copy of its current records retention schedule at a location 13988
readily available to the public. If a requester makes an ambiguous 13989
or overly broad request or has difficulty in making a request for 13990
copies or inspection of public records under this section such 13991
that the public office or the person responsible for the requested 13992
public record cannot reasonably identify what public records are 13993
being requested, the public office or the person responsible for 13994
the requested public record may deny the request but shall provide 13995
the requester with an opportunity to revise the request by 13996
informing the requester of the manner in which records are 13997
maintained by the public office and accessed in the ordinary 13998
course of the public office's or person's duties. 13999

(3) If a request is ultimately denied, in part or in whole, 14000
the public office or the person responsible for the requested 14001
public record shall provide the requester with an explanation, 14002
including legal authority, setting forth why the request was 14003
denied. If the initial request was provided in writing, the 14004

explanation also shall be provided to the requester in writing. 14005
The explanation shall not preclude the public office or the person 14006
responsible for the requested public record from relying upon 14007
additional reasons or legal authority in defending an action 14008
commenced under division (C) of this section. 14009

(4) Unless specifically required or authorized by state or 14010
federal law or in accordance with division (B) of this section, no 14011
public office or person responsible for public records may limit 14012
or condition the availability of public records by requiring 14013
disclosure of the requester's identity or the intended use of the 14014
requested public record. Any requirement that the requester 14015
disclose the requestor's identity or the intended use of the 14016
requested public record constitutes a denial of the request. 14017

(5) A public office or person responsible for public records 14018
may ask a requester to make the request in writing, may ask for 14019
the requester's identity, and may inquire about the intended use 14020
of the information requested, but may do so only after disclosing 14021
to the requester that a written request is not mandatory and that 14022
the requester may decline to reveal the requester's identity or 14023
the intended use and when a written request or disclosure of the 14024
identity or intended use would benefit the requester by enhancing 14025
the ability of the public office or person responsible for public 14026
records to identify, locate, or deliver the public records sought 14027
by the requester. 14028

(6) If any person chooses to obtain a copy of a public record 14029
in accordance with division (B) of this section, the public office 14030
or person responsible for the public record may require that 14031
person to pay in advance the cost involved in providing the copy 14032
of the public record in accordance with the choice made by the 14033
person seeking the copy under this division. The public office or 14034
the person responsible for the public record shall permit that 14035
person to choose to have the public record duplicated upon paper, 14036

upon the same medium upon which the public office or person 14037
responsible for the public record keeps it, or upon any other 14038
medium upon which the public office or person responsible for the 14039
public record determines that it reasonably can be duplicated as 14040
an integral part of the normal operations of the public office or 14041
person responsible for the public record. When the person seeking 14042
the copy makes a choice under this division, the public office or 14043
person responsible for the public record shall provide a copy of 14044
it in accordance with the choice made by the person seeking the 14045
copy. Nothing in this section requires a public office or person 14046
responsible for the public record to allow the person seeking a 14047
copy of the public record to make the copies of the public record. 14048

(7) Upon a request made in accordance with division (B) of 14049
this section and subject to division (B)(6) of this section, a 14050
public office or person responsible for public records shall 14051
transmit a copy of a public record to any person by United States 14052
mail or by any other means of delivery or transmission within a 14053
reasonable period of time after receiving the request for the 14054
copy. The public office or person responsible for the public 14055
record may require the person making the request to pay in advance 14056
the cost of postage if the copy is transmitted by United States 14057
mail or the cost of delivery if the copy is transmitted other than 14058
by United States mail, and to pay in advance the costs incurred 14059
for other supplies used in the mailing, delivery, or transmission. 14060

Any public office may adopt a policy and procedures that it 14061
will follow in transmitting, within a reasonable period of time 14062
after receiving a request, copies of public records by United 14063
States mail or by any other means of delivery or transmission 14064
pursuant to this division. A public office that adopts a policy 14065
and procedures under this division shall comply with them in 14066
performing its duties under this division. 14067

In any policy and procedures adopted under this division, a 14068

public office may limit the number of records requested by a 14069
person that the office will transmit by United States mail to ten 14070
per month, unless the person certifies to the office in writing 14071
that the person does not intend to use or forward the requested 14072
records, or the information contained in them, for commercial 14073
purposes. For purposes of this division, "commercial" shall be 14074
narrowly construed and does not include reporting or gathering 14075
news, reporting or gathering information to assist citizen 14076
oversight or understanding of the operation or activities of 14077
government, or nonprofit educational research. 14078

(8) A public office or person responsible for public records 14079
is not required to permit a person who is incarcerated pursuant to 14080
a criminal conviction or a juvenile adjudication to inspect or to 14081
obtain a copy of any public record concerning a criminal 14082
investigation or prosecution or concerning what would be a 14083
criminal investigation or prosecution if the subject of the 14084
investigation or prosecution were an adult, unless the request to 14085
inspect or to obtain a copy of the record is for the purpose of 14086
acquiring information that is subject to release as a public 14087
record under this section and the judge who imposed the sentence 14088
or made the adjudication with respect to the person, or the 14089
judge's successor in office, finds that the information sought in 14090
the public record is necessary to support what appears to be a 14091
justiciable claim of the person. 14092

(9)(a) Upon written request made and signed by a journalist 14093
on or after December 16, 1999, a public office, or person 14094
responsible for public records, having custody of the records of 14095
the agency employing a specified peace officer, parole officer, 14096
probation officer, bailiff, prosecuting attorney, assistant 14097
prosecuting attorney, correctional employee, community-based 14098
correctional facility employee, youth services employee, 14099
firefighter, EMT, or investigator of the bureau of criminal 14100

identification and investigation shall disclose to the journalist 14101
the address of the actual personal residence of the peace officer, 14102
parole officer, probation officer, bailiff, prosecuting attorney, 14103
assistant prosecuting attorney, correctional employee, 14104
community-based correctional facility employee, youth services 14105
employee, firefighter, EMT, or investigator of the bureau of 14106
criminal identification and investigation and, if the peace 14107
officer's, parole officer's, probation officer's, bailiff's, 14108
prosecuting attorney's, assistant prosecuting attorney's, 14109
correctional employee's, community-based correctional facility 14110
employee's, youth services employee's, firefighter's, EMT's, or 14111
investigator of the bureau of criminal identification and 14112
investigation's spouse, former spouse, or child is employed by a 14113
public office, the name and address of the employer of the peace 14114
officer's, parole officer's, probation officer's, bailiff's, 14115
prosecuting attorney's, assistant prosecuting attorney's, 14116
correctional employee's, community-based correctional facility 14117
employee's, youth services employee's, firefighter's, EMT's, or 14118
investigator of the bureau of criminal identification and 14119
investigation's spouse, former spouse, or child. The request shall 14120
include the journalist's name and title and the name and address 14121
of the journalist's employer and shall state that disclosure of 14122
the information sought would be in the public interest. 14123

(b) Division (B)(9)(a) of this section also applies to 14124
journalist requests for customer information maintained by a 14125
municipally owned or operated public utility, other than social 14126
security numbers and any private financial information such as 14127
credit reports, payment methods, credit card numbers, and bank 14128
account information. 14129

(c) As used in division (B)(9) of this section, "journalist" 14130
means a person engaged in, connected with, or employed by any news 14131
medium, including a newspaper, magazine, press association, news 14132

agency, or wire service, a radio or television station, or a 14133
similar medium, for the purpose of gathering, processing, 14134
transmitting, compiling, editing, or disseminating information for 14135
the general public. 14136

(C)(1) If a person allegedly is aggrieved by the failure of a 14137
public office or the person responsible for public records to 14138
promptly prepare a public record and to make it available to the 14139
person for inspection in accordance with division (B) of this 14140
section or by any other failure of a public office or the person 14141
responsible for public records to comply with an obligation in 14142
accordance with division (B) of this section, the person allegedly 14143
aggrieved may commence a mandamus action to obtain a judgment that 14144
orders the public office or the person responsible for the public 14145
record to comply with division (B) of this section, that awards 14146
court costs and reasonable attorney's fees to the person that 14147
instituted the mandamus action, and, if applicable, that includes 14148
an order fixing statutory damages under division (C)(1) of this 14149
section. The mandamus action may be commenced in the court of 14150
common pleas of the county in which division (B) of this section 14151
allegedly was not complied with, in the supreme court pursuant to 14152
its original jurisdiction under Section 2 of Article IV, Ohio 14153
Constitution, or in the court of appeals for the appellate 14154
district in which division (B) of this section allegedly was not 14155
complied with pursuant to its original jurisdiction under Section 14156
3 of Article IV, Ohio Constitution. 14157

If a requestor transmits a written request by hand delivery 14158
or certified mail to inspect or receive copies of any public 14159
record in a manner that fairly describes the public record or 14160
class of public records to the public office or person responsible 14161
for the requested public records, except as otherwise provided in 14162
this section, the requestor shall be entitled to recover the 14163
amount of statutory damages set forth in this division if a court 14164

determines that the public office or the person responsible for public records failed to comply with an obligation in accordance with division (B) of this section. 14165
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The amount of statutory damages shall be fixed at one hundred dollars for each business day during which the public office or person responsible for the requested public records failed to comply with an obligation in accordance with division (B) of this section, beginning with the day on which the requester files a mandamus action to recover statutory damages, up to a maximum of one thousand dollars. The award of statutory damages shall not be construed as a penalty, but as compensation for injury arising from lost use of the requested information. The existence of this injury shall be conclusively presumed. The award of statutory damages shall be in addition to all other remedies authorized by this section. 14168
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The court may reduce an award of statutory damages or not award statutory damages if the court determines both of the following: 14180
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(a) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section; 14183
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(b) That a well-informed public office or person responsible for the requested public records reasonably would believe that the 14195
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conduct or threatened conduct of the public office or person 14197
responsible for the requested public records would serve the 14198
public policy that underlies the authority that is asserted as 14199
permitting that conduct or threatened conduct. 14200

(2)(a) If the court issues a writ of mandamus that orders the 14201
public office or the person responsible for the public record to 14202
comply with division (B) of this section and determines that the 14203
circumstances described in division (C)(1) of this section exist, 14204
the court shall determine and award to the relator all court 14205
costs. 14206

(b) If the court renders a judgment that orders the public 14207
office or the person responsible for the public record to comply 14208
with division (B) of this section, the court may award reasonable 14209
attorney's fees subject to reduction as described in division 14210
(C)(2)(c) of this section. The court shall award reasonable 14211
attorney's fees, subject to reduction as described in division 14212
(C)(2)(c) of this section when either of the following applies: 14213

(i) The public office or the person responsible for the 14214
public records failed to respond affirmatively or negatively to 14215
the public records request in accordance with the time allowed 14216
under division (B) of this section. 14217

(ii) The public office or the person responsible for the 14218
public records promised to permit the relator to inspect or 14219
receive copies of the public records requested within a specified 14220
period of time but failed to fulfill that promise within that 14221
specified period of time. 14222

(c) Court costs and reasonable attorney's fees awarded under 14223
this section shall be construed as remedial and not punitive. 14224
Reasonable attorney's fees shall include reasonable fees incurred 14225
to produce proof of the reasonableness and amount of the fees and 14226
to otherwise litigate entitlement to the fees. The court may 14227

reduce an award of attorney's fees to the relator or not award 14228
attorney's fees to the relator if the court determines both of the 14229
following: 14230

(i) That, based on the ordinary application of statutory law 14231
and case law as it existed at the time of the conduct or 14232
threatened conduct of the public office or person responsible for 14233
the requested public records that allegedly constitutes a failure 14234
to comply with an obligation in accordance with division (B) of 14235
this section and that was the basis of the mandamus action, a 14236
well-informed public office or person responsible for the 14237
requested public records reasonably would believe that the conduct 14238
or threatened conduct of the public office or person responsible 14239
for the requested public records did not constitute a failure to 14240
comply with an obligation in accordance with division (B) of this 14241
section; 14242

(ii) That a well-informed public office or person responsible 14243
for the requested public records reasonably would believe that the 14244
conduct or threatened conduct of the public office or person 14245
responsible for the requested public records as described in 14246
division (C)(2)(c)(i) of this section would serve the public 14247
policy that underlies the authority that is asserted as permitting 14248
that conduct or threatened conduct. 14249

(D) Chapter 1347. of the Revised Code does not limit the 14250
provisions of this section. 14251

(E)(1) To ensure that all employees of public offices are 14252
appropriately educated about a public office's obligations under 14253
division (B) of this section, all elected officials or their 14254
appropriate designees shall attend training approved by the 14255
attorney general as provided in section 109.43 of the Revised 14256
Code. In addition, all public offices shall adopt a public records 14257
policy in compliance with this section for responding to public 14258
records requests. In adopting a public records policy under this 14259

division, a public office may obtain guidance from the model 14260
public records policy developed and provided to the public office 14261
by the attorney general under section 109.43 of the Revised Code. 14262
Except as otherwise provided in this section, the policy may not 14263
limit the number of public records that the public office will 14264
make available to a single person, may not limit the number of 14265
public records that it will make available during a fixed period 14266
of time, and may not establish a fixed period of time before it 14267
will respond to a request for inspection or copying of public 14268
records, unless that period is less than eight hours. 14269

(2) The public office shall distribute the public records 14270
policy adopted by the public office under division (E)(1) of this 14271
section to the employee of the public office who is the records 14272
custodian or records manager or otherwise has custody of the 14273
records of that office. The public office shall require that 14274
employee to acknowledge receipt of the copy of the public records 14275
policy. The public office shall create a poster that describes its 14276
public records policy and shall post the poster in a conspicuous 14277
place in the public office and in all locations where the public 14278
office has branch offices. The public office may post its public 14279
records policy on the internet web site of the public office if 14280
the public office maintains an internet web site. A public office 14281
that has established a manual or handbook of its general policies 14282
and procedures for all employees of the public office shall 14283
include the public records policy of the public office in the 14284
manual or handbook. 14285

(F)(1) The bureau of motor vehicles may adopt rules pursuant 14286
to Chapter 119. of the Revised Code to reasonably limit the number 14287
of bulk commercial special extraction requests made by a person 14288
for the same records or for updated records during a calendar 14289
year. The rules may include provisions for charges to be made for 14290
bulk commercial special extraction requests for the actual cost of 14291

the bureau, plus special extraction costs, plus ten per cent. The 14292
bureau may charge for expenses for redacting information, the 14293
release of which is prohibited by law. 14294

(2) As used in division (F)(1) of this section: 14295

(a) "Actual cost" means the cost of depleted supplies, 14296
records storage media costs, actual mailing and alternative 14297
delivery costs, or other transmitting costs, and any direct 14298
equipment operating and maintenance costs, including actual costs 14299
paid to private contractors for copying services. 14300

(b) "Bulk commercial special extraction request" means a 14301
request for copies of a record for information in a format other 14302
than the format already available, or information that cannot be 14303
extracted without examination of all items in a records series, 14304
class of records, or database by a person who intends to use or 14305
forward the copies for surveys, marketing, solicitation, or resale 14306
for commercial purposes. "Bulk commercial special extraction 14307
request" does not include a request by a person who gives 14308
assurance to the bureau that the person making the request does 14309
not intend to use or forward the requested copies for surveys, 14310
marketing, solicitation, or resale for commercial purposes. 14311

(c) "Commercial" means profit-seeking production, buying, or 14312
selling of any good, service, or other product. 14313

(d) "Special extraction costs" means the cost of the time 14314
spent by the lowest paid employee competent to perform the task, 14315
the actual amount paid to outside private contractors employed by 14316
the bureau, or the actual cost incurred to create computer 14317
programs to make the special extraction. "Special extraction 14318
costs" include any charges paid to a public agency for computer or 14319
records services. 14320

(3) For purposes of divisions (F)(1) and (2) of this section, 14321
"surveys, marketing, solicitation, or resale for commercial 14322

purposes" shall be narrowly construed and does not include 14323
reporting or gathering news, reporting or gathering information to 14324
assist citizen oversight or understanding of the operation or 14325
activities of government, or nonprofit educational research. 14326

Sec. 153.08. On the day and at the place named in the notice 14327
provided for in section 153.06 of the Revised Code, the owner 14328
referred to in section 153.01 of the Revised Code shall open the 14329
bids and shall publicly, with the assistance of the architect or 14330
engineer, immediately proceed to tabulate the bids ~~upon duplicate~~ 14331
~~sheets. The~~ For a bid filed electronically, the public bid opening 14332
may be broadcast by electronic means pursuant to rules established 14333
by the Ohio facilities construction commission. A bid shall be 14334
invalid and not considered unless a bid guaranty meeting the 14335
requirements of section 153.54 of the Revised Code and in the form 14336
approved by the commission is filed with such bid. For a bid that 14337
is not filed electronically, the bid and bid guaranty shall be 14338
filed in one sealed envelope. If the bid and bid guaranty are 14339
filed electronically, they must be received electronically before 14340
the deadline published pursuant to section 153.06 of the Revised 14341
Code. For all bids filed electronically, the original, unaltered 14342
bid guaranty shall be made available to the public authority after 14343
the public bid opening, which may be achieved by means of an 14344
electronic verification and security system established under 14345
rules adopted by the Ohio facilities construction commission under 14346
Chapter 119. of the Revised Code. After investigation, which shall 14347
be completed within thirty days, the contract shall be awarded by 14348
such owner to the lowest responsive and responsible bidder in 14349
accordance with section 9.312 of the Revised Code. 14350

No contract shall be entered into until the industrial 14351
commission has certified that the person so awarded the contract 14352
has complied with sections 4123.01 to 4123.94 of the Revised Code, 14353
until, if the bidder so awarded the contract is a foreign 14354

corporation, the secretary of state has certified that such 14355
corporation is authorized to do business in this state, until, if 14356
the bidder so awarded the contract is a person nonresident of this 14357
state, such person has filed with the secretary of state a power 14358
of attorney designating the secretary of state as its agent for 14359
the purpose of accepting service of summons in any action brought 14360
under section 153.05 of the Revised Code or under sections 4123.01 14361
to 4123.94 of the Revised Code, and until the contract and bond, 14362
if any, are submitted to the attorney general and the attorney 14363
general's approval certified thereon. 14364

No contract shall be entered into unless the bidder possesses 14365
a valid certificate of compliance with affirmative action programs 14366
issued pursuant to section 9.47 of the Revised Code and dated no 14367
earlier than one hundred eighty days prior to the date fixed for 14368
the opening of bids for a particular project. 14369

Sec. 153.70. (A) Except for any person providing professional 14370
design services of a research or training nature, any person 14371
rendering professional design services to a public authority or to 14372
a design-build firm, including a criteria architect or engineer 14373
and person performing architect or engineer of record services, 14374
shall have and maintain, or be covered by, during the period the 14375
services are rendered, a professional liability insurance policy 14376
or policies with a company or companies that are authorized to do 14377
business in this state and that afford professional liability 14378
coverage for the professional design services rendered. The 14379
insurance shall be in an amount considered sufficient by the 14380
public authority. At the public authority's discretion, the 14381
design-build firm shall carry contractor's professional liability 14382
insurance and any other insurance the public authority considers 14383
appropriate. 14384

(B) The requirement for professional liability insurance set 14385

forth in division (A) of this section may be waived by the public 14386
authority for good cause, or the public authority may allow the 14387
person providing the professional design services to provide other 14388
assurances of financial responsibility. 14389

(C) Before construction begins pursuant to a contract for 14390
design-build services with a design-build firm, the design-build 14391
firm shall provide a surety bond to the public authority in 14392
accordance with rules adopted by the executive director of 14393
~~administrative services~~ the Ohio facilities construction 14394
commission under Chapter 119. of the Revised Code. 14395

Sec. 156.01. As used in sections 156.01 to 156.05 of the 14396
Revised Code: 14397

(A) "Avoided capital costs" means a measured reduction in the 14398
cost of future equipment or other capital purchases that results 14399
from implementation of one or more energy or water conservation 14400
measures, when compared to an established baseline for previous 14401
such cost. 14402

(B) "Energy conservation measure" means an installation or 14403
modification of an installation in, or a remodeling of, an 14404
existing building in order to reduce energy consumption and 14405
operating costs. The term includes any of the following: 14406

(1) Installation or modification of insulation in the 14407
building structure and systems within the building; 14408

(2) Installation or modification of storm windows and doors, 14409
multiglazed windows and doors, and heat absorbing or heat 14410
reflective glazed and coated window and door systems; installation 14411
of additional glazing; reductions in glass area; and other window 14412
and door system modifications that reduce energy consumption and 14413
operating costs; 14414

(3) Installation or modification of automatic energy control 14415

systems;	14416
(4) Replacement or modification of heating, ventilating, or air conditioning systems;	14417 14418
(5) Application of caulking and weather stripping;	14419
(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a building unless the increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;	14420 14421 14422 14423 14424
(7) Installation or modification of energy recovery systems;	14425
(8) Installation or modification of cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;	14426 14427 14428 14429
(9) Installation or modification of trigeneration systems that produce heat and cooling, as well as electricity, for use primarily within a building or complex of buildings;	14430 14431 14432
(10) Installation or modification of systems that harvest renewable energy from solar, wind, water, biomass, bio-gas, or geothermal sources, for use primarily within a building or complex of buildings;	14433 14434 14435 14436
(11) Retro-commissioning or recommissioning energy-related systems to verify that they are installed and calibrated to optimize energy and operational performance within a building or complex of buildings;	14437 14438 14439 14440
(12) Consolidation, virtualization, and optimization of computer servers, data storage devices, or other information technology hardware and infrastructure;	14441 14442 14443
(13) Any other modification, installation, or remodeling approved by the <u>executive</u> director of administrative services <u>the</u>	14444 14445

<u>Ohio facilities construction commission</u> as an energy conservation	14446
measure for one or more buildings owned by either of the	14447
following:	14448
(a) The state;	14449
(b) A state institution of higher education as defined in	14450
section 3345.011 of the Revised Code that implements the energy	14451
conservation measure in consultation with the <u>executive</u> director.	14452
(C) "Energy saving measure" means the acquisition and	14453
installation, by purchase, lease, lease-purchase, lease with an	14454
option to buy, or installment purchase, of an energy conservation	14455
measure and any attendant architectural and engineering consulting	14456
services.	14457
(D) "Energy, water, or wastewater cost savings" means a	14458
measured reduction in, as applicable, the cost of fuel, energy or	14459
water consumption, wastewater production, or stipulated operation	14460
or maintenance resulting from the implementation of one or more	14461
energy or water conservation measures, when compared to an	14462
established baseline for previous such costs, respectively.	14463
(E) "Operating cost savings" means a measured reduction in	14464
the cost of stipulated operation or maintenance created by the	14465
installation of new equipment or implementation of a new service,	14466
when compared with an established baseline for previous such	14467
stipulated costs.	14468
(F) "Water conservation measure" means an installation or	14469
modification of an installation in, or a remodeling of, an	14470
existing building or the surrounding grounds in order to reduce	14471
water consumption. The term includes any of the following:	14472
(1) Water-conserving fixture, appliance, or equipment, or the	14473
substitution of a nonwater-using fixture, appliance, or equipment;	14474
(2) Water-conserving, landscape irrigation equipment;	14475

(3) Landscaping measure that reduces storm water runoff	14476
demand and capture and hold applied water and rainfall, including	14477
landscape contouring such as the use of a berm, swale, or terrace	14478
and including the use of a soil amendment, including compost, that	14479
increases the water-holding capacity of the soil;	14480
(4) Rainwater harvesting equipment or equipment to make use	14481
of water collected as part of a storm water system installed for	14482
water quality control;	14483
(5) Equipment for recycling or reuse of water originating on	14484
the premises or from another source, including treated, municipal	14485
effluent;	14486
(6) Equipment needed to capture water for nonpotable uses	14487
from any nonconventional, alternate source, including air	14488
conditioning condensate or gray water;	14489
(7) Any other modification, installation, or remodeling	14490
approved by the <u>executive</u> director of administrative services <u>the</u>	14491
<u>Ohio facilities construction commission</u> as a water conservation	14492
measure for one or more buildings or the surrounding grounds owned	14493
by either of the following:	14494
(a) The state;	14495
(b) A state institution of higher education as defined in	14496
section 3345.011 of the Revised Code that implements the water	14497
conservation measure in consultation with the <u>executive</u> director.	14498
(G) "Water saving measure" means the acquisition and	14499
installation, by the purchase, lease, lease-purchase, lease with	14500
an option to buy, or installment purchases of a water conservation	14501
measure and any attendant architectural and engineering consulting	14502
services.	14503
Sec. 156.02. The executive director of the Ohio facilities	14504
construction commission may, <u>on the executive director's own</u>	14505

initiative or at the request of a state agency, contract with an 14506
energy or a water services company, architect, professional 14507
engineer, contractor, or other person experienced in the design 14508
and implementation of energy or water conservation measures for a 14509
report containing an analysis and recommendations pertaining to 14510
the implementation of energy or water conservation measures that 14511
result in energy, water, or wastewater cost savings, operating 14512
cost savings, or avoided capital costs for the institution. The 14513
report shall include estimates of all costs of such installations, 14514
including the costs of design, engineering, installation, 14515
maintenance, repairs, and debt service, and estimates of the 14516
energy, water, or wastewater cost savings, operating cost savings, 14517
and avoided capital costs created. 14518

Sec. 156.04. (A) In accordance with this section and section 14519
156.03 of the Revised Code, the executive director of the Ohio 14520
facilities construction commission may, on the executive 14521
director's own initiative or at the request of a state agency, 14522
enter into an installment payment contract for the implementation 14523
of one or more energy or water saving measures. If the executive 14524
director wishes an installment payment contract to be exempted 14525
from Chapter 153. of the Revised Code, the executive director 14526
shall proceed pursuant to section 156.03 of the Revised Code. 14527

(B) Any installment payment contract under this section shall 14528
provide that all payments, except payments for repairs and 14529
obligations on termination of the contract prior to its 14530
expiration, are to be a stated percentage of calculated energy, 14531
water, or wastewater cost savings, operating costs, and avoided 14532
capital costs attributable to the one or more measures over a 14533
defined period of time and are to be made only to the extent that 14534
those calculated amounts actually occur. No such contract shall 14535
contain either of the following: 14536

(1) A requirement of any additional capital investment or contribution of funds, other than funds available from state or federal grants; 14537
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(2) In the case of a contract for a cogeneration system described in division (B)(8) of section 156.01 of the Revised Code, a payment term longer than twenty years, and, in the case of all other contracts, a payment term longer than fifteen years. 14540
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(C) Any installment payment contract entered into under this section shall terminate no later than the last day of the fiscal biennium for which funds have been appropriated ~~to the Ohio facilities construction commission~~ by the general assembly and shall be renewed in each succeeding fiscal biennium in which any balance of the contract remains unpaid, provided that both an appropriation for that succeeding fiscal biennium and the certification required by section 126.07 of the Revised Code are made. 14544
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(D) Any installment payment contract entered into under this section shall be eligible for financing provided through the Ohio air quality development authority under Chapter 3706. of the Revised Code. 14553
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Sec. 164.13. (A) The water and sewer fund, which is hereby created in the state treasury, shall consist of money appropriated to the fund by the general assembly, money repaid to the fund for advances made from it, and interest paid for delay in repayment of advances from the fund. The fund shall be administered by the director of the Ohio public works commission. Money in the fund shall be used solely for any of the following: 14557
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(1) Advances to legislative authorities of municipal corporations and governing boards of any other public entities to meet that portion of the cost of the extension of water or sewer lines to be financed by assessments for which collections are 14564
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<u>deferred or exempt pursuant to section 929.03 of the Revised Code;</u>	14568
<u>(2) Advances to boards of county commissioners and boards of trustees of regional water and sewer districts established under Chapter 6119. of the Revised Code to meet that portion of the cost of the extension of water or sewer lines to be financed by special assessments, tap-in charges or fees, user charges, rentals or other charges, or a combination thereof, as applicable, for which collections are deferred or exempt pursuant to section 929.03, 6103.052, 6117.062, 6117.522, or 6119.602 of the Revised Code;</u>	14569 14570 14571 14572 14573 14574 14575 14576
<u>(3) Payment of costs incurred by the commission in administering this section in an amount each fiscal year that does not exceed two per cent of the balance of the fund as of the first of July of that fiscal year.</u>	14577 14578 14579 14580
<u>(B) The director of the commission shall do all of the following:</u>	14581 14582
<u>(1) Consider applications for advances from the fund made pursuant to section 929.03, 6103.052, 6117.062, 6117.521, or 6119.601 of the Revised Code;</u>	14583 14584 14585
<u>(2) Determine, pursuant to the standards established in division (C) of this section, whether an advance of money should be made as requested by application, approve the amount of the advance, if any, to be made, and fix the maximum time within which the advance shall be repaid;</u>	14586 14587 14588 14589 14590
<u>(3) Establish policies and procedures prescribing all of the following:</u>	14591 14592
<u>(a) The form of the application for advances from the fund and the time and manner for submitting an application;</u>	14593 14594
<u>(b) The criteria to be used in determining the occurrence of a change in the use of property as referred to in division (C) of section 929.03 or division (C) of both sections 6103.052 and</u>	14595 14596 14597

<u>6117.062 of the Revised Code;</u>	14598
<u>(c) The criteria to be used in determining the disposition of requests for advances from the fund made pursuant to division (C) of this section;</u>	14599 14600 14601
<u>(d) Standards for the use of boards of county commissioners in determining the disposition of requests for deferment of the collection of assessments pursuant to division (B) of both sections 6103.052 and 6117.062 of the Revised Code;</u>	14602 14603 14604 14605
<u>(e) Standards for the use of boards of county commissioners and boards of trustees of regional water and sewer districts in determining what portion of the deferred cost is attributable to special assessments, tap-in charges or fees, user charges, rentals or other charges, or a combination thereof, as applicable, pursuant to section 6103.052, 6117.062, 6117.522, or 6119.602 of the Revised Code.</u>	14606 14607 14608 14609 14610 14611 14612
<u>(4) Investigate the uses of those lands on which the deferred or exempted collection of assessments has been the basis for advances of moneys from the fund, require the boards of county commissioners to repay the commission pursuant to division (C) or (D) of section 6103.052 or division (C) or (D) of section 6117.062 of the Revised Code the advances due as a result of changes in the use of property, and require boards of county commissioners, legislative authorities of municipal corporations, and other governing boards of any other public entities to repay the commission under division (D) of section 929.03 of the Revised Code;</u>	14613 14614 14615 14616 14617 14618 14619 14620 14621 14622 14623
<u>(5) Pay into the fund all repayments of money advanced from the fund and interest paid for delay in repayment of advances made from the fund;</u>	14624 14625 14626
<u>(6) Defer the repayment by a board of county commissioners of money previously advanced from the fund when a board defers the</u>	14627 14628

collection of assessments, tap-in charges or fees, user charges, 14629
or a combination thereof, as applicable, pursuant to division (C) 14630
of section 6103.052 or division (C) of section 6117.062 of the 14631
Revised Code. 14632

(C)(1) The director of the commission may advance money from 14633
the water and sewer fund to provide water and sewer facilities to 14634
aid in the establishment of new industrial plants, the expansion 14635
of existing industrial plants, or such other industrial 14636
development as may be defined by the commission without undue 14637
financial burden on open lands over or along which the lines for 14638
such facilities are extended. 14639

(2) The director also may advance money from the fund to 14640
provide water and sewer facilities to aid in the establishment of 14641
commercial and residential developments without undue financial 14642
burden on open lands over or along which the lines for such 14643
facilities are extended, provided that the advances under division 14644
(C)(1) of this section have priority over advances under this 14645
division. 14646

(3) The director also may advance money from the fund for 14647
assessments not collected under section 929.03 of the Revised 14648
Code. Requests made by a board of county commissioners, 14649
legislative authority of a municipal corporation, or other 14650
governing board of any other public entity under that section have 14651
priority over requests submitted under division (C)(1) or (2) of 14652
this section, and the advances shall be repaid when the assessment 14653
is collected by the board of county commissioners, legislative 14654
authority, or other governing board under division (C) of section 14655
929.03 of the Revised Code. 14656

(4) Requests made pursuant to section 6103.052, 6117.062, 14657
6117.521, or 6119.601 of the Revised Code have priority over 14658
requests submitted under division (C)(1), (2), or (3) of this 14659
section. 14660

Sec. 166.01. As used in this chapter: 14661

(A) "Allowable costs" means all or part of the costs of 14662
project facilities, eligible projects, eligible innovation 14663
projects, eligible research and development projects, eligible 14664
advanced energy projects, eligible federal-military jobs 14665
commission projects, or eligible logistics and distribution 14666
projects, including costs of acquiring, constructing, 14667
reconstructing, rehabilitating, renovating, enlarging, improving, 14668
equipping, or furnishing project facilities, eligible projects, 14669
eligible innovation projects, eligible research and development 14670
projects, eligible advanced energy projects, or eligible logistics 14671
and distribution projects, site clearance and preparation, 14672
supplementing and relocating public capital improvements or 14673
utility facilities, designs, plans, specifications, surveys, 14674
studies, and estimates of costs, expenses necessary or incident to 14675
determining the feasibility or practicability of assisting an 14676
eligible project, an eligible innovation project, an eligible 14677
research and development project, an eligible advanced energy 14678
project, or an eligible logistics and distribution project, or 14679
providing project facilities or facilities related to an eligible 14680
project, an eligible innovation project, an eligible research and 14681
development project, an eligible advanced energy project, or an 14682
eligible logistics and distribution project, architectural, 14683
engineering, and legal services fees and expenses, the costs of 14684
conducting any other activities as part of a voluntary action, and 14685
such other expenses as may be necessary or incidental to the 14686
establishment or development of an eligible project, an eligible 14687
innovation project, an eligible research and development project, 14688
an eligible advanced energy project, or an eligible logistics and 14689
distribution project, and reimbursement of moneys advanced or 14690
applied by any governmental agency or other person for allowable 14691
costs. 14692

(B) "Allowable innovation costs" includes allowable costs of 14693
eligible innovation projects and, in addition, includes the costs 14694
of research and development of eligible innovation projects; 14695
obtaining or creating any requisite software or computer hardware 14696
related to an eligible innovation project or the products or 14697
services associated therewith; testing (including, without 14698
limitation, quality control activities necessary for initial 14699
production), perfecting, and marketing of such products and 14700
services; creating and protecting intellectual property related to 14701
an eligible innovation project or any products or services related 14702
thereto, including costs of securing appropriate patent, 14703
trademark, trade secret, trade dress, copyright, or other form of 14704
intellectual property protection for an eligible innovation 14705
project or related products and services; all to the extent that 14706
such expenditures could be capitalized under then-applicable 14707
generally accepted accounting principles; and the reimbursement of 14708
moneys advanced or applied by any governmental agency or other 14709
person for allowable innovation costs. 14710

(C) "Eligible innovation project" includes an eligible 14711
project, including any project facilities associated with an 14712
eligible innovation project and, in addition, includes all 14713
tangible and intangible property related to a new product or 14714
process based on new technology or the creative application of 14715
existing technology, including research and development, product 14716
or process testing, quality control, market research, and related 14717
activities, that is to be acquired, established, expanded, 14718
remodeled, rehabilitated, or modernized for industry, commerce, 14719
distribution, or research, or any combination thereof, the 14720
operation of which, alone or in conjunction with other eligible 14721
projects, eligible innovation projects, or innovation property, 14722
will create new jobs or preserve existing jobs and employment 14723
opportunities and improve the economic welfare of the people of 14724
the state. 14725

(D) "Eligible project" means project facilities to be 14726
acquired, established, expanded, remodeled, rehabilitated, or 14727
modernized for industry, commerce, distribution, or research, or 14728
any combination thereof, the operation of which, alone or in 14729
conjunction with other facilities, will create new jobs or 14730
preserve existing jobs and employment opportunities and improve 14731
the economic welfare of the people of the state. "Eligible 14732
project" includes, without limitation, an eligible 14733
federal-military jobs commission project and a voluntary action. 14734
For purposes of this division, "new jobs" does not include 14735
existing jobs transferred from another facility within the state, 14736
and "existing jobs" includes only those existing jobs with work 14737
places within the municipal corporation or unincorporated area of 14738
the county in which the eligible project is located. 14739

"Eligible project" does not include project facilities to be 14740
acquired, established, expanded, remodeled, rehabilitated, or 14741
modernized for industry, commerce, distribution, or research, or 14742
any combination of industry, commerce, distribution, or research, 14743
if the project facilities consist solely of 14744
point-of-final-purchase retail facilities. If the project 14745
facilities consist of both point-of-final-purchase retail 14746
facilities and nonretail facilities, only the portion of the 14747
project facilities consisting of nonretail facilities is an 14748
eligible project. If a warehouse facility is part of a 14749
point-of-final-purchase retail facility and supplies only that 14750
facility, the warehouse facility is not an eligible project. 14751
Catalog distribution facilities are not considered 14752
point-of-final-purchase retail facilities for purposes of this 14753
paragraph, and are eligible projects. 14754

(E) "Eligible research and development project" means an 14755
eligible project, including project facilities, comprising, 14756
within, or related to, a facility or portion of a facility at 14757

which research is undertaken for the purpose of discovering 14758
information that is technological in nature and the application of 14759
which is intended to be useful in the development of a new or 14760
improved product, process, technique, formula, or invention, a new 14761
product or process based on new technology, or the creative 14762
application of existing technology. 14763

(F) "Financial assistance" means inducements under division 14764
(B) of section 166.02 of the Revised Code, loan guarantees under 14765
section 166.06 of the Revised Code, and direct loans under section 14766
166.07 of the Revised Code. 14767

(G) "Governmental action" means any action by a governmental 14768
agency relating to the establishment, development, or operation of 14769
an eligible project, eligible innovation project, eligible 14770
research and development project, eligible advanced energy 14771
project, or eligible logistics and distribution project, and 14772
project facilities that the governmental agency acting has 14773
authority to take or provide for the purpose under law, including, 14774
but not limited to, actions relating to contracts and agreements, 14775
zoning, building, permits, acquisition and disposition of 14776
property, public capital improvements, utility and transportation 14777
service, taxation, employee recruitment and training, and liaison 14778
and coordination with and among governmental agencies. 14779

(H) "Governmental agency" means the state and any state 14780
department, division, commission, institution or authority; a 14781
municipal corporation, county, or township, and any agency 14782
thereof, and any other political subdivision or public corporation 14783
or the United States or any agency thereof; any agency, 14784
commission, or authority established pursuant to an interstate 14785
compact or agreement; and any combination of the above. 14786

(I) "Innovation financial assistance" means inducements under 14787
division (B) of section 166.12 of the Revised Code, innovation 14788
Ohio loan guarantees under section 166.15 of the Revised Code, and 14789

innovation Ohio loans under section 166.16 of the Revised Code. 14790

(J) "Innovation Ohio loan guarantee reserve requirement" 14791
means, at any time, with respect to innovation loan guarantees 14792
made under section 166.15 of the Revised Code, a balance in the 14793
innovation Ohio loan guarantee fund equal to the greater of twenty 14794
per cent of the then-outstanding principal amount of all 14795
outstanding innovation loan guarantees made pursuant to section 14796
166.15 of the Revised Code or fifty per cent of the principal 14797
amount of the largest outstanding guarantee made pursuant to 14798
section 166.15 of the Revised Code. 14799

(K) "Innovation property" includes property and also includes 14800
software, inventory, licenses, contract rights, goodwill, 14801
intellectual property, including without limitation, patents, 14802
patent applications, trademarks and service marks, and trade 14803
secrets, and other tangible and intangible property, and any 14804
rights and interests in or connected to the foregoing. 14805

(L) "Loan guarantee reserve requirement" means, at any time, 14806
with respect to loan guarantees made under section 166.06 of the 14807
Revised Code, a balance in the loan guarantee fund equal to the 14808
greater of twenty per cent of the then-outstanding principal 14809
amount of all outstanding guarantees made pursuant to section 14810
166.06 of the Revised Code or fifty per cent of the principal 14811
amount of the largest outstanding guarantee made pursuant to 14812
section 166.06 of the Revised Code. 14813

(M) "Person" means any individual, firm, partnership, 14814
association, corporation, or governmental agency, and any 14815
combination thereof. 14816

(N) "Project facilities" means buildings, structures, and 14817
other improvements, and equipment and other property, excluding 14818
small tools, supplies, and inventory, and any one, part of, or 14819
combination of the above, comprising all or part of, or serving or 14820

being incidental to, an eligible project, an eligible innovation 14821
project, an eligible research and development project, an eligible 14822
advanced energy project, an eligible federal-military jobs 14823
commission project, or an eligible logistics and distribution 14824
project, including, but not limited to, public capital 14825
improvements. 14826

(O) "Property" means real and personal property and interests 14827
therein. 14828

(P) "Public capital improvements" means capital improvements 14829
or facilities that any governmental agency has authority to 14830
acquire, pay the costs of, own, maintain, or operate, or to 14831
contract with other persons to have the same done, including, but 14832
not limited to, highways, roads, streets, water and sewer 14833
facilities, railroad and other transportation facilities, and air 14834
and water pollution control and solid waste disposal facilities. 14835
For purposes of this division, "air pollution control facilities" 14836
includes, without limitation, solar, geothermal, biofuel, biomass, 14837
wind, hydro, wave, and other advanced energy projects as defined 14838
in section 3706.25 of the Revised Code. 14839

(Q) "Research and development financial assistance" means 14840
inducements under section 166.17 of the Revised Code, research and 14841
development loans under section 166.21 of the Revised Code, and 14842
research and development tax credits under sections 5733.352 and 14843
5747.331 of the Revised Code. 14844

(R) "Targeted innovation industry sectors" means industry 14845
sectors involving the production or use of advanced materials, 14846
instruments, controls and electronics, power and propulsion, 14847
biosciences, and information technology, or such other sectors as 14848
may be designated by the director of development services. 14849

(S) "Voluntary action" means a voluntary action, as defined 14850
in section 3746.01 of the Revised Code, that is conducted under 14851

the voluntary action program established in Chapter 3746. of the 14852
Revised Code. 14853

(T) "Project financing obligations" means obligations issued 14854
pursuant to section 166.08 of the Revised Code other than 14855
obligations for which the bond proceedings provide that bond 14856
service charges shall be paid from receipts of the state 14857
representing gross profit on the sale of spirituous liquor as 14858
referred to in division (B)(4) of section 4310.10 of the Revised 14859
Code. 14860

(U) "Regional economic development entity" means an entity 14861
that is under contract with the director to administer a loan 14862
program under this chapter in a particular area of this state. 14863

(V) "Advanced energy research and development fund" means the 14864
advanced energy research and development fund created in section 14865
3706.27 of the Revised Code. 14866

(W) "Advanced energy research and development taxable fund" 14867
means the advanced energy research and development taxable fund 14868
created in section 3706.27 of the Revised Code. 14869

(X) "Eligible advanced energy project" means an eligible 14870
project that is an "advanced energy project" as defined in section 14871
3706.25 of the Revised Code. 14872

(Y) "Eligible logistics and distribution project" means an 14873
eligible project, including project facilities, to be acquired, 14874
established, expanded, remodeled, rehabilitated, or modernized for 14875
transportation logistics and distribution infrastructure purposes. 14876
As used in this division, "transportation logistics and 14877
distribution infrastructure purposes" means promoting, providing 14878
for, and enabling improvements to the ground, air, and water 14879
transportation infrastructure comprising the transportation system 14880
in this state, including, without limitation, highways, streets, 14881
roads, bridges, railroads carrying freight, and air and water 14882

ports and port facilities, and all related supporting facilities. 14883

(Z) "Department of development" means the development 14884
services agency and "director of development" means the director 14885
of development services. 14886

(AA) "Eligible federal-military jobs commission project" 14887
means an eligible project, including project facilities, 14888
associated with any project, program or activity of the 14889
federal-military jobs commission pursuant to Chapter 193. of the 14890
Revised Code to assist in and facilitate public or private 14891
partnerships that would aid in the retention and growth in the 14892
active federal and military missions and agencies located in this 14893
state. 14894

Sec. 166.02. (A) The general assembly finds that many local 14895
areas throughout the state are experiencing economic stagnation or 14896
decline, and that the economic development programs provided for 14897
in this chapter will constitute deserved, necessary reinvestment 14898
by the state in those areas, materially contribute to their 14899
economic revitalization, and result in improving the economic 14900
welfare of all the people of the state. Accordingly, it is 14901
declared to be the public policy of the state, through the 14902
operations of this chapter and other applicable laws adopted 14903
pursuant to Section 2p or 13 of Article VIII, Ohio Constitution, 14904
and other authority vested in the general assembly, to assist in 14905
and facilitate the establishment or development of eligible 14906
projects or assist and cooperate with any governmental agency in 14907
achieving such purpose. 14908

(B) In furtherance of such public policy and to implement 14909
such purpose, the director of development may: 14910

(1) After consultation with appropriate governmental 14911
agencies, or upon the advice and direction from the 14912
federal-military jobs commission under Chapter 193. of the Revised 14913

Code, enter into agreements with persons engaged in industry, 14914
commerce, distribution, or research and with governmental agencies 14915
to induce such persons to acquire, construct, reconstruct, 14916
rehabilitate, renovate, enlarge, improve, equip, or furnish, or 14917
otherwise develop, eligible projects and make provision therein 14918
for project facilities and governmental actions, as authorized by 14919
this chapter and other applicable laws, subject to any required 14920
actions by the general assembly or the controlling board and 14921
subject to applicable local government laws and regulations; 14922

(2) Provide for the guarantees and loans as provided for in 14923
sections 166.06 and 166.07 of the Revised Code; 14924

(3) Subject to release of such moneys by the controlling 14925
board, contract for labor and materials needed for, or contract 14926
with others, including governmental agencies, to provide, project 14927
facilities the allowable costs of which are to be paid for or 14928
reimbursed from moneys in the facilities establishment fund, and 14929
contract for the operation of such project facilities; 14930

(4) Subject to release thereof by the controlling board, from 14931
moneys in the facilities establishment fund acquire or contract to 14932
acquire by gift, exchange, or purchase, including the obtaining 14933
and exercise of purchase options, property, and convey or 14934
otherwise dispose of, or provide for the conveyance or disposition 14935
of, property so acquired or contracted to be acquired by sale, 14936
exchange, lease, lease purchase, conditional or installment sale, 14937
transfer, or other disposition, including the grant of an option 14938
to purchase, to any governmental agency or to any other person 14939
without necessity for competitive bidding and upon such terms and 14940
conditions and manner of consideration pursuant to and as the 14941
director determines to be appropriate to satisfy the objectives of 14942
sections 166.01 to 166.11 of the Revised Code; 14943

(5) Retain the services of or employ financial consultants, 14944
appraisers, consulting engineers, superintendents, managers, 14945

construction and accounting experts, attorneys, and employees,	14946
agents, and independent contractors as are necessary in the	14947
director's judgment and fix the compensation for their services;	14948
(6) Receive and accept from any person grants, gifts, and	14949
contributions of money, property, labor, and other things of	14950
value, to be held, used and applied only for the purpose for which	14951
such grants, gifts, and contributions are made;	14952
(7) Enter into appropriate arrangements and agreements with	14953
any governmental agency for the taking or provision by that	14954
governmental agency of any governmental action;	14955
(8) Do all other acts and enter into contracts and execute	14956
all instruments necessary or appropriate to carry out the	14957
provisions of this chapter;	14958
(9) Adopt rules to implement any of the provisions of this	14959
chapter applicable to the director.	14960
(C) The determinations by the director that facilities	14961
constitute eligible projects, that facilities are project	14962
facilities, that costs of such facilities are allowable costs, and	14963
all other determinations relevant thereto or to an action taken or	14964
agreement entered into shall be conclusive for purposes of the	14965
validity and enforceability of rights of parties arising from	14966
actions taken and agreements entered into under this chapter.	14967
(D) Except as otherwise prescribed in this chapter, all	14968
expenses and obligations incurred by the director in carrying out	14969
the director's powers and in exercising the director's duties	14970
under this chapter, shall be payable solely from, as appropriate,	14971
moneys in the facilities establishment fund, the loan guarantee	14972
fund, the innovation Ohio loan guarantee fund, the innovation Ohio	14973
loan fund, the research and development loan fund, the logistics	14974
and distribution infrastructure fund, or moneys appropriated for	14975
such purpose by the general assembly. This chapter does not	14976

authorize the director or the issuing authority under section 14977
166.08 of the Revised Code to incur bonded indebtedness of the 14978
state or any political subdivision thereof, or to obligate or 14979
pledge moneys raised by taxation for the payment of any bonds or 14980
notes issued or guarantees made pursuant to this chapter. 14981

(E) Any governmental agency may enter into an agreement with 14982
the director, any other governmental agency, or a person to be 14983
assisted under this chapter, to take or provide for the purposes 14984
of this chapter any governmental action it is authorized to take 14985
or provide, and to undertake on behalf and at the request of the 14986
director any action which the director is authorized to undertake 14987
pursuant to divisions (B)(3), (4), and (5) of this section or 14988
divisions (B)(3), (4), and (5) of section 166.12 of the Revised 14989
Code. Governmental agencies of the state shall cooperate with and 14990
provide assistance to the director of development and the 14991
controlling board in the exercise of their respective functions 14992
under this chapter. 14993

Sec. 167.041. An educational service center serving as a 14994
fiscal agent for a regional council of governments may establish a 14995
program for the council in which the fiscal agent may enter into 14996
agreements with the governing body of one or more member 14997
governments to lend money to the member or members for the purpose 14998
of improving infrastructure within the territory of the member or 14999
members located within this state. 15000

Sec. 169.051. (A) As used in this section, "United States 15001
savings bond" means property, tangible or intangible, in the form 15002
of a savings bond issued by the United States treasury whether in 15003
paper form, electric, or paperless form, along with all proceeds 15004
thereof. 15005

(B) Notwithstanding any provision of the Revised Code to the 15006

contrary, United States savings bonds held or owing in this state 15007
by any person, or issued or owed in the course of a holder's 15008
business, or by a state or other government, political 15009
subdivision, agency, or instrumentality, and all proceeds thereof, 15010
shall be presumed abandoned in this state and constitute unclaimed 15011
funds under this chapter if both of the following apply: 15012

(1) The last known address of the owner of the United States 15013
savings bond is in this state; 15014

(2) The United States savings bond has remained unclaimed and 15015
unredeemed for three years after final maturity. 15016

(C) United States savings bonds that are presumed abandoned 15017
and constitute unclaimed funds under division (B) of this section, 15018
including bonds in the possession of the director of commerce, 15019
shall escheat to the state three years after becoming abandoned 15020
and unclaimed property. All property rights and legal title to and 15021
ownership of such bonds or proceeds from such bonds, including all 15022
rights, powers, and privileges of survivorship of any owner, 15023
co-owner, or beneficiary, shall vest solely in the state as 15024
provided in divisions (D) to (H) of this section. 15025

(D) If, within one hundred eighty days after the three-year 15026
period prescribed under division (C) of this section, no claim has 15027
been filed under this chapter for the bond, the director shall 15028
commence a civil action in a court of competent jurisdiction for a 15029
determination that the bond escheats to the state. The director 15030
may postpone the commencement of an action until a sufficient 15031
number of bonds have accumulated in the director's custody to 15032
justify the expense of the proceedings. 15033

(E) Service by publication shall be made in accordance with 15034
Rule 4.4 of the Rules of Civil Procedure. 15035

(F) If no person files a claim or appears at the hearing to 15036
substantiate a claim or if the court determines that a claimant is 15037

not entitled to the property claimed, and if the court is 15038
satisfied by the evidence that the director has substantially 15039
complied with the laws of this state, the court shall enter a 15040
judgment that the bonds have escheated to the state and all 15041
property rights and legal title to and ownership of the bonds or 15042
the proceeds from the bonds, including all rights, powers, and 15043
privileges of survivorship of any owner, co-owner, or beneficiary, 15044
have vested solely in the state. 15045

(G) The director shall redeem the United States savings bonds 15046
escheated to the state by judgment of the court. When the proceeds 15047
that have escheated have been recovered by the director, the 15048
director shall pay all costs incident to the collection and 15049
recovery of the proceeds from the redemption of the bonds and 15050
disburse the remaining balance of the proceeds in the manner 15051
provided under section 169.05 of the Revised Code for all other 15052
unclaimed funds. 15053

(H) Notwithstanding section 169.08 of the Revised Code, any 15054
person claiming a United States savings bond that has escheated to 15055
the state under this section, or for the proceeds from the bond, 15056
may file a claim with the director. Upon providing sufficient 15057
proof of the validity of the person's claim, the director may, in 15058
the director's discretion, pay the claim less any expenses and 15059
costs incurred by the state in securing full title and ownership 15060
of the property by escheat. If payment has been made to a 15061
claimant, no action thereafter may be maintained by any other 15062
claimant against the state or any officer of the state, for or on 15063
account of the payment of the claim. 15064

Sec. 173.47. (A) For purposes of publishing the Ohio 15065
long-term care consumer guide, the department of aging shall 15066
conduct or provide for the conduct of an annual customer 15067
satisfaction survey of each long-term care facility. The results 15068

of the surveys may include information obtained from long-term 15069
care facility residents, their families, or both. ~~A survey that is~~ 15070
~~to include information obtained from nursing facility residents~~ 15071
~~shall include the questions specified in divisions (C)(7)(a) and~~ 15072
~~(b) of section 5165.25 of the Revised Code. A survey that is to~~ 15073
~~include information obtained from the families of nursing facility~~ 15074
~~residents shall include the questions specified in divisions~~ 15075
~~(C)(8)(a) and (b) of section 5165.25 of the Revised Code.~~ 15076

(B) Each long-term care facility shall cooperate in the 15077
conduct of its annual customer satisfaction survey. 15078

Sec. 173.48. (A)(1) The department of aging may charge annual 15079
fees to long-term care facilities for the publication of the Ohio 15080
long-term care consumer guide. The department may contract with 15081
any person or government entity to collect the fees on its behalf. 15082
All fees collected under this section shall be deposited in 15083
accordance with division (B) of this section. 15084

(2) The annual fees charged under this section shall not 15085
exceed the following amounts: 15086

(a) ~~Six hundred fifty dollars for~~ For each long-term care 15087
facility that is a nursing home, six hundred fifty dollars; 15088

(b) ~~Three hundred dollars for~~ For each long-term care 15089
facility that is a residential care facility: 15090

(i) Until June 30, 2016, three hundred dollars; 15091

(ii) Beginning July 1, 2016, three hundred fifty dollars. 15092

(3) Fees paid by a long-term care facility that is a nursing 15093
facility shall be reimbursed through the medicaid program. 15094

(B) There is hereby created in the state treasury the 15095
long-term care consumer guide fund. Money collected from the fees 15096
charged for the publication of the Ohio long-term care consumer 15097

guide under division (A) of this section shall be credited to the 15098
fund. The department shall use money in the fund for costs 15099
associated with publishing the Ohio long-term care consumer guide, 15100
including, but not limited to, costs incurred in conducting or 15101
providing for the conduct of customer satisfaction surveys. 15102

Sec. 173.522. (A) The department of aging shall create and 15103
administer the state-funded component of the PASSPORT program. The 15104
state-funded component shall not be administered as part of the 15105
medicaid program. 15106

(B) For an individual to be eligible for the state-funded 15107
component of the PASSPORT program, the individual must meet one of 15108
the following requirements and meet the additional eligibility 15109
requirements applicable to the individual established in rules 15110
adopted under division (D) of this section: 15111

(1) The individual must have been enrolled in the 15112
state-funded component on September 1, 1991, (as the state-funded 15113
component was authorized by uncodified law in effect at that time) 15114
and have had one or more applications for enrollment in the 15115
medicaid-funded component of the PASSPORT program (or, if the 15116
medicaid-funded component is terminated under division (C) of 15117
section 173.52 of the Revised Code, the unified long-term services 15118
and support medicaid waiver component) denied. 15119

~~(2) The individual must have had the individual's enrollment 15120
in the medicaid-funded component of the PASSPORT program (or, if 15121
the medicaid-funded component is terminated under division (C) of 15122
section 173.52 of the Revised Code, the unified long-term services 15123
and support medicaid waiver component) terminated and the 15124
individual must still need the home and community based services 15125
provided under the PASSPORT program to protect the individual's 15126
health and safety. 15127~~

~~(3) The individual must have an application for the 15128~~

medicaid-funded component of the PASSPORT program (or, if the
medicaid-funded component is terminated under division (C) of
section 173.52 of the Revised Code, the unified long-term services
and support medicaid waiver component) pending and the department
or the department's designee must have determined that the
individual meets the nonfinancial eligibility requirements of the
medicaid-funded component (or, if the medicaid-funded component is
terminated under division (C) of section 173.52 of the Revised
Code, the unified long-term services and support medicaid waiver
component) and not have reason to doubt that the individual meets
the financial eligibility requirements of the medicaid-funded
component (or, if the medicaid-funded component is terminated
under division (C) of section 173.52 of the Revised Code, the
unified long-term services and support medicaid waiver component).

(C) An individual who is eligible for the state-funded
component of the PASSPORT program because the individual meets the
requirement of division (B)~~(3)~~(2) of this section may participate
in the component on that basis for ~~not more than ninety days a~~
period of time specified in rules adopted under division (D) of
this section.

(D)(1) The director of aging shall adopt rules in accordance
with section 111.15 of the Revised Code to implement the
state-funded component of the PASSPORT program. ~~The~~

The rules shall include all of the following:

(a) Additional eligibility requirements for an individual to
be eligible for the state-funded component of the PASSPORT
program;

(b) The duration that an individual eligible for the
state-funded component of the PASSPORT program under division
(B)(2) of this section may participate in that component;

(c) Any other rules the director considers appropriate to

implement the state-funded component of the PASSPORT program. 15160

(2) The additional eligibility requirements established in 15161
the rules may vary for the different groups of individuals 15162
specified in divisions (B)(1), and (2), ~~and (3)~~ of this section. 15163

Sec. 173.523. (A) An individual who is an applicant for or 15164
participant or former participant in the state-funded component of 15165
the PASSPORT program may appeal an adverse action taken or 15166
proposed to be taken by the department of aging or an entity 15167
designated by the department concerning participation in or 15168
services provided under the component if the action will result in 15169
any of the following: 15170

(1) Denial of enrollment or continued enrollment in the 15171
component; 15172

(2) Denial of or reduction in the amount of services 15173
requested by or offered to the individual under the component; 15174

(3) Assessment of any patient liability payment pursuant to 15175
rules adopted by the department under this section. 15176

The appeal shall be made in accordance with section 173.56 of 15177
the Revised Code and rules adopted pursuant to that section. 15178

(B) An individual who is an applicant for or participant or 15179
former participant in the state-funded component of the PASSPORT 15180
program may not bring an appeal under this or any other section of 15181
the Revised Code if any of the following is the case: 15182

(1) The individual has voluntarily withdrawn the application 15183
for enrollment in the component; 15184

(2) The individual has voluntarily terminated enrollment in 15185
the component; 15186

(3) The individual agrees with the action being taken or 15187
proposed; 15188

(4) The individual fails to submit a written request for a hearing to the director of aging within the time specified in the rules adopted pursuant to section 173.56 of the Revised Code;

(5) The individual has received services under the component for the maximum time permitted by ~~this~~ section 173.522 of the Revised Code.

Sec. 173.543. The department of aging shall create and administer the state-funded component of the assisted living program. The state-funded component shall not be administered as part of the medicaid program.

An individual who is eligible for the state-funded component may participate in the component for ~~not more than ninety days a~~ period of time specified in rules adopted under this section.

The director of aging shall adopt rules in accordance with section 111.15 of the Revised Code to implement the state-funded component. The rules shall specify the period that an individual eligible for the state-funded component may participate in the component.

Sec. 173.544. To be eligible for the state-funded component of the assisted living program, an individual must meet all of the following requirements:

(A) The individual must need an intermediate level of care as determined by an assessment conducted under section 173.546 of the Revised Code.

(B) The individual must have an application for the medicaid-funded component of the assisted living program (or, if the medicaid-funded component is terminated under division (C) of section 173.54 of the Revised Code, the unified long-term services and support medicaid waiver component) pending and the department or the department's designee must have determined that the

individual meets the nonfinancial eligibility requirements of the 15219
medicaid-funded component (or, if the medicaid-funded component is 15220
terminated under division (C) of section 173.54 of the Revised 15221
Code, the unified long-term services and support medicaid waiver 15222
component) and not have reason to doubt that the individual meets 15223
the financial eligibility requirements of the medicaid-funded 15224
component (or, if the medicaid-funded component is terminated 15225
under division (C) of section 173.54 of the Revised Code, the 15226
unified long-term services and support medicaid waiver component). 15227

(C) While receiving assisted living services under the 15228
state-funded component, the individual must reside in a 15229
residential care facility that is authorized by a valid provider 15230
agreement to participate in the component, including both of the 15231
following: 15232

(1) A residential care facility that is owned or operated by 15233
a metropolitan housing authority that has a contract with the 15234
United States department of housing and urban development to 15235
receive an operating subsidy or rental assistance for the 15236
residents of the facility; 15237

(2) A county or district home licensed as a residential care 15238
facility. 15239

(D) The individual must meet all other eligibility 15240
requirements for the state-funded component established in rules 15241
adopted under section ~~173.54~~ 173.543 of the Revised Code. 15242

Sec. 173.545. (A) An individual who is an applicant for or 15243
participant or former participant in the state-funded component of 15244
the assisted living program may appeal an adverse action taken or 15245
proposed to be taken by the department of aging or an entity 15246
designated by the department concerning participation in or 15247
services provided under the component if the action will result in 15248
any of the following: 15249

(1) Denial of enrollment or continued enrollment in the component;	15250 15251
(2) Denial of or reduction in the amount of services requested by or offered to the individual under the component;	15252 15253
(3) Assessment of any patient liability payment pursuant to rules adopted by the department under this section.	15254 15255
The appeal shall be made in accordance with section 173.56 of the Revised Code and rules adopted pursuant to that section.	15256 15257
(B) An individual who is an applicant for or participant or former participant in the state-funded component of the assisted living program may not bring an appeal under this or any other section of the Revised Code if any of the following is the case:	15258 15259 15260 15261
(1) The individual has voluntarily withdrawn the application for enrollment in the component;	15262 15263
(2) The individual has voluntarily terminated enrollment in the component;	15264 15265
(3) The individual agrees with the action being taken or proposed;	15266 15267
(4) The individual fails to submit a written request for a hearing to the director of aging within the time specified in the rules adopted pursuant to section 173.56 of the Revised Code;	15268 15269 15270
(5) The individual has received services under the component for the maximum time permitted by this section <u>173.543 of the Revised Code</u> .	15271 15272 15273
<u>Sec. 173.548. An individual enrolled in the medicaid-funded component of the assisted living program may choose a single occupancy room or multiple occupancy room in the residential care facility in which the individual resides. The choice of a multiple occupancy room is subject to approval pursuant to a process the</u>	15274 15275 15276 15277 15278

director of aging shall establish in rules adopted under section 15279
173.54 of the Revised Code. 15280

Sec. 174.02. (A) The low- and moderate-income housing trust 15281
fund is hereby created in the state treasury. The fund consists of 15282
all appropriations made to the fund, housing trust fund fees 15283
collected by county recorders pursuant to section 317.36 of the 15284
Revised Code and deposited into the fund pursuant to section 15285
319.63 of the Revised Code, money transferred from the housing 15286
trust reserve fund pursuant to section 174.09 of the Revised Code, 15287
and all grants, gifts, loan repayments, and contributions of money 15288
made from any source to the ~~department of~~ development services 15289
agency for deposit in the fund. All investment earnings of the 15290
fund shall be credited to the fund. The director of development 15291
services shall allocate a portion of the money in the fund to an 15292
account of the Ohio housing finance agency. The ~~department~~ 15293
development services agency shall administer the fund. The Ohio 15294
housing finance agency shall use money allocated to it for 15295
implementing and administering its programs and duties under 15296
sections 174.03 and 174.05 of the Revised Code, and the ~~department~~ 15297
development services agency shall use the remaining money in the 15298
fund for implementing and administering its programs and duties 15299
under sections 174.03 to 174.06 of the Revised Code. Use of all 15300
money drawn from the fund is subject to the following 15301
restrictions: 15302

(1)(a) Not more than five per cent of the current year 15303
appropriation authority for the fund shall be allocated between 15304
grants to community development corporations for the community 15305
development corporation grant program and grants and loans to the 15306
Ohio community development finance fund, a private nonprofit 15307
corporation. 15308

(b) In any year in which the amount in the fund exceeds one 15309

hundred thousand dollars and at least that much is allocated for 15310
the uses described in this section, not less than one hundred 15311
thousand dollars shall be used to provide training, technical 15312
assistance, and capacity building assistance to nonprofit 15313
development organizations. 15314

(2) Not more than ten per cent of any current year 15315
appropriation authority for the fund shall be used for the 15316
emergency shelter housing grants program to make grants to 15317
private, nonprofit organizations and municipal corporations, 15318
counties, and townships for emergency shelter housing for the 15319
homeless and emergency shelter facilities serving unaccompanied 15320
youth seventeen years of age and younger. The grants shall be 15321
distributed pursuant to rules the director adopts and qualify as 15322
matching funds for funds obtained pursuant to the McKinney Act, 15323
101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378. 15324

(3) In any fiscal year in which the amount in the fund 15325
exceeds the amount awarded pursuant to division (A)(1)(b) of this 15326
section by at least two hundred fifty thousand dollars, at least 15327
two hundred fifty thousand dollars from the fund shall be provided 15328
to the department of aging for the resident services coordinator 15329
program as established in section 173.08 of the Revised Code. 15330

(4) Of all current year appropriation authority for the fund, 15331
not more than five per cent shall be used for administration. 15332

(5) Not less than forty-five per cent of the funds awarded 15333
during any one fiscal year shall be for grants and loans to 15334
nonprofit organizations under section 174.03 of the Revised Code. 15335

(6) Not less than fifty per cent of the funds awarded during 15336
any one fiscal year, excluding the amounts awarded pursuant to 15337
divisions (A)(1), (2), and (7) of this section, shall be for 15338
grants and loans for activities that provide housing and housing 15339
assistance to families and individuals in rural areas and small 15340

cities that are not eligible to participate as a participating 15341
jurisdiction under the "HOME Investment Partnerships Act," 104 15342
Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721. 15343

(7) No money in the fund shall be used to pay for any legal 15344
services other than the usual and customary legal services 15345
associated with the acquisition of housing. 15346

(8) Money in the fund may be used as matching money for 15347
federal funds received by the state, counties, municipal 15348
corporations, and townships for the activities listed in section 15349
174.03 of the Revised Code. 15350

(B) If, after the second quarter of any year, it appears to 15351
the director of development services that the full amount of the 15352
money in the fund designated in that year for activities that 15353
provide housing and housing assistance to families and individuals 15354
in rural areas and small cities under division (A) of this section 15355
will not be used for that purpose, the director may reallocate all 15356
or a portion of that amount for other housing activities. In 15357
determining whether or how to reallocate money under this 15358
division, the director may consult with and shall receive advice 15359
from the housing trust fund advisory committee. 15360

Sec. 174.09. (A) The housing trust reserve fund is hereby 15361
created in the state treasury. The fund shall consist of housing 15362
trust fund fees collected by county recorders pursuant to section 15363
317.36 of the Revised Code and deposited into the fund pursuant to 15364
section 319.63 of the Revised Code. All investment earnings of the 15365
fund shall be credited to the fund. 15366

(B) If, in the prior fiscal year, the housing trust fund fees 15367
received by the treasurer of state under section 319.63 of the 15368
Revised Code amount to less than fifty million dollars, the 15369
director of development services may request the director of 15370
budget and management to transfer money from the housing trust 15371

reserve fund to the low- and moderate-income housing trust fund 15372
created under section 174.02 of the Revised Code. The amount 15373
transferred, when combined with the housing trust fund fees 15374
received by the treasurer of state in the prior fiscal year, shall 15375
not exceed fifty million dollars. The director of development 15376
services shall provide any additional information regarding a 15377
transfer request that the director of budget and management may 15378
require. Based on that information, the director of budget and 15379
management shall determine the amount to be transferred. 15380

Sec. 183.021. (A) No money from the tobacco master settlement 15381
agreement fund, as that fund existed prior to the repeal of 15382
section 183.02 of the Revised Code by H.B. 119 of the 127th 15383
general assembly, shall be expended to do any of the following: 15384

(1) Hire an executive agency lobbyist, as defined under 15386
section 121.60 of the Revised Code, or a legislative agent, as 15387
defined under section 101.70 of the Revised Code; 15388

(2) Support or oppose candidates, ballot questions, 15389
referendums, or ballot initiatives. 15390

(B) Nothing in this section prohibits either of the following 15391
from advocating on behalf of the specific objectives of a program 15392
funded under this chapter: 15393

~~(1) The members of the board of trustees, executive director,~~ 15394
~~or employees of the southern Ohio agricultural and community~~ 15395
~~development foundation;~~ 15396

~~(2) The members or employees of the third frontier commission~~ 15397
~~or the;~~ 15398

(2) The members of the third frontier advisory board. 15399

Sec. 183.33. No money shall be appropriated or transferred 15400

from the general revenue fund to the law enforcement improvements trust fund, ~~southern Ohio agricultural and community development foundation endowment fund~~, Ohio's public health priorities trust fund, biomedical research and technology transfer trust fund, education facilities trust fund, or education technology trust fund.

Sec. 187.03. (A) JobsOhio may perform such functions as permitted and shall perform such duties as prescribed by law and as set forth in any contract entered into under section 187.04 of the Revised Code, but shall not be considered a state or public department, agency, office, body, institution, or instrumentality for purposes of section 1.60 or Chapter 102., 121., 125., or 149. of the Revised Code. JobsOhio and its board of directors are not subject to the following sections of Chapter 1702. of the Revised Code: sections 1702.03, 1702.08, 1702.09, 1702.21, 1702.24, 1702.26, 1702.27, 1702.28, 1702.29, 1702.301, 1702.33, 1702.34, 1702.37, 1702.38, 1702.40 to 1702.52, 1702.521, 1702.54, 1702.57, 1702.58, 1702.59, 1702.60, 1702.80, and 1702.99. Nothing in this division shall be construed to impair the powers and duties of the Ohio ethics commission described in section 102.06 of the Revised Code to investigate and enforce section 102.02 of the Revised Code with regard to individuals required to file statements under division (B)(2) of this section.

(B)(1) Directors and employees of JobsOhio are not employees or officials of the state and, except as provided in division (B)(2) of this section, are not subject to Chapter 102., 124., 145., or 4117. of the Revised Code.

(2) The chief investment officer, any other officer or employee with significant administrative, supervisory, contracting, or investment authority, and any director of JobsOhio shall file, with the Ohio ethics commission, a financial

disclosure statement pursuant to section 102.02 of the Revised Code that includes, in place of the information required by divisions (A)(2)(b), ~~(7)(g)~~, ~~(8)(h)~~, and ~~(9)(i)~~ of that section, the information required by divisions (A) and (B) of section 102.022 of the Revised Code. The governor shall comply with all applicable requirements of section 102.02 of the Revised Code.

(3) Actual or in-kind expenditures for the travel, meals, or lodging of the governor or of any public official or employee designated by the governor for the purpose of this division shall not be considered a violation of section 102.03 of the Revised Code if the expenditures are made by the corporation, or on behalf of the corporation by any person, in connection with the governor's performance of official duties related to JobsOhio. The governor may designate any person, including a person who is a public official or employee as defined in section 102.01 of the Revised Code, for the purpose of this division if such expenditures are made on behalf of the person in connection with the governor's performance of official duties related to JobsOhio. A public official or employee so designated by the governor shall comply with all applicable requirements of section 102.02 of the Revised Code.

At the times and frequency agreed to under division (B)(2)(b) of section 187.04 of the Revised Code, beginning in 2012, the corporation shall file with the development services agency a written report of all such expenditures paid or incurred during the preceding calendar year. The report shall state the dollar value and purpose of each expenditure, the date of each expenditure, the name of the person that paid or incurred each expenditure, and the location, if any, where services or benefits of an expenditure were received, provided that any such information that may disclose proprietary information as defined in division (C) of this section shall not be included in the

report. 15464

(4) The prohibition applicable to former public officials or 15465
employees in division (A)(1) of section 102.03 of the Revised Code 15466
does not apply to any person appointed to be a director or hired 15467
as an employee of JobsOhio. 15468

(5) Notwithstanding division (A)(2) of section 145.01 of the 15469
Revised Code, any person who is a former state employee shall no 15470
longer be considered a public employee for purposes of Chapter 15471
145. of the Revised Code upon commencement of employment with 15472
JobsOhio. 15473

(6) Any director, officer, or employee of JobsOhio may 15474
request an advisory opinion from the Ohio ethics commission with 15475
regard to questions concerning the provisions of sections 102.02 15476
and 102.022 of the Revised Code to which the person is subject. 15477

(C) Meetings of the board of directors at which a quorum of 15478
the board is required to be physically present pursuant to 15479
division (F) of section 187.01 of the Revised Code shall be open 15480
to the public except, by a majority vote of the directors present 15481
at the meeting, such a meeting may be closed to the public only 15482
for one or more of the following purposes: 15483

(1) To consider business strategy of the corporation; 15484

(2) To consider proprietary information belonging to 15485
potential applicants or potential recipients of business 15486
recruitment, retention, or creation incentives. For the purposes 15487
of this division, "proprietary information" means marketing plans, 15488
specific business strategy, production techniques and trade 15489
secrets, financial projections, or personal financial statements 15490
of applicants or members of the applicants' immediate family, 15491
including, but not limited to, tax records or other similar 15492
information not open to the public inspection. 15493

(3) To consider legal matters, including litigation, in which 15494

the corporation is or may be involved;	15495
(4) To consider personnel matters related to an individual employee of the corporation.	15496 15497
(D) The board of directors shall establish a reasonable method whereby any person may obtain the time and place of all public meetings described in division (C) of this section. The method shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all such meetings.	15498 15499 15500 15501 15502 15503
(E) The board of directors shall promptly prepare, file, and maintain minutes of all public meetings described in division (C) of this section.	15504 15505 15506
(F) Not later than March 1, 2012, and the first day of March of each year thereafter, the chief investment officer of JobsOhio shall prepare and submit a report of the corporation's activities for the preceding year to the governor, the speaker and minority leader of the house of representatives, and the president and minority leader of the senate. The annual report shall include the following:	15507 15508 15509 15510 15511 15512 15513
(1) An analysis of the state's economy;	15514
(2) A description of the structure, operation, and financial status of the corporation;	15515 15516
(3) A description of the corporation's strategy to improve the state economy and the standards of measure used to evaluate its progress;	15517 15518 15519
(4) An evaluation of the performance of current strategies and major initiatives;	15520 15521
(5) An analysis of any statutory or administrative barriers to successful economic development, business recruitment, and job growth in the state identified by JobsOhio during the preceding	15522 15523 15524

year. 15525

Sec. 191.04. (A) In accordance with federal laws governing 15526
the confidentiality of individually identifiable health 15527
information, including the "Health Insurance Portability and 15528
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 15529
42 U.S.C. 1320d et seq., as amended, and regulations promulgated 15530
by the United States department of health and human services to 15531
implement the act, a state agency may exchange protected health 15532
information with another state agency relating to eligibility for 15533
or enrollment in a health plan or relating to participation in a 15534
government program providing public benefits if the exchange of 15535
information is necessary for either or both of the following: 15536

(1) Operating a health plan; 15537

(2) Coordinating, or improving the administration or 15538
management of, the health care-related functions of at least one 15539
government program providing public benefits. 15540

(B) For fiscal years 2013, ~~2014, and 2015~~ through 2017 only, 15541
a state agency also may exchange personally identifiable 15542
information with another state agency for purposes related to and 15543
in support of a health transformation initiative identified by the 15544
executive director of the office of health transformation pursuant 15545
to division (C) of section 191.06 of the Revised Code. 15546

(C) With respect to a state agency that uses or discloses 15547
personally identifiable information, all of the following 15548
conditions apply: 15549

(1) The state agency shall use or disclose the information 15550
only as permitted or required by state and federal law. In 15551
addition, if the information is obtained during fiscal year 2013, 15552
2014, or 2015 from an exchange of personally identifiable 15553
information permitted under division (B) of this section, the 15554

agency shall also use or disclose the information in accordance 15555
with all operating protocols that apply to the use or disclosure. 15556

(2) If the state agency is a state agency other than the 15557
department of medicaid and it uses or discloses protected health 15558
information that is related to a medicaid recipient and obtained 15559
from the department of medicaid or another agency operating a 15560
component of the medicaid program, the state agency shall comply 15561
with all state and federal laws that apply to the department of 15562
medicaid when that department, as the state's single state agency 15563
to supervise the medicaid program, uses or discloses protected 15564
health information. 15565

(3) A state agency shall implement administrative, physical, 15566
and technical safeguards for the purpose of protecting the 15567
confidentiality, integrity, and availability of personally 15568
identifiable information the creation, receipt, maintenance, or 15569
transmittal of which is affected or governed by this section. 15570

(4) If a state agency discovers an unauthorized use or 15571
disclosure of unsecured protected health information or unsecured 15572
individually identifiable health information, the state agency 15573
shall, not later than seventy-two hours after the discovery, do 15574
all of the following: 15575

(a) Identify the individuals who are the subject of the 15576
protected health information or individually identifiable health 15577
information; 15578

(b) Report the discovery and the names of all individuals 15579
identified pursuant to division (C)(4)(a) of this section to all 15580
other state agencies and the executive director of the office of 15581
health transformation or the executive director's designee; 15582

(c) Mitigate, to the extent reasonably possible, any 15583
potential adverse effects of the unauthorized use or disclosure. 15584

(5) A state agency shall make available to the executive 15585

director of the office of health transformation or the executive 15586
director's designee, and to any other state or federal 15587
governmental entity required by law to have access on that 15588
entity's request, all internal practices, records, and 15589
documentation relating to personally identifiable information it 15590
receives, uses, or discloses that is affected or governed by this 15591
section. 15592

(6) On termination or expiration of an operating protocol and 15593
if feasible, a state agency shall return or destroy all personally 15594
identifiable information received directly from or received on 15595
behalf of another state agency. If the personally identifiable 15596
information is not returned or destroyed, the state agency 15597
maintaining the information shall extend the protections set forth 15598
in this section for as long as it is maintained. 15599

(7) If a state agency enters into a subcontract or, when 15600
required by 45 C.F.R. 164.502(e)(2), a business associate 15601
agreement, the subcontract or business associate agreement shall 15602
require the subcontractor or business associate to comply with the 15603
terms of this section as if the subcontractor or business 15604
associate were a state agency. 15605

Sec. 191.06. (A) The provisions of this section shall apply 15606
only for fiscal years 2013, ~~2014, and 2015~~ through 2017. 15607

(B) The executive director of the office of health 15608
transformation or the executive director's designee may facilitate 15609
the coordination of operations and exchange of information between 15610
state agencies. The purpose of the executive director's authority 15611
under this section is to support agency collaboration for health 15612
transformation purposes, including modernization of the medicaid 15613
program, streamlining of health and human services programs in 15614
this state, and improving the quality, continuity, and efficiency 15615
of health care and health care support systems in this state. 15616

(C) In furtherance of the authority of the executive director 15617
of the office of health transformation under division (B) of this 15618
section, the executive director or the executive director's 15619
designee shall identify each health transformation initiative in 15620
this state that involves the participation of two or more state 15621
agencies and that permits or requires an interagency agreement to 15622
be entered into for purposes of specifying each participating 15623
agency's role in coordinating, operating, or funding the 15624
initiative, or facilitating the exchange of data or other 15625
information for the initiative. The executive director shall 15626
publish a list of the identified health transformation initiatives 15627
on the internet web site maintained by the office of health 15628
transformation. 15629

(D) For each health transformation initiative that is 15630
identified under division (C) of this section, the executive 15631
director or the executive director's designee shall, in 15632
consultation with each participating agency, adopt one or more 15633
operating protocols. Notwithstanding any law enacted by the 15634
general assembly or rule adopted by a state agency, the provisions 15635
in a protocol shall supersede any provisions in an interagency 15636
agreement, including an interagency agreement entered into under 15637
section 5101.10 or 5162.35 of the Revised Code, that differ from 15638
the provisions of the protocol. 15639

(E)(1) An operating protocol adopted under division (D) of 15640
this section shall include both of the following: 15641

(a) All terms necessary to meet the requirements of "other 15642
arrangements" between a covered entity and a business associate 15643
that are referenced in 45 C.F.R. 164.314(a)(2)(ii); 15644

(b) If known, the date on which the protocol will terminate 15645
or expire. 15646

(2) In addition, a protocol may specify the extent to which 15647

each participating agency is responsible and accountable for 15648
completing the tasks necessary for successful completion of the 15649
initiative, including tasks relating to the following components 15650
of the initiative: 15651

(a) Workflow; 15652

(b) Funding; 15653

(c) Exchange of data or other information that is 15654
confidential pursuant to state or federal law. 15655

(F) An operating protocol adopted under division (D) of this 15656
section shall have the same force and effect as an interagency 15657
agreement or data sharing agreement, and each participating agency 15658
shall comply with it. 15659

Sec. 193.05. (A) The federal-military jobs commission shall 15660
be responsible for the furtherance and implementation of 15661
federal-military installation jobs and any programs under this 15662
chapter. The federal-military jobs commission shall do the 15663
following: 15664

(1) Develop and recommend strategies that support and foster 15665
collaboration among local and regional entities to identify 15666
appropriate opportunities for the protection of existing 15667
federal-military facilities and the placement of additional 15668
federal-military facilities in the state; 15669

(2) For facilities located in the state, maintain a current 15670
listing of all facilities of the federal government, including 15671
military, national security, and national aeronautics and space 15672
administration facilities, Ohio national guard facilities, and 15673
related state and federal facilities, including their master 15674
plans; 15675

(3) Make recommendations, as appropriate, to prepare the 15676
state to effectively compete in future and ongoing federal budget 15677

reduction processes; 15678

(4) For the purpose of formulating strategies to secure the 15679
long-term viability, retention, and growth of military missions 15680
and facilities in the state, direct and review studies by experts 15681
that have utilized past base realignment and closure criteria and 15682
scoring to conduct a thorough and detailed analysis of the 15683
military value of the state's military installations, ranges, and 15684
airspace; 15685

(5) Review the scoring criteria from any previous federal 15686
defense base closure and realignment commission's processes to 15687
determine the following: 15688

(a) The strengths and weaknesses of the state relative to 15689
competing installations and facilities, which shall include an 15690
analysis of military value 1-4 attributes, metrics and criteria 15691
such as airspace attributes, encroachment, air traffic control 15692
restrictions, area cost factors, and area weather; 15693

(b) The opportunities for increasing the military value of 15694
federal-military operations in the state that still exist after a 15695
previous federal defense base closure and realignment commission 15696
process. 15697

(6) Provide an ongoing examination of federal agency 15698
construction, including construction for the military, for 15699
homeland security, and for the national aeronautics and space 15700
administration, and related operations budget requests relative to 15701
the infrastructure plans of federal-military agencies and 15702
facilities; 15703

(7) Access and review long-range military construction plans, 15704
associated costs, and timelines as made available by federal 15705
government agencies; 15706

(8) Recommend a public-private partnership for services 15707
specified by the commission that include, but are not limited to, 15708

energy services, internet connectivity, snow removal, fire 15709
service, waste management, library services, day care center 15710
services, security services, and services opportunities to lower 15711
the cost of operations at federal-military installations in the 15712
state; 15713

(9) Examine the roles and responsibilities of general 15714
aviation at airports located in the state and develop and 15715
recommend local and federal programs to assist the state's 15716
installations and facilities related to municipal airport 15717
agreements and the federal airport improvement program; 15718

(10) Review and develop joint base and infrastructure plans 15719
for improving proximity to training areas, consolidating training 15720
centers, and determining alternatives that may exist in current 15721
federal military construction programs for shared services and 15722
shared savings opportunities; 15723

(11) Evaluate plans for federal agencies and local 15724
communities that address excess capacity of buildings, developed 15725
land, and land available for development; 15726

(12) Evaluate enhanced use lease opportunities made available 15727
to federal-military entities in Ohio; 15728

(13) Recommend to the general assembly future programs that 15729
may enhance the state's ability to compete for the retention and 15730
creation of job opportunities related to federal-military 15731
facilities and infrastructure in the state; 15732

(14) In consultation with other state agencies, develop 15733
programs that utilize federal and higher education research 15734
initiatives to commercialize and privatize products to private 15735
sector companies in the state; 15736

(15) Develop programs that create a statewide response to the 15737
federal initiatives that make contracts available to small 15738
businesses and veteran-owned Ohio businesses; 15739

(16) Develop programs and initiatives to promote career awareness and readiness for, and job placement with, federal-military jobs and other private sector employer jobs in the state;

(17) Approve awards of financial assistance and the process for distributing awards under the program developed under sections 193.15 and 193.16 of the Revised Code.

(B) The commission shall adopt internal rules and policies to implement any of the provisions of this chapter applicable to the commission.

(C) Except as otherwise prescribed in this chapter, all expenses incurred by the commission in carrying out the commission's powers and in exercising the commission's duties under this chapter, shall be payable solely from, as appropriate, moneys in the federal-military jobs fund. This chapter does not authorize the commission to incur bonded indebtedness of the state or any political subdivision thereof, or to obligate or pledge moneys raised by taxation for the payment of any guarantees made pursuant to this chapter.

(D) Government agencies of the state shall cooperate with and provide assistance to the commission and the controlling board in the exercise of their respective functions under this chapter.

Sec. 193.08. (A) Any application describing a proposal requesting designation by the federal-military jobs commission as an eligible federal-military project under the federal-military jobs program shall be submitted to the federal-military jobs commission. The commission may designate regional economic development entities for technical or administrative assistance with the application process. The commission shall designate a project as an eligible federal-military project under the program in accordance with criteria developed by the commission.

<u>(B) Not later than January 31, 2016, the commission shall</u>	15771
<u>establish criteria for evaluating proposals and shall make</u>	15772
<u>designations for eligible federal-military projects. The criteria</u>	15773
<u>for evaluating proposals may include the following provisions:</u>	15774
<u>(1) The total number of jobs created or preserved;</u>	15775
<u>(2) The expected impact on employment in the surrounding</u>	15776
<u>region;</u>	15777
<u>(3) The expressed support from the applicable federal agency</u>	15778
<u>with respect to the eligible federal-military project;</u>	15779
<u>(4) The expected return on investment, based on the ratio of</u>	15780
<u>expected savings;</u>	15781
<u>(5) The number of participating entities in the proposal;</u>	15782
<u>(6) The probability of the proposal's success;</u>	15783
<u>(7) The percentage of local matching funds available;</u>	15784
<u>(8) The ability to replicate the proposal in other political</u>	15785
<u>subdivisions;</u>	15786
<u>(9) Whether the proposal is part of a larger consolidation</u>	15787
<u>effort by the applicant or applicants;</u>	15788
<u>(10) If applicable, the federal or military value of the</u>	15789
<u>proposal, which may provide in whole or in part, current and</u>	15790
<u>future mission capabilities and the impact on operational</u>	15791
<u>readiness;</u>	15792
<u>(11) If applicable, whether the proposal provides the ability</u>	15793
<u>to accommodate contingency, mobilization, surge, and future total</u>	15794
<u>force increases;</u>	15795
<u>(12) If applicable, the operational value of the project for</u>	15796
<u>military purposes;</u>	15797
<u>(13) A recommendation from JobsOhio on return on investment</u>	15798
<u>for the state.</u>	15799

Sec. 193.11. The federal-military jobs commission, in 15800
exercising its powers and duties, shall develop and implement 15801
plans for encouraging local support for the purposes of the 15802
federal-military jobs program and for each eligible 15803
federal-military project. 15804

Sec. 193.15. (A) As used in sections 193.15 and 193.16 of the 15805
Revised Code, "infrastructure capital improvement" includes 15806
projects involving buildings, utilities, roadways, runways, 15807
railways, ramps, gates, fencing, and facilities other than 15808
buildings, including new construction, renovations, energy 15809
conservation measures, security upgrades, site preparation, land 15810
acquisition, clearance, demolition, removal, furnishings, 15811
equipment, design, engineering, and planning studies. 15812

(B) There is hereby created a subcommittee of the 15813
federal-military jobs commission consisting of five members of the 15814
commission. Two members shall be designated by the speaker of the 15815
house of representatives. Two members shall be designated by the 15816
president of the senate. One member shall be designated by the 15817
governor. If an appointing authority has not designated a member 15818
within thirty days after the effective date of this section, the 15819
senate president shall make the designation. 15820

(C) The subcommittee shall develop and implement a program to 15821
finance or assist in the financing of infrastructure capital 15822
improvements on military and defense installations in the state, 15823
including but not limited to those facilities operated by the 15824
United States department of veterans affairs, the Ohio department 15825
of veterans services, the national aeronautics and space 15826
administration, and the Ohio national guard. 15827

Sec. 193.16. (A) The subcommittee of the federal-military 15828
jobs commission created under section 193.15 of the Revised Code 15829

shall create and maintain a program, and develop an application 15830
process for providing financial assistance for military and 15831
defense installations as described in section 193.15 of the 15832
Revised Code. The financial assistance may be in the form of 15833
grants, loans, and loan guarantees. It may also be provided for 15834
rental or lease payments that enable new construction in support 15835
of the purposes of sections 193.15 and 193.16 of the Revised Code. 15836

(B) Upon receipt of an application, the subcommittee shall 15837
examine the proposed infrastructure capital improvement to 15838
determine if it will support job creation, increase opportunities 15839
for long-term economic development, or increase the military value 15840
of the installation as described in section 2913 of the "Defense 15841
Base Closure and Realignment Act of 1990," Pub. L. No. 101-510, as 15842
amended. Only those improvements that meet at least one of those 15843
conditions are eligible to receive financial assistance under the 15844
program. 15845

(C) The subcommittee shall make recommendations to the 15846
commission regarding the award of financial assistance. 15847

(D) If the commission approves an award, the subcommittee 15848
shall distribute the award in accordance with procedures adopted 15849
by the subcommittee and approved by the commission. 15850

Sec. 305.31. The procedure for submitting to a referendum a 15851
resolution adopted by a board of county commissioners under 15852
division (H) of section 307.695 of the Revised Code that is not 15853
submitted to the electors of the county for their approval or 15854
disapproval; any resolution adopted by a board of county 15855
commissioners pursuant to division (D)(1) of section 307.697, 15856
section 322.02, 322.06, or 324.02, sections ~~1515.22~~ 940.31 and 15857
~~1515.24~~ 940.33, division (B)(1) of section 4301.421, section 15858
4504.02, 5739.021, or 5739.026, division (A)(6), (A)(8), or (M) of 15859
section 5739.09, section 5741.021 or 5741.023, or division (C)(1) 15860

of section 5743.024 of the Revised Code; or a rule adopted 15861
pursuant to section 307.79 of the Revised Code shall be as 15862
prescribed by this section. 15863

Except as otherwise provided in this paragraph, when a 15864
petition, signed by ten per cent of the number of electors who 15865
voted for governor at the most recent general election for the 15866
office of governor in the county, is filed with the county auditor 15867
within thirty days after the date the resolution is passed or rule 15868
is adopted by the board of county commissioners, or is filed 15869
within forty-five days after the resolution is passed, in the case 15870
of a resolution adopted pursuant to section 5739.021 of the 15871
Revised Code that is passed within one year after a resolution 15872
adopted pursuant to that section has been rejected or repealed by 15873
the electors, requesting that the resolution be submitted to the 15874
electors of the county for their approval or rejection, the county 15875
auditor shall, after ten days following the filing of the 15876
petition, and not later than four p.m. of the ninetieth day before 15877
the day of election, transmit a certified copy of the text of the 15878
resolution or rule to the board of elections. In the case of a 15879
petition requesting that a resolution adopted under division 15880
(D)(1) of section 307.697, division (B)(1) of section 4301.421, or 15881
division (C)(1) of section 5743.024 of the Revised Code be 15882
submitted to electors for their approval or rejection, the 15883
petition shall be signed by seven per cent of the number of 15884
electors who voted for governor at the most recent election for 15885
the office of governor in the county. The county auditor shall 15886
transmit the petition to the board together with the certified 15887
copy of the resolution or rule. The board shall examine all 15888
signatures on the petition to determine the number of electors of 15889
the county who signed the petition. The board shall return the 15890
petition to the auditor within ten days after receiving it, 15891
together with a statement attesting to the number of such electors 15892
who signed the petition. The board shall submit the resolution or 15893

rule to the electors of the county, for their approval or 15894
rejection, at the succeeding general election held in the county 15895
in any year, or on the day of the succeeding primary election held 15896
in the county in even-numbered years, occurring subsequent to 15897
ninety days after the auditor certifies the sufficiency and 15898
validity of the petition to the board of elections. 15899

No resolution shall go into effect until approved by the 15900
majority of those voting upon it. However, a rule shall take 15901
effect and remain in effect unless and until a majority of the 15902
electors voting on the question of repeal approve the repeal. 15903
Sections 305.31 to 305.41 of the Revised Code do not prevent a 15904
county, after the passage of any resolution or adoption of any 15905
rule, from proceeding at once to give any notice or make any 15906
publication required by the resolution or rule. 15907

The board of county commissioners shall make available to any 15908
person, upon request, a certified copy of any resolution or rule 15909
subject to the procedure for submitting a referendum under 15910
sections 305.31 to 305.42 of the Revised Code beginning on the 15911
date the resolution or rule is adopted by the board. The board may 15912
charge a fee for the cost of copying the resolution or rule. 15913

As used in this section, "certified copy" means a copy 15914
containing a written statement attesting that it is a true and 15915
exact reproduction of the original resolution or rule. 15916

Sec. 306.35. Upon the creation of a regional transit 15917
authority as provided by section 306.32 of the Revised Code, and 15918
upon the qualifying of its board of trustees and the election of a 15919
president and a vice-president, the authority shall exercise in 15920
its own name all the rights, powers, and duties vested in and 15921
conferred upon it by sections 306.30 to 306.53 of the Revised 15922
Code. Subject to any reservations, limitations, and qualifications 15923
that are set forth in those sections, the regional transit 15924

authority:	15925
(A) May sue or be sued in its corporate name;	15926
(B) May make contracts in the exercise of the rights, powers, and duties conferred upon it;	15927 15928
(C) May adopt and at will alter a seal and use such seal by causing it to be impressed, affixed, reproduced, or otherwise used, but failure to affix the seal shall not affect the validity of any instrument;	15929 15930 15931 15932
(D)(1) May adopt, amend, and repeal bylaws for the administration of its affairs and rules for the control of the administration and operation of transit facilities under its jurisdiction, and for the exercise of all of its rights of ownership in those transit facilities;	15933 15934 15935 15936 15937
(2) The regional transit authority also may adopt bylaws and rules for the following purposes:	15938 15939
(a) To prohibit selling, giving away, or using any beer or intoxicating liquor on transit vehicles or transit property;	15940 15941
(b) For the preservation of good order within or on transit vehicles or transit property;	15942 15943
(c) To provide for the protection and preservation of all property and life within or on transit vehicles or transit property;	15944 15945 15946
(d) To regulate and enforce the collection of fares.	15947
(3) Before a bylaw or rule adopted under division (D)(2) of this section takes effect, the regional transit authority shall provide for a notice of its adoption to be published once a week for two consecutive weeks in a newspaper of general circulation within the territorial boundaries of the regional transit authority, or as provided in section 7.16 of the Revised Code.	15948 15949 15950 15951 15952 15953
(4) No person shall violate any bylaw or rule of a regional	15954

transit authority adopted under division (D)(2) of this section. 15955

(E) May fix, alter, and collect fares, rates, and rentals and 15956
other charges for the use of transit facilities under its 15957
jurisdiction to be determined exclusively by it for the purpose of 15958
providing for the payment of the expenses of the regional transit 15959
authority, the acquisition, construction, improvement, extension, 15960
repair, maintenance, and operation of transit facilities under its 15961
jurisdiction, the payment of principal and interest on its 15962
obligations, and to fulfill the terms of any agreements made with 15963
purchasers or holders of any such obligations, or with any person 15964
or political subdivision; 15965

(F) Shall have jurisdiction, control, possession, and 15966
supervision of all property, rights, easements, licenses, moneys, 15967
contracts, accounts, liens, books, records, maps, or other 15968
property rights and interests conveyed, delivered, transferred, or 15969
assigned to it; 15970

(G)(1) Except as provided in division (G)(2) of this section, 15971
may acquire, construct, improve, extend, repair, lease, operate, 15972
maintain, or manage transit facilities within or without its 15973
territorial boundaries, considered necessary to accomplish the 15974
purposes of its organization and make charges for the use of 15975
transit facilities. 15976

(2) Beginning on July 1, 2011, a regional transit authority 15977
shall not extend its service or facilities into a political 15978
subdivision outside the territorial boundaries of the authority 15979
without giving prior notice to the legislative authority of the 15980
political subdivision. The legislative authority shall have thirty 15981
days after receiving the notice to comment on the proposal. 15982

(H) May levy and collect taxes as provided in sections 306.40 15983
and 306.49 of the Revised Code; 15984

(I) May issue bonds secured by its general credit as provided 15985

in section 306.40 of the Revised Code; 15986

(J) May hold, encumber, control, acquire by donation, by 15987
purchase for cash or by installment payments, by lease-purchase 15988
agreement, by lease with option to purchase, by borrowing from any 15989
federal, state, or other governmental or private source, or by 15990
condemnation, and may construct, own, lease as lessee or lessor, 15991
use, and sell, real and personal property, or any interest or 15992
right in real and personal property, within or without its 15993
territorial boundaries, for the location or protection of transit 15994
facilities and improvements and access to transit facilities and 15995
improvements, the relocation of buildings, structures, and 15996
improvements situated on lands acquired by the regional transit 15997
authority, or for any other necessary purpose, or for obtaining or 15998
storing materials to be used in constructing, maintaining, and 15999
improving transit facilities under its jurisdiction; 16000

(K) May exercise the power of eminent domain to acquire 16001
property or any interest in property, within or without its 16002
territorial boundaries, that is necessary or proper for the 16003
construction or efficient operation of any transit facility or 16004
access to any transit facility under its jurisdiction in 16005
accordance with section 306.36 of the Revised Code; 16006

(L) May provide by agreement with any county, including the 16007
counties within its territorial boundaries, or any municipal 16008
corporation or any combination of counties or municipal 16009
corporations for the making of necessary surveys, appraisals, and 16010
examinations preliminary to the acquisition or construction of any 16011
transit facility and the amount of the expense for the surveys, 16012
appraisals, and examinations to be paid by each such county or 16013
municipal corporation; 16014

(M) May provide by agreement with any county, including the 16015
counties within its territorial boundaries, or any municipal 16016
corporation or any combination of those counties or municipal 16017

corporations for the acquisition, construction, improvement, 16018
extension, maintenance, or operation of any transit facility owned 16019
or to be owned and operated by it or owned or to be owned and 16020
operated by any such county or municipal corporation and the terms 16021
on which it shall be acquired, leased, constructed, maintained, or 16022
operated, and the amount of the cost and expense of the 16023
acquisition, lease, construction, maintenance, or operation to be 16024
paid by each such county or municipal corporation; 16025

(N) May issue revenue bonds for the purpose of acquiring, 16026
replacing, improving, extending, enlarging, or constructing any 16027
facility or permanent improvement that it is authorized to 16028
acquire, replace, improve, extend, enlarge, or construct, 16029
including all costs in connection with and incidental to the 16030
acquisition, replacement, improvement, extension, enlargement, or 16031
construction, and their financing, as provided by section 306.37 16032
of the Revised Code; 16033

(O) May enter into and supervise franchise agreements for the 16034
operation of a transit system; 16035

(P) May accept the assignment of and supervise an existing 16036
franchise agreement for the operation of a transit system; 16037

(Q) May exercise a right to purchase a transit system in 16038
accordance with the acquisition terms of an existing franchise 16039
agreement; and in connection with the purchase the regional 16040
transit authority may issue revenue bonds as provided by section 16041
306.37 of the Revised Code or issue bonds secured by its general 16042
credit as provided in section 306.40 of the Revised Code; 16043

(R) May apply for and accept grants or loans from the United 16044
States, the state, or any other public ~~body~~ or any private source 16045
for the purpose of providing for the development or improvement of 16046
transit facilities, mass transportation facilities, equipment, 16047
techniques, methods, or services, and grants or loans needed to 16048

exercise a right to purchase a transit system pursuant to 16049
agreement with the owner of those transit facilities, or for 16050
providing lawful financial assistance to existing transit systems; 16051
and may provide any consideration that may be required in order to 16052
obtain those grants or loans from the United States, the state, or 16053
other public ~~body~~ or private source, either of which grants or 16054
loans may be evidenced by the issuance of revenue bonds as 16055
provided by section 306.37 of the Revised Code or general 16056
obligation bonds as provided by section 306.40 of the Revised 16057
Code; 16058

(S) May employ and fix the compensation of consulting 16059
engineers, superintendents, managers, and such other engineering, 16060
construction, accounting and financial experts, attorneys, and 16061
other employees and agents necessary for the accomplishment of its 16062
purposes; 16063

(T) May procure insurance against loss to it by reason of 16064
damages to its properties resulting from fire, theft, accident, or 16065
other casualties or by reason of its liability for any damages to 16066
persons or property occurring in the construction or operation of 16067
transit facilities under its jurisdiction or the conduct of its 16068
activities; 16069

(U) May maintain funds that it considers necessary for the 16070
efficient performance of its duties; 16071

(V) May direct its agents or employees, when properly 16072
identified in writing, after at least five days' written notice, 16073
to enter upon lands within or without its territorial boundaries 16074
in order to make surveys and examinations preliminary to the 16075
location and construction of transit facilities, without liability 16076
to it or its agents or employees except for actual damage done; 16077

(W) On its own motion, may request the appropriate zoning 16078
board, as defined in section 4563.03 of the Revised Code, to 16079

establish and enforce zoning regulations pertaining to any transit facility under its jurisdiction in the manner prescribed by sections 4563.01 to 4563.21 of the Revised Code;

(X) If it acquires any existing transit system, shall assume all the employer's obligations under any existing labor contract between the employees and management of the system. If the board acquires, constructs, controls, or operates any such facilities, it shall negotiate arrangements to protect the interests of employees affected by the acquisition, construction, control, or operation. The arrangements shall include, but are not limited to:

(1) The preservation of rights, privileges, and benefits under existing collective bargaining agreements or otherwise, the preservation of rights and benefits under any existing pension plans covering prior service, and continued participation in social security in addition to participation in the public employees retirement system as required in Chapter 145. of the Revised Code;

(2) The continuation of collective bargaining rights;

(3) The protection of individual employees against a worsening of their positions with respect to their employment;

(4) Assurances of employment to employees of those transit systems and priority reemployment of employees terminated or laid off;

(5) Paid training or retraining programs;

(6) Signed written labor agreements.

The arrangements may include provisions for the submission of labor disputes to final and binding arbitration.

(Y) May provide for and maintain security operations, including a transit police department, subject to section 306.352 of the Revised Code. Regional transit authority police officers

shall have the power and duty to act as peace officers within 16110
transit facilities owned, operated, or leased by the transit 16111
authority to protect the transit authority's property and the 16112
person and property of passengers, to preserve the peace, and to 16113
enforce all laws of the state and ordinances and regulations of 16114
political subdivisions in which the transit authority operates. 16115
Regional transit authority police officers also shall have the 16116
power and duty to act as peace officers when they render emergency 16117
assistance outside their jurisdiction to any other peace officer 16118
who is not a regional transit authority police officer and who has 16119
arrest authority under section 2935.03 of the Revised Code. 16120
Regional transit authority police officers may render emergency 16121
assistance if there is a threat of imminent physical danger to the 16122
peace officer, a threat of physical harm to another person, or any 16123
other serious emergency situation and if either the peace officer 16124
who is assisted requests emergency assistance or it appears that 16125
the peace officer who is assisted is unable to request emergency 16126
assistance and the circumstances observed by the regional transit 16127
authority police officer reasonably indicate that emergency 16128
assistance is appropriate. 16129

Before exercising powers of arrest and the other powers and 16130
duties of a peace officer, each regional transit authority police 16131
officer shall take an oath and give bond to the state in a sum 16132
that the board of trustees prescribes for the proper performance 16133
of the officer's duties. 16134

Persons employed as regional transit authority police 16135
officers shall complete training for the position to which they 16136
have been appointed as required by the Ohio peace officer training 16137
commission as authorized in section 109.77 of the Revised Code, or 16138
be otherwise qualified. The cost of the training shall be provided 16139
by the regional transit authority. 16140

(Z) May procure a policy or policies insuring members of its 16141

board of trustees against liability on account of damages or 16142
injury to persons and property resulting from any act or omission 16143
of a member in the member's official capacity as a member of the 16144
board or resulting solely out of the member's membership on the 16145
board; 16146

(AA) May enter into any agreement for the sale and leaseback 16147
or lease and leaseback of transit facilities, which agreement may 16148
contain all necessary covenants for the security and protection of 16149
any lessor or the regional transit authority including, but not 16150
limited to, indemnification of the lessor against the loss of 16151
anticipated tax benefits arising from acts, omissions, or 16152
misrepresentations of the regional transit authority. In 16153
connection with that transaction, the regional transit authority 16154
may contract for insurance and letters of credit and pay any 16155
premiums or other charges for the insurance and letters of credit. 16156
The fiscal officer shall not be required to furnish any 16157
certificate under section 5705.41 of the Revised Code in 16158
connection with the execution of any such agreement. 16159

(BB) In regard to any contract entered into on or after March 16160
19, 1993, for the rendering of services or the supplying of 16161
materials or for the construction, demolition, alteration, repair, 16162
or reconstruction of transit facilities in which a bond is 16163
required for the faithful performance of the contract, may permit 16164
the person awarded the contract to utilize a letter of credit 16165
issued by a bank or other financial institution in lieu of the 16166
bond; 16167

(CC) May enter into agreements with municipal corporations 16168
located within the territorial jurisdiction of the regional 16169
transit authority permitting regional transit authority police 16170
officers employed under division (Y) of this section to exercise 16171
full arrest powers, as provided in section 2935.03 of the Revised 16172
Code, for the purpose of preserving the peace and enforcing all 16173

laws of the state and ordinances and regulations of the municipal 16174
corporation within the areas that may be agreed to by the regional 16175
transit authority and the municipal corporation. 16176

Sec. 307.679. (A) As used in this section: 16177

(1) "Sports park" means any facility designed and constructed 16178
as a venue for public entertainment and recreation by the 16179
presentation of sporting and athletic events, or other events and 16180
exhibitions, including a facility designed to provide a site for 16181
one or more athletic or sports teams or activities, spectator 16182
facilities, parking facilities, walkways, and auxiliary 16183
facilities; real and personal property; property rights; 16184
easements; leasehold estates; and other interests appropriate for, 16185
or used in connection with, the operation of those facilities. 16186
"Sports park" includes sports complexes consisting of multiple 16187
athletic fields for youth and secondary school students and 16188
related spectator, parking, and auxiliary facilities. 16189

(2) "Sports park bonds" means bonds, notes, or any other debt 16190
issued by a county or a port authority for a project, including 16191
any bonds issued to refinance or otherwise refund such debt. 16192

(3) "Debt service charges" means the principal of and 16193
interest and any premium due on sports park bonds whether due at 16194
maturity or upon mandatory redemption, together with any required 16195
deposits to reserves for the payment of principal of and interest 16196
on such sports park bonds, and includes any payments required by a 16197
port authority to satisfy any of its obligations arising from any 16198
guaranty agreements, reimbursement agreements, or other credit 16199
enhancement agreements described in this section. 16200

(4) "Eligible corporation" means a nonprofit corporation that 16201
is organized under the laws of this state the authorized purposes 16202
of which encompasses the ability to construct, lease, and operate 16203
a sports park, including a nonprofit corporation established under 16204

Chapter 1702. or a community improvement corporation established 16205
under Chapter 1724. of the Revised Code. 16206

(5) "Operator" means the person that leases or subleases a 16207
sports park from a county, port authority, or eligible corporation 16208
and that operates and manages the sports park. 16209

(6) "Port authority" means a port authority created under 16210
Chapter 4582. of the Revised Code. 16211

(7) "Project" means acquiring, constructing, reconstructing, 16212
renovating, rehabilitating, expanding, adding to, equipping, 16213
furnishing, or otherwise improving a sports park. 16214

(8) "One purpose," "permanent improvement," and "person," 16215
have the same meanings as in section 133.01 of the Revised Code. 16216

(B) The board of county commissioners of a county having a 16217
population greater than seventy-five thousand but less than 16218
seventy-eight thousand according to the 2010 federal decennial 16219
census may enter into a cooperative agreement with a port 16220
authority, eligible corporation, operator, or any other person 16221
under which: 16222

(1) The board agrees to do any or all of the following: 16223

(a) Levy a tax or increase the rate of a tax under section 16224
5739.09 of the Revised Code, as authorized by that section; 16225

(b) Acquire, convey, or lease real or other property for a 16226
project; 16227

(c) Issue sports park bonds for a project; 16228

(d) Pledge and contribute all or a portion of the revenue 16229
from taxes the board agrees to levy under division (B)(1)(a) of 16230
this section, together with any investment and earnings on that 16231
revenue, to pay debt service charges; 16232

(e) Pledge and contribute nontax revenues, together with any 16233
investment and earnings on such revenues, to pay the debt service 16234

<u>charges, and, as the board considers appropriate, use all or any</u>	16235
<u>portion of a tax levied under section 5739.09 of the Revised Code</u>	16236
<u>to maintain, pay, or otherwise satisfy county obligations and</u>	16237
<u>expenses that such nontax revenues would otherwise pay;</u>	16238
<u>(f) Construct a sports park;</u>	16239
<u>(g) Authorize the port authority, eligible corporation,</u>	16240
<u>operator, or other person to administer on behalf of the county</u>	16241
<u>any contracts for a project.</u>	16242
<u>(2) The port authority agrees to do any or all of the</u>	16243
<u>following:</u>	16244
<u>(a) Acquire, convey, or lease real or other property for a</u>	16245
<u>project;</u>	16246
<u>(b) Issue sports park bonds for a project;</u>	16247
<u>(c) Construct a sports park;</u>	16248
<u>(d) Authorize the eligible corporation, operator, or other</u>	16249
<u>person to administer on behalf of the port authority any contracts</u>	16250
<u>for a project.</u>	16251
<u>(3) The eligible corporation agrees to do any or all of the</u>	16252
<u>following:</u>	16253
<u>(a) Acquire, convey, or lease real or other property for a</u>	16254
<u>project;</u>	16255
<u>(b) Construct a sports park;</u>	16256
<u>(c) Authorize the operator or another person to administer on</u>	16257
<u>behalf of the corporation any contracts for a project.</u>	16258
<u>(4) The operator agrees to do any or all of the following:</u>	16259
<u>(a) Acquire, convey, or lease real or other property for a</u>	16260
<u>project;</u>	16261
<u>(b) Administer on behalf of the county, port authority, or</u>	16262
<u>corporation, any contracts for a project;</u>	16263

(c) Lease a sports park from the county, port authority, or corporation on terms to be agreed upon between the operator and the lessor, including a lease-purchase agreement under which the operator agrees to acquire for one dollar the sports park at the later of the end of the lease or upon retirement of the sports park bonds; 16264
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(d) Operate and maintain the sports park. 16270

(C) The pledges and contributions provided for in a cooperative agreement entered into under this section shall be for the period prescribed in the cooperative agreement, but shall not exceed the period necessary to retire any sports park bonds and to satisfy any sports park bond issuing authority's obligations arising from a guaranty agreement, reimbursement agreement, or other credit enhancement agreement relating to sports park bonds or to the revenues pledged to such bonds. 16271
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The cooperative agreement shall provide for its termination, including termination of the pledges and contributions described in division (B) of this section if the sports park bonds have not been issued, sold, and delivered within two years after the effective date of the cooperative agreement. The cooperative agreement shall provide that any sports park bonds shall be secured by a trust agreement between the issuing authority and a corporate trustee that is a trust company or bank having the powers of a trust company. If the bonds are issued by the port authority, the county may be a party to such trust agreement for the purpose of securing the pledge by the county of its contribution to the corporation pursuant to division (B)(1) of this section. 16279
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A pledge of money by a county under this section shall not be net indebtedness of the county for purposes of section 133.07 of the Revised Code. Transactions described in divisions (B)(1)(b), (2)(a), (3)(a), and (4)(a) and (c) of this section are not subject 16292
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to the requirements and limitations of sections 307.02, 307.09, 16296
307.12, 307.86, 307.862, and 4582.12 of the Revised Code. A 16297
project is a permanent improvement for one purpose for the 16298
purposes of Chapter 133. of the Revised Code. 16299

Sec. 317.08. (A) The county recorder shall record all 16300
instruments in one general record series to be known as the 16301
"official records." The county recorder shall record in the 16302
official records all of the following instruments that are 16303
presented for recording, upon payment of the fees prescribed by 16304
law: 16305

(1) Deeds and other instruments of writing for the absolute 16306
and unconditional sale or conveyance of lands, tenements, and 16307
hereditaments; 16308

(2) Notices as provided in sections 5301.47 to 5301.56 of the 16309
Revised Code; 16310

(3) Judgments or decrees in actions brought under section 16311
5303.01 of the Revised Code; 16312

(4) Declarations and bylaws, and all amendments to 16313
declarations and bylaws, as provided in Chapter 5311. of the 16314
Revised Code; 16315

(5) Affidavits as provided in sections 5301.252 and 5301.56 16316
of the Revised Code; 16317

(6) Certificates as provided in section 5311.17 of the 16318
Revised Code; 16319

(7) Articles dedicating archaeological preserves accepted by 16320
the director of the Ohio historical society under section 149.52 16321
of the Revised Code; 16322

(8) Articles dedicating nature preserves accepted by the 16323
director of natural resources under section 1517.05 of the Revised 16324
Code; 16325

(9) Conveyances of conservation easements and agricultural easements under section 5301.68 of the Revised Code;	16326 16327
(10) Instruments extinguishing agricultural easements under section 901.21 or 5301.691 of the Revised Code or pursuant to the terms of such an easement granted to a charitable organization under section 5301.68 of the Revised Code;	16328 16329 16330 16331
(11) Instruments or orders described in division (B)(2)(b) of section 5301.56 of the Revised Code;	16332 16333
(12) No further action letters issued under section 122.654 or 3746.11 of the Revised Code;	16334 16335
(13) Covenants not to sue issued under section 3746.12 of the Revised Code, including all covenants not to sue issued pursuant to section 122.654 of the Revised Code;	16336 16337 16338
(14) Restrictions on the use of property contained in a no further action letter issued under section 122.654 of the Revised Code, restrictions on the use of property identified pursuant to division (C)(3)(a) of section 3746.10 of the Revised Code, and restrictions on the use of property contained in a deed or other instrument as provided in division (E) or (F) of section 3737.882 of the Revised Code;	16339 16340 16341 16342 16343 16344 16345
(15) Any easement executed or granted under section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code;	16346 16347
(16) Any environmental covenant entered into in accordance with sections 5301.80 to 5301.92 of the Revised Code;	16348 16349
(17) Memoranda of trust, as described in division (A) of section 5301.255 of the Revised Code, that describe specific real property;	16350 16351 16352
(18) Agreements entered into under section 1506.44 of the Revised Code;	16353 16354
(19) Mortgages, including amendments, supplements,	16355

modifications, and extensions of mortgages, or other instruments 16356
of writing by which lands, tenements, or hereditaments are or may 16357
be mortgaged or otherwise conditionally sold, conveyed, affected, 16358
or encumbered; 16359

(20) Executory installment contracts for the sale of land 16360
executed after September 29, 1961, that by their terms are not 16361
required to be fully performed by one or more of the parties to 16362
them within one year of the date of the contracts; 16363

(21) Options to purchase real estate, including supplements, 16364
modifications, and amendments of the options, but no option of 16365
that nature shall be recorded if it does not state a specific day 16366
and year of expiration of its validity; 16367

(22) Any tax certificate sold under section 5721.33 of the 16368
Revised Code, or memorandum of it, that is presented for filing of 16369
record; 16370

(23) Powers of attorney, including all memoranda of trust, as 16371
described in division (A) of section 5301.255 of the Revised Code, 16372
that do not describe specific real property; 16373

(24) Plats and maps of town lots, of the subdivision of town 16374
lots, and of other divisions or surveys of lands, any center line 16375
survey of a highway located within the county, the plat of which 16376
shall be furnished by the director of transportation or county 16377
engineer, and all drawings and amendments to drawings, as provided 16378
in Chapter 5311. of the Revised Code; 16379

(25) Leases, including a lease described in section 5301.09 16380
of the Revised Code, memoranda of leases, and supplements, 16381
modifications, and amendments of leases and memoranda of leases; 16382

(26) Declarations executed pursuant to section 2133.02 of the 16383
Revised Code and durable powers of attorney for health care 16384
executed pursuant to section 1337.12 of the Revised Code; 16385

(27) Unemployment compensation liens, internal revenue tax	16386
liens, and other liens in favor of the United States as described	16387
in division (A) of section 317.09 of the Revised Code, personal	16388
tax liens, mechanic's liens, agricultural product liens, notices	16389
of liens, certificates of satisfaction or partial release of	16390
estate tax liens, discharges of recognizances, excise and	16391
franchise tax liens on corporations, broker's liens, and liens	16392
provided for in section 1513.33, 1513.37, 3752.13, 4141.23,	16393
5111.022, or 5311.18 of the Revised Code; and	16394
(28) Corrupt activity lien notices filed pursuant to section	16395
2923.36 of the Revised Code and medicaid fraud lien notices filed	16396
pursuant to section 2933.75 of the Revised Code;	16397
<u>(29) Notices attached to real property under section 6112.06,</u>	16398
<u>6117.52, or 6119.60 of the Revised Code.</u>	16399
(B) All instruments or memoranda of instruments entitled to	16400
record shall be recorded in the order in which they are presented	16401
for recording.	16402
The recording of an option to purchase real estate, including	16403
any supplement, modification, and amendment of the option, under	16404
this section shall serve as notice to any purchaser of an interest	16405
in the real estate covered by the option only during the period of	16406
the validity of the option as stated in the option.	16407
(C) In addition to the official records, a county recorder	16408
may elect to keep a separate set of records that contain the	16409
instruments listed in division (A)(24) of this section.	16410
(D) As part of the official records, the county recorder	16411
shall keep a separate set of records containing all transfers,	16412
conveyances, or assignments of any type of tangible or intangible	16413
personal property or any rights or interests in that property if	16414
and to the extent that any person wishes to record that personal	16415
property transaction and if the applicable instrument is	16416

acknowledged before a notary public. If the transferor is a 16417
natural person, the notice of personal property transfer shall be 16418
recorded in the county in this state in which the transferor 16419
maintains the transferor's principal residence. If the transferor 16420
is not a natural person, the notice of personal property transfer 16421
shall be recorded in the county in this state in which the 16422
transferor maintains its principal place of business. If the 16423
transferor does not maintain a principal residence or a principal 16424
place of business in this state and the transfer is to a trustee 16425
of a legacy trust formed pursuant to Chapter 5816. of the Revised 16426
Code, the notice of personal property transfer shall be recorded 16427
in the county in this state where that trustee maintains a 16428
principal residence or principal place of business. In all other 16429
instances, the notice of personal property transfer shall be 16430
recorded in the county in this state where the property described 16431
in the notice is located. 16432

Sec. 317.241. (A) A county recorder shall issue an Ohio 16433
veterans identification card to an individual who has met the 16434
following requirements: 16435

(1) Presented the individual's armed forces discharge record 16436
for recording in the record of discharges in the office of the 16437
county recorder; 16438

(2) Provided, while appearing in person at a county 16439
recorder's office, two forms of current and valid identification, 16440
at least one of which bears a photograph of the individual; 16441

(3) Paid a fee not to exceed two dollars. 16442

An Ohio veterans identification card expires ten years after 16443
the date of issuance. A veteran whose identification card has 16444
expired may apply to a county recorder for the issuance of a new 16445
identification card, and a veteran whose current card has been 16446
lost or damaged, may apply to a county recorder for a replacement 16447

<u>identification card, by meeting the requirements described in this</u>	16448
<u>section.</u>	16449
<u>(B) The following documents are valid forms of identification</u>	16450
<u>for the purposes of this section:</u>	16451
<u>(1) An original or a certified birth certificate.</u>	16452
<u>(2) An identification card issued by the United States</u>	16453
<u>department of veterans affairs.</u>	16454
<u>(3) A United States military identification card.</u>	16455
<u>(4) A social security card.</u>	16456
<u>(5) A license or permit to carry a concealed weapon issued by</u>	16457
<u>this state or any other state.</u>	16458
<u>(6) A motor vehicle operator's license issued by this state</u>	16459
<u>or any other state that bears a photograph of the licensee.</u>	16460
<u>(7) An identification card issued by this state or any other</u>	16461
<u>state that bears a photograph of the individual identified.</u>	16462
<u>(8) A valid passport that bears a photograph of the</u>	16463
<u>individual to whom the passport was issued.</u>	16464
<u>(9) A United States armed forces discharge record.</u>	16465
<u>(C) Fees collected under this section shall be deposited into</u>	16466
<u>the county treasury to the credit of the county recorder's</u>	16467
<u>technology fund established under section 317.321 of the Revised</u>	16468
<u>Code. If no such fund exists, the fee shall be deposited into the</u>	16469
<u>county general fund.</u>	16470
<u>(D)(1) An Ohio veterans identification card shall conform to</u>	16471
<u>the material and design standards established by the director of</u>	16472
<u>veterans services.</u>	16473
<u>(2) An applicant for an Ohio veterans identification card</u>	16474
<u>shall be photographed in color at the time the application for the</u>	16475
<u>card is made. A county recorder shall provide the necessary</u>	16476

equipment to take a color photograph of an applicant for an Ohio veterans identification card. Photographic records of a county recorder's office that are obtained under this section are the property of the county recorder's office. 16477
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(E) All application materials, including applications, photographs, documents, or other information submitted with an application or obtained by a county recorder are not public records under section 149.43 of the Revised Code. The county recorder may only release application materials as follows: 16481
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(1) To a state, local, or federal governmental agency for criminal justice purposes or to a court for any purpose arising in the court. 16486
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(2) To the department of veterans services, but only if the veteran gives prior signed written approval. 16489
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(3) To a county veterans service commission, but only if the veteran gives prior signed written approval. 16491
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A governmental agency, a court, the department of veterans services, or a county veterans service commission to which application materials have been released shall maintain the confidentiality of those materials. 16493
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(F) A county recorder may contract with any other political subdivision of the state for Ohio veterans identification card production services. 16497
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(G) A county recorder may accept donations, in the form of supplies and equipment, to be used in the production of Ohio veterans identification cards. 16500
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Sec. 317.36. (A) The county recorder shall collect the low- 16503
and moderate-income housing trust fund fee as specified in 16504
sections 317.114, 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 16505
4509.60, 5164.56, 5310.15, 5703.93, 5719.07, 5727.56, 5733.22, 16506

6101.09, and 6115.09 of the Revised Code. The amount of any 16507
housing trust fund fee the recorder is authorized to collect is 16508
equal to the amount of any base fee the recorder is authorized to 16509
collect for services. The housing trust fund fee shall be 16510
collected in addition to the base fee. 16511

(B) The recorder shall certify the amounts collected as 16512
housing trust fund fees pursuant to division (A) of this section 16513
into the county treasury as housing trust fund fees to be paid as 16514
follows: 16515

(1) Fifty per cent shall be paid to the treasurer of state 16516
pursuant to section 319.63 of the Revised Code. 16517

(2) Fifty per cent shall be paid to the board of 16518
commissioners of the county for the purpose of housing in that 16519
county. 16520

Sec. 319.63. (A) During the first thirty days of each 16521
calendar quarter, the county auditor shall pay to the treasurer of 16522
state ~~all~~ fifty per cent of the amounts that the county recorder 16523
collected as housing trust fund fees pursuant to section 317.36 of 16524
the Revised Code during the previous calendar quarter. If payment 16525
is made to the treasurer of state within the first thirty days of 16526
the quarter, the county auditor may retain of the amounts to be 16527
paid to the treasurer of state an administrative fee of one per 16528
cent of the amount of the trust fund fees collected during the 16529
previous calendar quarter. 16530

(B) The treasurer of state shall deposit the first fifty 16531
million dollars of housing trust fund fees received each year 16532
pursuant to this section into the low- and moderate-income housing 16533
trust fund, created under section 174.02 of the Revised Code, ~~and~~. 16534
The treasurer of state shall deposit any amounts received each 16535
year in excess of fifty million dollars into the housing trust 16536

reserve fund created under section 174.09 of the Revised Code, 16537
unless the cash balance of the housing trust reserve fund is 16538
greater than fifteen million dollars. In that event, the treasurer 16539
of state shall deposit any amounts received each year in excess of 16540
fifty million dollars into the state general revenue fund. 16541

(C) The county auditor shall deposit the administrative fee 16542
that the auditor is permitted to retain pursuant to division (A) 16543
of this section into the county general fund for the county 16544
recorder to use in administering the trust fund fee. 16545

Sec. 323.13. Except as provided in section 323.134 of the 16546
Revised Code, immediately upon receipt of any tax duplicate from 16547
the county auditor, but not less than twenty days prior to the 16548
last date on which the first one-half taxes may be paid without 16549
penalty as prescribed in section 323.12 or 323.17 of the Revised 16550
Code, the county treasurer shall cause to be prepared and mailed 16551
or delivered to each person charged on such duplicate with taxes 16552
or to an agent designated by such person, the tax bill prescribed 16553
by the commissioner of tax equalization under section 323.131 of 16554
the Revised Code. When taxes are paid by installments, the county 16555
treasurer shall mail or deliver to each person charged on such 16556
duplicate or the agent designated by such person, a second tax 16557
bill showing the amount due at the time of the second tax 16558
collection. The second-half tax bill shall be mailed or delivered 16559
at least twenty days prior to the close of the second-half tax 16560
collection period. The treasurer shall maintain a record of the 16561
person or agent to whom each bill is mailed or delivered. 16562

After delivery of the delinquent land duplicate as prescribed 16563
in section 5721.011 of the Revised Code, the county treasurer may 16564
prepare and mail to each person in whose name property therein is 16565
listed an additional tax bill showing the total amount of 16566
delinquent taxes appearing on such duplicate against such 16567

property. The tax bill shall include a notice that the interest 16568
charge prescribed by division (B) of section 323.121 of the 16569
Revised Code has begun to accrue. 16570

A change in the mailing address of any tax bill shall be made 16571
in writing to the county treasurer. 16572

Upon certification by the county auditor of the apportionment 16573
of taxes following the transfer of a part of a tract or lot of 16574
real estate, and upon request by the owner of any transferred or 16575
remaining part of such tract or parcel, the treasurer shall cause 16576
to be prepared and mailed or delivered to such owner a tax bill 16577
for the taxes allocated to the owner's part, together with the 16578
penalties, interest, and other charges. 16579

Failure to receive any bill required by this section does not 16580
excuse failure or delay to pay any taxes shown on such bill or, 16581
except as provided in division (B)(1) of section 5715.39 of the 16582
Revised Code, avoid any penalty, interest, or charge for such 16583
delay. 16584

Sec. 325.06. (A) Each sheriff shall be classified, for salary 16585
purposes, according to the population of the county. All sheriffs 16586
shall receive annual compensation in accordance with the following 16587
schedules and in accordance with section 325.18 of the Revised 16588
Code: 16589

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16590
~~FOR CALENDER YEAR 2000~~ 16591

Class	Population Range	Compensation	
1	1—20,000	\$37,172	16593
2	20,001—40,000	39,666	16594
3	40,001—55,000	42,160	16595
4	55,001—70,000	43,824	16596
5	70,001—85,000	47,737	16597
6	85,001—95,000	49,401	16598

7	95,001 — 105,000	51,063	16599
8	105,001 — 125,000	52,727	16600
9	125,001 — 175,000	55,636	16601
10	175,001 — 275,000	62,216	16602
11	275,001 — 400,000	64,296	16603
12	400,001 — 600,000	69,699	16604
13	600,001 — 1,000,000	71,778	16605
14	Over 1,000,000	73,857	16606

CLASSIFICATION AND COMPENSATION SCHEDULE 16607

FOR ~~CALENDAR~~ CALENDAR YEAR 2001 16608

Class	Population Range	Compensation	
1	1 - 20,000	\$40,855	16610
2	20,001 - 35,000	43,425	16611
3	35,001 - 55,000	45,139	16612
4	55,001 - 95,000	52,595	16613
5	95,001 - 200,000	64,082	16614
6	200,001 - 400,000	71,790	16615
7	400,001 - 1,000,000	76,073	16616
8	1,000,001 or more	78,279	16617

CLASSIFICATION AND COMPENSATION SCHEDULE 16618

FOR CALENDAR YEAR 2016 16619

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 20,000</u>	<u>\$50,295</u>	16621
<u>2</u>	<u>20,001 - 35,000</u>	<u>53,458</u>	16622
<u>3</u>	<u>35,001 - 55,000</u>	<u>55,568</u>	16623
<u>4</u>	<u>55,001 - 95,000</u>	<u>64,747</u>	16624
<u>5</u>	<u>95,001 - 200,000</u>	<u>78,888</u>	16625
<u>6</u>	<u>200,001 - 400,000</u>	<u>88,379</u>	16626
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>93,650</u>	16627
<u>8</u>	<u>1,000,001 or more</u>	<u>96,364</u>	16628

The foregoing schedule does not apply to any sheriff holding office on the effective date of this amendment. 16629
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CLASSIFICATION AND COMPENSATION SCHEDULE 16631

<u>FOR CALENDAR YEAR 2017</u>			16632
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16633
<u>1</u>	<u>1 - 55,000</u>	<u>\$58,347</u>	16634
<u>2</u>	<u>55,001 - 95,000</u>	<u>67,985</u>	16635
<u>3</u>	<u>95,001 - 200,000</u>	<u>82,832</u>	16636
<u>4</u>	<u>200,001 - 400,000</u>	<u>92,797</u>	16637
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>98,332</u>	16638
<u>6</u>	<u>1,000,001 or more</u>	<u>101,182</u>	16639

CLASSIFICATION AND COMPENSATION SCHEDULE 16640

<u>FOR CALENDAR YEAR 2018</u>			16641
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16642
<u>1</u>	<u>1 - 55,000</u>	<u>\$61,624</u>	16643
<u>2</u>	<u>55,001 - 95,000</u>	<u>71,384</u>	16644
<u>3</u>	<u>95,001 - 200,000</u>	<u>86,974</u>	16645
<u>4</u>	<u>200,001 - 400,000</u>	<u>97,437</u>	16646
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>103,249</u>	16647
<u>6</u>	<u>1,000,001 or more</u>	<u>106,241</u>	16648

CLASSIFICATION AND COMPENSATION SCHEDULE 16649

<u>FOR CALENDAR YEARS 2019 AND THEREAFTER</u>			16650
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16651
<u>1</u>	<u>1 - 55,000</u>	<u>\$64,327</u>	16652
<u>2</u>	<u>55,001 - 95,000</u>	<u>74,953</u>	16653
<u>3</u>	<u>95,001 - 200,000</u>	<u>91,322</u>	16654
<u>4</u>	<u>200,001 - 400,000</u>	<u>102,309</u>	16655
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>108,411</u>	16656
<u>6</u>	<u>1,000,001 or more</u>	<u>111,553</u>	16657

(B) In addition to the annual compensation that a sheriff 16658
receives under this section for performing the duties of sheriff 16659
prescribed by law, each sheriff shall receive in consideration of 16660
the impact of Amended Substitute Senate Bill No. 2 of the 121st 16661
general assembly on the workload of the sheriff, an additional 16662
amount equal to one-eighth of the annual compensation that the 16663
sheriff receives under division (A) of this section and section 16664

325.18 of the Revised Code. This additional compensation shall be paid biweekly from the county treasury if adequate funds have been appropriated by the general assembly. If adequate funds have been appropriated by the general assembly for the purposes of this section, not later than the fifteenth day of March and September of each year, the attorney general shall reimburse the fiscal officer of the county the amount of additional compensation paid under this division, the related amount of employer contributions made under Chapter 145. of the Revised Code as required by the public employees retirement board, and the related amount of the payments to the social security administration for employer contributions for Medicare part A. The fiscal officer shall deposit the revenue in the county treasury.

Sec. 325.11. (A) Each prosecuting attorney shall be classified, for salary purposes, according to the population of the county. All prosecuting attorneys shall receive annual compensation in accordance with the following schedules and in accordance with section 325.18 of the Revised Code:

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~

~~FOR CALENDER YEAR 2000 FOR~~

~~PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE~~

Class	Population Range	Compensation
1	1 — 20,000	\$43,235
2	20,001 — 40,000	44,898
3	40,001 — 55,000	46,561
4	55,001 — 70,000	48,224
5	70,001 — 85,000	49,471
6	85,001 — 95,000	52,381
7	95,001 — 105,000	53,628
8	105,001 — 125,000	54,875
9	125,001 — 175,000	56,538
10	175,001 — 275,000	58,201

11	275,001 — 400,000	61,527	16697
12	400,001 — 600,000	64,853	16698
13	600,001 — 1,000,000	66,516	16699
14	Over 1,000,000	69,010	16700

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16701

~~FOR CALENDER YEAR 2000 FOR~~ 16702

~~PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE~~ 16703

Class	Population Range	Compensation	
1	1 — 20,000	\$76,651	16705
2	20,001 — 40,000	76,651	16706
3	40,001 — 55,000	86,233	16707
4	55,001 — 70,000	86,233	16708
5	70,001 — 85,000	95,815	16709
6	85,001 — 95,000	95,815	16710
7	95,001 — 105,000	95,815	16711
8	105,001 — 125,000	95,815	16712
9	125,001 — 175,000	95,815	16713
10	175,001 — 275,000	95,815	16714
11	275,001 — 400,000	95,815	16715
12	400,001 — 600,000	95,815	16716
13	600,001 — 1,000,000	95,815	16717
14	Over 1,000,000	95,815	16718

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16719

~~FOR CALENDER~~ CALENDAR YEAR 2001 FOR 16720

~~PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE~~ 16721

Class	Population Range	Compensation	
1	1 - 20,000	\$46,245	16723
2	20,001 - 35,000	47,958	16724
3	35,001 - 55,000	49,671	16725
4	55,001 - 95,000	55,237	16726
5	95,001 - 200,000	59,947	16727
6	200,001 - 400,000	66,799	16728
7	400,001 - 1,000,000	71,079	16729

8	1,000,001 or more	73,709	16730
	CLASSIFICATION AND COMPENSATION SCHEDULE		16731
	FOR CALENDAR <u>CALENDAR</u> YEAR 2001 FOR		16732
	PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE		16733
Class	Population Range	Compensation	16734
1	1 - 20,000	\$78,952	16735
2	20,001 - 35,000	88,821	16736
3	35,001 - 55,000	88,821	16737
4	55,001 - 95,000	98,689	16738
5	95,001 - 200,000	98,689	16739
6	200,001 - 400,000	98,689	16740
7	400,001 - 1,000,000	101,085	16741
8	1,000,001 or more	103,480	16742
	<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>		16743
	<u>FOR CALENDAR YEAR 2016 FOR</u>		16744
	<u>PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE</u>		16745
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16746
<u>1</u>	<u>1 - 20,000</u>	<u>\$56,929</u>	16747
<u>2</u>	<u>20,001 - 35,000</u>	<u>59,037</u>	16748
<u>3</u>	<u>35,001 - 55,000</u>	<u>61,146</u>	16749
<u>4</u>	<u>55,001 - 95,000</u>	<u>67,999</u>	16750
<u>5</u>	<u>95,001 - 200,000</u>	<u>73,798</u>	16751
<u>6</u>	<u>200,001 - 400,000</u>	<u>82,233</u>	16752
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>87,502</u>	16753
<u>8</u>	<u>1,000,001 or more</u>	<u>90,739</u>	16754
	<u>The foregoing schedule does not apply to any prosecuting</u>		16755
	<u>attorney holding office on the effective date of this amendment.</u>		16756
	<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>		16757
	<u>FOR CALENDAR YEAR 2016 FOR</u>		16758
	<u>PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE</u>		16759
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16760
<u>1</u>	<u>1 - 20,000</u>	<u>\$97,193</u>	16761
<u>2</u>	<u>20,001 - 35,000</u>	<u>109,342</u>	16762

<u>3</u>	<u>35,001 - 55,000</u>	<u>109,342</u>	16763
<u>4</u>	<u>55,001 - 95,000</u>	<u>121,488</u>	16764
<u>5</u>	<u>95,001 - 200,000</u>	<u>121,488</u>	16765
<u>6</u>	<u>200,001 - 400,000</u>	<u>121,488</u>	16766
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>124,439</u>	16767
<u>8</u>	<u>1,000,001 or more</u>	<u>127,389</u>	16768

The foregoing schedule does not apply to any prosecuting attorney holding office on the effective date of this amendment. 16769
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CLASSIFICATION AND COMPENSATION SCHEDULE 16771

FOR CALENDAR YEAR 2017 FOR 16772

PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE 16773

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$64,203</u>	16775
<u>2</u>	<u>55,001 - 95,000</u>	<u>71,399</u>	16776
<u>3</u>	<u>95,001 - 200,000</u>	<u>77,488</u>	16777
<u>4</u>	<u>200,001 - 400,000</u>	<u>86,344</u>	16778
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>91,877</u>	16779
<u>6</u>	<u>1,000,001 or more</u>	<u>95,276</u>	16780

CLASSIFICATION AND COMPENSATION SCHEDULE 16781

FOR CALENDAR YEAR 2017 FOR 16782

PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE 16783

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$114,809</u>	16785
<u>2</u>	<u>55,001 - 95,000</u>	<u>127,563</u>	16786
<u>3</u>	<u>95,001 - 200,000</u>	<u>127,563</u>	16787
<u>4</u>	<u>200,001 - 400,000</u>	<u>127,563</u>	16788
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>130,661</u>	16789
<u>6</u>	<u>1,000,001 or more</u>	<u>133,759</u>	16790

CLASSIFICATION AND COMPENSATION SCHEDULE 16791

FOR CALENDAR YEAR 2018 FOR 16792

PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE 16793

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$67,413</u>	16795

<u>2</u>	<u>55,001 - 95,000</u>	<u>74,969</u>	16796
<u>3</u>	<u>95,001 - 200,000</u>	<u>81,363</u>	16797
<u>4</u>	<u>200,001 - 400,000</u>	<u>90,662</u>	16798
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>96,471</u>	16799
<u>6</u>	<u>1,000,001 or more</u>	<u>100,040</u>	16800

CLASSIFICATION AND COMPENSATION SCHEDULE 16801

FOR CALENDAR YEAR 2018 FOR 16802

PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE 16803

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$120,549</u>	16805
<u>2</u>	<u>55,001 - 95,000</u>	<u>133,941</u>	16806
<u>3</u>	<u>95,001 - 200,000</u>	<u>133,941</u>	16807
<u>4</u>	<u>200,001 - 400,000</u>	<u>133,941</u>	16808
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>137,194</u>	16809
<u>6</u>	<u>1,000,001 or more</u>	<u>140,447</u>	16810

CLASSIFICATION AND COMPENSATION SCHEDULE 16811

FOR CALENDAR YEARS 2019 AND THEREAFTER FOR 16812

PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE 16813

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$70,784</u>	16815
<u>2</u>	<u>55,001 - 95,000</u>	<u>78,717</u>	16816
<u>3</u>	<u>95,001 - 200,000</u>	<u>85,431</u>	16817
<u>4</u>	<u>200,001 - 400,000</u>	<u>95,195</u>	16818
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>101,294</u>	16819
<u>6</u>	<u>1,000,001 or more</u>	<u>105,042</u>	16820

CLASSIFICATION AND COMPENSATION SCHEDULE 16821

FOR CALENDAR YEARS 2019 AND THEREFATER FOR 16822

PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE 16823

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$126,577</u>	16825
<u>2</u>	<u>55,001 - 95,000</u>	<u>140,638</u>	16826
<u>3</u>	<u>95,001 - 200,000</u>	<u>140,638</u>	16827
<u>4</u>	<u>200,001 - 400,000</u>	<u>140,638</u>	16828

<u>5</u>	<u>400,001 - 1,000,000</u>	<u>144,053</u>	16829
<u>6</u>	<u>1,000,001 or more</u>	<u>147,469</u>	16830

(B) Notwithstanding the compensation specified in division 16831
(A) of this section, a prosecuting attorney in a county with a 16832
population of one million one or more who does not engage in the 16833
private practice of law shall receive in calendar year 2020 and in 16834
each calendar year thereafter annual compensation in an amount 16835
equal to the total compensation paid to a judge of the court of 16836
common pleas of that county pursuant to sections 141.04 and 141.05 16837
of the Revised Code for the same calendar year, reduced by one 16838
hundred dollars. 16839

(C) A prosecuting attorney shall not engage in the private 16840
practice of law unless before taking office the prosecuting 16841
attorney notifies the board of county commissioners of the 16842
intention to engage in the private practice of law. 16843

A prosecuting attorney may elect to engage or not to engage 16844
in the private practice of law before the commencement of each new 16845
term of office, and a prosecuting attorney who engages in the 16846
private practice of law who intends not to engage in the private 16847
practice of law during the prosecuting attorney's next term of 16848
office shall so notify the board of county commissioners. A 16849
prosecuting attorney who elects not to engage in the private 16850
practice of law may, for a period of six months after taking 16851
office, engage in the private practice of law for the purpose of 16852
concluding the affairs of private practice of law without any 16853
diminution of salary as provided for in division (A) of this 16854
section and in section 325.18 of the Revised Code. 16855

~~(C)~~(D) As used in this section, "salary" does not include any 16856
portion of the cost, premium, or charge for health, medical, 16857
hospital, dental, or surgical benefits, or any combination of 16858
those benefits, covering the prosecuting attorney and paid on that 16859
person's behalf by a governmental entity. 16860

Sec. 340.03. (A) Subject to rules issued by the director of 16861
mental health and addiction services after consultation with 16862
relevant constituencies as required by division (A)(10) of section 16863
5119.21 of the Revised Code, the board of alcohol, drug addiction, 16864
and mental health services shall: 16865

(1) Serve as the community addiction and mental health 16866
services planning agency for the county or counties under its 16867
jurisdiction, and in so doing it shall: 16868

(a) Evaluate the need for facilities and community addiction 16869
and mental health services; 16870

(b) In cooperation with other local and regional planning and 16871
funding bodies and with relevant ethnic organizations, assess the 16872
community addiction and mental health needs, evaluate strengths 16873
and challenges, and set priorities for community addiction and 16874
mental health services, including treatment and prevention. When 16875
the board sets priorities for the operation of addiction services, 16876
the board shall consult with the county commissioners of the 16877
counties in the board's service district regarding the services 16878
described in section 340.15 of the Revised Code and shall give 16879
priority to those services, except that those services shall not 16880
have a priority over services provided to pregnant women under 16881
programs developed in relation to the mandate established in 16882
section 5119.17 of the Revised Code; 16883

(c) In accordance with guidelines issued by the director of 16884
mental health and addiction services after consultation with board 16885
representatives, annually develop and submit to the department of 16886
mental health and addiction services a community addiction and 16887
mental health services plan listing ~~community~~ addiction and mental 16888
health services needs, including the needs of all residents of the 16889
district currently receiving inpatient services in state-operated 16890
hospitals, the needs of other populations as required by state or 16891

federal law or programs, the needs of all children subject to a 16892
determination made pursuant to section 121.38 of the Revised Code, 16893
and priorities for facilities and community addiction and mental 16894
health services during the period for which the plan will be in 16895
effect. 16896

In alcohol, drug addiction, and mental health service 16897
districts that have separate alcohol and drug addiction services 16898
and community mental health boards, the alcohol and drug addiction 16899
services board shall submit a community addiction services plan 16900
and the community mental health board shall submit a community 16901
mental health services plan. Each board shall consult with its 16902
counterpart in developing its plan and address the interaction 16903
between the local addiction services and mental health services 16904
systems and populations with regard to needs and priorities in 16905
developing its plan. 16906

The department shall approve or disapprove the plan, in whole 16907
or in part, according to the criteria developed pursuant to 16908
section 5119.22 of the Revised Code. Eligibility for state and 16909
federal funding shall be contingent upon an approved plan or 16910
relevant part of a plan. 16911

If a board determines that it is necessary to amend a plan 16912
that has been approved under this division, the board shall submit 16913
a proposed amendment to the director. The director may approve or 16914
disapprove all or part of the amendment. The director shall inform 16915
the board of the reasons for disapproval of all or part of an 16916
amendment and of the criteria that must be met before the 16917
amendment may be approved. The director shall provide the board an 16918
opportunity to present its case on behalf of the amendment. The 16919
director shall give the board a reasonable time in which to meet 16920
the criteria, and shall offer the board technical assistance to 16921
help it meet the criteria. 16922

The board shall operate in accordance with the plan approved 16923

by the department. 16924

(d) Promote, arrange, and implement working agreements with 16925
social agencies, both public and private, and with judicial 16926
agencies. 16927

(2) Investigate, or request another agency to investigate, 16928
any complaint alleging abuse or neglect of any person receiving 16929
services from a community addiction or mental health services 16930
provider ~~certified under section 5119.36 of the Revised Code~~ or 16931
alleging abuse or neglect of a resident receiving addiction 16932
services or with mental illness or severe mental disability 16933
residing in a residential facility licensed under section 5119.34 16934
of the Revised Code. If the investigation substantiates the charge 16935
of abuse or neglect, the board shall take whatever action it 16936
determines is necessary to correct the situation, including 16937
notification of the appropriate authorities. Upon request, the 16938
board shall provide information about such investigations to the 16939
department. 16940

(3) For the purpose of section 5119.36 of the Revised Code, 16941
cooperate with the director of mental health and addiction 16942
services in visiting and evaluating whether the addiction or 16943
mental health services of a community addiction or mental health 16944
services provider satisfy the certification standards established 16945
by rules adopted under that section; 16946

(4) In accordance with criteria established under division 16947
(E) of section 5119.22 of the Revised Code, conduct program audits 16948
that review and evaluate the quality, effectiveness, and 16949
efficiency of addiction and mental health services provided 16950
through its community addiction and mental health ~~contracted~~ 16951
services providers and submit its findings and recommendations to 16952
the department of mental health and addiction services; 16953

(5) In accordance with section 5119.34 of the Revised Code, 16954

review an application for a residential facility license and 16955
provide to the department of mental health and addiction services 16956
any information about the applicant or facility that the board 16957
would like the department to consider in reviewing the 16958
application; 16959

(6) Audit, in accordance with rules adopted by the auditor of 16960
state pursuant to section 117.20 of the Revised Code, at least 16961
annually all programs and services provided under contract with 16962
the board. In so doing, the board may contract for or employ the 16963
services of private auditors. A copy of the fiscal audit report 16964
shall be provided to the director of mental health and addiction 16965
services, the auditor of state, and the county auditor of each 16966
county in the board's district. 16967

(7) Recruit and promote local financial support for addiction 16968
and mental health services from private and public sources; 16969

(8)(a) Enter into contracts with public and private 16970
facilities for the operation of facility services and enter into 16971
contracts with public and private community addiction and mental 16972
health ~~service~~ services providers for the provision of ~~community~~ 16973
addiction and mental health services. The board may not contract 16974
with a residential facility subject to section 5119.34 of the 16975
Revised Code unless the facility is licensed by the director of 16976
mental health and addiction services ~~and~~. The board may not 16977
contract with a community addiction or mental health services 16978
provider to provide ~~community~~ addiction or mental health services 16979
unless the services are certified by the director of mental health 16980
and addiction services under section 5119.36 of the Revised Code. 16981
Section 307.86 of the Revised Code does not apply to contracts 16982
entered into under this division. In contracting with a community 16983
addiction or mental health services provider, a board shall 16984
consider the cost effectiveness of addiction or mental health 16985
services provided by that provider and the quality and continuity 16986

of care, and may review cost elements, including salary costs, of 16987
the services to be provided. A utilization review process may be 16988
established as part of the contract for services entered into 16989
between a board and a community addiction or mental health 16990
services provider. The board may establish this process in a way 16991
that is most effective and efficient in meeting local needs. 16992

If either the board or a facility or community addiction or 16993
mental health services provider with which the board contracts 16994
under this division proposes not to renew the contract or proposes 16995
substantial changes in contract terms, the other party shall be 16996
given written notice at least one hundred twenty days before the 16997
expiration date of the contract. During the first sixty days of 16998
this one hundred twenty-day period, both parties shall attempt to 16999
resolve any dispute through good faith collaboration and 17000
negotiation in order to continue to provide services to persons in 17001
need. If the dispute has not been resolved sixty days before the 17002
expiration date of the contract, either party may notify the 17003
department of mental health and addiction services of the 17004
unresolved dispute. The director may require both parties to 17005
submit the dispute to a third party with the cost to be shared by 17006
the board and the facility or provider. The third party shall 17007
issue to the board, the facility or provider, and the department 17008
recommendations on how the dispute may be resolved twenty days 17009
prior to the expiration date of the contract, unless both parties 17010
agree to a time extension. The director shall adopt rules 17011
establishing the procedures of this dispute resolution process. 17012

(b) With the prior approval of the director of mental health 17013
and addiction services, a board may operate a facility or provide 17014
~~a community an~~ addiction or mental health service as follows, if 17015
there is no other qualified private or public facility or 17016
community addiction or mental health services provider that is 17017
immediately available and willing to operate such a facility or 17018

provide the service: 17019

(i) In an emergency situation, any board may operate a 17020
facility or provide a ~~community~~ an addiction or mental health 17021
service in order to provide essential services for the duration of 17022
the emergency~~+~~. 17023

(ii) In a service district with a population of at least one 17024
hundred thousand but less than five hundred thousand, a board may 17025
operate a facility or provide a ~~community~~ an addiction or mental 17026
health service for no longer than one year~~+~~. 17027

(iii) In a service district with a population of less than 17028
one hundred thousand, a board may operate a facility or provide a 17029
~~community~~ an addiction or mental health service for no longer than 17030
one year, except that such a board may operate a facility or 17031
provide a ~~community~~ an addiction or mental health service for more 17032
than one year with the prior approval of the director and the 17033
prior approval of the board of county commissioners, or of a 17034
majority of the boards of county commissioners if the district is 17035
a joint-county district. 17036

The director shall not give a board approval to operate a 17037
facility or provide a ~~community~~ an addiction or mental health 17038
service under division (A)(8)(b)(ii) or (iii) of this section 17039
unless the director determines that it is not feasible to have the 17040
department operate the facility or provide the service. 17041

The director shall not give a board approval to operate a 17042
facility or provide a ~~community~~ an addiction or mental health 17043
service under division (A)(8)(b)(iii) of this section unless the 17044
director determines that the board will provide greater 17045
administrative efficiency and more or better services than would 17046
be available if the board contracted with a private or public 17047
facility or community addiction or mental health services 17048
provider. 17049

The director shall not give a board approval to operate a facility previously operated by a person or other government entity unless the board has established to the director's satisfaction that the person or other government entity cannot effectively operate the facility or that the person or other government entity has requested the board to take over operation of the facility. The director shall not give a board approval to provide a ~~community~~ an addiction or mental health service previously provided by a community addiction or mental health services provider unless the board has established to the director's satisfaction that the provider cannot effectively provide the service or that the provider has requested the board take over providing the service.

The director shall review and evaluate a board's operation of a facility and provision of ~~community~~ addiction or mental health ~~service~~ services under division (A)(8)(b) of this section.

Nothing in division (A)(8)(b) of this section authorizes a board to administer or direct the daily operation of any facility or community addiction or mental health services provider, but a facility or provider may contract with a board to receive administrative services or staff direction from the board under the direction of the governing body of the facility or provider.

(9) Approve fee schedules and related charges or adopt a unit cost schedule or other methods of payment for contract services provided by community addiction or mental health services providers in accordance with guidelines issued by the department as necessary to comply with state and federal laws pertaining to financial assistance;

(10) Submit to the director and the county commissioners of the county or counties served by the board, and make available to the public, an annual report of the services under the jurisdiction of the board, including a fiscal accounting;

(11) Establish, to the extent resources are available, a continuum of care, which provides for prevention, support, and rehabilitation services and opportunities. The essential elements of the continuum include, but are not limited to, the following components in accordance with section 5119.21 of the Revised Code:

(a) To locate persons in need of addiction or mental health services to inform them of available services and benefits;

(b) Assistance for persons receiving addiction or mental health services to obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income;

(c) Addiction and mental health services, including, ~~but not limited to,~~ outpatient, residential, partial hospitalization, and, where appropriate, inpatient care;

(d) Emergency services and crisis intervention;

(e) Assistance for persons receiving services to obtain vocational services and opportunities for jobs;

(f) The provision of services designed to develop social, community, and personal living skills;

(g) Access to a wide range of housing and the provision of residential treatment and support;

(h) Support, assistance, consultation, and education for families, friends, persons receiving addiction or mental health services, and others;

(i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and community employment as natural supports for persons receiving addiction or mental health services;

(j) Grievance procedures and protection of the rights of persons receiving addiction or mental health services; 17112
17113

(k) Community psychiatric supportive treatment services, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured. 17114
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17116

(12) Establish a method for evaluating referrals for ~~involuntary commitment~~ court-ordered treatment and affidavits filed pursuant to section 5122.11 of the Revised Code in order to assist the probate division of the court of common pleas in determining whether there is probable cause that a respondent is subject to ~~involuntary hospitalization~~ court-ordered treatment and ~~what alternative treatment is~~ whether alternatives to hospitalization are available and appropriate, ~~if any~~; 17117
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(13) Designate the treatment services, provider, facility, or other placement for each person involuntarily committed to the board pursuant to Chapter 5122. of the Revised Code. The board shall provide the least restrictive and most appropriate alternative that is available for any person involuntarily committed to it and shall assure that the listed services submitted and approved in accordance with division (B) of section 340.08 of the Revised Code are available to severely mentally disabled persons residing within its service district. The board shall establish the procedure for authorizing payment for services, which may include prior authorization in appropriate circumstances. ~~The~~ In accordance with division (A)(8)(b) of this section, the board may provide for services directly to a severely mentally disabled person when life or safety is endangered and when no community mental health services provider is available to provide the service. 17125
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(14) Ensure that ~~apartments or rooms~~ housing built, subsidized, renovated, rented, owned, or leased by the board or a community addiction or mental health services provider ~~have~~ has 17141
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been approved as meeting minimum fire safety standards and that 17144
persons residing in the ~~rooms or apartments are receiving housing~~ 17145
have access to appropriate and necessary services, including 17146
culturally relevant services, from a community addiction or mental 17147
health services provider. This division does not apply to 17148
residential facilities licensed pursuant to section 5119.34 of the 17149
Revised Code. 17150

(15) Establish a mechanism for obtaining advice and 17151
involvement of persons receiving ~~publicly funded~~ addiction or 17152
mental health services on matters pertaining to addiction and 17153
mental health services in the alcohol, drug addiction, and mental 17154
health service district; 17155

(16) Perform the duties required by rules adopted under 17156
section 5119.22 of the Revised Code regarding referrals by the 17157
board or mental health services providers under contract with the 17158
board of individuals with mental illness or severe mental 17159
disability to residential facilities ~~as defined in division~~ 17160
~~(A)(9)(b)(iii)~~ of licensed under section 5119.34 of the Revised 17161
Code and effective arrangements for ongoing mental health services 17162
for the individuals. The board is accountable in the manner 17163
specified in the rules for ensuring that the ongoing mental health 17164
services are effectively arranged for the individuals. 17165

(17) Advocate on behalf of medicaid recipients enrolled in 17166
medicaid managed care organizations and medicaid-eligible 17167
individuals, any of whom have been identified as needing addiction 17168
or mental health services, as well as the providers of those 17169
services, for the purpose of ensuring that the behavioral health 17170
needs of those persons are addressed with their physical health 17171
needs. 17172

(B) The board shall establish such rules, operating 17173
procedures, standards, and bylaws, and perform such other duties 17174
as may be necessary or proper to carry out the purposes of this 17175

chapter. 17176

(C) A board of alcohol, drug addiction, and mental health 17177
services may receive by gift, grant, devise, or bequest any 17178
moneys, lands, or property for the benefit of the purposes for 17179
which the board is established, and may hold and apply it 17180
according to the terms of the gift, grant, or bequest. All money 17181
received, including accrued interest, by gift, grant, or bequest 17182
shall be deposited in the treasury of the county, the treasurer of 17183
which is custodian of the alcohol, drug addiction, and mental 17184
health services funds to the credit of the board and shall be 17185
available for use by the board for purposes stated by the donor or 17186
grantor. 17187

(D) No board member or employee of a board of alcohol, drug 17188
addiction, and mental health services shall be liable for injury 17189
or damages caused by any action or inaction taken within the scope 17190
of the board member's official duties or the employee's 17191
employment, whether or not such action or inaction is expressly 17192
authorized by this section or any other section of the Revised 17193
Code, unless such action or inaction constitutes willful or wanton 17194
misconduct. Chapter 2744. of the Revised Code applies to any 17195
action or inaction by a board member or employee of a board taken 17196
within the scope of the board member's official duties or 17197
employee's employment. For the purposes of this division, the 17198
conduct of a board member or employee shall not be considered 17199
willful or wanton misconduct if the board member or employee acted 17200
in good faith and in a manner that the board member or employee 17201
reasonably believed was in or was not opposed to the best 17202
interests of the board and, with respect to any criminal action or 17203
proceeding, had no reasonable cause to believe the conduct was 17204
unlawful. 17205

(E) The meetings held by any committee established by a board 17206
of alcohol, drug addiction, and mental health services shall be 17207

considered to be meetings of a public body subject to section 17208
121.22 of the Revised Code. 17209

Sec. 340.034. All of the following apply to the recovery 17210
housing required by section 340.033 of the Revised Code to be 17211
included in the array of treatment ~~and support~~ services and 17212
recovery support for all levels of opioid and co-occurring drug 17213
addiction that are part of the continuum of care established by 17214
each board of alcohol, drug addiction, and mental health services 17215
pursuant to division (A)(11) of section 340.03 of the Revised 17216
Code: 17217

(A) The recovery housing shall not be ~~owned or operated~~ 17218
subject to residential facility licensure by a residential 17219
facility as defined in the department of mental health and 17220
addiction services under section 5119.34 of the Revised Code ~~and~~ 17221
~~instead.~~ In addition, the recovery housing shall not be owned and 17222
operated by the following: 17223

~~(1) Except as provided in division (A)(2) of this section, a~~ 17224
~~community addiction services provider or other local~~ 17225
~~nongovernmental organization (including a peer run recovery~~ 17226
~~organization), as appropriate to the needs of the board's service~~ 17227
~~district;~~ 17228

~~(2) The board, if either a board of alcohol, drug addiction,~~ 17229
~~and mental health services unless any~~ of the following applies: 17230

~~(a)(1) The board owns and operates the recovery housing on~~ 17231
~~the effective date of this section~~ September 15, 2016. 17232

~~(b)(2) The board utilizes local funds in the development,~~ 17233
purchase, or operation of the recovery housing. 17234

(3) The board determines that there is an emergency a need 17235
for the board to assume the ownership and operation of the 17236
recovery housing such as when an existing owner and operator of 17237

the recovery housing goes out of business, and the board considers 17238
the assumption of ownership and operation of the recovery housing 17239
to be ~~its last resort~~ in the best interest of the community. 17240

(B) The recovery housing shall have protocols for all of the 17241
following: 17242

(1) Administrative oversight; 17243

(2) Quality standards; 17244

(3) Policies and procedures, including house rules, for its 17245
residents to which the residents must agree to adhere. 17246

(C) Family members of the recovery housing's residents may 17247
reside in the recovery housing to the extent the recovery 17248
housing's protocols permit. 17249

(D) The recovery housing shall not limit a resident's 17250
duration of stay to an arbitrary or fixed amount of time. Instead, 17251
each resident's duration of stay shall be determined by the 17252
resident's needs, progress, and willingness to abide by the 17253
recovery housing's protocols, in collaboration with the recovery 17254
housing's owner and operator, and, if appropriate, in consultation 17255
and integration with a community addiction services provider. 17256

(E) The recovery housing may permit its residents to receive 17257
medication-assisted treatment ~~at the recovery housing.~~ 17258

(F) ~~The A recovery housing resident may not provide community~~ 17259
~~addiction services but may assist a resident in obtaining~~ 17260
~~community receive addiction services that are certified by the~~ 17261
department of mental health and addiction services under section 17262
5119.36 of the Revised Code. ~~The community addiction services may~~ 17263
~~be provided at the recovery housing or elsewhere.~~ 17264

Sec. 340.04. In addition to such other duties as may be 17265
lawfully imposed, the executive director of a board of alcohol, 17266
drug addiction, and mental health services shall: 17267

(A) Serve as executive officer of the board and subject to the prior approval of the board for each contract, execute contracts on its behalf;	17268 17269 17270
(B) Supervise services and facilities provided, operated, contracted, or supported by the board to the extent of determining that services and facilities are being administered in conformity with this chapter and rules of the director of mental health and addiction services;	17271 17272 17273 17274 17275
(C) Provide consultation to <u>community</u> addiction and mental health services providers providing services supported by the board;	17276 17277 17278
(D) Recommend to the board the changes necessary to increase the effectiveness of addiction and mental health services and other matters necessary or desirable to carry out this chapter;	17279 17280 17281
(E) Employ and remove from office such employees and consultants in the classified civil service and, subject to the approval of the board, employ and remove from office such other employees and consultants as may be necessary for the work of the board, and fix their compensation and reimbursement within the limits set by the salary schedule and the budget approved by the board;	17282 17283 17284 17285 17286 17287 17288
(F) Encourage the development and expansion of preventive, treatment, rehabilitative, and consultative services in the field of addiction and mental health services with emphasis on continuity of care;	17289 17290 17291 17292
(G) Prepare for board approval an annual report of the services and facilities under the jurisdiction of the board, including a fiscal accounting of all services;	17293 17294 17295
(H) Conduct such studies as may be necessary and practicable for the promotion of mental health, promotion of addiction services, and the prevention of mental illness, emotional	17296 17297 17298

disorders, and addiction; 17299

(I) Authorize the county auditor, or in a joint-county 17300
district the county auditor designated as the auditor for the 17301
district, to issue warrants for the payment of board obligations 17302
approved by the board, provided that all payments from funds 17303
distributed to the board by the department of mental health and 17304
addiction services are in accordance with the budget submitted 17305
pursuant to section 340.08 of the Revised Code, as approved by the 17306
department of mental health and addiction services. 17307

Sec. 340.05. A community addiction or mental health services 17308
provider that receives a complaint alleging abuse or neglect of an 17309
individual with mental illness or severe mental disability, or an 17310
individual receiving addiction services, who resides in a 17311
residential facility ~~as defined in division (A)(9)(b) of licensed~~ 17312
under section 5119.34 of the Revised Code shall report the 17313
complaint to the board of alcohol, drug addiction, and mental 17314
health services serving the alcohol, drug addiction, and mental 17315
health service district in which the residential facility is 17316
located. A board of alcohol, drug addiction, and mental health 17317
services that receives such a complaint or a report from a 17318
community addiction or mental health services provider of such a 17319
complaint shall report the complaint to the director of mental 17320
health and addiction services for the purpose of the director 17321
conducting an investigation under section 5119.34 of the Revised 17322
Code. The board may enter the facility with or without the 17323
director and, if the health and safety of a resident is in 17324
immediate danger, take any necessary action to protect the 17325
resident. The board's action shall not violate any resident's 17326
rights specified in rules adopted by the department of mental 17327
health and addiction services under section 5119.34 of the Revised 17328
Code. The board shall immediately report to the director regarding 17329
the board's actions under this section. 17330

Sec. 340.07. The board of county commissioners of any county 17331
participating in an alcohol, drug addiction, and mental health 17332
service district or joint-county district, upon receipt from the 17333
board of alcohol, drug addition, and mental health services of a 17334
resolution so requesting, may appropriate money to such board for 17335
the operation, lease, acquisition, construction, renovation, and 17336
maintenance of addiction or mental health services providers and 17337
facilities in accordance with the comprehensive community 17338
~~addiction and~~ mental health and addiction services budget approved 17339
by the department of mental health and addiction services pursuant 17340
to section ~~340.08~~ 5119.22 of the Revised Code. 17341

Sec. 340.12. ~~No~~ As used in this section, "disability" has the 17342
same meaning as in section 4112.01 of the Revised Code. 17343

No board of alcohol, drug addiction, and mental health 17344
services or any community addiction or mental health services 17345
provider under contract with such a board shall discriminate in 17346
the provision of services under its authority, in employment, or 17347
under a contract on the basis of race, color, religion, creed, 17348
sex, age, national origin, or disability. 17349

Each board and each community addiction or mental health 17350
services provider shall have a written affirmative action program. 17351
The affirmative action program shall include goals for the 17352
employment and effective utilization of, including contracts with, 17353
members of economically disadvantaged groups as defined in 17354
division (E)(1) of section 122.71 of the Revised Code in 17355
percentages reflecting as nearly as possible the composition of 17356
the alcohol, drug addiction, and mental health service district 17357
served by the board. Each board and provider shall file a 17358
description of the affirmative action program and a progress 17359
report on its implementation with the department of mental health 17360
and addiction services. 17361

Sec. 340.15. (A) A public children services agency that 17362
identifies a child by a risk assessment conducted pursuant to 17363
section 5153.16 of the Revised Code as being at imminent risk of 17364
being abused or neglected because of an addiction of a parent, 17365
guardian, or custodian of the child to a drug of abuse or alcohol 17366
shall refer the child's addicted parent, guardian, or custodian 17367
and, if the agency determines that the child needs alcohol or 17368
other drug addiction services, the child to a community addiction 17369
services provider ~~certified by the department of mental health and~~ 17370
~~addiction services under section 5119.36 of the Revised Code.~~ A 17371
public children services agency that is sent a court order issued 17372
pursuant to division (B) of section 2151.3514 of the Revised Code 17373
shall refer the addicted parent or other caregiver of the child 17374
identified in the court order to a community addiction services 17375
provider ~~certified by the department of mental health and~~ 17376
~~addiction services under section 5119.36 of the Revised Code.~~ On 17377
receipt of a referral under this division and to the extent 17378
funding identified under division (A)(1) of section 340.08 of the 17379
Revised Code is available, the provider shall provide the 17380
following services to the addicted parent, guardian, custodian, or 17381
caregiver and child in need of addiction services: 17382

(1) If it is determined pursuant to an initial screening to 17383
be needed, assessment and appropriate treatment; 17384

(2) Documentation of progress in accordance with a treatment 17385
plan developed for the addicted parent, guardian, custodian, 17386
caregiver, or child; 17387

(3) If the referral is based on a court order issued pursuant 17388
to division (B) of section 2151.3514 of the Revised Code and the 17389
order requires the specified parent or other caregiver of the 17390
child to submit to alcohol or other drug testing during, after, or 17391
both during and after, treatment, testing in accordance with the 17392

court order. 17393

(B) The services described in division (A) of this section 17394
shall have a priority as provided in the addiction and mental 17395
health services plan and budget established pursuant to sections 17396
340.03 and 340.08 of the Revised Code. Once a referral has been 17397
received pursuant to this section, the public children services 17398
agency and the addiction services provider shall, in accordance 17399
with 42 C.F.R. Part 2, share with each other any information 17400
concerning the persons and services described in that division 17401
that the agency and provider determine are necessary to share. If 17402
the referral is based on a court order issued pursuant to division 17403
(B) of section 2151.3514 of the Revised Code, the results and 17404
recommendations of the addiction services provider also shall be 17405
provided and used as described in division (D) of that section. 17406
Information obtained or maintained by the agency or provider 17407
pursuant to this section that could enable the identification of 17408
any person described in division (A) of this section is not a 17409
public record subject to inspection or copying under section 17410
149.43 of the Revised Code. 17411

Sec. 343.01. (A) In order to comply with division (B) of 17412
section 3734.52 of the Revised Code, the board of county 17413
commissioners of each county shall do one of the following: 17414

(1) Establish, by resolution, and maintain a county solid 17415
waste management district under this chapter that consists of all 17416
the incorporated and unincorporated territory within the county 17417
except as otherwise provided in division (A) of this section; 17418

(2) With the boards of county commissioners of one or more 17419
other counties establish, by agreement, and maintain a joint solid 17420
waste management district under this chapter that consists of all 17421
the incorporated and unincorporated territory within the counties 17422
forming the joint district except as otherwise provided in 17423

division (A) of this section. 17424

If a municipal corporation is located in more than one solid 17425
waste management district, the entire municipal corporation shall 17426
be considered to be included in and shall be under the 17427
jurisdiction of the district in which a majority of the population 17428
of the municipal corporation resides. 17429

A county and joint district established to comply with 17430
division (B) of section 3734.52 of the Revised Code shall have a 17431
population of not less than one hundred twenty thousand unless, in 17432
the instance of a county district, the board of county 17433
commissioners has obtained an exemption from that requirement 17434
under division (C)(1) or (2) of that section. Each joint district 17435
established to comply with an order issued under division (D) of 17436
that section shall have a population of at least one hundred 17437
twenty thousand. 17438

(B) The boards of county commissioners of the counties 17439
establishing a joint district constitute, collectively, the board 17440
of directors of the joint district, except that if a county with a 17441
form of legislative authority other than a board of county 17442
commissioners participates, it shall be represented on the board 17443
of directors by three persons appointed by the legislative 17444
authority. 17445

The agreement to establish and maintain a joint district 17446
shall be ratified by resolution of the board of county 17447
commissioners of each participating county. Upon ratification, the 17448
board of directors shall take control of and manage the joint 17449
district subject to this chapter, except that, in the case of a 17450
joint district formed pursuant to division (C), (D), or (E) of 17451
section 343.012 of the Revised Code, the board of directors shall 17452
take control of and manage the district when the formation of the 17453
district becomes final under the applicable division. A majority 17454
of the board of directors constitutes a quorum, and a majority 17455

vote is required for the board to act. 17456

A county participating in a joint district may contribute 17457
lands or rights or interests therein, money, other personal 17458
property or rights or interests therein, or services to the 17459
district. The agreement shall specify any contributions of 17460
participating counties and the rights of the participating 17461
counties in lands or personal property, or rights or interests 17462
therein, contributed to or otherwise acquired by the joint 17463
district. The agreement may be amended or added to by a majority 17464
vote of the board of directors, but no amendment or addition shall 17465
divest a participating county of any right or interest in lands or 17466
personal property without its consent. 17467

The board of directors may appoint and fix the compensation 17468
of employees of, accept gifts, devises, and bequests for, and take 17469
other actions necessary to control and manage the joint district. 17470
Employees of the district shall be considered county employees for 17471
the purposes of Chapter 124. of the Revised Code and other 17472
provisions of state law applicable to employees. Instead of or in 17473
addition to appointing employees of the district, the board of 17474
directors may agree to use employees of one or more of the 17475
participating counties in the service of the joint district and to 17476
share in their compensation in any manner that may be agreed upon. 17477

The board of directors shall do one of the following: 17478

(1) Designate the county auditor, including any other 17479
official acting in a capacity similar to a county auditor under a 17480
county charter, of a county participating in the joint district as 17481
the fiscal officer of the district, and the county treasurer, or 17482
other official acting in a capacity similar to a county treasurer 17483
under a county charter, of that county as the treasurer of the 17484
district. The designated county officials shall perform any 17485
applicable duties for the district as each typically performs for 17486
the county of which the individual is an official, except as 17487

otherwise may be provided in any bylaws or resolutions adopted by 17488
the board of directors. The board of directors may pay to that 17489
county any amount agreed upon by the board of directors and the 17490
board of county commissioners of that county to reimburse that 17491
county for the cost properly allocable to the service of its 17492
officials as fiscal officer and treasurer of the joint district. 17493

(2) Appoint one individual who is neither a county auditor 17494
nor a county treasurer, and who may be an employee of the 17495
district, to serve as both the treasurer of the district and its 17496
fiscal officer. That individual shall act as custodian of the 17497
funds of the board and the district and shall maintain all 17498
accounts of the district. Any reference in this chapter or Chapter 17499
3734. of the Revised Code to a county auditor or county treasurer 17500
serving as fiscal officer of a district or custodian of any funds 17501
of a board or district is deemed to refer to an individual 17502
appointed under division (B)(2) of this section. 17503

The fiscal officer of a district shall establish a general 17504
fund and any other necessary funds for the district. 17505

(C) A board of county commissioners of a county district or 17506
board of directors of a joint district may acquire, by purchase or 17507
lease, construct, improve, enlarge, replace, maintain, and operate 17508
such solid waste collection systems within their respective 17509
districts and such solid waste facilities within or outside their 17510
respective districts as are necessary for the protection of the 17511
public health. A board of county commissioners may acquire within 17512
its county real property or any estate, interest, or right 17513
therein, by appropriation or any other method, for use by a county 17514
or joint district in connection with such facilities. 17515
Appropriation proceedings shall be conducted in accordance with 17516
sections 163.01 to 163.22 of the Revised Code. 17517

(D) The sanitary engineer or sanitary engineering department 17518
of a county maintaining a district and any sanitary engineer or 17519

sanitary engineering department of a county in a joint district, 17520
as determined by the board of directors, in addition to other 17521
duties assigned to that engineer or department, shall assist the 17522
board of county commissioners or directors in the performance of 17523
their duties under this chapter and sections 3734.52 to 3734.575 17524
of the Revised Code and shall be charged with any other duties and 17525
services in relation thereto that the board prescribes. A board 17526
may employ registered professional engineers to assist the 17527
sanitary engineer in those duties and also may employ financial 17528
advisers and any other professional services it considers 17529
necessary to assist it in the construction, financing, and 17530
maintenance of solid waste collection or other solid waste 17531
facilities. Such contracts of employment shall not require the 17532
certificate provided in section 5705.41 of the Revised Code. 17533
Payment for such services may be made from the general fund or any 17534
other fund legally available for that use at times that are agreed 17535
upon or as determined by the board of county commissioners or 17536
directors, and the funds may be reimbursed from the proceeds of 17537
bonds or notes issued to pay the cost of any improvement to which 17538
the services related. 17539

(E)(1) The prosecuting attorney of the county shall serve as 17540
the legal advisor of a county district and shall provide such 17541
services to the board of county commissioners of the district as 17542
are required or authorized to be provided to other county boards 17543
under Chapter 309. of the Revised Code, except that, if the board 17544
considers it to be necessary or appropriate, the board, on its own 17545
initiative, may employ an attorney or other legal counsel on an 17546
annual basis to serve as the legal advisor of the district in 17547
place of the prosecuting attorney. When the prosecuting attorney 17548
is serving as the district's legal advisor and the board considers 17549
it to be necessary or appropriate, the board, on its own 17550
initiative, may employ an attorney or other legal counsel to 17551
represent or advise the board regarding a particular matter in 17552

place of the prosecuting attorney. The employment of an attorney 17553
or other legal counsel on an annual basis or in a particular 17554
matter is not subject to or governed by sections 305.14 and 309.09 17555
of the Revised Code. 17556

Notwithstanding the employment of an attorney or other legal 17557
counsel on an annual basis to serve as the district's legal 17558
advisor, the board may require written opinions or instructions 17559
from the prosecuting attorney under section 309.09 of the Revised 17560
Code in matters connected with its official duties as though the 17561
prosecuting attorney were serving as the legal advisor of the 17562
district. 17563

(2) The board of directors of a joint district may designate 17564
the prosecuting attorney of one of the counties forming the 17565
district to serve as the legal advisor of the district. When so 17566
designated, the prosecuting attorney shall provide such services 17567
to the joint district as are required or authorized to be provided 17568
to county boards under Chapter 309. of the Revised Code. The board 17569
of directors may pay to that county any amount agreed upon by the 17570
board of directors and the board of county commissioners of that 17571
county to reimburse that county for the cost properly allocable to 17572
the services of its prosecuting attorney as the legal advisor of 17573
the joint district. When that prosecuting attorney is so serving 17574
and the board considers it to be necessary or appropriate, the 17575
board, on its own initiative, may employ an attorney or other 17576
legal counsel to represent or advise the board regarding a 17577
particular matter in place of the prosecuting attorney. 17578

Instead of designating the prosecuting attorney of one of the 17579
counties forming the district to be the legal advisor of the 17580
district, the board of directors may employ on an annual basis an 17581
attorney or other legal counsel to serve as the district's legal 17582
advisor. Notwithstanding the employment of an attorney or other 17583
legal counsel as the district's legal advisor, the board of 17584

directors may require written opinions or instructions from the 17585
prosecuting attorney of any of the counties forming the district 17586
in matters connected with the board's official duties, and the 17587
prosecuting attorney shall provide the written opinion or 17588
instructions as though the prosecuting attorney had been 17589
designated to serve as the district's legal advisor under division 17590
(E)(2) of this section. 17591

(F) A board of county commissioners may issue bonds or bond 17592
anticipation notes of the county to pay the cost of preparing 17593
general and detailed plans and other data required for the 17594
construction of solid waste facilities in connection with a county 17595
or joint district. A board of directors of a joint solid waste 17596
management district may issue bonds or bond anticipation notes of 17597
the joint solid waste management district to pay the cost of 17598
preparing general and detailed plans and other data required for 17599
the construction of solid waste facilities in connection with a 17600
joint district. The bonds and notes shall be issued in accordance 17601
with Chapter 133. of the Revised Code, except that the maximum 17602
maturity of bonds issued for that purpose shall not exceed ten 17603
years. Bond anticipation notes may be paid from the proceeds of 17604
bonds issued either to pay the cost of the solid waste facilities 17605
or to pay the cost of the plans and other data. 17606

(G) To the extent authorized by the solid waste management 17607
plan of the district approved under section 3734.521 or 3734.55 of 17608
the Revised Code or subsequent amended plans of the district 17609
approved under section 3734.521 or 3734.56 of the Revised Code, 17610
the board of county commissioners of a county district or board of 17611
directors of a joint district may adopt, publish, and enforce 17612
rules doing any of the following: 17613

(1) Prohibiting or limiting the receipt of solid wastes 17614
generated outside the district or outside a service area 17615
prescribed in the solid waste management plan or amended plan, at 17616

facilities located within the solid waste management district, 17617
consistent with the projections contained in the plan or amended 17618
plan under divisions (A)(6) and (7) of section 3734.53 of the 17619
Revised Code. However, rules adopted by a board under division 17620
(G)(1) of this section may be adopted and enforced with respect to 17621
solid waste disposal facilities in the solid waste management 17622
district that are not owned by a county or the solid waste 17623
management district only if the board submits an application to 17624
the director of environmental protection that demonstrates that 17625
there is insufficient capacity to dispose of all solid wastes that 17626
are generated within the district at the solid waste disposal 17627
facilities located within the district and the director approves 17628
the application. The demonstration in the application shall be 17629
based on projections contained in the plan or amended plan of the 17630
district. The director shall establish the form of the 17631
application. The approval or disapproval of such an application by 17632
the director is an action that is appealable under section 3745.04 17633
of the Revised Code. 17634

In addition, the director of environmental protection may 17635
issue an order modifying a rule adopted under division (G)(1) of 17636
this section to allow the disposal in the district of solid wastes 17637
from another county or joint solid waste management district if 17638
all of the following apply: 17639

(a) The district in which the wastes were generated does not 17640
have sufficient capacity to dispose of solid wastes generated 17641
within it for six months following the date of the director's 17642
order. 17643

(b) No new solid waste facilities will begin operation during 17644
those six months in the district in which the wastes were 17645
generated and, despite good faith efforts to do so, it is 17646
impossible to site new solid waste facilities within the district 17647
because of its high population density. 17648

(c) The district in which the wastes were generated has made 17649
good faith efforts to negotiate with other districts to 17650
incorporate its disposal needs within those districts' solid waste 17651
management plans, including efforts to develop joint facilities 17652
authorized under section 343.02 of the Revised Code, and the 17653
efforts have been unsuccessful+. 17654

(d) The district in which the wastes were generated has 17655
located a facility willing to accept the district's solid wastes 17656
for disposal within the receiving district+. 17657

(e) The district in which the wastes were generated has 17658
demonstrated to the director that the conditions specified in 17659
divisions (G)(1)(a) to (d) of this section have been met+. 17660

(f) The director finds that the issuance of the order will be 17661
consistent with the state solid waste management plan and that 17662
receipt of the out-of-district wastes will not limit the capacity 17663
of the receiving district to dispose of its in-district wastes to 17664
less than eight years. 17665

~~Any~~ 17666

Any order issued under division (G)(1) of this section shall 17667
not become final until thirty days after it has been served by 17668
certified mail upon the county or joint solid waste management 17669
district that will receive the out-of-district wastes. 17670

(2) Governing the maintenance, protection, and use of solid 17671
waste collection or other solid waste facilities located within 17672
its district. The rules adopted under division (G)(2) of this 17673
section shall not establish design standards for solid waste 17674
facilities and shall be consistent with the solid waste provisions 17675
of Chapter 3734. of the Revised Code and the rules adopted under 17676
those provisions. The rules adopted under division (G)(2) of this 17677
section may prohibit any person, municipal corporation, township, 17678
or other political subdivision from constructing, enlarging, or 17679

modifying any solid waste facility until general plans and 17680
specifications for the proposed improvement have been submitted to 17681
and approved by the board of county commissioners or board of 17682
directors as complying with the solid waste management plan or 17683
amended plan of the district. The construction of such a facility 17684
shall be done under the supervision of the county sanitary 17685
engineer or, in the case of a joint district, a county sanitary 17686
engineer designated by the board of directors, and any person, 17687
municipal corporation, township, or other political subdivision 17688
proposing or constructing such improvements shall pay to the 17689
county or joint district all expenses incurred by the board in 17690
connection therewith. The sanitary engineer may enter upon any 17691
public or private property for the purpose of making surveys or 17692
examinations necessary for designing solid waste facilities or for 17693
supervising the construction, enlargement, modification, or 17694
operation of any such facilities. No person, municipal 17695
corporation, township, or other political subdivision shall forbid 17696
or interfere with the sanitary engineer or the sanitary engineer's 17697
authorized assistants entering upon such property for that 17698
purpose. If actual damage is done to property by the making of the 17699
surveys and examinations, a board shall pay the reasonable value 17700
of that damage to the owner of the property damaged, and the cost 17701
shall be included in the financing of the improvement for which 17702
the surveys and examinations are made. 17703

(3) Governing the development and implementation of a program 17704
for the inspection of solid wastes generated outside the 17705
boundaries of this state that are disposed of at solid waste 17706
facilities included in the district's solid waste management plan 17707
or amended plan. A board of county commissioners or board of 17708
directors or its authorized representative may enter upon the 17709
premises of any solid waste facility included in the district's 17710
solid waste management plan or amended plan for the purpose of 17711
conducting the inspections required or authorized by the rules 17712

adopted under division (G)(3) of this section. No person, 17713
municipal corporation, township, or other political subdivision 17714
shall forbid or interfere with a board of county commissioners or 17715
directors or its authorized representative entering upon the 17716
premises of any such solid waste facility for that purpose. 17717

(4) Exempting the owner or operator of any existing or 17718
proposed solid waste facility provided for in the plan or amended 17719
plan from compliance with any amendment to a township zoning 17720
resolution adopted under section 519.12 of the Revised Code or to 17721
a county rural zoning resolution adopted under section 303.12 of 17722
the Revised Code that rezoned or redistricted the parcel or 17723
parcels upon which the facility is to be constructed or modified 17724
and that became effective within two years prior to the filing of 17725
an application for a permit required under division (A)(2)(a) of 17726
section 3734.05 of the Revised Code to open a new or modify an 17727
existing solid waste facility. 17728

(H) A board of county commissioners or board of directors may 17729
enter into a contract with any person, municipal corporation, 17730
township, or other political subdivision for the operation and 17731
maintenance of any solid waste facilities regardless of whether 17732
the facilities are owned or leased by the county or joint district 17733
or the contractor. 17734

(I)(1) No person, municipal corporation, township, or other 17735
political subdivision shall tamper with or damage any solid waste 17736
facility constructed under this chapter or any apparatus or 17737
accessory connected therewith or pertaining thereto, fail or 17738
refuse to comply with the applicable rules adopted by a board of 17739
county commissioners or directors under division (G)(1), (2), (3), 17740
or (4) of this section, refuse to permit an inspection or 17741
examination by a sanitary engineer as authorized under division 17742
(G)(2) of this section, or refuse to permit an inspection by a 17743
board of county commissioners or directors or its authorized 17744

representative as required or authorized by rules adopted under 17745
division (G)(3) of this section. 17746

(2) If the board of county commissioners of a county district 17747
or board of directors of a joint district has established facility 17748
designations under section 343.013, 343.014, or 343.015 of the 17749
Revised Code, or the director has established facility 17750
designations in the initial or amended plan of the district 17751
prepared and ordered to be implemented under section 3734.521, 17752
3734.55, or 3734.56 of the Revised Code, no person, municipal 17753
corporation, township, or other political subdivision shall 17754
deliver, or cause the delivery of, any solid wastes generated 17755
within a county or joint district to any solid waste facility 17756
other than the facility designated under section 343.013, 343.014, 17757
or 343.015 of the Revised Code, or in the initial or amended plan 17758
of the district prepared and ordered to be implemented under 17759
section 3734.521, 3734.55, or 3734.56 of the Revised Code, as 17760
applicable, except that source separated recyclable materials may 17761
be taken to any legitimate recycling facility. Upon the request of 17762
a person or the legislative authority of a municipal corporation 17763
or township, the board of county commissioners of a county 17764
district or board of directors of a joint district may grant a 17765
waiver authorizing the delivery of all or any portion of the solid 17766
wastes generated in a municipal corporation or township to a solid 17767
waste facility other than the facility designated under section 17768
343.013, 343.014, or 343.015 of the Revised Code, or in the 17769
initial or amended plan of the district prepared and ordered to be 17770
implemented under section 3734.521, 3734.55, or 3734.56 of the 17771
Revised Code, as applicable, regardless of whether the other 17772
facility is located within or outside of the district, if the 17773
board finds that delivery of those solid wastes to the other 17774
facility is not inconsistent with the projections contained in the 17775
district's initial or amended plan under divisions (A)(6) and (7) 17776
of section 3734.53 of the Revised Code as approved or ordered to 17777

be implemented and will not adversely affect the implementation 17778
and financing of the district's initial or amended plan pursuant 17779
to the implementation schedule contained in it under divisions 17780
(A)(12)(a) to (d) of that section. The board shall act on a 17781
request for such a waiver within ninety days after receiving the 17782
request. Upon granting such a waiver, the board shall send notice 17783
of that fact to the director. The notice shall indicate to whom 17784
the waiver was granted. Any waiver or authorization granted by a 17785
board on or before October 29, 1993, shall continue in force until 17786
the board takes action concerning the same entity under this 17787
division or until action is taken under division (G) of section 17788
343.014 of the Revised Code. 17789

(J) Divisions (G)(1) to (4) and (I)(2) of this section do not 17790
apply to the construction, operation, use, repair, enlargement, or 17791
modification of either of the following: 17792

(1) A solid waste facility owned by a generator of solid 17793
wastes when the solid waste facility exclusively disposes of solid 17794
wastes generated at one or more premises owned by the generator 17795
regardless of whether the facility is located on a premises where 17796
the wastes are generated; 17797

(2) A facility that exclusively disposes of wastes that are 17798
generated from the combustion of coal, or from the combustion of 17799
primarily coal in combination with scrap tires, that is not 17800
combined in any way with garbage at one or more premises owned by 17801
the generator. 17802

(K)(1) A member of the board of county commissioners of a 17803
county solid waste management district, member of the board of 17804
directors of a joint solid waste management district, member of 17805
the board of trustees of a regional solid waste management 17806
authority managing a county or joint solid waste management 17807
district, or officer or employee of any solid waste management 17808
district, for the purposes of sections 102.03, 102.04, 2921.41, 17809

and 2921.42 of the Revised Code, shall not be considered to be 17810
directly or indirectly interested in, or improperly influenced by, 17811
any of the following: 17812

(a) A contract entered into under this chapter or section 17813
307.15 or sections 3734.52 to 3734.575 of the Revised Code between 17814
the district and any county forming the district, municipal 17815
corporation or township located within the district, or health 17816
district having territorial jurisdiction within the district, of 17817
which that member, officer, or employee also is an officer or 17818
employee, but only to the extent that any interest or influence 17819
could arise from holding public office or employment with the 17820
political subdivision or health district; 17821

(b) A contract entered into under this chapter or section 17822
307.15 or sections 3734.52 to 3734.575 of the Revised Code between 17823
the district and a county planning commission organized under 17824
section 713.22 of the Revised Code, or regional planning 17825
commission created under section 713.21 of the Revised Code, 17826
having territorial jurisdiction within the district, of which that 17827
member also is a member, officer, or employee, but only to the 17828
extent that any interest or influence could arise from holding 17829
public office or employment with the commission; 17830

(c) An expenditure of money made by the district for the 17831
benefit of any county forming the district, municipal corporation 17832
or township located within the district, or health district or 17833
county or regional planning commission having territorial 17834
jurisdiction within the district, of which that member also is a 17835
member, officer, or employee, but only to the extent that any 17836
interest or influence could arise from holding public office or 17837
employment with the political subdivision, health district, or 17838
commission; 17839

(d) An expenditure of money made for the benefit of the 17840
district by any county forming the district, municipal corporation 17841

or township located within the district, or health district or 17842
county or regional planning commission having territorial 17843
jurisdiction within the district, of which that member also is a 17844
member, officer, or employee, but only to the extent that any 17845
interest or influence could arise from holding public office or 17846
employment with the political subdivision, health district, or 17847
commission. 17848

(2) A solid waste management district, county, municipal 17849
corporation, township, health district, or planning commission 17850
described or referred to in divisions (K)(1)(a) to (d) of this 17851
section shall not be construed to be the business associate of a 17852
person who is concurrently a member of the board of county 17853
commissioners, directors, or trustees, or an officer or employee, 17854
of the district and an officer or employee of that municipal 17855
corporation, county, township, health district, or planning 17856
commission for the purposes of sections 102.03, 2921.42, and 17857
2921.43 of the Revised Code. Any person who is concurrently a 17858
member of the board of county commissioners, directors, or 17859
trustees, or an officer or employee, of a solid waste management 17860
district so described or referred to and an officer or employee of 17861
a county, municipal corporation, township, health district, or 17862
planning commission so described or referred to may participate 17863
fully in deliberations concerning and vote on or otherwise 17864
participate in the approval or disapproval of any contract or 17865
expenditure of funds described in those divisions as a member of 17866
the board of county commissioners or directors, or an officer or 17867
employee, of a county or joint solid waste management district; 17868
member of the board of trustees, or an officer or employee, of a 17869
regional solid waste management authority managing a county or 17870
joint solid waste management district; member of the legislative 17871
authority, or an officer or employee, of a county forming the 17872
district; member of the legislative authority, or an officer or 17873
employee, of a municipal corporation or township located within 17874

the district; member of the board of health, or an officer or 17875
employee, of a health district having territorial jurisdiction 17876
within the district; or member of the planning commission, or an 17877
officer or employee of a county or regional planning commission 17878
having territorial jurisdiction within the district. 17879

(3) Nothing in division (K)(1) or (2) of this section shall 17880
be construed to exempt any member of the board of county 17881
commissioners, directors, or trustees, or an officer or employee, 17882
of a solid waste management district from a conflict of interest 17883
arising because of a personal or private business interest. 17884

(4) A member of the board of county commissioners of a county 17885
solid waste management district, board of directors of a joint 17886
solid waste management district, or board of trustees of a 17887
regional solid waste management authority managing a county or 17888
joint solid waste management district, or an officer or employee, 17889
of any such solid waste management district, neither shall be 17890
disqualified from holding any other public office or position of 17891
employment nor be required to forfeit any other public office or 17892
position of employment by reason of serving as a member of the 17893
board of county commissioners, directors, or trustees, or as an 17894
officer or employee, of the district, notwithstanding any 17895
requirement to the contrary under the common law of this state or 17896
the Revised Code. 17897

(L) As used in this chapter: 17898

(1) "Board of health," "disposal," "health district," "scrap 17899
tires," and "solid waste transfer facility" have the same meanings 17900
as in section 3734.01 of the Revised Code. 17901

(2) "Change in district composition" and "change" have the 17902
same meaning as in section 3734.521 of the Revised Code. 17903

(3)(a) Except as provided in division (L)(3)(b) or (c), and 17904
(d), of this section, "solid wastes" has the same meaning as in 17905

section 3734.01 of the Revised Code. 17906

(b) If the solid waste management district is not one that 17907
resulted from proceedings for a change in district composition 17908
under sections 343.012 and 3734.521 of the Revised Code, until 17909
such time as an amended solid waste management plan is approved 17910
under section 3734.56 of the Revised Code, "solid wastes" need not 17911
include scrap tires unless the solid waste management policy 17912
committee established under section 3734.54 of the Revised Code 17913
for the district chooses to include the management of scrap tires 17914
in the district's initial solid waste management plan prepared 17915
under sections 3734.54 and 3734.55 of the Revised Code. 17916

(c) If the solid waste management district is one resulting 17917
from proceedings for a change in district composition under 17918
sections 343.012 and 3734.521 of the Revised Code and if the 17919
change involves an existing district that is operating under 17920
either an initial solid waste management plan approved or prepared 17921
and ordered to be implemented under section 3734.55 of the Revised 17922
Code or an initial or amended plan approved or prepared and 17923
ordered to be implemented under section 3734.521 of the Revised 17924
Code that does not provide for the management of scrap tires and 17925
scrap tire facilities, until such time as the amended plan of the 17926
district resulting from the change is approved under section 17927
3734.56 of the Revised Code, "solid wastes" need not include scrap 17928
tires unless the solid waste management policy committee 17929
established under division (C) of section 3734.521 of the Revised 17930
Code for the district chooses to include the management of scrap 17931
tires in the district's initial or amended solid waste management 17932
plan prepared under section 3734.521 of the Revised Code in 17933
connection with the change proceedings. 17934

(d) If the policy committee chooses to include the management 17935
of scrap tires in an initial plan prepared under sections 3734.54 17936
and 3734.55 of the Revised Code or in an initial or amended plan 17937

prepared under section 3734.521 of the Revised Code, the board of 17938
county commissioners or directors shall execute all of the duties 17939
imposed and may exercise any or all of the rights granted under 17940
this section for the purpose of managing solid wastes that consist 17941
of scrap tires. 17942

(4)(a) Except as provided in division (L)(4)(b) or (c), and 17943
(d) of this section, "facility" has the same meaning as in section 17944
3734.01 of the Revised Code and also includes any solid waste 17945
transfer, recycling, or resource recovery facility. 17946

(b) If the solid waste management district is not one that 17947
resulted from proceedings for a change in district composition 17948
under sections 343.012 and 3734.521 of the Revised Code, until 17949
such time as an amended solid waste management plan is approved 17950
under section 3734.56 of the Revised Code, "facility" need not 17951
include any scrap tire collection, storage, monocell, monofill, or 17952
recovery facility unless the solid waste management policy 17953
committee established under section 3734.54 of the Revised Code 17954
for the district chooses to include the management of scrap tire 17955
facilities in the district's initial solid waste management plan 17956
prepared under sections 3734.54 and 3734.55 of the Revised Code. 17957

(c) If the solid waste management district is one resulting 17958
from proceedings for a change in district composition under 17959
sections 343.012 and 3734.521 of the Revised Code and if the 17960
change involves an existing district that is operating under 17961
either an initial solid waste management plan approved under 17962
section 3734.55 of the Revised Code or an initial or amended plan 17963
approved or prepared and ordered to be implemented under section 17964
3734.521 of the Revised Code that does not provide for the 17965
management of scrap tires and scrap tire facilities, until such 17966
time as the amended plan of the district resulting from the change 17967
is approved under section 3734.56 of the Revised Code, "facility" 17968
need not include scrap tires unless the solid waste management 17969

policy committee established under division (C) of section 17970
3734.521 of the Revised Code for the district chooses to include 17971
the management of scrap tires in the district's initial or amended 17972
solid waste management plan prepared under section 3734.521 of the 17973
Revised Code in connection with the change proceedings. 17974

(d) If the policy committee chooses to include the management 17975
of scrap tires in an initial plan prepared under sections 3734.54 17976
and 3734.55 of the Revised Code or in an initial or amended plan 17977
prepared under section 3734.521 of the Revised Code, the board of 17978
county commissioners or directors shall execute all of the duties 17979
imposed and may exercise any or all of the rights granted under 17980
this section for the purpose of managing solid waste facilities 17981
that are scrap tire collection, storage, monocell, monofill, or 17982
recovery facilities. 17983

(M) As used in this section: 17984

(1) "Source separated recyclable materials" means materials 17985
that are separated from other solid wastes at the location where 17986
the materials are generated for the purpose of recycling the 17987
materials at a legitimate recycling facility. 17988

(2) "Legitimate recycling facility" has the same meaning as 17989
in rule 3745-27-01 of the Administrative Code. 17990

Sec. 355.02. (A) Each board of county commissioners may adopt 17991
a resolution to establish a ~~county~~ local healthier buckeye 17992
council. If a local council is established, the resolution shall 17993
specify the organization of the council and shall designate a 17994
member to serve as a staffing agent and, if the board determines 17995
necessary, a member to serve as a fiscal agent. The board may 17996
revise the council's organization as necessary by adopting a 17997
resolution. 17998

(B)(1) The board may invite any person or entity to become a 17999

member of the council, including a public or private agency or	18000
group that funds, advocates, or provides care coordination	18001
services, provides or promotes private employment or educational	18002
services, or otherwise contributes to the well being of	18003
individuals and families <u>any of the following:</u>	18004
<u>(a) Individuals with community leadership experience;</u>	18005
<u>(b) Individuals with experience leading others;</u>	18006
<u>(c) Individuals likely to receive healthier buckeye services</u>	18007
<u>and participate in healthier buckeye programs;</u>	18008
<u>(d) Representatives from public and private entities,</u>	18009
<u>including any of the following:</u>	18010
<u>(i) Employers;</u>	18011
<u>(ii) Municipal corporations, counties, and townships;</u>	18012
<u>(iii) Courts, including those with specialized court programs</u>	18013
<u>certified by the Ohio supreme court;</u>	18014
<u>(iv) Law enforcement;</u>	18015
<u>(v) Faith-based social services organizations;</u>	18016
<u>(vi) Foundations;</u>	18017
<u>(vii) Public health, including free clinics;</u>	18018
<u>(viii) Child support enforcement agencies;</u>	18019
<u>(ix) Children services agencies;</u>	18020
<u>(x) Child care providers;</u>	18021
<u>(xi) Preschool programs;</u>	18022
<u>(xii) Primary and secondary schools;</u>	18023
<u>(xiii) Colleges and universities;</u>	18024
<u>(xiv) Mental health and addiction services providers;</u>	18025
<u>(xv) Medicaid care coordinators or service providers;</u>	18026

<u>(xvi) Emergency or urgent care services providers;</u>	18027
<u>(xvii) Transportation providers;</u>	18028
<u>(xviii) Housing providers;</u>	18029
<u>(xix) The boy scouts of America, 4-H clubs, boys and girls clubs of America, and other similar organizations.</u>	18030 18031
<u>(2) The board may form a multi-county council in accordance with division (C) of this section.</u>	18032 18033
<u>(C)(1) The boards of county commissioners of any two or more counties, by entering into a written agreement, may form a joint local healthier buckeye council. The agreement shall be ratified by resolution of the board of county commissioners of each county that entered into the agreement. Each board of county commissioners that enters into an agreement shall give notice of the agreement to the Ohio healthier buckeye advisory council.</u>	18034 18035 18036 18037 18038 18039 18040
<u>(2) An agreement to establish a joint local healthier buckeye council may set forth procedures or standards necessary for the joint local healthier buckeye council to perform its duties and operate efficiently.</u>	18041 18042 18043 18044
<u>(3) Costs incurred in operating a joint local healthier buckeye council shall be paid from a joint general fund created by the council, except as may be otherwise provided in the agreement.</u>	18045 18046 18047
<u>(4) If a joint local healthier buckeye council is established, all references in the Revised Code to a local healthier buckeye council shall apply to the joint local council.</u>	18048 18049 18050
Sec. 355.03. (A) A county <u>local</u> healthier buckeye council may <u>shall promote</u> all of the following:	18051 18052
<u>(A)(1) A cooperative and effective environment in all communities to maximize opportunities for individuals and families to achieve and maintain optimal health in all aspects, thereby</u>	18053 18054 18055

achieving greater productivity and reducing reliance on publicly 18056
funded assistance programs; 18057

~~Promote means~~ (2) Means by which council members or the 18058
entities the members represent may reduce the reliance of 18059
individuals and families on publicly funded assistance programs 18060
using both of the following: 18061

~~(1)(a)~~ (a) Programs that have been demonstrated to be effective 18062
and have one or more of the following features: 18063

~~(a)(i)~~ (i) Low costs; 18064

~~(b)(ii)~~ (ii) Use volunteer workers; 18065

~~(c)(iii)~~ (iii) Use incentives to encourage designated behaviors; 18066

~~(d)(iv)~~ (iv) Are led by peers. 18067

~~(2)(b)~~ (b) Practices that identify and seek to eliminate barriers 18068
to achieving greater financial independence for individuals and 18069
families who receive services from or participate in programs 18070
operated by council members or the entities the members represent. 18071

~~(B) Promote care~~ (3) Care coordination among physical health, 18072
behavioral health, social, employment, education, and housing 18073
service providers within the county. 18074

(B) A local healthier buckeye council shall develop a 18075
healthier buckeye plan that promotes the objectives set forth in 18076
division (A) of this section and submit the council's healthier 18077
buckeye plan to the board of county commissioners that created the 18078
council and to the Ohio healthier buckeye advisory council. 18079

(C) A local healthier buckeye council shall convene at least 18080
once per year. 18081

(D) A local healthier buckeye council shall organize itself 18082
in accordance with section 355.02 of the Revised Code and any 18083
other applicable provisions of law. 18084

~~(C) Collect~~ (E) A local healthier buckeye council shall 18085
collect and analyze data regarding individuals or families who 18086
receive services from or participate in programs operated by 18087
council members or the entities the members represent. 18088

(F) Beginning one year after the effective date of this 18089
amendment, each local healthier buckeye council shall submit an 18090
annual report of the council's performance to the Ohio healthier 18091
buckeye council. 18092

(G) A local healthier buckeye council may apply for, receive, 18093
and oversee the administration of grants. 18094

Sec. 355.04. A ~~county~~ local healthier buckeye council ~~may~~ 18095
shall report the following information to the joint medicaid 18096
oversight committee created in section 103.41 of the Revised Code 18097
and to the Ohio healthier buckeye advisory council: 18098

(A) Notification that the ~~county~~ local council has been 18099
established and information regarding the council's organization, 18100
plan, and activities; 18101

(B) Information regarding enrollment or outcome data 18102
collected under division ~~(C)~~(E) of section 355.03 of the Revised 18103
Code; 18104

(C) Recommendations regarding the best practices for the 18105
administration and delivery of publicly funded assistance programs 18106
or other services or programs provided by council members or the 18107
entities the members represent; 18108

(D) Recommendations regarding the best practices in care 18109
coordination. 18110

Sec. 503.55. (A) As used in this section: 18111

(1) "Financial transaction device" includes a credit card, 18112
debit card, charge card, or prepaid or stored value card, or 18113

automated clearinghouse network credit, debit, or e-check entry 18114
that includes, but is not limited to, accounts receivable and 18115
internet-initiated, point of purchase, and telephone-initiated 18116
applications or any other device or method for making an 18117
electronic payment or transfer of funds. 18118

(2) "Township expenses" includes fees, costs, assessments, 18119
fines, penalties, payments, or any other expense a person owes or 18120
otherwise pays to a township. 18121

(B) Notwithstanding any other section of the Revised Code and 18122
except as provided in division (D) of this section, a board of 18123
township trustees may adopt a resolution authorizing the 18124
acceptance of payments by financial transaction devices for 18125
township expenses. The resolution shall include the following: 18126

(1) A specification of those township offices that are 18127
authorized to accept payments by financial transaction devices; 18128

(2) A list of township expenses that may be paid for through 18129
the use of a financial transaction device; 18130

(3) Specific identification of financial transaction devices 18131
that the board authorizes as acceptable means of payment for 18132
township expenses. Uniform acceptance of financial transaction 18133
devices among different types of township expenses is not 18134
required. 18135

(4) The amount, if any, authorized as a surcharge or 18136
convenience fee under division (E) of this section for persons 18137
using a financial transaction device. Uniform application of 18138
surcharges or convenience fees among different types of township 18139
expenses is not required. 18140

(5) A specific provision as provided in division (G) of this 18141
section requiring the payment of a penalty if a payment made by 18142
means of a financial transaction device is returned or dishonored 18143
for any reason. 18144

The board's resolution also shall designate the township 18145
fiscal officer as an administrative agent to solicit proposals, 18146
within guidelines established by the board in the resolution and 18147
in compliance with the procedures provided in division (C) of this 18148
section, from financial institutions, issuers of financial 18149
transaction devices, and processors of financial transaction 18150
devices, to make recommendations about those proposals to the 18151
board, and to assist township offices in implementing the 18152
township's financial transaction devices program. 18153

(C) The township shall follow the procedures provided in this 18154
division whenever it plans to contract with financial 18155
institutions, issuers of financial transaction devices, or 18156
processors of financial transaction devices for the purposes of 18157
this section. The township fiscal officer shall request proposals 18158
from financial institutions, issuers of financial transaction 18159
devices, or processors of financial transaction devices, as 18160
appropriate in accordance with the resolution adopted under 18161
division (B) of this section. Upon receiving the proposals, the 18162
fiscal officer shall review them and make a recommendation to the 18163
board of trustees on which proposals to accept. The board of 18164
trustees shall consider the fiscal officer's recommendation and 18165
review all proposals submitted, and then may choose to contract 18166
with any or all of the entities submitting proposals, as 18167
appropriate. The board of trustees shall provide any financial 18168
institution, issuer, or processor that submitted a proposal, but 18169
with which the board does not enter into a contract, notice that 18170
its proposal is rejected. The notice shall state the reasons for 18171
the rejection, indicate whose proposals were accepted, and provide 18172
a copy of the terms and conditions of the successful bids. 18173

(D) A board of township trustees adopting a resolution under 18174
this section shall post a copy of the resolution in each township 18175
office accepting payment by a financial transaction device. 18176

Each township office subject to the board's resolution 18177
adopted under division (B) of this section may use only the 18178
financial institutions, issuers of financial transaction devices, 18179
and processors of financial transaction devices with which the 18180
board of township trustees contracts, and each such office is 18181
subject to the terms of those contracts. 18182

(E) A board of township trustees may establish a surcharge or 18183
convenience fee that may be imposed upon a person making payment 18184
by a financial transaction device. The surcharge or convenience 18185
fee shall not be imposed unless authorized or otherwise permitted 18186
by the rules prescribed by an agreement governing the use and 18187
acceptance of the financial transaction device. 18188

If a surcharge or convenience fee is imposed, every township 18189
office accepting payment by a financial transaction device shall 18190
clearly post a notice in that office, and shall notify each person 18191
making a payment by such a device, about the surcharge or fee. 18192
Notice to each person making a payment shall be provided 18193
regardless of the medium used to make the payment and in a manner 18194
appropriate to that medium. Each notice shall include all of the 18195
following: 18196

(1) A statement that there is a surcharge or convenience fee 18197
for using a financial transaction device; 18198

(2) The total amount of the charge or fee expressed in 18199
dollars and cents for each transaction, or the rate of the charge 18200
or fee expressed as a percentage of the total amount of the 18201
transaction, whichever is applicable; 18202

(3) A clear statement that the surcharge or convenience fee 18203
is nonrefundable. 18204

(F) If a person elects to make a payment to the township by a 18205
financial transaction device and a surcharge or convenience fee is 18206
imposed, the payment of the surcharge or fee shall be considered 18207

voluntary and the surcharge or fee is not refundable. 18208

(G) If a person makes payment by financial transaction device 18209
and the payment is returned or dishonored for any reason, the 18210
person is liable to the township for payment of a penalty over and 18211
above the amount of the expense due. The board of township 18212
trustees shall determine the amount of the penalty, which may be 18213
either a fee not to exceed twenty dollars or payment of the amount 18214
necessary to reimburse the township for banking charges, legal 18215
fees, or other expenses incurred by the township in collecting the 18216
returned or dishonored payment. The remedies and procedures 18217
provided in this section are in addition to any other available 18218
civil or criminal remedies provided by law. 18219

(H) No person making any payment by financial transaction 18220
device to a township office shall be relieved from liability for 18221
the underlying obligation except to the extent that the township 18222
realizes final payment of the underlying obligation in cash or its 18223
equivalent. If final payment is not made by the financial 18224
transaction device issuer or other guarantor of payment in the 18225
transaction, the underlying obligation shall survive and the 18226
township shall retain all remedies for enforcement that would have 18227
applied if the transaction had not occurred. 18228

(I) A township official or employee who accepts a financial 18229
transaction device payment in accordance with this section and any 18230
applicable state or local policies or rules is immune from 18231
personal liability for the final collection of such payments. 18232

Sec. 505.101. The board of township trustees of any township 18233
may, by resolution, enter into a contract, without advertising or 18234
bidding, for the purchase or sale of motor vehicles, materials, 18235
equipment, or supplies from or to any department, agency, or 18236
political subdivision of the state, for the purchase of services 18237
with a soil and water conservation district established under 18238

Chapter ~~1515-~~ 940. of the Revised Code, for the purchase of 18239
supplies, services, materials, and equipment with a regional 18240
planning commission pursuant to division (D) of section 713.23 of 18241
the Revised Code, or for the purchase of services from an 18242
educational service center under section 3313.846 of the Revised 18243
Code. The resolution shall: 18244

(A) Set forth the maximum amount to be paid as the purchase 18245
price for the motor vehicles, materials, equipment, supplies, or 18246
services; 18247

(B) Describe the type of motor vehicles, materials, 18248
equipment, supplies, or services that are to be purchased; 18249

(C) Appropriate sufficient funds to pay the purchase price 18250
for the motor vehicles, materials, equipment, supplies, or 18251
services, except that no such appropriation is necessary if funds 18252
have been previously appropriated for the purpose and remain 18253
unencumbered at the time the resolution is adopted. 18254

Sec. 505.1010. A board of township trustees may purchase real 18255
or personal property at public auction by adopting a resolution to 18256
designate an individual, officer, or employee to represent the 18257
board and tender bids at the auction. Any purchase made at a 18258
public auction shall be subject to a maximum purchase price 18259
established by resolution of the board or an appraisal obtained 18260
before the auction and approved by the board of township trustees. 18261
A purchase made under this section shall comply with division (D) 18262
of section 5705.41 of the Revised Code. 18263

Sec. 505.701. The board of trustees of any township, through 18264
unanimous vote of its membership, may designate, participate in, 18265
and cooperate with any community improvement corporation organized 18266
under Chapter 1724. of the Revised Code and may give financial or 18267
other assistance, including any fees generated by the corporation, 18268

to that corporation to defray ~~its administrative~~ the expenses of 18269
the corporation. The corporation may use the board's contributions 18270
for any of its functions under Chapter 1724. of the Revised Code 18271
subject to any limitations as may be provided by resolution of the 18272
board of trustees. Any moneys contributed by the board ~~for this~~ 18273
~~purpose to the corporation~~ shall be drawn from the general fund of 18274
the township not otherwise appropriated. 18275

In addition, the board may purchase real property for the 18276
purpose of transferring that property to the community improvement 18277
corporation. In order to finance the purchase of that real 18278
property, the board may issue general obligation bonds of the 18279
township in accordance with Chapter 133. of the Revised Code, for 18280
which the full faith and credit of the township shall be pledged. 18281

Sec. 505.86. (A) As used in this section, ~~"total:~~ 18282

"Party in interest" means an owner of record of the real 18283
property on which the building or structure is located, and 18284
includes a holder of a legal or equitable lien of record on the 18285
real property or the building or other structure. 18286

"Total cost" means any costs incurred due to the use of 18287
employees, materials, or equipment of the township, any costs 18288
arising out of contracts for labor, materials, or equipment, and 18289
costs of service of notice or publication required under this 18290
section. 18291

(B) A board of township trustees, by resolution, may provide 18292
for the removal, repair, or securance of buildings or other 18293
structures in the township that have been declared insecure, 18294
unsafe, or structurally defective by any fire department under 18295
contract with the township or by the county building department or 18296
other authority responsible under Chapter 3781. of the Revised 18297
Code for the enforcement of building regulations or the 18298
performance of building inspections in the township, or buildings 18299

or other structures that have been declared to be in a condition 18300
dangerous to life or health, or unfit for human habitation by the 18301
board of health of the general health district of which the 18302
township is a part. 18303

At least thirty days prior to the removal, repair, or 18304
securance of any insecure, unsafe, or structurally defective 18305
building or other structure, the board of township trustees shall 18306
give notice by certified mail, return receipt requested, to each 18307
party in interest of its intention with respect to the removal, 18308
repair, or securance ~~to the holders of legal or equitable liens of~~ 18309
~~record upon the real property on which the building is located and~~ 18310
~~to owners of record of the property~~ of an insecure, unsafe, or 18311
structurally defective or unfit building or other structure. 18312

If the ~~owner's~~ address of a party in interest is unknown and 18313
cannot reasonably be obtained, it is sufficient to publish the 18314
notice once in a newspaper of general circulation in the township. 18315

(C)(1) If the board of trustees, in a resolution adopted 18316
under this section, pursues action to remove any insecure, unsafe, 18317
or structurally defective building or other structure, the notice 18318
shall include a statement informing the parties in interest that 18319
each party in interest is entitled to a hearing if the party in 18320
interest requests a hearing in writing within thirty days after 18321
which the notice was mailed. The written request for a hearing 18322
shall be made to the township fiscal officer. 18323

(2) If a party in interest timely requests a hearing, the 18324
board shall set the date, time, and place for the hearing and 18325
notify the party in interest by certified mail, return receipt 18326
requested. The date set for the hearing shall be within fifteen 18327
days, but not earlier than seven days, after the party in interest 18328
has requested a hearing, unless otherwise agreed to by both the 18329
board and the party in interest. The hearing shall be recorded by 18330
stenographic or electronic means. 18331

(3) The board shall make an order deciding the matter not later than thirty days after a hearing, or not later than thirty days after mailing notice to the parties in interest if no party in interest requested a hearing. The order may dismiss the matter or direct the removal, repair, or securance of the building or other structure. At any time, a party in interest may consent to an order. 18332
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(4) A party in interest who requested and participated in a hearing, and who is adversely affected by the order of the board, may appeal the order under section 2506.01 of the Revised Code. 18339
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~~The owners of record of the property or the holders of liens of record upon the property~~ (D) At any time, a party in interest may enter into an agreement with the board of township trustees to perform the removal, repair, or securance of the insecure, unsafe, or structurally defective or unfit building or other structure. ~~if~~ 18342
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(E) If an emergency exists, as determined by the board, notice may be given other than by certified mail and less than thirty days prior to the removal, repair, or securance. 18347
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~~(C) A board may collect the~~ (F) The total cost of removing, repairing, or securing buildings or other structures that have been declared insecure, unsafe, structurally defective, or unfit for human habitation, or of making emergency corrections of hazardous conditions, when approved by the board, shall be paid out of the township general fund from moneys not otherwise appropriated, except that, if the costs incurred exceed five hundred dollars, the board may borrow moneys from a financial institution to pay for the costs in whole or in part. 18350
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The total cost may be collected by either of the following methods: 18359
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(1) The board may have the fiscal officer of the township certify the total costs, together with a proper description of the 18361
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lands to the county auditor who shall place the costs upon the tax 18363
duplicate. The costs are a lien upon the lands from and after the 18364
date of entry. ~~The costs shall be collected as other taxes and~~ 18365
~~returned to the township general fund.~~ 18366

(2) The board may commence a civil action to recover the 18367
total costs from the owner of record of the real property on which 18368
the building or structure is located. 18369

~~(D)~~(G) Any board of township trustees may, whenever a policy 18370
or policies of insurance are in force providing coverage against 18371
the peril of fire on a building or structure and the loss agreed 18372
to between the named insured or insureds and the company or 18373
companies is more than five thousand dollars and equals or exceeds 18374
sixty per cent of the aggregate limits of liability on all fire 18375
policies covering the building or structure on the property, 18376
accept security payments and follow the procedures of divisions 18377
(C) and (D) of section 3929.86 of the Revised Code. 18378

Sec. 507.11. (A) The board of township trustees may 18379
authorize, by resolution, township officers and employees to incur 18380
obligations of two thousand five hundred dollars or less on behalf 18381
of the township, or it may authorize, by resolution, the township 18382
administrator to so authorize township officers and employees. The 18383
obligations incurred on behalf of the township by a township 18384
officer or employee acting pursuant to any such resolution shall 18385
be subsequently approved by the adoption of a formal resolution of 18386
the board of township trustees. 18387

(B)(1) No money belonging to the township shall be paid out, 18388
except upon an order signed by at least two of the township 18389
trustees, and countersigned by the township fiscal officer. 18390

(2) As provided in division (E) of section 9.37 of the 18391
Revised Code, and notwithstanding division (B)(1) of this section, 18392
a board of township trustees may adopt a resolution authorizing 18393

the payment of lawful obligations of the township by direct 18394
deposit of funds by electronic transfer in accordance with section 18395
9.37 of the Revised Code. 18396

Sec. 517.07. Upon application, the board of township trustees 18397
shall sell at a reasonable price the number of lots as public 18398
wants demand for burial purposes. Purchasers of lots or other 18399
interment rights, upon complying with the terms of sale, may 18400
receive deeds for the lots or rights which the board shall execute 18401
and which shall be recorded by the township fiscal officer in a 18402
book for that purpose. The expense of recording shall be paid by 18403
the person receiving the deed. Upon the application of a head of a 18404
family living in the township, the board shall, without charge, 18405
make and deliver to the applicant a deed for a suitable lot or 18406
right for the ~~burial~~ interment of the applicant's family, if, in 18407
the opinion of the board and by reason of the circumstances of the 18408
family, the payment would be oppressive. 18409

The terms of sale and any deed for lots executed after July 18410
24, 1986, for an entombment, columbarium, or other interment right 18411
executed on or after the effective date of this amendment, may 18412
include the following requirements: 18413

(A) The grantee shall provide to the board of township 18414
trustees, in writing, a list of the names and addresses of the 18415
persons to whom the grantee's property would pass by intestate 18416
succession. 18417

(B) The grantee shall notify the board in writing of any 18418
subsequent changes in the name or address of any persons to whom 18419
property would descend. 18420

(C) Any person who receives a township cemetery lot or right 18421
by gift, inheritance, or any other means other than the original 18422
conveyance shall, within one year after receiving the interest, 18423
give written notice of the person's name and address to the board 18424

having control of the cemetery, and shall notify the board of any 18425
subsequent changes in the person's name or address. 18426

The terms of sale and any deed for any lots or rights 18427
executed in compliance with the notification requirements set 18428
forth in divisions (A), (B), and (C) of this section shall state 18429
that the board of township trustees shall have right of reentry to 18430
the cemetery lot or right if the notification requirements are not 18431
met. At least ninety days before establishing reentry, the board 18432
shall send a notice by certified mail to the last known owner at 18433
the owner's last known address to inform the owner that the 18434
owner's interest in the lot or right will cease unless the 18435
notification requirements are met. If the owner's address is 18436
unknown and cannot reasonably be obtained, it is sufficient to 18437
publish the notice once in a newspaper of general circulation in 18438
the county. In order to establish reentry, the board shall pass a 18439
resolution stating that the conditions of the sale or of the deed 18440
have not been fulfilled, and that the board reclaims its interest 18441
in the lot or right. 18442

The board may limit the terms of sale or the deed for a 18443
cemetery lot or right by specifying that the owner, a member of 18444
the owner's family, or an owner's descendant must use the lot, 18445
tomb, or columbarium, or at least ~~one burial place within a~~ 18446
portion of the lot, tomb, or columbarium, within a specified time 18447
period. The board may specify this time period to be at least 18448
twenty but not more than fifty years, with right of renewal 18449
provided at no cost. At least ninety days prior to the termination 18450
date for use of the cemetery lot, tomb, or columbarium, the board 18451
shall send a notice to the owner to inform the owner that the 18452
owner's interest in the lot or right will cease on the termination 18453
date unless the owner contracts for renewal by that date. The 18454
board shall send the notice by certified mail to the owner if the 18455
owner is a resident of the township or is a nonresident whose 18456

address is known. If the owner's address is unknown and cannot 18457
reasonably be obtained, it is sufficient to publish the notice 18458
once in a newspaper of general circulation in the county. 18459

The terms of sale and any deed for lots or rights conveyed 18460
with a termination date shall state that the board shall have 18461
right of reentry to the lot or right at the end of the specified 18462
time period if the lot, tomb, or columbarium, is not used within 18463
this time period or renewed for an extended period. In order to 18464
establish reentry, the board shall pass a resolution stating that 18465
the conditions of the sale or of the deed have not been fulfilled, 18466
and that the board reclaims its interest in the lot or right. The 18467
board shall compensate owners of unused lots or rights who do not 18468
renew the terms of sale or the deed by paying the owner eighty per 18469
cent of the purchase price. The board may repurchase any cemetery 18470
lot or right from its owner at any time at a price that is 18471
mutually agreed upon by the board and the owner. 18472

Sec. 517.073. The board of township trustees may reenter a 18473
lot for which the terms of sale or deed was executed prior to July 18474
24, 1986, or an entombment, columbarium, or other interment right 18475
for which the terms of sale or deed was executed prior to the 18476
effective date of this section, if the board determines the lot or 18477
right is unused and adopts a resolution creating a procedure for 18478
right of reentry in accordance with this section. The resolution 18479
shall state that the board of township trustees has the right of 18480
reentry to the cemetery lot or right purchased prior to July 24, 18481
1986, or prior to the effective date of this section. Before 18482
reentering a lot or right, the board shall send a notice by 18483
certified mail to the last known owner at the owner's last known 18484
address to inform the owner that the owner's interest in the lot 18485
or right will cease unless the owner or owner's heir responds by a 18486
specified date. If the owner's address is unknown and cannot be 18487
obtained reasonably, it is sufficient to publish the notice once 18488

in a newspaper of general circulation in the county. To establish reentry, the board shall pass a resolution stating that the owner has not responded by the specified date, and that the board reclaims its interest in the lot or right. 18489
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At least ninety days prior to the termination date for use of the cemetery lot, tomb, or columbarium, the board shall send a notice to the owner to inform the owner that the owner's interest in the lot or right will cease on the termination date unless the owner or owner's heir contracts for renewal by that date. The board shall send the notice by certified mail to the owner if the owner is a resident of the township or is a nonresident whose address is known. If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to publish the notice once in a newspaper of general circulation in the county. 18493
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In order to establish reentry, the board shall pass a resolution stating that because of the lack of response to notice sent by certified mail that provided a termination date, the board reclaims its interest in the lot or right. 18503
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Sec. 517.15. A board of township trustees may create a permanent cemetery endowment fund for the purpose of maintaining, improving, and beautifying township cemeteries and burial lots in township cemeteries. The fund shall consist of money arising from the following sources: 18507
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(A) Gifts, devises, or bequests received for the purpose of maintaining, improving, or beautifying township cemeteries; 18512
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(B) Charges added to the price regularly charged for burial lots for the purpose of maintaining, improving, or beautifying township cemeteries; 18514
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(C) Contributions of money from the township general fund; 18517

(D) An individual agreement with the purchaser of a burial 18518

lot providing that a part of the purchase price is to be applied 18519
to the purpose of maintaining, improving, or beautifying any 18520
burial lot designated and named by the purchaser; 18521

(E) Individual gifts, devises, or bequests made for the 18522
maintenance, improvement, and beautification of any burial lot 18523
designated and named by the person making the gift, devise, or 18524
bequest. 18525

Upon unanimous consent of the board of trustees, the board 18526
may use the principal of the fund if the board is unable to 18527
maintain, improve, and beautify township cemeteries using only the 18528
income from the fund. 18529

Sec. 717.01. Each municipal corporation may do any of the 18530
following: 18531

(A) Acquire by purchase or condemnation real estate with or 18532
without buildings on it, and easements or interests in real 18533
estate; 18534

(B) Extend, enlarge, reconstruct, repair, equip, furnish, or 18535
improve a building or improvement that it is authorized to acquire 18536
or construct; 18537

(C) Erect a crematory or provide other means for disposing of 18538
garbage or refuse, and erect public comfort stations; 18539

(D) Purchase turnpike roads and make them free; 18540

(E) Construct wharves and landings on navigable waters; 18541

(F) Construct infirmaries, workhouses, prisons, police 18542
stations, houses of refuge and correction, market houses, public 18543
halls, public offices, municipal garages, repair shops, storage 18544
houses, and warehouses; 18545

(G) Construct or acquire waterworks for supplying water to 18546
the municipal corporation and its inhabitants and extend the 18547

waterworks system outside of the municipal corporation limits;	18548
(H) Construct or purchase gas works or works for the	18549
generation and transmission of electricity, for the supplying of	18550
gas or electricity to the municipal corporation and its	18551
inhabitants;	18552
(I) Provide grounds for cemeteries or crematories, enclose	18553
and embellish them, and construct vaults or crematories;	18554
(J) Construct sewers, sewage disposal works, flushing	18555
tunnels, drains, and ditches;	18556
(K) Construct free public libraries and reading rooms, and	18557
free recreation centers;	18558
(L) Establish free public baths and municipal lodging houses;	18559
(M) Construct monuments or memorial buildings to commemorate	18560
the services of soldiers, sailors, and marines of the state and	18561
nation;	18562
(N) Provide land for and improve parks, boulevards, and	18563
public playgrounds;	18564
(O) Construct hospitals and pesthouses;	18565
(P) Open, construct, widen, extend, improve, resurface, or	18566
change the line of any street or public highway;	18567
(Q) Construct and improve levees, dams, waterways,	18568
waterfronts, and embankments and improve any watercourse passing	18569
through the municipal corporation;	18570
(R) Construct or improve viaducts, bridges, and culverts;	18571
(S)(1) Construct any building necessary for the police or	18572
fire department;	18573
(2) Purchase fire engines or fire boats;	18574
(3) Construct water towers or fire cisterns;	18575

(4) Place underground the wires or signal apparatus of any police or fire department.	18576 18577
(T) Construct any municipal ice plant for the purpose of manufacturing ice for the citizens of a municipal corporation;	18578 18579
(U) Construct subways under any street or boulevard or elsewhere;	18580 18581
(V) Acquire by purchase, gift, devise, bequest, lease, condemnation proceedings, or otherwise, real or personal property, and thereon and thereof to establish, construct, enlarge, improve, equip, maintain, and operate airports, landing fields, or other air navigation facilities, either within or outside the limits of a municipal corporation, and acquire by purchase, gift, devise, lease, or condemnation proceedings rights-of-way for connections with highways, waterways, and electric, steam, and interurban railroads, and improve and equip such facilities with structures necessary or appropriate for such purposes. No municipal corporation may take or disturb property or facilities belonging to any public utility or to a common carrier engaged in interstate commerce, which property or facilities are required for the proper and convenient operation of the utility or carrier, unless provision is made for the restoration, relocation, or duplication of the property or facilities elsewhere at the sole cost of the municipal corporation.	18582 18583 18584 18585 18586 18587 18588 18589 18590 18591 18592 18593 18594 18595 18596 18597 18598
(W) Provide by agreement with any regional airport authority, created under section 308.03 of the Revised Code, for the making of necessary surveys, appraisals, and examinations preliminary to the acquisition or construction of any airport or airport facility and pay the portion of the expense of the surveys, appraisals, and examinations as set forth in the agreement;	18599 18600 18601 18602 18603 18604
(X) Provide by agreement with any regional airport authority, created under section 308.03 of the Revised Code, for the	18605 18606

acquisition, construction, maintenance, or operation of any 18607
airport or airport facility owned or to be owned and operated by 18608
the regional airport authority or owned or to be owned and 18609
operated by the municipal corporation and pay the portion of the 18610
expense of it as set forth in the agreement; 18611

(Y) Acquire by gift, purchase, lease, or condemnation, land, 18612
forest, and water rights necessary for conservation of forest 18613
reserves, water parks, or reservoirs, either within or without the 18614
limits of the municipal corporation, and improve and equip the 18615
forest and water parks with structures, equipment, and 18616
reforestation necessary or appropriate for any purpose for the 18617
utilization of any of the forest and water benefits that may 18618
properly accrue therefrom to the municipal corporation; 18619

(Z) Acquire real property by purchase, gift, or devise and 18620
construct and maintain on it public swimming pools, either within 18621
or outside the limits of the municipal corporation; 18622

(AA) Construct or rehabilitate, equip, maintain, operate, and 18623
lease facilities for housing of elderly persons and for persons of 18624
low and moderate income, and appurtenant facilities. No municipal 18625
corporation shall deny housing accommodations to or withhold 18626
housing accommodations from elderly persons or persons of low and 18627
moderate income because of race, color, religion, sex, familial 18628
status as defined in section 4112.01 of the Revised Code, military 18629
status as defined in that section, disability as defined in that 18630
section, ancestry, or national origin. Any elderly person or 18631
person of low or moderate income who is denied housing 18632
accommodations or has them withheld by a municipal corporation 18633
because of race, color, religion, sex, familial status as defined 18634
in section 4112.01 of the Revised Code, military status as defined 18635
in that section, disability as defined in that section, ancestry, 18636
or national origin may file a charge with the Ohio civil rights 18637
commission as provided in Chapter 4112. of the Revised Code. 18638

(BB) Acquire, rehabilitate, and develop rail property or rail 18639
service, and enter into agreements with the Ohio rail development 18640
commission, boards of county commissioners, boards of township 18641
trustees, legislative authorities of other municipal corporations, 18642
with other governmental agencies or organizations, and with 18643
private agencies or organizations in order to achieve those 18644
purposes; 18645

(CC) Appropriate and contribute money to a soil and water 18646
conservation district for use under Chapter ~~1515.~~ 940. of the 18647
Revised Code; 18648

(DD) Authorize the board of county commissioners, pursuant to 18649
a contract authorizing the action, to contract on the municipal 18650
corporation's behalf for the administration and enforcement within 18651
its jurisdiction of the state building code by another county or 18652
another municipal corporation located within or outside the 18653
county. The contract for administration and enforcement shall 18654
provide for obtaining certification pursuant to division (E) of 18655
section 3781.10 of the Revised Code for the exercise of 18656
administration and enforcement authority within the municipal 18657
corporation seeking those services and shall specify which 18658
political subdivision is responsible for securing that 18659
certification. 18660

(EE) Expend money for providing and maintaining services and 18661
facilities for senior citizens. 18662

"Airport," "landing field," and "air navigation facility," as 18663
defined in section 4561.01 of the Revised Code, apply to division 18664
(V) of this section. 18665

As used in divisions (W) and (X) of this section, "airport" 18666
and "airport facility" have the same meanings as in section 308.01 18667
of the Revised Code. 18668

As used in division (BB) of this section, "rail property" and 18669

"rail service" have the same meanings as in section 4981.01 of the Revised Code. 18670
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Sec. 718.01. Any term used in this chapter that is not otherwise defined in this chapter has the same meaning as when used in a comparable context in laws of the United States relating to federal income taxation or in Title LVII of the Revised Code, unless a different meaning is clearly required. If a term used in this chapter that is not otherwise defined in this chapter is used in a comparable context in both the laws of the United States relating to federal income tax and in Title LVII of the Revised Code and the use is not consistent, then the use of the term in the laws of the United States relating to federal income tax shall control over the use of the term in Title LVII of the Revised Code. 18672
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As used in this chapter: 18684

(A)(1) "Municipal taxable income" means the following: 18685

(a) For a person other than an individual, income reduced by exempt income to the extent otherwise included in income and then, as applicable, apportioned or situated to the municipal corporation under section 718.02 of the Revised Code, and further reduced by any pre-2017 net operating loss carryforward available to the person for the municipal corporation. 18686
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(b)(i) For an individual who is a resident of a municipal corporation other than a qualified municipal corporation, income reduced by exempt income to the extent otherwise included in income, then reduced as provided in division (A)(2) of this section, and further reduced by any pre-2017 net operating loss carryforward available to the individual for the municipal corporation. 18692
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(ii) For an individual who is a resident of a qualified 18699

municipal corporation, Ohio adjusted gross income reduced by 18700
income exempted, and increased by deductions excluded, by the 18701
qualified municipal corporation from the qualified municipal 18702
corporation's tax ~~on or before December 31, 2013~~. If a qualified 18703
municipal corporation, on or before December 31, 2013, exempts 18704
income earned by individuals who are not residents of the 18705
qualified municipal corporation and net profit of persons that are 18706
not wholly located within the qualified municipal corporation, 18707
such individual or person shall have no municipal taxable income 18708
for the purposes of the tax levied by the qualified municipal 18709
corporation and may be exempted by the qualified municipal 18710
corporation from the requirements of section 718.03 of the Revised 18711
Code. 18712

(c) For an individual who is a nonresident of a municipal 18713
corporation, income reduced by exempt income to the extent 18714
otherwise included in income and then, as applicable, apportioned 18715
or situated to the municipal corporation under section 718.02 of 18716
the Revised Code, then reduced as provided in division (A)(2) of 18717
this section, and further reduced by any pre-2017 net operating 18718
loss carryforward available to the individual for the municipal 18719
corporation. 18720

(2) In computing the municipal taxable income of a taxpayer 18721
who is an individual, the taxpayer may subtract, as provided in 18722
division (A)(1)(b)(i) or (c) of this section, the amount of the 18723
individual's employee business expenses reported on the 18724
individual's form 2106 that the individual deducted for federal 18725
income tax purposes for the taxable year, subject to the 18726
limitation imposed by section 67 of the Internal Revenue Code. For 18727
the municipal corporation in which the taxpayer is a resident, the 18728
taxpayer may deduct all such expenses allowed for federal income 18729
tax purposes. For a municipal corporation in which the taxpayer is 18730
not a resident, the taxpayer may deduct such expenses only to the 18731

extent the expenses are related to the taxpayer's performance of 18732
personal services in that nonresident municipal corporation. 18733

(B) "Income" means the following: 18734

(1)(a) For residents, all income, salaries, qualifying wages, 18735
commissions, and other compensation from whatever source earned or 18736
received by the resident, including the resident's distributive 18737
share of the net profit of pass-through entities owned directly or 18738
indirectly by the resident and any net profit of the resident, 18739
except as provided in division (D)(4) of this section. 18740

(b) For the purposes of division (B)(1)(a) of this section: 18741

(i) Any net operating loss of the resident incurred in the 18742
taxable year and the resident's distributive share of any net 18743
operating loss generated in the same taxable year and attributable 18744
to the resident's ownership interest in a pass-through entity 18745
shall be allowed as a deduction, for that taxable year and the 18746
following five taxable years, against any other net profit of the 18747
resident or the resident's distributive share of any net profit 18748
attributable to the resident's ownership interest in a 18749
pass-through entity until fully utilized, subject to division 18750
(B)(1)(d) of this section; 18751

(ii) The resident's distributive share of the net profit of 18752
each pass-through entity owned directly or indirectly by the 18753
resident shall be calculated without regard to any net operating 18754
loss that is carried forward by that entity from a prior taxable 18755
year and applied to reduce the entity's net profit for the current 18756
taxable year. 18757

(c) Division (B)(1)(b) of this section does not apply with 18758
respect to any net profit or net operating loss attributable to an 18759
ownership interest in an S corporation unless shareholders' 18760
distributive shares of net profits from S corporations are subject 18761
to tax in the municipal corporation as provided in division 18762

(C)(14)(b) or (c) of this section. 18763

(d) Any amount of a net operating loss used to reduce a 18764
taxpayer's net profit for a taxable year shall reduce the amount 18765
of net operating loss that may be carried forward to any 18766
subsequent year for use by that taxpayer. In no event shall the 18767
cumulative deductions for all taxable years with respect to a 18768
taxpayer's net operating loss exceed the original amount of that 18769
net operating loss available to that taxpayer. 18770

(2) In the case of nonresidents, all income, salaries, 18771
qualifying wages, commissions, and other compensation from 18772
whatever source earned or received by the nonresident for work 18773
done, services performed or rendered, or activities conducted in 18774
the municipal corporation, including any net profit of the 18775
nonresident, but excluding the nonresident's distributive share of 18776
the net profit or loss of only pass-through entities owned 18777
directly or indirectly by the nonresident. 18778

(3) For taxpayers that are not individuals, net profit of the 18779
taxpayer; 18780

(4) Lottery, sweepstakes, gambling and sports winnings, 18781
winnings from games of chance, and prizes and awards. If the 18782
taxpayer is a professional gambler for federal income tax 18783
purposes, the taxpayer may deduct related wagering losses and 18784
expenses to the extent authorized under the Internal Revenue Code 18785
and claimed against such winnings. 18786

(C) "Exempt income" means all of the following: 18787

(1) The military pay or allowances of members of the armed 18788
forces of the United States or members of their reserve 18789
components, including the national guard of any state; 18790

(2)(a) Except as provided in division (C)(2)(b) of this 18791
section, intangible income; 18792

(b) A municipal corporation that taxed any type of intangible income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 116th general assembly, may continue to tax that type of income if a majority of the electors of the municipal corporation voting on the question of whether to permit the taxation of that type of intangible income after 1988 voted in favor thereof at an election held on November 8, 1988.

(3) Social security benefits, railroad retirement benefits, unemployment compensation, pensions, retirement benefit payments, payments from annuities, and similar payments made to an employee or to the beneficiary of an employee under a retirement program or plan, disability payments received from private industry or local, state, or federal governments or from charitable, religious or educational organizations, and the proceeds of sickness, accident, or liability insurance policies. As used in division (C)(3) of this section, "unemployment compensation" does not include supplemental unemployment compensation described in section 3402(o)(2) of the Internal Revenue Code.

(4) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities.

(5) Compensation paid under section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official to the extent that such compensation does not exceed one thousand dollars for the taxable year. Such compensation in excess of one thousand dollars for the taxable year may be subject to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.

(6) Dues, contributions, and similar payments received by charitable, religious, educational, or literary organizations or

labor unions, lodges, and similar organizations;	18825
(7) Alimony and child support received;	18826
(8) Compensation for personal injuries or for damages to property from insurance proceeds or otherwise, excluding compensation paid for lost salaries or wages or compensation from punitive damages;	18827 18828 18829 18830
(9) Income of a public utility when that public utility is subject to the tax levied under section 5727.24 or 5727.30 of the Revised Code. Division (C)(9) of this section does not apply for purposes of Chapter 5745. of the Revised Code.	18831 18832 18833 18834
(10) Gains from involuntary conversions, interest on federal obligations, items of income subject to a tax levied by the state and that a municipal corporation is specifically prohibited by law from taxing, and income of a decedent's estate during the period of administration except such income from the operation of a trade or business;	18835 18836 18837 18838 18839 18840
(11) Compensation or allowances excluded from federal gross income under section 107 of the Internal Revenue Code;	18841 18842
(12) Employee compensation that is not qualifying wages as defined in division (R) of this section;	18843 18844
(13) Compensation paid to a person employed within the boundaries of a United States air force base under the jurisdiction of the United States air force that is used for the housing of members of the United States air force and is a center for air force operations, unless the person is subject to taxation because of residence or domicile. If the compensation is subject to taxation because of residence or domicile, tax on such income shall be payable only to the municipal corporation of residence or domicile.	18845 18846 18847 18848 18849 18850 18851 18852 18853
(14)(a) Except as provided in division (C)(14)(b) or (c) of	18854

this section, an S corporation shareholder's distributive share of net profits of the S corporation, other than any part of the distributive share of net profits that represents wages as defined in section 3121(a) of the Internal Revenue Code or net earnings from self-employment as defined in section 1402(a) of the Internal Revenue Code. 18855
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(b) If, pursuant to division (H) of former section 718.01 of the Revised Code as it existed before March 11, 2004, a majority of the electors of a municipal corporation voted in favor of the question at an election held on November 4, 2003, the municipal corporation may continue after 2002 to tax an S corporation shareholder's distributive share of net profits of an S corporation. 18861
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(c) If, on December 6, 2002, a municipal corporation was imposing, assessing, and collecting a tax on an S corporation shareholder's distributive share of net profits of the S corporation to the extent the distributive share would be allocated or apportioned to this state under divisions (B)(1) and (2) of section 5733.05 of the Revised Code if the S corporation were a corporation subject to taxes imposed under Chapter 5733. of the Revised Code, the municipal corporation may continue to impose the tax on such distributive shares to the extent such shares would be so allocated or apportioned to this state only until December 31, 2004, unless a majority of the electors of the municipal corporation voting on the question of continuing to tax such shares after that date voted in favor of that question at an election held November 2, 2004. If a majority of those electors voted in favor of the question, the municipal corporation may continue after December 31, 2004, to impose the tax on such distributive shares only to the extent such shares would be so allocated or apportioned to this state. 18868
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(d) A municipal corporation shall be deemed to have elected 18886

to tax S corporation shareholders' distributive shares of net 18887
profits of the S corporation in the hands of the shareholders if a 18888
majority of the electors of a municipal corporation voted in favor 18889
of a question at an election held under division (C)(14)(b) or (c) 18890
of this section. The municipal corporation shall specify by 18891
resolution or ordinance that the tax applies to the distributive 18892
share of a shareholder of an S corporation in the hands of the 18893
shareholder of the S corporation. 18894

(15) To the extent authorized under a resolution or ordinance 18895
adopted by a municipal corporation before January 1, 2016, all or 18896
a portion of the income of individuals or a class of individuals 18897
under eighteen years of age. 18898

(16)(a) Except as provided in divisions (C)(16)(b), (c), and 18899
(d) of this section, qualifying wages described in division (B)(1) 18900
or (E) of section 718.011 of the Revised Code to the extent the 18901
qualifying wages are not subject to withholding for the municipal 18902
corporation under either of those divisions. 18903

(b) The exemption provided in division (C)(16)(a) of this 18904
section does not apply with respect to the municipal corporation 18905
in which the employee resided at the time the employee earned the 18906
qualifying wages. 18907

(c) The exemption provided in division (C)(16)(a) of this 18908
section does not apply to qualifying wages that an employer elects 18909
to withhold under division (D)(2) of section 718.011 of the 18910
Revised Code. 18911

(d) The exemption provided in division (C)(16)(a) of this 18912
section does not apply to qualifying wages if both of the 18913
following conditions apply: 18914

(i) For qualifying wages described in division (B)(1) of 18915
section 718.011 of the Revised Code, the employee's employer 18916
withholds and remits tax on the qualifying wages to the municipal 18917

corporation in which the employee's principal place of work is 18918
situated, or, for qualifying wages described in division (E) of 18919
section 718.011 of the Revised Code, the employee's employer 18920
withholds and remits tax on the qualifying wages to the municipal 18921
corporation in which the employer's fixed location is located; 18922

(ii) The employee receives a refund of the tax described in 18923
division (C)(16)(d)(i) of this section on the basis of the 18924
employee not performing services in that municipal corporation. 18925

(17)(a) Except as provided in division (C)(17)(b) or (c) of 18926
this section, compensation that is not qualifying wages paid to a 18927
nonresident individual for personal services performed in the 18928
municipal corporation on not more than twenty days in a taxable 18929
year. 18930

(b) The exemption provided in division (C)(17)(a) of this 18931
section does not apply under either of the following 18932
circumstances: 18933

(i) The individual's base of operation is located in the 18934
municipal corporation. 18935

(ii) The individual is a professional athlete, professional 18936
entertainer, or public figure, and the compensation is paid for 18937
the performance of services in the individual's capacity as a 18938
professional athlete, professional entertainer, or public figure. 18939
For purposes of division (C)(17)(b)(ii) of this section, 18940
"professional athlete," "professional entertainer," and "public 18941
figure" have the same meanings as in section 718.011 of the 18942
Revised Code. 18943

(c) Compensation to which division (C)(17) of this section 18944
applies shall be treated as earned or received at the individual's 18945
base of operation. If the individual does not have a base of 18946
operation, the compensation shall be treated as earned or received 18947
where the individual is domiciled. 18948

(d) For purposes of division (C)(17) of this section, "base of operation" means the location where an individual owns or rents an office, storefront, or similar facility to which the individual regularly reports and at which the individual regularly performs personal services for compensation.

(18) Compensation paid to a person for personal services performed for a political subdivision on property owned by the political subdivision, regardless of whether the compensation is received by an employee of the subdivision or another person performing services for the subdivision under a contract with the subdivision, if the property on which services are performed is annexed to a municipal corporation pursuant to section 709.023 of the Revised Code on or after March 27, 2013, unless the person is subject to such taxation because of residence. If the compensation is subject to taxation because of residence, municipal income tax shall be payable only to the municipal corporation of residence.

(19) Income the taxation of which is prohibited by the constitution or laws of the United States.

Any item of income that is exempt income of a pass-through entity under division (C) of this section is exempt income of each owner of the pass-through entity to the extent of that owner's distributive or proportionate share of that item of the entity's income.

(D)(1) "Net profit" for a person other than an individual means adjusted federal taxable income.

(2) "Net profit" for a person who is an individual means the individual's net profit required to be reported on schedule C, schedule E, or schedule F reduced by any net operating loss carried forward. For the purposes of division (D)(2) of this section, the net operating loss carried forward shall be calculated and deducted in the same manner as provided in division

(E)(8) of this section. 18980

(3) For the purposes of this chapter, and notwithstanding 18981
division (D)(1) of this section, net profit of a disregarded 18982
entity shall not be taxable as against that disregarded entity, 18983
but shall instead be included in the net profit of the owner of 18984
the disregarded entity. 18985

(4) For the purposes of this chapter, and notwithstanding any 18986
other provision of this chapter, the net profit of a publicly 18987
traded partnership that makes the election described in division 18988
(D)(4) of this section shall be taxed as if the partnership were a 18989
C corporation, and shall not be treated as the net profit or 18990
income of any owner of the partnership. 18991

A publicly traded partnership that is treated as a 18992
partnership for federal income tax purposes and that is subject to 18993
tax on its net profits in one or more municipal corporations in 18994
this state may elect to be treated as a C corporation for 18995
municipal income tax purposes. The publicly traded partnership 18996
shall make the election in every municipal corporation in which 18997
the partnership is subject to taxation on its net profits. The 18998
election shall be made on the annual tax return filed in each such 18999
municipal corporation. The publicly traded partnership shall not 19000
be required to file the election with any municipal corporation in 19001
which the partnership is not subject to taxation on its net 19002
profits, but division (D)(4) of this section applies to all 19003
municipal corporations in which an individual owner of the 19004
partnership resides. 19005

(E) "Adjusted federal taxable income," for a person required 19006
to file as a C corporation, or for a person that has elected to be 19007
taxed as a C corporation under division (D)(4) of this section, 19008
means a C corporation's federal taxable income before net 19009
operating losses and special deductions as determined under the 19010
Internal Revenue Code, adjusted as follows: 19011

(1) Deduct intangible income to the extent included in 19012
federal taxable income. The deduction shall be allowed regardless 19013
of whether the intangible income relates to assets used in a trade 19014
or business or assets held for the production of income. 19015

(2) Add an amount equal to five per cent of intangible income 19016
deducted under division (E)(1) of this section, but excluding that 19017
portion of intangible income directly related to the sale, 19018
exchange, or other disposition of property described in section 19019
1221 of the Internal Revenue Code; 19020

(3) Add any losses allowed as a deduction in the computation 19021
of federal taxable income if the losses directly relate to the 19022
sale, exchange, or other disposition of an asset described in 19023
section 1221 or 1231 of the Internal Revenue Code; 19024

(4)(a) Except as provided in division (E)(4)(b) of this 19025
section, deduct income and gain included in federal taxable income 19026
to the extent the income and gain directly relate to the sale, 19027
exchange, or other disposition of an asset described in section 19028
1221 or 1231 of the Internal Revenue Code; 19029

(b) Division (E)(4)(a) of this section does not apply to the 19030
extent the income or gain is income or gain described in section 19031
1245 or 1250 of the Internal Revenue Code. 19032

(5) Add taxes on or measured by net income allowed as a 19033
deduction in the computation of federal taxable income; 19034

(6) In the case of a real estate investment trust or 19035
regulated investment company, add all amounts with respect to 19036
dividends to, distributions to, or amounts set aside for or 19037
credited to the benefit of investors and allowed as a deduction in 19038
the computation of federal taxable income; 19039

(7) Deduct, to the extent not otherwise deducted or excluded 19040
in computing federal taxable income, any income derived from a 19041
transfer agreement or from the enterprise transferred under that 19042

agreement under section 4313.02 of the Revised Code; 19043

(8)(a) Except as limited by divisions (E)(8)(b), (c), and (d) 19044
of this section, deduct any net operating loss incurred by the 19045
person in a taxable year beginning on or after January 1, 2017. 19046

The amount of such net operating loss shall be deducted from 19047
net profit that is reduced by exempt income to the extent 19048
necessary to reduce municipal taxable income to zero, with any 19049
remaining unused portion of the net operating loss carried forward 19050
to not more than five consecutive taxable years following the 19051
taxable year in which the loss was incurred, but in no case for 19052
more years than necessary for the deduction to be fully utilized. 19053

(b) No person shall use the deduction allowed by division 19054
(E)(8) of this section to offset qualifying wages. 19055

(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 19056
or 2022, a person may not deduct, for purposes of an income tax 19057
levied by a municipal corporation that levies an income tax before 19058
January 1, 2016, more than fifty per cent of the amount of the 19059
deduction otherwise allowed by division (E)(8)(a) of this section. 19060

(ii) For taxable years beginning in 2023 or thereafter, a 19061
person may deduct, for purposes of an income tax levied by a 19062
municipal corporation that levies an income tax before January 1, 19063
2016, the full amount allowed by division (E)(8)(a) of this 19064
section. 19065

(d) Any pre-2017 net operating loss carryforward deduction 19066
that is available must be utilized before a taxpayer may deduct 19067
any amount pursuant to division (E)(8) of this section. 19068

(e) Nothing in ~~divisions~~ division (E)(8)(c)(i) ~~and (ii)~~ of 19069
this section precludes a person from carrying forward, for ~~the~~ 19070
~~period otherwise permitted under division (E)(8)(a) of this~~ 19071
~~section~~ use with respect to any return filed for a taxable year 19072
beginning after 2018, any amount of net operating loss that was 19073

not fully utilized by operation of ~~divisions~~ division (E)(8)(c)(i) 19074
~~and (ii)~~ of this section. To the extent that an amount of net 19075
operating loss that was not fully utilized in one or more taxable 19076
years by operation of division (E)(8)(c)(i) of this section is 19077
carried forward for use with respect to a return filed for a 19078
taxable year beginning in 2019, 2020, 2021, or 2022, the 19079
limitation described in division (E)(8)(c)(i) of this section 19080
shall apply to the amount carried forward. 19081

(9) Deduct any net profit of a pass-through entity owned 19082
directly or indirectly by the taxpayer and included in the 19083
taxpayer's federal taxable income unless an affiliated group of 19084
corporations includes that net profit in the group's federal 19085
taxable income in accordance with division (E)(3)(b) of section 19086
718.06 of the Revised Code. 19087

(10) Add any loss incurred by a pass-through entity owned 19088
directly or indirectly by the taxpayer and included in the 19089
taxpayer's federal taxable income unless an affiliated group of 19090
corporations includes that loss in the group's federal taxable 19091
income in accordance with division (E)(3)(b) of section 718.06 of 19092
the Revised Code. 19093

If the taxpayer is not a C corporation, is not a disregarded 19094
entity that has made the election described in division (L)(2) of 19095
this section, is not a publicly traded partnership that has made 19096
the election described in division (D)(4) of this section, and is 19097
not an individual, the taxpayer shall compute adjusted federal 19098
taxable income under this section as if the taxpayer were a C 19099
corporation, except guaranteed payments and other similar amounts 19100
paid or accrued to a partner, former partner, shareholder, former 19101
shareholder, member, or former member shall not be allowed as a 19102
deductible expense unless such payments are in consideration for 19103
the use of capital and treated as payment of interest under 19104
section 469 of the Internal Revenue Code or United States treasury 19105

regulations. Amounts paid or accrued to a qualified self-employed 19106
retirement plan with respect to a partner, former partner, 19107
shareholder, former shareholder, member, or former member of the 19108
taxpayer, amounts paid or accrued to or for health insurance for a 19109
partner, former partner, shareholder, former shareholder, member, 19110
or former member, and amounts paid or accrued to or for life 19111
insurance for a partner, former partner, shareholder, former 19112
shareholder, member, or former member shall not be allowed as a 19113
deduction. 19114

Nothing in division (E) of this section shall be construed as 19115
allowing the taxpayer to add or deduct any amount more than once 19116
or shall be construed as allowing any taxpayer to deduct any 19117
amount paid to or accrued for purposes of federal self-employment 19118
tax. 19119

(F) "Schedule C" means internal revenue service schedule C 19120
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 19121
Code. 19122

(G) "Schedule E" means internal revenue service schedule E 19123
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 19124
Code. 19125

(H) "Schedule F" means internal revenue service schedule F 19126
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 19127
Code. 19128

(I) "Internal Revenue Code" has the same meaning as in 19129
section 5747.01 of the Revised Code. 19130

(J) "Resident" means an individual who is domiciled in the 19131
municipal corporation as determined under section 718.012 of the 19132
Revised Code. 19133

(K) "Nonresident" means an individual that is not a resident. 19134

(L)(1) "Taxpayer" means a person subject to a tax levied on 19135

income by a municipal corporation in accordance with this chapter. 19136
"Taxpayer" does not include a grantor trust or, except as provided 19137
in division (L)(2)(a) of this section, a disregarded entity. 19138

(2)(a) A single member limited liability company that is a 19139
disregarded entity for federal tax purposes may be a separate 19140
taxpayer from its single member in all Ohio municipal corporations 19141
in which it either filed as a separate taxpayer or did not file 19142
for its taxable year ending in 2003, if all of the following 19143
conditions are met: 19144

(i) The limited liability company's single member is also a 19145
limited liability company. 19146

(ii) The limited liability company and its single member were 19147
formed and doing business in one or more Ohio municipal 19148
corporations for at least five years before January 1, 2004. 19149

(iii) Not later than December 31, 2004, the limited liability 19150
company and its single member each made an election to be treated 19151
as a separate taxpayer under division (L) of this section as this 19152
section existed on December 31, 2004. 19153

(iv) The limited liability company was not formed for the 19154
purpose of evading or reducing Ohio municipal corporation income 19155
tax liability of the limited liability company or its single 19156
member. 19157

(v) The Ohio municipal corporation that was the primary place 19158
of business of the sole member of the limited liability company 19159
consented to the election. 19160

(b) For purposes of division (L)(2)(a)(v) of this section, a 19161
municipal corporation was the primary place of business of a 19162
limited liability company if, for the limited liability company's 19163
taxable year ending in 2003, its income tax liability was greater 19164
in that municipal corporation than in any other municipal 19165
corporation in Ohio, and that tax liability to that municipal 19166

corporation for its taxable year ending in 2003 was at least four hundred thousand dollars.

(M) "Person" includes individuals, firms, companies, joint stock companies, business trusts, estates, trusts, partnerships, limited liability partnerships, limited liability companies, associations, C corporations, S corporations, governmental entities, and any other entity.

(N) "Pass-through entity" means a partnership not treated as an association taxable as a C corporation for federal income tax purposes, a limited liability company not treated as an association taxable as a C corporation for federal income tax purposes, an S corporation, or any other class of entity from which the income or profits of the entity are given pass-through treatment for federal income tax purposes. "Pass-through entity" does not include a trust, estate, grantor of a grantor trust, or disregarded entity.

(O) "S corporation" means a person that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.

(P) "Single member limited liability company" means a limited liability company that has one direct member.

(Q) "Limited liability company" means a limited liability company formed under Chapter 1705. of the Revised Code or under the laws of another state.

(R) "Qualifying wages" means wages, as defined in section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as follows:

(1) Deduct the following amounts:

(a) Any amount included in wages if the amount constitutes compensation attributable to a plan or program described in

section 125 of the Internal Revenue Code.	19197
(b) Any amount included in wages if the amount constitutes payment on account of a disability related to sickness or an accident paid by a party unrelated to the employer, agent of an employer, or other payer.	19198 19199 19200 19201
(c) Any amount attributable to a nonqualified deferred compensation plan or program described in section 3121(v)(2)(C) of the Internal Revenue Code if the compensation is included in wages and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax.	19202 19203 19204 19205 19206 19207
(d) Any amount included in wages if the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax.	19208 19209 19210 19211 19212 19213 19214
(e) Any amount included in wages that is exempt income.	19215
(2) Add the following amounts:	19216
(a) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986.	19217 19218
(b) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has not, by resolution or ordinance, exempted the amount from withholding and tax adopted before January 1, 2016. Division (R)(2)(b) of this section applies only to those amounts constituting ordinary income.	19219 19220 19221 19222 19223 19224 19225 19226

(c) Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal Revenue Code. Division (R)(2)(c) of this section applies only to employee contributions and employee deferrals.

(d) Any amount that is supplemental unemployment compensation benefits described in section 3402(o)(2) of the Internal Revenue Code and not included in wages.

(e) Any amount received that is treated as self-employment income for federal tax purposes in accordance with section 1402(a)(8) of the Internal Revenue Code.

(f) Any amount not included in wages if all of the following apply:

(i) For the taxable year the amount is employee compensation that is earned outside of the United States and that either is included in the taxpayer's gross income for federal income tax purposes or would have been included in the taxpayer's gross income for such purposes if the taxpayer did not elect to exclude the income under section 911 of the Internal Revenue Code;

(ii) For no preceding taxable year did the amount constitute wages as defined in section 3121(a) of the Internal Revenue Code;

(iii) For no succeeding taxable year will the amount constitute wages; and

(iv) For any taxable year the amount has not otherwise been added to wages pursuant to either division (R)(2) of this section or section 718.03 of the Revised Code, as that section existed before the effective date of H.B. 5 of the 130th general assembly, March 23, 2015.

(S) "Intangible income" means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other

disposition of intangible property including, but not limited to, 19257
investments, deposits, money, or credits as those terms are 19258
defined in Chapter 5701. of the Revised Code, and patents, 19259
copyrights, trademarks, tradenames, investments in real estate 19260
investment trusts, investments in regulated investment companies, 19261
and appreciation on deferred compensation. "Intangible income" 19262
does not include prizes, awards, or other income associated with 19263
any lottery winnings, gambling winnings, or other similar games of 19264
chance. 19265

(T) "Taxable year" means the corresponding tax reporting 19266
period as prescribed for the taxpayer under the Internal Revenue 19267
Code. 19268

(U) "Tax administrator" means the individual charged with 19269
direct responsibility for administration of an income tax levied 19270
by a municipal corporation in accordance with this chapter, and 19271
also includes the following: 19272

(1) A municipal corporation acting as the agent of another 19273
municipal corporation; 19274

(2) A person retained by a municipal corporation to 19275
administer a tax levied by the municipal corporation, but only if 19276
the municipal corporation does not compensate the person in whole 19277
or in part on a contingency basis; 19278

(3) The central collection agency or the regional income tax 19279
agency or their successors in interest, or another entity 19280
organized to perform functions similar to those performed by the 19281
central collection agency and the regional income tax agency. 19282

(V) "Employer" means a person that is an employer for federal 19283
income tax purposes. 19284

(W) "Employee" means an individual who is an employee for 19285
federal income tax purposes. 19286

(X) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.	19287 19288 19289 19290 19291
(Y) "Calendar quarter" means the three-month period ending on the last day of March, June, September, or December.	19292 19293
(Z) "Form 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.	19294 19295
(AA) "Municipal corporation" includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.74 of the Revised Code.	19296 19297 19298 19299
(BB) "Disregarded entity" means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.	19300 19301 19302 19303
(CC) "Generic form" means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability or for filing a refund claim.	19304 19305 19306 19307 19308 19309
(DD) "Tax return preparer" means any individual described in section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 301.7701-15.	19310 19311 19312
(EE) "Ohio business gateway" means the online computer network system, created under section 125.30 of the Revised Code, that allows persons to electronically file business reply forms with state agencies and includes any successor electronic filing and payment system.	19313 19314 19315 19316 19317

(FF) "Local board of tax review" and "board of tax review" 19318
mean the entity created under section 718.11 of the Revised Code. 19319

(GG) "Net operating loss" means a loss incurred by a person 19320
in the operation of a trade or business. "Net operating loss" does 19321
not include unutilized losses resulting from basis limitations, 19322
at-risk limitations, or passive activity loss limitations. 19323

(HH) "Casino operator" and "casino facility" have the same 19324
meanings as in section 3772.01 of the Revised Code. 19325

(II) "Video lottery terminal" has the same meaning as in 19326
section 3770.21 of the Revised Code. 19327

(JJ) "Video lottery terminal sales agent" means a lottery 19328
sales agent licensed under Chapter 3770. of the Revised Code to 19329
conduct video lottery terminals on behalf of the state pursuant to 19330
section 3770.21 of the Revised Code. 19331

(KK) "Postal service" means the United States postal service. 19332

(LL) "Certified mail," "express mail," "United States mail," 19333
"postal service," and similar terms include any delivery service 19334
authorized pursuant to section 5703.056 of the Revised Code. 19335

(MM) "Postmark date," "date of postmark," and similar terms 19336
include the date recorded and marked in the manner described in 19337
division (B)(3) of section 5703.056 of the Revised Code. 19338

(NN) "Related member" means a person that, with respect to 19339
the taxpayer during all or any portion of the taxable year, is 19340
either a related entity, a component member as defined in section 19341
1563(b) of the Internal Revenue Code, or a person to or from whom 19342
there is attribution of stock ownership in accordance with section 19343
1563(e) of the Internal Revenue Code except, for purposes of 19344
determining whether a person is a related member under this 19345
division, "twenty per cent" shall be substituted for "5 percent" 19346
wherever "5 percent" appears in section 1563(e) of the Internal 19347

Revenue Code. 19348

(OO) "Related entity" means any of the following: 19349

(1) An individual stockholder, or a member of the 19350
stockholder's family enumerated in section 318 of the Internal 19351
Revenue Code, if the stockholder and the members of the 19352
stockholder's family own directly, indirectly, beneficially, or 19353
constructively, in the aggregate, at least fifty per cent of the 19354
value of the taxpayer's outstanding stock; 19355

(2) A stockholder, or a stockholder's partnership, estate, 19356
trust, or corporation, if the stockholder and the stockholder's 19357
partnerships, estates, trusts, or corporations own directly, 19358
indirectly, beneficially, or constructively, in the aggregate, at 19359
least fifty per cent of the value of the taxpayer's outstanding 19360
stock; 19361

(3) A corporation, or a party related to the corporation in a 19362
manner that would require an attribution of stock from the 19363
corporation to the party or from the party to the corporation 19364
under division (OO)(4) of this section, provided the taxpayer owns 19365
directly, indirectly, beneficially, or constructively, at least 19366
fifty per cent of the value of the corporation's outstanding 19367
stock; 19368

(4) The attribution rules described in section 318 of the 19369
Internal Revenue Code apply for the purpose of determining whether 19370
the ownership requirements in divisions (OO)(1) to (3) of this 19371
section have been met. 19372

(PP)(1) "Assessment" means a written finding by the tax 19373
administrator that a person has underpaid municipal income tax, or 19374
owes penalty and interest, or any combination of tax, penalty, or 19375
interest, to the municipal corporation that commences the person's 19376
time limitation for making an appeal to the local board of tax 19377
review pursuant to section 718.11 of the Revised Code, and has 19378

"ASSESSMENT" written in all capital letters at the top of such finding. 19379
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(2) "Assessment" does not include an informal notice denying a request for refund issued under division (B)(3) of section 718.19 of the Revised Code, a billing statement notifying a taxpayer of current or past-due balances owed to the municipal corporation, a tax administrator's request for additional information, a notification to the taxpayer of mathematical errors, or a tax administrator's other written correspondence to a person or taxpayer that does meet the criteria prescribed by division (PP)(1) of this section. 19381
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(QQ) "Taxpayers' rights and responsibilities" means the rights provided to taxpayers in sections 718.11, 718.12, 718.19, 718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the Revised Code and the responsibilities of taxpayers to file, report, withhold, remit, and pay municipal income tax and otherwise comply with Chapter 718. of the Revised Code and resolutions, ordinances, and rules adopted by a municipal corporation for the imposition and administration of a municipal income tax. 19390
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(RR) "Qualified municipal corporation" means a municipal corporation that, by resolution or ordinance adopted on or before December 31, 2011, adopted Ohio adjusted gross income, as defined by section 5747.01 of the Revised Code, as the income subject to tax for the purposes of imposing a municipal income tax. 19399
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(SS)(1) "Pre-2017 net operating loss carryforward" means any net operating loss incurred in a taxable year beginning before January 1, 2017, to the extent such loss was permitted, by a resolution or ordinance of the municipal corporation that was adopted by the municipal corporation before January 1, 2016, to be carried forward and utilized to offset income or net profit generated in such municipal corporation in future taxable years. 19404
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(2) For the purpose of calculating municipal taxable income, 19411
any pre-2017 net operating loss carryforward may be carried 19412
forward to any taxable year, including taxable years beginning in 19413
2017 or thereafter, for the number of taxable years provided in 19414
the resolution or ordinance or until fully utilized, whichever is 19415
earlier. 19416

(TT) "Small employer" means any employer that had total 19417
revenue of less than five hundred thousand dollars during the 19418
preceding taxable year. For purposes of this division, "total 19419
revenue" means receipts of any type or kind, including, but not 19420
limited to, sales receipts; payments; rents; profits; gains, 19421
dividends, and other investment income; compensation; commissions; 19422
premiums; money; property; grants; contributions; donations; 19423
gifts; program service revenue; patient service revenue; premiums; 19424
fees, including premium fees and service fees; tuition payments; 19425
unrelated business revenue; reimbursements; any type of payment 19426
from a governmental unit, including grants and other allocations; 19427
and any other similar receipts reported for federal income tax 19428
purposes or under generally accepted accounting principles. "Small 19429
employer" does not include the federal government; any state 19430
government, including any state agency or instrumentality; any 19431
political subdivision; or any entity treated as a government for 19432
financial accounting and reporting purposes. 19433

(UU) "Audit" means the examination of a person or the 19434
inspection of the books, records, memoranda, or accounts of a 19435
person for the purpose of determining liability for a municipal 19436
income tax. 19437

(VV) "Publicly traded partnership" means any partnership, an 19438
interest in which is regularly traded on an established securities 19439
market. A "publicly traded partnership" may have any number of 19440
partners. 19441

Sec. 718.04. (A) Notwithstanding division (A) of section 19442
715.013 of the Revised Code, a municipal corporation may levy a 19443
tax on income and a withholding tax if such taxes are levied in 19444
accordance with the provisions and limitations specified in this 19445
chapter. On or after January 1, 2016, the ordinance or resolution 19446
levying such taxes, as adopted or amended by the legislative 19447
authority of the municipal corporation, shall include all of the 19448
following: 19449

(1) A statement that the tax is an annual tax levied on the 19450
income of every person residing in or earning or receiving income 19451
in the municipal corporation and that the tax shall be measured by 19452
municipal taxable income; 19453

(2) A statement that the municipal corporation is levying the 19454
tax in accordance with the limitations specified in this chapter 19455
and that the resolution or ordinance thereby incorporates the 19456
provisions of this chapter; 19457

(3) The rate of the tax; 19458

(4) Whether, and the extent to which, a credit, as described 19459
in division (D) of this section, will be allowed against the tax; 19460

(5) The purpose or purposes of the tax; 19461

(6) Any other provision necessary for the administration of 19462
the tax, provided that the provision does not conflict with any 19463
provision of this chapter. 19464

(B) Any municipal corporation that, on or before ~~the~~ 19465
~~effective date of the enactment of this section~~ March 23, 2015, 19466
levies an income tax at a rate in excess of one per cent may 19467
continue to levy the tax at the rate specified in the original 19468
ordinance or resolution, provided that such rate continues in 19469
effect as specified in the original ordinance or resolution. 19470

(C)(1) No municipal corporation shall tax income at other 19471

than a uniform rate. 19472

(2) Except as provided in division (B) of this section, no 19473
municipal corporation shall levy a tax on income at a rate in 19474
excess of one per cent without having obtained the approval of the 19475
excess by a majority of the electors of the municipality voting on 19476
the question at a general, primary, or special election. The 19477
legislative authority of the municipal corporation shall file with 19478
the board of elections at least ninety days before the day of the 19479
election a copy of the ordinance together with a resolution 19480
specifying the date the election is to be held and directing the 19481
board of elections to conduct the election. The ballot shall be in 19482
the following form: "Shall the Ordinance providing for a ... per 19483
cent levy on income for (Brief description of the purpose of the 19484
proposed levy) be passed? 19485

	FOR THE INCOME TAX	
	AGAINST THE INCOME TAX	"

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In the event of an affirmative vote, the proceeds of the levy may 19490
be used only for the specified purpose. 19491

(D) A municipal corporation may, by ordinance or resolution, 19492
grant a credit to residents of the municipal corporation for all 19493
or a portion of the taxes paid to any municipal corporation, in 19494
this state or elsewhere, by the resident or by a pass-through 19495
entity owned, directly or indirectly, by a resident, on the 19496
resident's distributive or proportionate share of the income of 19497
the pass-through entity. A municipal corporation is not required 19498
to refund taxes not paid to the municipal corporation. 19499

(E) Except as otherwise provided in this chapter, a municipal 19500
corporation that levies an income tax in effect for taxable years 19501
beginning before January 1, 2016, may continue to administer and 19502

enforce the provisions of such tax for all taxable years beginning 19503
before January 1, 2016, provided that the provisions of such tax 19504
are consistent with this chapter as it existed prior to ~~the~~ 19505
~~effective date of the enactment of this section~~ March 23, 2015. 19506

(F) Nothing in this chapter authorizes a municipal 19507
corporation to levy a tax on income, or to administer or collect 19508
such a tax or penalties or interest related to such a tax, 19509
contrary to the provisions and limitations specified in this 19510
chapter. No municipal corporation shall enforce an ordinance or 19511
resolution that conflicts with the provisions of this chapter. 19512

(G)(1) Division (G) of this section applies to a municipal 19513
corporation that, at the time of entering into a written agreement 19514
under division (G)(2) of this section, shares the same territory 19515
as a city, local, or exempted village school district, to the 19516
extent that not more than thirty per cent of the territory of the 19517
municipal corporation is located outside the school district and a 19518
portion of the territory of the school district that is not 19519
located within the municipal corporation is located within another 19520
municipal corporation having a population of four hundred thousand 19521
or more according to the federal decennial census most recently 19522
completed before the agreement is entered into under division 19523
(G)(2) of this section. 19524

(2) The legislative authority of a municipal corporation to 19525
which division (G) of this section applies may propose to the 19526
electors an income tax, one of the purposes of which shall be to 19527
provide financial assistance to the school district described in 19528
division (G)(1) of this section. Prior to proposing the tax, the 19529
legislative authority shall negotiate and enter into a written 19530
agreement with the board of education of that school district 19531
specifying the tax rate; the percentage or amount of tax revenue 19532
to be paid to the school district or the method of establishing or 19533
determining that percentage or amount, which may be subject to 19534

change periodically; the purpose for which the school district 19535
will use the money; the first year the tax will be levied; the 19536
date of the election on the question of the tax; and the method 19537
and schedule by which, and the conditions under which, the 19538
municipal corporation will make payments to the school district. 19539
The tax shall otherwise comply with the provisions and limitations 19540
specified in this chapter. 19541

Sec. 718.05. (A) An annual return with respect to the income 19542
tax levied by a municipal corporation shall be completed and filed 19543
by every taxpayer for any taxable year for which the taxpayer is 19544
liable for the tax. If the total credit allowed against the tax as 19545
described in division (D) of section 718.04 of the Revised Code 19546
for the year is equal to or exceeds the tax imposed by the 19547
municipal corporation, no return shall be required unless the 19548
municipal ordinance or resolution levying the tax requires the 19549
filing of a return in such circumstances. 19550

(B) If an individual is deceased, any return or notice 19551
required of that individual shall be completed and filed by that 19552
decedent's executor, administrator, or other person charged with 19553
the property of that decedent. 19554

(C) If an individual is unable to complete and file a return 19555
or notice required by a municipal corporation in accordance with 19556
this chapter, the return or notice required of that individual 19557
shall be completed and filed by the individual's duly authorized 19558
agent, guardian, conservator, fiduciary, or other person charged 19559
with the care of the person or property of that individual. 19560

(D) Returns or notices required of an estate or a trust shall 19561
be completed and filed by the fiduciary of the estate or trust. 19562

(E) No municipal corporation shall deny spouses the ability 19563
to file a joint return. 19564

(F)(1) Each return required to be filed under this section 19565
shall contain the signature of the taxpayer or the taxpayer's duly 19566
authorized agent and of the person who prepared the return for the 19567
taxpayer, and shall include the taxpayer's social security number 19568
or taxpayer identification number. Each return shall be verified 19569
by a declaration under penalty of perjury. 19570

(2) A tax administrator may require a taxpayer who is an 19571
individual to include, with each annual return, amended return, or 19572
request for refund required under this section, copies of only the 19573
following documents: all of the taxpayer's Internal Revenue 19574
Service form W-2, "Wage and Tax Statements," including all 19575
information reported on the taxpayer's federal W-2, as well as 19576
taxable wages reported or withheld for any municipal corporation; 19577
the taxpayer's Internal Revenue Service form 1040 or, in the case 19578
of a return or request required by a qualified municipal 19579
corporation, Ohio form IT-1040; and, with respect to an amended 19580
tax return or refund request, any other documentation necessary to 19581
support the refund request or the adjustments made in the amended 19582
return. An individual taxpayer who files the annual return 19583
required by this section electronically is not required to provide 19584
paper copies of any of the foregoing to the tax administrator 19585
unless the tax administrator requests such copies after the return 19586
has been filed. 19587

(3) A tax administrator may require a taxpayer that is not an 19588
individual to include, with each annual net profit return, amended 19589
net profit return, or request for refund required under this 19590
section, copies of only the following documents: the taxpayer's 19591
Internal Revenue Service form 1041, form 1065, form 1120, form 19592
1120-REIT, form 1120F, or form 1120S, and, with respect to an 19593
amended tax return or refund request, any other documentation 19594
necessary to support the refund request or the adjustments made in 19595
the amended return. 19596

A taxpayer that is not an individual and that files an annual net profit return electronically through the Ohio business gateway or in some other manner shall either mail the documents required under this division to the tax administrator at the time of filing or, if electronic submission is available, submit the documents electronically through the Ohio business gateway. The department of taxation shall publish a method of electronically submitting the documents required under this division through the Ohio business gateway on or before January 1, 2016. The department shall transmit all documents submitted electronically under this division to the appropriate tax administrator.

(4) After a taxpayer files a tax return, the tax administrator may request, and the taxpayer shall provide, any information, statements, or documents required by the municipal corporation to determine and verify the taxpayer's municipal income tax liability. The requirements imposed under division (F) of this section apply regardless of whether the taxpayer files on a generic form or on a form prescribed by the tax administrator.

(G)(1)(a) Except as otherwise provided in this chapter, each individual income tax return required to be filed under this section shall be completed and filed as required by the tax administrator on or before the date prescribed for the filing of state individual income tax returns under division (G) of section 5747.08 of the Revised Code. The taxpayer shall complete and file the return or notice on forms prescribed by the tax administrator or on generic forms, together with remittance made payable to the municipal corporation or tax administrator. No remittance is required if the amount shown to be due is ten dollars or less.

(b) Except as otherwise provided in this chapter, each annual net profit return required to be filed under this section by a taxpayer that is not an individual shall be completed and filed as required by the tax administrator on or before the fifteenth day

of the fourth month following the end of the taxpayer's taxable 19629
year. The taxpayer shall complete and file the return or notice on 19630
forms prescribed by the tax administrator or on generic forms, 19631
together with remittance made payable to the municipal corporation 19632
or tax administrator. No remittance is required if the amount 19633
shown to be due is ten dollars or less. 19634

(2)(a) Any taxpayer that has duly requested an automatic 19635
six-month extension for filing the taxpayer's federal income tax 19636
return shall automatically receive an extension for the filing of 19637
a municipal income tax return. The extended due date of the 19638
municipal income tax return shall be the fifteenth day of the 19639
tenth month after the last day of the taxable year to which the 19640
return relates. ~~An~~ 19641

(b) A taxpayer that has not requested or received a six-month 19642
extension for filing the taxpayer's federal income tax return may 19643
request that the tax administrator grant the taxpayer a six-month 19644
extension of the date for filing the taxpayer's municipal income 19645
tax return. If the request is received by the tax administrator on 19646
or before the date the municipal income tax return is due, the tax 19647
administrator shall grant the taxpayer's requested extension. 19648

(c) An extension of time to file under ~~this~~ division (G)(2) 19649
of this section is not an extension of the time to pay any tax due 19650
unless the tax administrator grants an extension of that date. 19651

(3) If the tax commissioner extends for all taxpayers the 19652
date for filing state income tax returns under division (G) of 19653
section 5747.08 of the Revised Code, a taxpayer shall 19654
automatically receive an extension for the filing of a municipal 19655
income tax return. The extended due date of the municipal income 19656
tax return shall be the same as the extended due date of the state 19657
income tax return. 19658

(4) If the tax administrator considers it necessary in order 19659

to ensure the payment of the tax imposed by the municipal 19660
corporation in accordance with this chapter, the tax administrator 19661
may require taxpayers to file returns and make payments otherwise 19662
than as provided in this section, including taxpayers not 19663
otherwise required to file annual returns. 19664

(5) To the extent that any provision in this division 19665
conflicts with any provision in section 718.052 of the Revised 19666
Code, the provision in that section prevails. 19667

(H)(1) For taxable years beginning after 2015, a municipal 19668
corporation shall not require a taxpayer to remit tax with respect 19669
to net profits if the amount due is less than ten dollars. 19670

(2) Any taxpayer not required to remit tax to a municipal 19671
corporation for a taxable year pursuant to division (H)(1) of this 19672
section shall file with the municipal corporation an annual net 19673
profit return under division (F)(3) of this section. 19674

(I) This division shall not apply to payments required to be 19675
made under division (B)(1)(a) or (2)(a) of section 718.03 of the 19676
Revised Code. 19677

(1) If any report, claim, statement, or other document 19678
required to be filed, or any payment required to be made, within a 19679
prescribed period or on or before a prescribed date under this 19680
chapter is delivered after that period or that date by United 19681
States mail to the tax administrator or other municipal official 19682
with which the report, claim, statement, or other document is 19683
required to be filed, or to which the payment is required to be 19684
made, the date of the postmark stamped on the cover in which the 19685
report, claim, statement, or other document, or payment is mailed 19686
shall be deemed to be the date of delivery or the date of payment. 19687
"The date of postmark" means, in the event there is more than one 19688
date on the cover, the earliest date imprinted on the cover by the 19689
postal service. 19690

(2) If a payment is required to be made by electronic funds transfer, the payment is considered to be made when the payment is credited to an account designated by the tax administrator for the receipt of tax payments, except that, when a payment made by electronic funds transfer is delayed due to circumstances not under the control of the taxpayer, the payment is considered to be made when the taxpayer submitted the payment.

(J) The amounts withheld by an employer, the agent of an employer, or an other payer as described in section 718.03 of the Revised Code shall be allowed to the recipient of the compensation as credits against payment of the tax imposed on the recipient by the municipal corporation, unless the amounts withheld were not remitted to the municipal corporation and the recipient colluded with the employer, agent, or other payer in connection with the failure to remit the amounts withheld.

(K) Each return required by a municipal corporation to be filed in accordance with this section shall include a box that the taxpayer may check to authorize another person, including a tax return preparer who prepared the return, to communicate with the tax administrator about matters pertaining to the return. The return or instructions accompanying the return shall indicate that by checking the box the taxpayer authorizes the tax administrator to contact the preparer or other person concerning questions that arise during the examination or other review of the return and authorizes the preparer or other person only to provide the tax administrator with information that is missing from the return, to contact the tax administrator for information about the examination or other review of the return or the status of the taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the taxpayer has received from the tax administrator and has shown to the preparer or other person.

(L) The tax administrator of a municipal corporation shall accept for filing a generic form of any income tax return, report, or document required by the municipal corporation in accordance with this chapter, provided that the generic form, once completed and filed, contains all of the information required by ordinance, resolution, or rules adopted by the municipal corporation or tax administrator, and provided that the taxpayer or tax return preparer filing the generic form otherwise complies with the provisions of this chapter and of the municipal corporation ordinance or resolution governing the filing of returns, reports, or documents.

(M) When income tax returns, reports, or other documents require the signature of a tax return preparer, the tax administrator shall accept a facsimile of such a signature in lieu of a manual signature.

(N)(1) As used in this division, "worksite location" has the same meaning as in section 718.011 of the Revised Code.

(2) A person may notify a tax administrator that the person does not expect to be a taxpayer with respect to the municipal corporation for a taxable year if both of the following conditions apply:

(a) The person was required to file a tax return with the municipal corporation for the immediately preceding taxable year because the person performed services at a worksite location within that municipal corporation.

(b) The person no longer provides services in the municipal corporation and does not expect to be subject to the municipal corporation's income tax for the taxable year.

The person shall provide the notice in a signed affidavit that briefly explains the person's circumstances, including the location of the previous worksite location and the last date on

which the person performed services or made any sales within the 19754
municipal corporation. The affidavit also shall include the 19755
following statement: "The affiant has no plans to perform any 19756
services within the municipal corporation, make any sales in the 19757
municipal corporation, or otherwise become subject to the tax 19758
levied by the municipal corporation during the taxable year. If 19759
the affiant does become subject to the tax levied by the municipal 19760
corporation for the taxable year, the affiant agrees to be 19761
considered a taxpayer and to properly register as a taxpayer with 19762
the municipal corporation if such a registration is required by 19763
the municipal corporation's resolutions, ordinances, or rules." 19764
The person shall sign the affidavit under penalty of perjury. 19765

(c) If a person submits an affidavit described in division 19766
(N)(2) of this section, the tax administrator shall not require 19767
the person to file any tax return for the taxable year unless the 19768
tax administrator possesses information that conflicts with the 19769
affidavit or if the circumstances described in the affidavit 19770
change. Nothing in division (N) of this section prohibits the tax 19771
administrator from performing an audit of the person. 19772

Sec. 718.07. ~~On and after January 1, 2002, each~~ The tax 19773
~~administrator of a~~ municipal corporation that imposes a tax on 19774
~~income in accordance with this chapter~~ shall make electronic 19775
versions of any rules or ordinances governing the tax available to 19776
the public through the internet, including, but not limited to, 19777
ordinances or rules governing the rate of tax; payment and 19778
withholding of taxes; filing any prescribed returns, reports, or 19779
other documents; dates for filing or paying taxes, including 19780
estimated taxes; penalties, interest, assessment, and other 19781
collection remedies; rights of taxpayers to appeal; ~~and~~ procedures 19782
for filing appeals; and a summary of taxpayers' rights and 19783
responsibilities. ~~On and after that date, any municipal~~ 19784
~~corporation that requires taxpayers to file income tax returns,~~ 19785

~~reports, or other documents~~ The tax administrator shall make 19786
blanks of ~~such~~ any prescribed returns, reports, or documents, and 19787
any instructions pertaining thereto, available to the public 19788
electronically through the internet. Electronic versions of rules, 19789
ordinances, blanks, and instructions shall be made available 19790
~~either~~ by posting them on the electronic site established by the 19791
tax commissioner under section 5703.49 of the Revised Code ~~or~~ and, 19792
if the municipal corporation or tax administrator maintains an 19793
electronic site for the posting of such documents that is 19794
accessible through the internet, by posting them on ~~an~~ that 19795
electronic site ~~established by the municipal corporation that is~~ 19796
~~accessible through the internet.~~ If a municipal corporation or tax 19797
administrator establishes such an electronic site, the municipal 19798
corporation shall incorporate an electronic link between that site 19799
and the site established pursuant to section 5703.49 of the 19800
Revised Code, and shall provide to the tax commissioner the 19801
uniform resource locator of the site established pursuant to this 19802
division. 19803

Sec. 731.59. All securities belonging to the treasury of any 19804
municipal corporation or to any fund thereof, other than the 19805
sinking fund, may be placed in the custody of any member of the 19806
federal reserve banking system, upon the issuance by such member 19807
of its custodian or other bailment receipt to the treasurer of the 19808
municipal corporation. Such custody shall be as a qualified 19809
trustee pursuant to division ~~(D)~~(E) of section 135.18 of the 19810
Revised Code, which shall be required to report to the treasurer, 19811
auditor of state, or an authorized outside auditor at any time 19812
upon request as to the identity, market value, and location of the 19813
document evidencing each security. Such securities, if not kept in 19814
the custody of a member of the federal reserve banking system, 19815
shall be in the custody of such treasurer and shall be kept ~~by him~~ 19816
in a safe deposit box or vault belonging to a regular depository 19817

of the municipal corporation. If such securities are so kept, such 19818
safe deposit box or vault shall be opened only in the presence of 19819
one or more of the three officers named in section 731.57 of the 19820
Revised Code, and only upon a warrant or order of the chief 19821
accounting officer directing the deposit or removal of securities 19822
purchased or sold or the clipping of interest coupons for 19823
collection. A report of whatever is placed in or removed from such 19824
safe deposit box or vault upon any such occasion shall be signed 19825
by the treasurer and by the witness required by this section, and 19826
shall be returned to the chief accounting officer upon the same 19827
day. Whenever any securities are so held for the municipal 19828
corporation the officers having power to make such investments 19829
shall be bonded in amounts to be stipulated by ordinance. Such 19830
bonds may cover other contingencies in which such officers might 19831
become liable to the municipal corporation. In the event 19832
securities are deposited with a member of the federal reserve 19833
banking system, such securities may be withdrawn or sold only upon 19834
order of the three officers named in such section. 19835

All investments, except for investments by the municipal 19836
corporation in the issues of such municipal corporation, shall be 19837
made only through a member of the national association of 19838
securities dealers, inc., through a bank, savings bank, or savings 19839
and loan association regulated by the superintendent of financial 19840
institutions, or through an institution regulated by the 19841
comptroller of the currency, federal deposit insurance 19842
corporation, board of governors of the federal reserve system, or 19843
federal home loan bank board. Payment for investments shall be 19844
made only upon the delivery of securities representing such 19845
investments to the treasurer or qualified trustee. If the 19846
securities transferred are not represented by a certificate, 19847
payment shall be made only upon receipt of confirmation of 19848
transfer from the custodian by the treasurer, governing board, or 19849
qualified trustee. 19850

Sec. 737.41. (A) The legislative authority of a municipal corporation in which is established a municipal court, other than a county-operated municipal court, that has a department of probation shall establish in the municipal treasury a municipal probation services fund. The fund shall contain all moneys paid to the treasurer of the municipal corporation under section 2951.021 of the Revised Code for deposit into the fund. The treasurer of the municipal corporation shall disburse the money contained in the fund at the request of the municipal court department of probation, for use only by that department for specialized staff, purchase of equipment, purchase of services, reconciliation programs for offenders and victims, other treatment programs, including community addiction services providers ~~certified under section 5119.36 of the Revised Code~~, determined to be appropriate by the chief probation officer, and other similar expenses related to placing offenders under a community control sanction.

(B) Any money in a municipal probation services fund at the end of a fiscal year shall not revert to the treasury of the municipal corporation but shall be retained in the fund.

(C) As used in this section:

(1) "County-operated municipal court" has the same meaning as in section 1901.03 of the Revised Code.

(2) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.

(3) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

Sec. 742.114. (A) As used in this section and in section 742.116 of the Revised Code:

(1) "Agent" means a dealer, as defined in section 1707.01 of the Revised Code, who is licensed under sections 1707.01 to

1707.45 of the Revised Code or under comparable laws of another state or of the United States. 19881
19882

(2) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code. 19883
19884

(3) "Ohio-qualified agent" means an agent designated as such by the board of trustees of the fund. 19885
19886

(4) "Ohio-qualified investment manager" means an investment manager designated as such by the board of trustees of the fund. 19887
19888

(5) "Principal place of business" means an office in which the agent regularly provides securities or investment advisory services and solicits, meets with, or otherwise communicates with clients. 19889
19890
19891
19892

(B) The board of trustees of the fund shall, for the purposes of this section, designate an agent as an Ohio-qualified agent if the agent meets all of the following requirements: 19893
19894
19895

(1) The agent is subject to taxation under Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code; 19896
19897

(2) The agent is authorized to conduct business in this state; 19898
19899

(3) The agent maintains a principal place of business in this state and employs at least five residents of this state. 19900
19901

(C) The board shall adopt and implement a written policy to establish criteria and procedures used to select agents to execute securities transactions on behalf of the retirement system. The policy shall address each of the following: 19902
19903
19904
19905

(1) Commissions charged by the agent, both in the aggregate and on a per share basis; 19906
19907

(2) The execution speed and trade settlement capabilities of the agent; 19908
19909

(3) The responsiveness, reliability, and integrity of the agent;	19910 19911
(4) The nature and value of research provided by the agent;	19912
(5) Any special capabilities of the agent.	19913
(D)(1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified agents for the execution of domestic equity and fixed-income trades on behalf of the retirement system, when an Ohio-qualified agent offers quality, services, and safety comparable to other agents otherwise available to the board and meets the criteria established under division (C) of this section.	19914 19915 19916 19917 19918 19919 19920
(2) The board shall review, at least annually, the performance of the agents that execute securities transactions on behalf of the board.	19921 19922 19923
(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final.	19924 19925 19926 19927 19928
(E) The board shall, at least annually, submit to the Ohio retirement study council a report containing the following information:	19929 19930 19931
(1) The name of each agent designated as an Ohio qualified agent under this section;	19932 19933
(2) The name of each agent that executes securities transactions on behalf of the board;	19934 19935
(3) The amount of equity and fixed income trades that are executed by Ohio qualified agents, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;	19936 19937 19938 19939

~~(4) The compensation paid to Ohio qualified agents, expressed as a percentage of total compensation paid to all agents that execute securities transactions on behalf of the board;~~ 19940
19941
19942

~~(5) The amount of equity and fixed income trades that are executed by agents that are minority business enterprises, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;~~ 19943
19944
19945
19946

~~(6) Any other information requested by the Ohio retirement study council regarding the board's use of agents.~~ 19947
19948

Sec. 742.116. (A) The board of trustees of the pension fund shall, for the purposes of this section, designate an investment manager as an Ohio-qualified investment manager if the investment manager meets all of the following requirements: 19949
19950
19951
19952

(1) The investment manager is subject to taxation under Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code; 19953
19954

(2) The investment manager meets one of the following requirements: 19955
19956

(a) Has its corporate headquarters or principal place of business in this state; 19957
19958

(b) Employs at least five hundred individuals in this state; 19959

(c) Has a principal place of business in this state and employs at least ~~20~~ twenty residents of this state. 19960
19961

(B)(1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified investment managers, when an Ohio-qualified investment manager offers quality, services, and safety comparable to other investment managers otherwise available to the board. The policy shall also provide for the following: 19962
19963
19964
19965
19966
19967

(a) A process whereby the board can develop a list of 19968

Ohio-qualified investment managers and their investment products; 19969

(b) A process whereby the board can give public notice to 19970
Ohio-qualified investment managers of the board's search for an 19971
investment manager that includes the board's search criteria. 19972

(2) The board shall determine whether an investment manager 19973
is an Ohio-qualified investment manager and whether the investment 19974
manager offers quality, services, and safety comparable to other 19975
investment managers otherwise available to the board. The board's 19976
determination shall be final. 19977

~~(C) The board shall, at least annually, submit to the Ohio 19978
retirement study council a report containing the following 19979
information:~~ 19980

~~(1) The name of each investment manager designated as an 19981
Ohio-qualified investment manager under this section;~~ 19982

~~(2) The name of each investment manager with which the board 19983
contracts;~~ 19984

~~(3) The amount of assets managed by Ohio-qualified investment 19985
managers, expressed as a percentage of the total assets held by 19986
the retirement system and as a percentage of assets managed by 19987
investment managers with which the board has contracted;~~ 19988

~~(4) The compensation paid to Ohio-qualified investment 19989
managers, expressed as a percentage of total compensation paid to 19990
all investment managers with which the board has contracted;~~ 19991

~~(5) Any other information requested by the Ohio retirement 19992
study council regarding the board's use of investment managers.~~ 19993

Sec. 743.50. (A) A municipal corporation that has established 19994
and implemented a watershed management program with regard to a 19995
reservoir for drinking water shall allow an owner of property that 19996
is contiguous to property that constitutes a buffer around a body 19997
of water that is part of such a reservoir to maintain property 19998

<u>that constitutes a buffer if the maintenance is for any of the</u>	19999
<u>following:</u>	20000
<u>(1) Creation of an access path that is not wider than five</u>	20001
<u>feet to the body of water;</u>	20002
<u>(2) Creation of a view corridor along adjacent property</u>	20003
<u>boundaries;</u>	20004
<u>(3) Removal of invasive plant species as defined in section</u>	20005
<u>901.50 of the Revised Code;</u>	20006
<u>(4) Creation and maintenance of a filter strip of plants and</u>	20007
<u>grass that are native to the area surrounding the reservoir in</u>	20008
<u>order to provide adequate filtering of wastewater and polluted</u>	20009
<u>runoff from the owner's property to the body of water;</u>	20010
<u>(5) Beautification of the property.</u>	20011
<u>(B) A peace officer or other official with authority to cite</u>	20012
<u>trespassers on property that is owned by a municipal corporation</u>	20013
<u>and that constitutes a buffer as described in division (A) of this</u>	20014
<u>section shall not issue a civil or criminal citation to an</u>	20015
<u>individual who enters the property for the sole purpose of mowing</u>	20016
<u>grass, weeds, or other vegetation or for any of the purposes</u>	20017
<u>specified in that division.</u>	20018
Sec. 759.36. At any joint meeting provided for by section	20019
759.35 of the Revised Code, or at the joint meeting provided for	20020
by section 759.34 of the Revised Code, by a majority vote of all	20021
present counting members of the legislative authorities of	20022
municipal corporations and of boards of township trustees, the	20023
meeting may elect a board of cemetery trustees consisting of three	20024
members, of which one or more must be a member of each of the	20025
separate boards of township trustees and legislative authorities	20026
which comprise the union cemetery association represented by the	20027
joint meeting.	20028

The board of cemetery trustees so elected shall have the 20029
custody of the funds derived from the tax levy provided by section 20030
759.34 of the Revised Code, and the political subdivision shall 20031
pay the funds to the board of cemetery trustees upon its 20032
application for them. The board of cemetery trustees also shall 20033
have the custody of the funds derived from any tax levied by the 20034
union cemetery district under Chapter 5705. of the Revised Code. 20035
The board of cemetery trustees shall have all the powers and 20036
perform all the duties exercised and performed by the director of 20037
public service of a municipal corporation under sections 759.09 to 20038
759.14 of the Revised Code. The board of cemetery trustees may 20039
create a permanent endowment fund for the express purpose of 20040
keeping the cemetery clean and in good order and may: 20041

(A) Add to the price regularly charged for lots a sum for 20042
that purpose; 20043

(B) Receive gifts for that purpose; 20044

(C) Enter into separate agreements with the purchasers of 20045
lots by which an agreed part of the purchase price shall 20046
constitute a permanent fund; 20047

(D) Receive individual gifts for the fund, the income thereof 20048
to be used for the upkeep and care of lots. 20049

When any such funds are received or created, they shall be a 20050
permanent fund for such use and the income therefrom shall be used 20051
only for such purpose, and the principal sum shall be kept and 20052
invested under the same terms fixed by law for the investment of 20053
the funds of a minor by ~~his~~ the minor's guardian except that upon 20054
unanimous consent of the board of cemetery trustees, the board may 20055
use the principal of the fund if the board is unable to keep the 20056
cemetery clean and in good order using only the income from the 20057
fund. 20058

At the first election of the board of cemetery trustees, one 20059

member shall be chosen for one year, one for two years, and one 20060
for three years, together with the part of a year intervening 20061
between the time of the election and the first day of January next 20062
thereafter. Yearly thereafter, at the joint meeting held in May, 20063
one member shall be chosen for three years commencing on the first 20064
day of January next thereafter. Any regular or regularly called 20065
joint meeting of the board of township trustees and municipal 20066
legislative authority may fill vacancies occurring on the board of 20067
cemetery trustees by a majority vote of the members present, the 20068
election to be for the unexpired term. 20069

One member of the board of cemetery trustees or a person 20070
selected by the board of trustees shall be designated the 20071
clerk-treasurer for a term not to exceed two years. The 20072
clerk-treasurer shall be compensated from the cemetery fund in an 20073
amount fixed by the board of trustees in view of the size and 20074
financial condition of the cemetery association. The 20075
clerk-treasurer shall be charged with the duty of accounting for 20076
the fund and shall be bonded in an amount equal to or greater than 20077
the amount in the fund, but not less than one thousand dollars, 20078
the bond to be subject to the approval of the board of cemetery 20079
trustees and to be paid for from the cemetery funds. 20080

Any member of the board of cemetery trustees may be removed 20081
by the joint meeting, on a two-thirds vote of all members entitled 20082
to sit in such meeting, for misfeasance or malfeasance in office, 20083
gross neglect of duty, or gross immorality, but no member shall be 20084
so removed until ~~he has~~ having had at least ten days' notice in 20085
writing, together with a copy of the charges against ~~him~~ the 20086
member, and an opportunity to appear and defend ~~himself~~ self 20087
either in person or by counsel. 20088

Sec. 901.08. The director of agriculture shall appoint a 20089
chief of the division of administration, a chief of the division 20090

of animal health, a chief of the division of livestock 20091
environmental permitting, a chief of the division of soil and 20092
water conservation, a chief of the division of dairy, a chief of 20093
the division of food safety, a chief of the division of markets, a 20094
chief of the division of plant health, a chief of the division of 20095
weights and measures, a chief of the division of meat inspection, 20096
a chief of the division of consumer protection laboratory, a chief 20097
of the division of enforcement, and a chief of the division of 20098
amusement ride safety. 20099

Sec. 901.21. (A) As used in this section and section 901.22 20100
of the Revised Code: 20101

(1) "Agricultural easement" has the same meaning as in 20102
section 5301.67 of the Revised Code. 20103

(2) "Agriculture" means those activities occurring on land 20104
devoted exclusively to agricultural use, as defined in section 20105
5713.30 of the Revised Code, or on land that constitutes a 20106
homestead. 20107

(3) "Homestead" means the portion of a farm on which is 20108
located a dwelling house, yard, or outbuildings such as a barn or 20109
garage. 20110

(B) The director of agriculture may acquire real property 20111
used predominantly in agriculture and agricultural easements by 20112
gift, devise, or bequest if, at the time an easement is granted, 20113
such an easement is on land that is valued for purposes of real 20114
property taxation at its current value for agricultural use under 20115
section 5713.31 of the Revised Code or that constitutes a 20116
homestead. Any terms may be included in an agricultural easement 20117
so acquired that are necessary or appropriate to preserve on 20118
behalf of the grantor of the easement the favorable tax 20119
consequences of the gift, devise, or bequest under the "Internal 20120
Revenue Act of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 20121

The director, by any such means or by purchase or lease, may 20122
acquire, or acquire the use of, stationary personal property or 20123
equipment that is located on land acquired in fee by the director 20124
under this section and that is necessary or appropriate for the 20125
use of the land predominantly in agriculture. 20126

(C) The director may include, in an agricultural easement 20127
acquired under division (B) of this section, a provision to 20128
preserve a unique natural or physical feature on the land so long 20129
as the use of the land remains predominantly agricultural. 20130

(D) The director may do all things necessary or appropriate 20131
to retain the use of real property acquired in fee under division 20132
(B) of this section predominantly in agriculture, including, 20133
without limitation, performing any of the activities described in 20134
division (A)(1) or (2) of section 5713.30 of the Revised Code or 20135
entering into contracts to lease or rent the real property so 20136
acquired to persons or governmental entities that will use the 20137
land predominantly in agriculture. 20138

(E)(1) When the director considers it to be necessary or 20139
appropriate, the director may sell real property acquired in fee, 20140
and stationary personal property or equipment acquired by gift, 20141
devise, bequest, or purchase, under division (B) of this section 20142
on such terms as the director considers to be advantageous to this 20143
state. 20144

(2) An agricultural easement acquired under division (B) of 20145
this section may be extinguished under the circumstances 20146
prescribed, and in accordance with the terms and conditions set 20147
forth, in the instrument conveying the agricultural easement. 20148

(F) There is hereby created in the state treasury the 20149
agricultural easement purchase fund. The fund shall consist of the 20150
proceeds received from the sale of real and personal property 20151
under division (E) of this section; moneys received due to the 20152

extinguishment of agricultural easements acquired by the director 20153
under division (B) of this section or section 5301.691 of the 20154
Revised Code; moneys received due to the extinguishment of 20155
agricultural easements purchased with the assistance of matching 20156
grants made under section 901.22 of the Revised Code; gifts, 20157
bequests, devises, and contributions received by the director for 20158
the purpose of acquiring agricultural easements; and grants 20159
received from public or private sources for the purpose of 20160
purchasing agricultural easements. The fund shall be administered 20161
by the director, and moneys in the fund shall be used by the 20162
director exclusively to purchase agricultural easements under 20163
division (A) of section 5301.691 of the Revised Code and provide 20164
matching grants under section 901.22 of the Revised Code to 20165
municipal corporations, counties, townships, soil and water 20166
conservation districts established under Chapter ~~1515-~~ 940. of the 20167
Revised Code, and charitable organizations described in division 20168
(B) of section 5301.69 of the Revised Code for the purchase of 20169
agricultural easements. Money in the fund shall be used only to 20170
purchase agricultural easements on land that is valued for 20171
purposes of real property taxation at its current value for 20172
agricultural use under section 5713.31 of the Revised Code or that 20173
constitutes a homestead when the easement is purchased. 20174

(G) There is hereby created in the state treasury the clean 20175
Ohio agricultural easement fund. Twelve and one-half per cent of 20176
net proceeds of obligations issued and sold pursuant to sections 20177
151.01 and 151.09 of the Revised Code shall be deposited into the 20178
fund. The fund shall be used by the director for the purposes of 20179
this section, section 901.22 of the Revised Code, and the 20180
provisions of sections 5301.67 to 5301.70 of the Revised Code 20181
governing agricultural easements. Investment earnings of the fund 20182
shall be credited to the fund and may be used to pay costs 20183
incurred by the director in administering those sections and 20184
provisions. 20185

(H) The term of an agricultural easement purchased wholly or 20186
in part with money from the clean Ohio agricultural easement fund 20187
or the agricultural easement purchase fund shall be perpetual and 20188
shall run with the land. 20189

Sec. 901.22. (A) The director of agriculture, in accordance 20190
with Chapter 119. of the Revised Code, shall adopt rules that do 20191
all of the following: 20192

(1) Establish procedures and eligibility criteria for making 20193
matching grants to municipal corporations, counties, townships, 20194
soil and water conservation districts established under Chapter 20195
~~1515-~~ 940. of the Revised Code, and charitable organizations 20196
described in division (B) of section 5301.69 of the Revised Code 20197
for the purchase of agricultural easements. With respect to 20198
agricultural easements that are purchased or proposed to be 20199
purchased with such matching grants that consist in whole or in 20200
part of moneys from the clean Ohio agricultural easement fund 20201
created in section 901.21 of the Revised Code, the rules shall 20202
establish all of the following: 20203

(a) Procedures for all of the following: 20204

(i) Soliciting and accepting applications for matching 20205
grants; 20206

(ii) Participation by local governments and by the public in 20207
the process of making matching grants to charitable organizations; 20208

(iii) Notifying local governments, charitable organizations, 20209
and organizations that represent the interests of farmers of the 20210
ranking system established in rules adopted under division 20211
(A)(1)(b) of this section. 20212

(b) A ranking system for applications for the matching grants 20213
that is based on the soil type, proximity of the land or other 20214
land that is conducive to agriculture as defined by rules adopted 20215

under this section and that is the subject of an application to 20216
other agricultural land or other land that is conducive to 20217
agriculture as defined by rules adopted under this section and 20218
that is already or is in the process of becoming permanently 20219
protected from development, farm stewardship, development 20220
pressure, and, if applicable, a local comprehensive land use plan 20221
involved with a proposed agricultural easement. The rules shall 20222
require that preference be given to proposed agricultural 20223
easements that involve the greatest proportion of all of the 20224
following: 20225

(i) Prime soils, unique or locally important soils, 20226
microclimates, or similar features; 20227

(ii) Land that is adjacent to or that is in close proximity 20228
to other agricultural land or other land that is conducive to 20229
agriculture as defined by rules adopted under this section and 20230
that is already or is in the process of becoming permanently 20231
protected from development, by agricultural easement or otherwise, 20232
so that a buffer would exist between the land involving the 20233
proposed agricultural easement and areas that have been developed 20234
or likely will be developed for purposes other than agriculture; 20235

(iii) The use of best management practices, including 20236
federally or state approved conservation plans, and a history of 20237
substantial compliance with applicable federal and state laws; 20238

(iv) Development pressure that is imminent, but not a result 20239
of current location in the direct path of urban development; 20240

(v) Areas identified for agricultural protection in local 20241
comprehensive land use plans. 20242

(c) Any other criteria that the director determines are 20243
necessary for selecting applications for matching grants; 20244

(d) Requirements regarding the information that must be 20245
included in the annual monitoring report that must be prepared for 20246

an agricultural easement under division (E)(2) of section 5301.691 20247
of the Revised Code, procedures for submitting a copy of the 20248
report to the office of farmland preservation in the department of 20249
agriculture, and requirements and procedures governing corrective 20250
actions that may be necessary to enforce the terms of the 20251
agricultural easement. 20252

(2) Establish provisions that shall be included in the 20253
instrument conveying to a municipal corporation, county, township, 20254
soil and water conservation district, or charitable organization 20255
any agricultural easement purchased with matching grant funds 20256
provided by the director under this section, including, without 20257
limitation, all of the following provisions: 20258

(a) A provision stating that an easement so purchased may be 20259
extinguished only if an unexpected change in the conditions of or 20260
surrounding the land that is subject to the easement makes 20261
impossible or impractical the continued use of the land for the 20262
purposes described in the easement, or if the requirements of the 20263
easement are extinguished by judicial proceedings; 20264

(b) A provision requiring that, upon the sale, exchange, or 20265
involuntary conversion of the land subject to the easement, the 20266
holder of the easement shall be paid an amount of money that is at 20267
least equal to the proportionate value of the easement compared to 20268
the total value of the land at the time the easement was acquired; 20269

(c) A provision requiring that, upon receipt of the portion 20270
of the proceeds of a sale, exchange, or involuntary conversion 20271
described in division (A)(2)(b) of this section, the municipal 20272
corporation, county, township, soil and water conservation 20273
district, or charitable organization remit to the director an 20274
amount of money equal to the percentage of the cost of purchasing 20275
the easement it received as a matching grant under this section. 20276

Moneys received by the director pursuant to rules adopted 20277

under division (A)(2)(c) of this section shall be credited to the 20278
agricultural easement purchase fund created in section 901.21 of 20279
the Revised Code. 20280

(3) Establish a provision that provides a charitable 20281
organization, municipal corporation, township, county, or soil and 20282
water conservation district with the option of purchasing 20283
agricultural easements either in installments or with a lump sum 20284
payment. The rules shall include a requirement that a charitable 20285
organization, municipal corporation, township, county, or soil and 20286
water conservation district negotiate with the seller of the 20287
agricultural easement concerning any installment payment terms, 20288
including the dates and amounts of payments and the interest rate 20289
on the outstanding balance. The rules also shall require the 20290
director to approve any method of payment that is undertaken in 20291
accordance with the rules adopted under division (A)(3) of this 20292
section. 20293

(4) Establish any other requirements that the director 20294
considers to be necessary or appropriate to implement or 20295
administer a program to make matching grants under this section 20296
and monitor those grants. 20297

(B) The director may develop guidelines regarding the 20298
acquisition of agricultural easements by the department of 20299
agriculture and the provisions of instruments conveying those 20300
easements. The director may make the guidelines available to 20301
public and private entities authorized to acquire and hold 20302
agricultural easements. 20303

(C) The director may provide technical assistance in 20304
developing a program for the acquisition and monitoring of 20305
agricultural easements to public and private entities authorized 20306
to hold agricultural easements. The technical assistance may 20307
include, without limitation, reviewing and providing advisory 20308
recommendations regarding draft instruments conveying agricultural 20309

easements. 20310

(D)(1) The director may make matching grants from the 20311
agricultural easement purchase fund and the clean Ohio 20312
agricultural easement fund to municipal corporations, counties, 20313
townships, soil and water conservation districts, and charitable 20314
organizations to assist those political subdivisions and 20315
charitable organizations in purchasing agricultural easements. 20316
Application for a matching grant shall be made on forms prescribed 20317
and provided by the director. The matching grants shall be made in 20318
compliance with the criteria and procedures established in rules 20319
adopted under this section. Instruments conveying agricultural 20320
easements purchased with matching grant funds provided under this 20321
section, at a minimum, shall include the mandatory provisions set 20322
forth in those rules. 20323

Matching grants made under this division using moneys from 20324
the clean Ohio agricultural easement fund created in section 20325
901.21 of the Revised Code may provide up to seventy-five per cent 20326
of the value of an agricultural easement as determined by a 20327
general real estate appraiser who is certified under Chapter 4763. 20328
of the Revised Code or as determined through a points-based 20329
appraisal system established under division (D)(2) of this 20330
section. Not less than twenty-five per cent of the value of the 20331
agricultural easement shall be provided by the recipient of the 20332
matching grant or donated by the person who is transferring the 20333
easement to the grant recipient. The amount of such a matching 20334
grant used for the purchase of a single agricultural easement 20335
shall not exceed one million dollars. 20336

(2) The director shall establish a points-based appraisal 20337
system for the purposes of division (D)(1) of this section. The 20338
director may include any or all of the following factors in the 20339
system: 20340

(a) Whether the applicable county auditor has determined that 20341

the land is land that is devoted exclusively to agriculture for	20342
the purposes of sections 5713.30 to 5713.38 of the Revised Code;	20343
(b) Changes in land values following the completion of the	20344
applicable county auditor's reappraisal or triennial update;	20345
(c) Soil types and productivity;	20346
(d) Proximity of the land to land that is already subject to	20347
an agricultural easement, conservation easement created under	20348
sections 5301.67 to 5301.70 of the Revised Code, or similar	20349
land-use limitation;	20350
(e) Proximity of the land to water and sewer lines, road	20351
interchanges, and nonagricultural development;	20352
(f) Parcel size and roadway frontage of the land;	20353
(g) Existence of an agreement entered into under division (D)	20354
of section 1515.08 <u>940.06</u> of the Revised Code or of an operation	20355
and management plan developed under division (A) of section	20356
1511.021 <u>939.03</u> of the Revised Code;	20357
(h) Existence of a comprehensive plan that is adopted under	20358
section 303.02 or 519.02 of the Revised Code or that is adopted by	20359
the planning commission of a municipal corporation under section	20360
713.06 of the Revised Code;	20361
(i) Any other factors that the director determines are	20362
necessary for inclusion in the system.	20363
(E) An agricultural easement acquired as a result of a	20364
matching grant awarded under division (D) of this section may	20365
include a provision to preserve a unique natural or physical	20366
feature on the land so long as the use of the land remains	20367
predominantly agricultural.	20368
(F) For any agricultural easement purchased with a matching	20369
grant that consists in whole or in part of moneys from the clean	20370
Ohio agricultural easement fund, the director shall be named as a	20371

grantee on the instrument conveying the easement, as shall the 20372
municipal corporation, county, township, soil and water 20373
conservation district, or charitable organization that receives 20374
the grant. 20375

(G)(1) The director shall monitor and evaluate the 20376
effectiveness and efficiency of the agricultural easement program 20377
as a farmland preservation tool. On or before July 1, 1999, and 20378
the first day of July of each year thereafter, the director shall 20379
prepare and submit a report to the chairpersons of the standing 20380
committees of the senate and the house of representatives that 20381
consider legislation regarding agriculture. The report shall 20382
consider and address the following criteria to determine the 20383
program's effectiveness: 20384

(a) The number of agricultural easements purchased during the 20385
preceding year; 20386

(b) The location of those easements; 20387

(c) The number of acres of land preserved for agricultural 20388
use; 20389

(d) The amount of money used by a municipal corporation, 20390
township, county, or soil and water conservation district from any 20391
fund to purchase the agricultural easements; 20392

(e) The number of state matching grants given to purchase the 20393
agricultural easements; 20394

(f) The amount of state matching grant moneys used to 20395
purchase the agricultural easements. 20396

(2) The report also shall consider and include, at a minimum, 20397
the following information for each county to determine the 20398
program's efficiency: 20399

(a) The total number of acres in the county; 20400

(b) The total number of acres in current agricultural use; 20401

(c) The total number of acres preserved for agricultural use	20402
in the preceding year;	20403
(d) The average cost, per acre, of land preserved for	20404
agricultural use in the preceding year.	20405
Sec. 902.01. As used in this chapter:	20406
(A) "Bonds" means bonds, notes, or other forms of evidences	20407
of obligation issued in temporary or definitive form, including	20408
refunding bonds and notes and bonds and notes issued in	20409
anticipation of the issuance of bonds and renewal notes.	20410
(B) "Bond proceedings" means the resolution or ordinance or	20411
the trust agreement or indenture of mortgage, or combination	20412
thereof, authorizing or providing for the terms and conditions	20413
applicable to bonds issued under authority of this chapter.	20414
(C) "Borrower" means the recipient of a loan or the lessee or	20415
purchaser of a project under this chapter and is limited to a sole	20416
proprietor, or to a partnership, joint venture, firm, association,	20417
or corporation, a majority of whose stockholders, partners,	20418
members, or associates are persons or the spouses of persons	20419
related to each other within the fourth degree of kinship,	20420
according to law, provided that the sole proprietor or at least	20421
one of such related persons resides or will reside on or is or	20422
will actively operate the project or the farm or agricultural	20423
enterprise composed, in whole or in part, of the project, and	20424
provided further that the sole proprietor or all of the	20425
stockholders, members, partners, or associates are natural	20426
persons. The agricultural financing commission may establish	20427
procedures for the determination of the eligibility of borrowers	20428
under this chapter which determinations are conclusive in relation	20429
to the validity and enforceability of bonds issued under bond	20430
proceedings authorized in connection therewith, and in relation to	20431
security interests given and leases, subleases, sale agreements,	20432

loan agreements, and other agreements made in connection 20433
therewith, all in accordance with their terms. 20434

(D) "Composite financing arrangement" means the sale of a 20435
single issue of bonds to finance two or more projects, including, 20436
but not limited to, a single issue of bonds for a group of loans 20437
submitted by or through a single lending institution or with 20438
credit enhancement from a single lending institution, or the sale 20439
by or on behalf of one or more issuers of two or more issues or 20440
lots of bonds under or pursuant to a single sale agreement, single 20441
marketing arrangement, or single official statement, offering 20442
circular, or other marketing document. 20443

(E) "Issuer" means the state, or any county or municipal 20444
corporation of the state. 20445

(F) "Issuing authority" means ~~in the case of the state, the~~ 20446
~~agricultural financing commission created by section 901.61 of the~~ 20447
~~Revised Code;~~ in the case of a municipal corporation, the 20448
legislative authority thereof; and in the case of a county, the 20449
board of county commissioners or whatever officers, board, 20450
commission, council, or other body might succeed to or assume the 20451
legislative powers of the board of county commissioners. 20452

(G) "Lending institution" means any domestic building and 20453
loan association as defined in section 1151.01 of the Revised 20454
Code, any service corporation the entire stock of which is owned 20455
by one or more such building and loan associations, a bank which 20456
has its principal place of business located in this state, a bank 20457
subsidiary corporation that is wholly owned by a bank having its 20458
principal place of business located in this state, any state or 20459
federal governmental agency or instrumentality including without 20460
limitation the federal land bank, production credit association, 20461
or bank for cooperatives, or any of their local associations, or 20462
any other financial institution or entity authorized to make 20463
mortgage loans and qualified to do business in this state. 20464

(H) "Loan" includes a loan made to or through, or a deposit with, a lending institution or a loan made directly to the owner or operator of a project to finance one or more projects. Notwithstanding any other provision of this chapter, loans from proceeds of bonds issued under a composite financing arrangement shall be made only to or through, or by a deposit with, a lending institution, including the purchase of loans from lending institutions, or be made in any other manner in which a lending institution has been or is involved in the origination or credit enhancement of the loan.

(I) "Mortgage loan" means a loan secured by a mortgage, deed of trust, or other security interest.

(J) "Pledged facilities" means the project or projects mortgaged or facilities the rentals, revenues, and other income, charges, and moneys from which are pledged, or both, for the payment of the principal of and interest on the bonds issued under authority of section 902.04 of the Revised Code, and includes a project for which a loan has been made under authority of this chapter, in which case, references in this chapter to revenues of such pledged facilities or from the disposition thereof include payments made or to be made to or for the account of the issuer pursuant to such loan.

(K) "Project" means real or personal property, or both, including undivided and other interests therein, acquired by gift or purchase, constructed, reconstructed, enlarged, improved, furnished, or equipped, or any combination thereof, by an issuer, or by others from the proceeds of bonds, located within the boundaries of the issuer, and used or to be used by a borrower for agricultural purposes as provided in division (D) of this section. A project is hereby determined to qualify as facilities for industry, commerce, distribution, or research described in Section 13 of Article VIII, Ohio Constitution.

(L) "Purchase" means, with respect to loans, the purchase of 20497
loans from, or other acquisition by an issuer of loans of, lending 20498
institutions. 20499

(M) "Revenues" means the rentals, revenues, payments, 20500
repayments, income, charges, and moneys derived or to be derived 20501
from the use, lease, sublease, rental, sale, including installment 20502
sale or conditional sale, or other disposition of pledged 20503
facilities, or derived or to be derived pursuant to a loan made 20504
for a project, bond proceeds to the extent provided in the bond 20505
proceedings for the payment of principal of, or premium, if any, 20506
or interest on the bonds, proceeds from any insurance, 20507
condemnation, or guaranty pertaining to pledged facilities or the 20508
financing thereof, any income and profit from the investment of 20509
the proceeds of bonds or of any revenues, any fees and charges 20510
received by or on behalf of an issuer for the services of or 20511
commitments by the issuer, and moneys received in repayment of and 20512
for interest on any loan made or purchased by an issuer, moneys 20513
received by an issuer upon the sale of any bonds of the issuer 20514
under section 902.04 of the Revised Code, any moneys received from 20515
investment of funds of an issuer or from the sale of collateral 20516
securing loans made or purchased by the issuer, including 20517
collateral acquired by foreclosure or other action to enforce a 20518
security interest, and any moneys received in payment of a claim 20519
under insurance, guarantees, letters of credit, or otherwise with 20520
respect to any loans made or purchased by an issuer or any 20521
collateral held by the issuer of any bonds issued under this 20522
chapter. 20523

(N) "Security interest" means a mortgage, lien, or other 20524
encumbrance on, or pledge or assignment of, or other security 20525
interest with respect to all or any part of pledged facilities, 20526
revenues, reserve funds, or other funds established under the bond 20527
proceedings, or on, of, or with respect to, a lease, sublease, 20528

sale, conditional sale, or installment sale agreement, loan 20529
agreement, or any other agreement pertaining to the lease, 20530
sublease, sale, or other disposition of a project or pertaining to 20531
a loan made for a project, or any guaranty or insurance agreement 20532
made with respect thereto, or any interest of the issuer therein, 20533
or any other interest granted, assigned, purchased, or released to 20534
secure payments of the principal of, premium, if any, or interest 20535
on any bonds or to secure any other payments to be made by an 20536
issuer under the bond proceedings. Any security interest under 20537
this chapter may be prior or subordinate to or on a parity with 20538
any other mortgage, lien, encumbrance, pledge, assignment, or 20539
other security interest. 20540

Sec. 903.01. As used in this chapter: 20541

(A) "Agricultural animal" means any animal generally used for 20542
food or in the production of food, including cattle, sheep, goats, 20543
rabbits, poultry, and swine; horses; alpacas; llamas; and any 20544
other animal included by the director of agriculture by rule. 20545
"Agricultural animal" does not include fish or other aquatic 20546
animals regardless of whether they are raised at fish hatcheries, 20547
fish farms, or other facilities that raise aquatic animals. 20548

(B) "Animal feeding facility" means a lot, building, or 20549
structure where both of the following conditions are met: 20550

(1) Agricultural animals have been, are, or will be stabled 20551
or confined and fed or maintained there for a total of forty-five 20552
days or more in any twelve-month period. 20553

(2) Crops, vegetative forage growth, or post-harvest residues 20554
are not sustained in the normal growing season over any portion of 20555
the lot, building, or structure. 20556

"Animal feeding facility" also includes land that is owned or 20557
leased by or otherwise is under the control of the owner or 20558

operator of the lot, building, or structure and on which manure 20559
originating from agricultural animals in the lot, building, or 20560
structure or a production area is or may be applied. 20561

Two or more animal feeding facilities under common ownership 20562
shall be considered to be a single animal feeding facility for the 20563
purposes of this chapter if they adjoin each other or if they use 20564
a common area or system for the disposal of manure. 20565

(C) "Animal feeding operation" has the same meaning as 20566
"animal feeding facility." 20567

(D) "Cattle" includes, but is not limited to, heifers, 20568
steers, bulls, and cow and calf pairs. 20569

(E) "Concentrated animal feeding facility" means an animal 20570
feeding facility with a total design capacity equal to or more 20571
than the number of animals specified in any of the categories in 20572
division (M) of this section. 20573

(F) "Concentrated animal feeding operation" means an animal 20574
feeding facility that complies with one of the following: 20575

(1) Has a total design capacity equal to or more than the 20576
number of animals specified in any of the categories in division 20577
(M) of this section; 20578

(2) Satisfies the criteria in division (M), (Q), or (FF) of 20579
this section; 20580

(3) Is designated by the director of agriculture as a medium 20581
or small concentrated animal feeding operation pursuant to rules. 20582

(G) "Discharge" means to add from a point source to waters of 20583
the state. 20584

(H) "Federal Water Pollution Control Act" means the "Federal 20585
Water Pollution Control Act Amendments of 1972," 86 Stat. 816, 33 20586
U.S.C. 1251 et. seq., as amended, and regulations adopted under 20587
it. 20588

(I) "Finalized," with respect to the programs required under 20589
division (A)(1) of section 903.02 and division (A)(1) of section 20590
903.03 of the Revised Code, means that all rules that are 20591
necessary for the administration of this chapter have been adopted 20592
and all employees of the department of agriculture that are 20593
necessary for the administration of this chapter have been 20594
employed. 20595

(J) "General permit" has the meaning that is established in 20596
rules. 20597

(K) "Individual permit" has the meaning that is established 20598
in rules. 20599

(L) "Installation permit" means a permit for the installation 20600
or modification of a disposal system or any part of a disposal 20601
system issued by the director of environmental protection under 20602
division (J)(1) of section 6111.03 of the Revised Code. 20603

(M) "Large concentrated animal feeding operation" means an 20604
animal feeding facility that stables or confines at least the 20605
number of animals specified in any of the following categories: 20606

(1) Seven hundred mature dairy cattle whether milked or dry; 20607

(2) One thousand veal calves; 20608

(3) One thousand cattle other than mature dairy cattle or 20609
veal calves; 20610

(4) Two thousand five hundred swine that each weigh 20611
fifty-five pounds or more; 20612

(5) Ten thousand swine that each weigh less than fifty-five 20613
pounds; 20614

(6) Five hundred horses; 20615

(7) Ten thousand sheep or lambs; 20616

(8) Fifty-five thousand turkeys; 20617

(9) Thirty thousand laying hens or broilers if the animal feeding facility uses a liquid manure handling system;	20618 20619
(10) One hundred twenty-five thousand chickens, other than laying hens, if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	20620 20621 20622
(11) Eighty-two thousand laying hens if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	20623 20624 20625
(12) Thirty thousand ducks if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	20626 20627 20628
(13) Five thousand ducks if the animal feeding facility uses a liquid manure handling system.	20629 20630
(N) "Major concentrated animal feeding facility" means a concentrated animal feeding facility with a total design capacity of more than ten times the number of animals specified in any of the categories in division (M) of this section.	20631 20632 20633 20634
(O) "Manure" means any of the following wastes used in or resulting from the production of agricultural animals or direct agricultural products such as milk or eggs: animal excreta, discarded products, bedding, process waste water, process generated waste water, waste feed, silage drainage, and compost products resulting from mortality composting or the composting of animal excreta.	20635 20636 20637 20638 20639 20640 20641
(P) "Manure storage or treatment facility" means any excavated, diked, or walled structure or combination of structures designed for the biological stabilization, holding, or storage of manure.	20642 20643 20644 20645
(Q) "Medium concentrated animal feeding operation" means an animal feeding facility that satisfies both of the following:	20646 20647

(1) The facility stables or confines the number of animals specified in any of the following categories:	20648 20649
(a) Two hundred to six hundred ninety-nine mature dairy cattle whether milked or dry;	20650 20651
(b) Three hundred to nine hundred ninety-nine veal calves;	20652
(c) Three hundred to nine hundred ninety-nine cattle other than mature dairy cattle or veal calves;	20653 20654
(d) Seven hundred fifty to two thousand four hundred ninety-nine swine that each weigh fifty-five pounds or more;	20655 20656
(e) Three thousand to nine thousand nine hundred ninety-nine swine that each weigh less than fifty-five pounds;	20657 20658
(f) One hundred fifty to four hundred ninety-nine horses;	20659
(g) Three thousand to nine thousand nine hundred ninety-nine sheep or lambs;	20660 20661
(h) Sixteen thousand five hundred to fifty-four thousand nine hundred ninety-nine turkeys;	20662 20663
(i) Nine thousand to twenty-nine thousand nine hundred ninety-nine laying hens or broilers if the animal feeding facility uses a liquid manure handling system;	20664 20665 20666
(j) Thirty-seven thousand five hundred to one hundred twenty-four thousand nine hundred ninety-nine chickens, other than laying hens, if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	20667 20668 20669 20670
(k) Twenty-five thousand to eighty-one thousand nine hundred ninety-nine laying hens if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	20671 20672 20673 20674
(l) Ten thousand to twenty-nine thousand nine hundred ninety-nine ducks if the animal feeding facility uses a manure	20675 20676

handling system that is not a liquid manure handling system; 20677

(m) One thousand five hundred to four thousand nine hundred 20678
ninety-nine ducks if the animal feeding facility uses a liquid 20679
manure handling system. 20680

(2) The facility does one of the following: 20681

(a) Discharges pollutants into waters of the United States 20682
through a ditch constructed by humans, a flushing system 20683
constructed by humans, or another similar device constructed by 20684
humans; 20685

(b) Discharges pollutants directly into waters of the United 20686
States that originate outside of and that pass over, across, or 20687
through the facility or otherwise come into direct contact with 20688
the animals at the facility. 20689

"Medium concentrated animal feeding operation" includes an 20690
animal feeding facility that is designated by the director as a 20691
medium concentrated animal feeding operation pursuant to rules. 20692

(R) "Mortality composting" means the controlled decomposition 20693
of organic solid material consisting of dead animals that 20694
stabilizes the organic fraction of the material. 20695

(S) "NPDES permit" means a permit issued under the national 20696
pollutant discharge elimination system established in section 402 20697
of the Federal Water Pollution Control Act and includes the 20698
renewal of such a permit. "NPDES permit" includes the federally 20699
enforceable provisions of a permit to operate into which NPDES 20700
permit provisions have been incorporated. 20701

(T) "Permit" includes an initial, renewed, or modified permit 20702
to install, permit to operate, NPDES permit, and installation 20703
permit unless expressly stated otherwise. 20704

(U) "Permit to install" means a permit issued under section 20705
903.02 of the Revised Code. 20706

(V) "Permit to operate" means a permit issued or renewed 20707
under section 903.03 of the Revised Code and includes incorporated 20708
NPDES permit provisions, if applicable. 20709

(W) "Person" has the same meaning as in section 1.59 of the 20710
Revised Code and also includes the state, any political 20711
subdivision of the state, any interstate body created by compact, 20712
the United States, or any department, agency, or instrumentality 20713
of any of those entities. 20714

(X) "Point source" has the same meaning as in the Federal 20715
Water Pollution Control Act. 20716

(Y) "Pollutant" means dredged spoil, solid waste, incinerator 20717
residue, filter backwash, sewage, garbage, sewage sludge, 20718
munitions, chemical wastes, biological materials, radioactive 20719
materials except those regulated under the "Atomic Energy Act of 20720
1954," 68 Stat. 919, 42 U.S.C. 2011, as amended, heat, wrecked or 20721
discarded equipment, rock, sand, cellar dirt, and industrial, 20722
municipal, and agricultural waste, including manure, discharged 20723
into water. "Pollutant" does not include either of the following: 20724

(1) Sewage from vessels; 20725

(2) Water, gas, or other material that is injected into a 20726
well to facilitate production of oil or gas, or water derived in 20727
association with oil and gas production and disposed of in a well, 20728
if the well that is used either to facilitate production or for 20729
disposal purposes is approved by the state and if the state 20730
determines that the injection or disposal will not result in the 20731
degradation of ground or surface water resources. 20732

(Z) "Process generated waste water" means water that is 20733
directly or indirectly used in the operation of an animal feeding 20734
facility for any of the following: 20735

(1) Spillage or overflow from animal watering systems; 20736

(2) Washing, cleaning, or flushing pens, barns, manure pits, or other areas of an animal feeding facility;	20737 20738
(3) Direct contact swimming, washing, or spray cooling of animals;	20739 20740
(4) Dust control.	20741
(AA) "Process waste water" means any process generated waste water and any precipitation, including rain or snow, that comes into contact with manure, litter, bedding, or any other raw material or intermediate or final material or product used in or resulting from the production of animals or direct products such as milk or eggs.	20742 20743 20744 20745 20746 20747
(BB) "Production area" means any of the following components of an animal feeding facility:	20748 20749
(1) Animal confinement areas, including, but not limited to, open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, animal walkways, and stables;	20750 20751 20752 20753
(2) Manure storage areas, including, but not limited to, manure storage or treatment facilities;	20754 20755
(3) Raw material storage areas, including, but not limited to, feed silos, silage bunkers, commodity buildings, and bedding materials;	20756 20757 20758
(4) Waste containment areas, including, but not limited to, any of the following:	20759 20760
(a) An egg washing or egg processing facility;	20761
(b) An area used in the storage, handling, treatment, or disposal of mortalities;	20762 20763
(c) Settling basins, runoff ponds, liquid impoundments, and areas within berms and diversions that are designed and maintained to separate uncontaminated storm water runoff from contaminated	20764 20765 20766

water and to contain and treat contaminated storm water runoff. 20767

(CC) "Public meeting" means a nonadversarial public hearing 20768
at which a person may present written or oral statements for the 20769
director of agriculture's consideration and includes public 20770
hearings held under section 6111.12 of the Revised Code. 20771

~~(DD) "Review compliance certificate" means a certificate 20772
issued under section 903.04 of the Revised Code. 20773~~

~~(EE)~~ "Rule" means a rule adopted under section 903.10 of the 20774
Revised Code. 20775

~~(FF)~~(EE) "Small concentrated animal feeding operation" means 20776
an animal feeding facility that is not a large or medium 20777
concentrated animal feeding operation and that is designated by 20778
the director as a small concentrated animal feeding operation 20779
pursuant to rules. 20780

~~(GG)~~(FF) "Waters of the state" has the same meaning as in 20781
section 6111.01 of the Revised Code. 20782

Sec. 903.03. (A)(1) Not later than one hundred eighty days 20783
after March 15, 2001, the director of agriculture shall prepare a 20784
program for the issuance of permits to operate under this section. 20785

(2) Except for a concentrated animal feeding facility that is 20786
operating under an installation permit ~~or a review compliance 20787
certificate~~, on and after the date on which the director has 20788
finalized the program required under division (A)(1) of this 20789
section, no person shall own or operate a concentrated animal 20790
feeding facility without a permit to operate issued by the 20791
director under this section. 20792

(B) The director or the director's authorized representative 20793
may help an applicant for a permit to operate during the 20794
permitting process by providing guidance and technical assistance. 20795

(C) An applicant for a permit to operate shall submit a fee 20796

in an amount established by rule together with, except as 20797
otherwise provided in division (E) of this section, an application 20798
to the director on a form that the director prescribes and 20799
provides. The applicant shall include with the application all of 20800
the following information: 20801

(1) The name and address of the applicant, of all partners if 20802
the applicant is a partnership, of all members if the applicant is 20803
a limited liability company, or of all officers and directors if 20804
the applicant is a corporation, and of any other person who has a 20805
right to control or in fact controls management of the applicant 20806
or the selection of officers, directors, or managers of the 20807
applicant. As used in division (C)(1) of this section, "control" 20808
has the same meaning as in division (C)(1) of section 903.02 of 20809
the Revised Code. 20810

(2) Information concerning the applicant's past compliance 20811
with laws pertaining to environmental protection that is required 20812
to be provided under section 903.05 of the Revised Code, if 20813
applicable; 20814

(3) A manure management plan for the concentrated animal 20815
feeding facility that conforms to best management practices 20816
regarding the handling, storage, transportation, and land 20817
application of manure generated at the facility and that contains 20818
any other information required by rule; 20819

(4) An insect and rodent control plan for the concentrated 20820
animal feeding facility that conforms to best management practices 20821
and is prepared in accordance with section 903.06 of the Revised 20822
Code; 20823

(5) In the case of an application for a major concentrated 20824
animal feeding facility, written proof that the person who would 20825
be responsible for the supervision of the management and handling 20826
of manure at the facility has been issued a livestock manager 20827

certification in accordance with section 903.07 of the Revised Code or will obtain a livestock manager certification prior to applying any manure to land.

(D) The director shall issue permits to operate in accordance with section 903.09 of the Revised Code. The director shall deny a permit to operate if either of the following applies:

(1) The permit application contains misleading or false information.

(2) The manure management plan or insect and rodent control plan fails to conform to best management practices.

Additional grounds for the denial of a permit to operate shall be those established in this chapter and in rules.

(E) The director shall issue general permits to operate for categories of concentrated animal feeding facilities that will apply in lieu of individual permits to operate, provided that each category of facilities meets all of the criteria established in rules for general permits to operate. A person who is required to obtain a permit to operate shall submit to the director a notice of the person's intent to be covered under an existing general permit or, at the person's option, shall submit an application for an individual permit to operate. Upon receipt of a notice of intent to be covered under an existing general permit, the director shall notify the applicant in writing that the person is covered by the general permit if the person satisfies the criteria established in rules for eligibility for such coverage. If the person is ineligible for coverage under the general permit, the director shall require the submission of an application for an individual permit to operate.

(F) A permit to operate shall be valid for a period of five years.

(G) A permit to operate may be renewed. An application for

renewal of a permit to operate shall be submitted to the director 20859
at least one hundred eighty days prior to the expiration date of 20860
the permit to operate and shall comply with the requirements 20861
governing applications for permits to operate that are established 20862
under this section and by rules, including requirements pertaining 20863
to public notice and participation. 20864

(H) The director may modify, suspend, or revoke a permit to 20865
operate in accordance with rules. 20866

(I) The owner or operator of a concentrated animal feeding 20867
facility who proposes to make a major operational change at the 20868
facility shall submit an application for approval of the change to 20869
the director in accordance with rules. 20870

Sec. 903.07. (A) On and after the date that is established in 20871
rules by the director of agriculture, both of the following apply: 20872
20873

(1) The management and handling of manure at a major 20874
concentrated animal feeding facility, including the land 20875
application of manure or the removal of manure from a manure 20876
storage or treatment facility, shall be conducted only by or under 20877
the supervision of a person holding a livestock manager 20878
certification issued under this section. A person managing or 20879
handling manure who is acting under the instructions and control 20880
of a person holding a livestock manager certification is 20881
considered to be under the supervision of the certificate holder 20882
if the certificate holder is responsible for the actions of the 20883
person and is available when needed even though the certificate 20884
holder is not physically present at the time of the manure 20885
management or handling. 20886

(2) No person shall transport and land apply annually or buy, 20887
sell, or land apply annually the volume of manure established in 20888
rules adopted by the director under division ~~(E)~~(D)(5) of section 20889

903.10 of the Revised Code unless the person holds a livestock manager certification issued under this section. 20890
20891

(B) The director shall issue a livestock manager certification to a person who has submitted a complete application for certification on a form prescribed and provided by the director, together with the appropriate application fee, and who has completed successfully the required training and has passed the required examination. The director may suspend or revoke a livestock manager certification and may reinstate a suspended or revoked livestock manager certification in accordance with rules. 20892
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(C) Information required to be included in an application for a livestock manager certification, the amount of the application fee, requirements regarding training and the examination, requirements governing the management and handling of manure, including the land application of manure, and requirements governing the keeping of records regarding the handling of manure, including the land application of manure, shall be established in rules. 20900
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Sec. 903.082. (A) The director of agriculture may determine that an animal feeding facility that is not a concentrated animal feeding facility nevertheless shall be required to apply for and receive a permit to operate when all of the following apply: 20908
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(1) ~~The director has received from the chief of the division of soil and water resources in the department of natural resources a copy of an order issued specified a corrective action to be taken under section ~~1511.02~~ 939.07 of the Revised Code that specifies that the animal feeding facility has caused agricultural pollution by failure to comply with standards established under that section and that the animal feeding facility therefore should be required to be permitted as a concentrated animal feeding facility.~~ 20912
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(2) The director or the director's authorized representative 20921
has inspected the animal feeding facility. 20922

(3) The director or the director's authorized representative 20923
finds that the facility is not being operated in a manner that 20924
protects the waters of the state. 20925

(B) In a situation in which best management practices cannot 20926
be implemented without modifying the existing animal feeding 20927
facility, the owner or operator of the facility shall apply for a 20928
permit to install for the facility. 20929

(C) In the case of an animal feeding facility for which a 20930
permit to operate is required under this section, a permit to 20931
operate shall not be required after the end of the five-year term 20932
of the permit if the problems that caused the facility to be 20933
required to obtain the permit have been corrected to the 20934
director's satisfaction. 20935

Sec. 903.09. (A) Prior to issuing or modifying a permit to 20936
install, permit to operate, or NPDES permit, the director of 20937
agriculture shall issue a draft permit. The director or the 20938
director's representative shall mail notice of the issuance of a 20939
draft permit to the applicant and shall publish the notice once in 20940
a newspaper of general circulation in the county in which the 20941
concentrated animal feeding facility or discharger is located or 20942
proposed to be located. The director shall mail notice of the 20943
issuance of a draft permit and a copy of the draft permit to the 20944
board of county commissioners of the county and the board of 20945
township trustees of the township in which the concentrated animal 20946
feeding facility or discharger is located or proposed to be 20947
located. The director or the director's representative also shall 20948
provide notice of the issuance of a draft NPDES permit to any 20949
other persons that are entitled to notice under the Federal Water 20950
Pollution Control Act. Notice of the issuance of a draft permit to 20951

install, permit to operate, or NPDES permit shall include the 20952
address where written comments concerning the draft permit may be 20953
submitted and the period of time during which comments will be 20954
accepted as established by rule. 20955

If the director receives written comments in an amount that 20956
demonstrates significant public interest, as defined by rule, in 20957
the draft permit, the director shall schedule one public meeting 20958
to provide information to the public and to hear comments 20959
pertinent to the draft permit. The notice of the public meeting 20960
shall be provided in the same manner as the notice of the issuance 20961
of the draft permit. 20962

(B) If a person is required to obtain both a permit to 20963
install and a permit to operate, including any permit to operate 20964
with NPDES provisions, and public meetings are required for both 20965
permits, the public meetings for the permits shall be combined. 20966

(C) The director shall apply the antidegradation policy 20967
adopted under section 6111.12 of the Revised Code to permits 20968
issued under this chapter to the same degree and under the same 20969
circumstances as it applies to permits issued under Chapter 6111. 20970
of the Revised Code. The director shall hold one public meeting to 20971
consider antidegradation issues when such a meeting is required by 20972
the antidegradation policy. When allowed by the antidegradation 20973
policy, the director shall hold the public meeting on 20974
antidegradation issues concurrently with any public meeting held 20975
for the draft permit. 20976

(D) The director or the director's representative shall 20977
publish notice of the issuance of a final permit to install, 20978
permit to operate, or NPDES permit once in a newspaper of general 20979
circulation in the county in which the concentrated animal feeding 20980
facility or discharger is located. 20981

(E) Notice or a public meeting is not required for the 20982

modification of a permit made with the consent of the permittee 20983
for the correction of typographical errors. 20984

(F) The denial, modification, suspension, or revocation of a 20985
permit to install, permit to operate, or NPDES permit without the 20986
consent of the applicant or permittee shall be preceded by a 20987
proposed action stating the director's intention to issue an order 20988
with respect to the permit and the reasons for it. 20989

The director shall mail to the applicant or the permittee 20990
notice of the director's proposed action to deny, modify, suspend, 20991
or revoke a permit to install, permit to operate, or NPDES permit. 20992
The director shall publish the notice once in a newspaper of 20993
general circulation in the county in which the concentrated animal 20994
feeding facility or concentrated animal feeding operation is 20995
located or proposed to be located. The director shall mail a copy 20996
of the notice of the proposed action to the board of county 20997
commissioners of the county and to the board of township trustees 20998
of the township in which the concentrated animal feeding facility 20999
or concentrated animal feeding operation is located or proposed to 21000
be located. The director also shall provide notice of the 21001
director's proposed action to deny, modify, suspend, or revoke a 21002
permit to install, permit to operate, or NPDES permit to any other 21003
person that is entitled to notice under the Federal Water 21004
Pollution Control Act. The notice of the director's proposed 21005
action to deny, modify, suspend, or revoke a permit to install, 21006
permit to operate, or NPDES permit shall include the address where 21007
written comments concerning the director's proposed action may be 21008
submitted and the period of time during which comments will be 21009
accepted as established by rule. If the director receives written 21010
comments in an amount that demonstrates significant public 21011
interest, as defined by rule, the director shall schedule one 21012
public meeting to provide information to the public and to hear 21013
comments pertinent to the proposed action. The notice of the 21014

public meeting shall be provided in the same manner as the notice 21015
of the director's proposed action. 21016

The director shall not issue an order that makes the proposed 21017
action final until the applicant or permittee has had an 21018
opportunity for an adjudication hearing in accordance with Chapter 21019
119. of the Revised Code, except that section 119.12 of the 21020
Revised Code does not apply. An order of the director that 21021
finalizes the proposed action or an order issuing a permit without 21022
a prior proposed action may be appealed to the environmental 21023
review appeals commission under sections 3745.04 to 3745.06 of the 21024
Revised Code. 21025

(G)(1) The director shall issue an order issuing or denying 21026
an application for a permit to operate that contains NPDES 21027
provisions or for a NPDES permit, as well as any application for a 21028
permit to install that is submitted simultaneously, not later than 21029
one hundred eighty days after receiving the application. 21030

(2) In the case of an application for a permit to install or 21031
permit to operate that is not connected with an application for a 21032
NPDES permit, the director shall issue or propose to deny the 21033
permit not later than ninety days after receiving the application. 21034
If the director has proposed to deny the permit to install or 21035
permit to operate under division (G)(2) of this section, the 21036
director shall issue an order denying the permit or, if the 21037
director decides against the proposed denial, issuing the permit 21038
not later than one hundred eighty days after receiving the 21039
application. If the director denies the permit, the director shall 21040
notify the applicant in writing of the reason for the denial. 21041

(H) All rulemaking and the issuance of civil penalties under 21042
this chapter shall comply with Chapter 119. of the Revised Code. 21043

(I) Upon the transfer of ownership of an animal feeding 21044
facility for which a permit to install, an installation permit, a 21045

~~review compliance certificate, or a permit to operate that~~ 21046
contains no NPDES provisions has been issued, the permit ~~or~~ 21047
~~certificate~~ shall be transferred to the new owner of the animal 21048
feeding facility except as provided in division (C) of section 21049
903.05 of the Revised Code. In the case of the transfer of 21050
ownership of a point source for which a NPDES permit or a permit 21051
to operate that contains NPDES provisions has been issued, the 21052
permit shall be transferred in accordance with rules. 21053

(J) Applications for installation permits for animal feeding 21054
facilities pending before the director of environmental protection 21055
on the date on which the director of agriculture has finalized the 21056
programs required under division (A)(1) of section 903.02 and 21057
division (A)(1) of section 903.03 of the Revised Code shall be 21058
transferred to the director of agriculture. In the case of an 21059
applicant who is required to obtain a permit to install and a 21060
permit to operate under sections 903.02 and 903.03, respectively, 21061
of the Revised Code, the director of agriculture shall process the 21062
pending application for an installation permit as an application 21063
for a permit to install and a permit to operate. 21064

(K) Applications for NPDES permits for either of the 21065
following that are pending before the director of environmental 21066
protection on the date on which the United States environmental 21067
protection agency approves the NPDES program submitted by the 21068
director of agriculture under section 903.08 of the Revised Code 21069
shall be transferred to the director of agriculture: 21070

(1) The discharge of pollutants from a concentrated animal 21071
feeding operation; 21072

(2) The discharge of storm water resulting from an animal 21073
feeding facility. 21074

In the case of an applicant who is required to obtain a NPDES 21075
permit under section 903.08 of the Revised Code, the director of 21076

agriculture shall process the pending application as an 21077
application for a NPDES permit under that section. 21078

Sec. 903.10. The director of agriculture may adopt rules in 21079
accordance with Chapter 119. of the Revised Code that do all of 21080
the following: 21081

(A) Establish all of the following concerning permits to 21082
install and permits to operate: 21083

(1) A description of what constitutes a modification of a 21084
concentrated animal feeding facility; 21085

(2) A description of what constitutes a major operational 21086
change at a concentrated animal feeding facility; 21087

(3) The amount of the fee that must be submitted with each 21088
permit application and each application for a permit modification; 21089

(4) Information that must be included in the designs and 21090
plans required to be submitted with an application for a permit to 21091
install and criteria for approving, disapproving, or requiring 21092
modification of the designs and plans; 21093

(5) Information that must be included in a manure management 21094
plan required to be submitted with an application for a permit to 21095
operate; 21096

(6) Information that must be included in an application for 21097
the modification of an installation permit, a permit to install, 21098
or a permit to operate; 21099

(7) Information that must be included in an application for 21100
approval of a major operational change at a concentrated animal 21101
feeding facility; 21102

(8) Any additional information that must be included with a 21103
permit application; 21104

(9) Procedures for the issuance, denial, modification, 21105

transfer, suspension, and revocation of permits to install and	21106
permits to operate, including general permits;	21107
(10) Procedures for the approval or denial of an application	21108
for approval of a major operational change at a concentrated	21109
animal feeding facility;	21110
(11) Grounds for the denial, modification, suspension, or	21111
revocation of permits to install and permits to operate in	21112
addition to the grounds established in division (D) of section	21113
903.02 and division (D) of section 903.03 of the Revised Code;	21114
(12) Grounds for the denial of an application for approval of	21115
a major operational change at a concentrated animal feeding	21116
facility;	21117
(13) A requirement that a person that is required to obtain	21118
both a permit to install and a permit to operate submit	21119
applications for those permits simultaneously;	21120
(14) A definition of "general permit to operate" that	21121
establishes categories of concentrated animal feeding facilities	21122
to be covered under such a permit and a definition of "individual	21123
permit to operate" together with the criteria for issuing a	21124
general permit to operate and the criteria for determining a	21125
person's eligibility to operate under a general permit to operate.	21126
(B) Establish all of the following for the purposes of review	21127
compliance certificates issued under section 903.04 of the Revised	21128
Code-	21129
(1) The form of a certificate;	21130
(2) Criteria for what constitutes a significant capital	21131
expenditure under division (D) of that section;	21132
(3) Deadlines and procedures for submitting information under	21133
division (E)(2) of that section.	21134
(C) Establish best management practices that minimize water	21135

pollution, odors, insects, and rodents, that govern the land 21136
application of manure that originated at a concentrated animal 21137
feeding facility, and that govern all of the following activities 21138
that occur at a concentrated animal feeding facility: 21139

(1) Manure management, including the storage, handling, 21140
transportation, and land application of manure. Rules adopted 21141
under division ~~(C)~~(B)(1) of this section shall include practices 21142
that prevent surface and ground water contamination caused by the 21143
storage of manure or the land application of manure and prevent 21144
the contamination of water in drainage tiles that may be caused by 21145
that application. 21146

(2) Disposal of dead livestock; 21147

(3) Production of biodiesel, biomass energy, electric or heat 21148
energy, and biologically derived methane gas as those terms are 21149
defined in section 5713.30 of the Revised Code; 21150

(4) Any other activity that the director considers 21151
appropriate. 21152

Best management practices established in rules adopted under 21153
division ~~(C)~~(B) of this section shall not conflict with best 21154
management practices established in rules that have been adopted 21155
under any other section of the Revised Code. The rules adopted 21156
under division ~~(C)~~(B) of this section shall establish guidelines 21157
that require owners or operators of concentrated animal feeding 21158
facilities to consult with and work with local officials, 21159
including boards of county commissioners and boards of township 21160
trustees, in addressing issues related to local government 21161
infrastructure needs and the financing of that infrastructure. 21162

~~(D)~~(C) Establish all of the following concerning insect and 21163
rodent control plans required under section 903.06 of the Revised 21164
Code: 21165

(1) The information to be included in an insect and rodent 21166

control plan;	21167
(2) Criteria for approving, disapproving, or requiring modification of an insect and rodent control plan;	21168 21169
(3) Criteria for determining compliance with or violation of an insect and rodent control plan;	21170 21171
(4) Procedures and standards for monitoring insect and rodent control plans;	21172 21173
(5) Procedures and standards for enforcing insect and rodent control plans at concentrated animal feeding facilities at which insects or rodents constitute a nuisance or adversely affect public health;	21174 21175 21176 21177
(6) The amount of civil penalties for violation of an insect and rodent control plan assessed by the director of agriculture under division (B) of section 903.16 of the Revised Code, provided that the rules adopted under division (D) <u>(C)</u> (6) of this section shall not establish a civil penalty of more than ten thousand dollars for a violation involving a concentrated animal feeding facility that is not a major concentrated animal feeding facility and shall not establish a civil penalty of more than twenty-five thousand dollars for a violation involving a major concentrated animal feeding facility;	21178 21179 21180 21181 21182 21183 21184 21185 21186 21187
(7) The time period within which the director must approve or deny an insect and rodent control plan after receiving it;	21188 21189
(8) Any other provisions necessary to administer and enforce section 903.12 of the Revised Code.	21190 21191
(E) <u>(D)</u> Establish all of the following concerning livestock manager certifications required under section 903.07 of the Revised Code:	21192 21193 21194
(1) The information to be included in an application for a livestock manager certification and the amount of the application	21195 21196

fee;	21197
(2) The content of the training required to be completed and	21198
of the examination required to be passed by an applicant for a	21199
livestock manager certification. The training shall include and	21200
the examination shall test the applicant's knowledge of	21201
information on topics that include calculating nutrient values in	21202
manure, devising and implementing a plan for the land application	21203
of manure, removing manure held in a manure storage or treatment	21204
facility, and following best management practices established in	21205
rules for disposal of dead animals and manure management,	21206
including practices that control odor and protect the environment.	21207
The director may specify other types of recognized training	21208
programs that, if completed, are considered to satisfy the	21209
training and examination requirement.	21210
(3) Criteria and procedures for the issuance, denial,	21211
suspension, revocation, or reinstatement of a livestock manager	21212
certification;	21213
(4) The length of time during which livestock manager	21214
certifications will be valid and procedures for their renewal;	21215
(5) The volume of manure that must be transported and land	21216
applied annually or the volume of manure that must be bought,	21217
sold, or land applied annually by a person in order for the person	21218
to be required to obtain a livestock manager certification under	21219
division (A)(2) of section 903.07 of the Revised Code;	21220
(6) Requirements governing the management and handling of	21221
manure, including the land application of manure;	21222
(7) Requirements governing the keeping of records regarding	21223
the handling of manure, including the land application of manure;	21224
(8) Any other provisions necessary to administer and enforce	21225
section 903.07 of the Revised Code.	21226

(F) (E) Establish all of the following concerning NPDES permits:	21227 21228
(1) The designation of concentrated animal feeding operations that are subject to NPDES permit requirements under section 903.08 of the Revised Code;	21229 21230 21231
(2) Effluent limitations governing discharges into waters of the state that are authorized by permits;	21232 21233
(3) Variances from effluent limitations and other permit requirements to the extent that the variances are consistent with the Federal Water Pollution Control Act;	21234 21235 21236
(4) Terms and conditions to be included in a permit, including, as applicable, best management practices; installation of discharge or water quality monitoring methods or equipment; creation and retention of records; submission of periodic reports; schedules of compliance; net volume, net weight, and, where necessary, concentration and mass loading limits of manure that may be discharged into waters of the state; and authorized duration and frequency of any discharges into waters of the state;	21237 21238 21239 21240 21241 21242 21243 21244
(5) Procedures for the submission of applications for permits and notices of intent to be covered by general permits, including information that must be included in the applications and notices;	21245 21246 21247
(6) The amount of the fee that must be submitted with an application for a permit;	21248 21249
(7) Procedures for processing permit applications, including public notice and participation requirements;	21250 21251
(8) Procedures for notifying the United States environmental protection agency of the submission of permit applications, the director's action on those applications, and any other reasonable and relevant information;	21252 21253 21254 21255
(9) Procedures for notifying and receiving and responding to	21256

recommendations from other states whose waters may be affected by 21257
the issuance of a permit; 21258

(10) Procedures for the transfer of permits to new owners or 21259
operators; 21260

(11) Grounds and procedures for the issuance, denial, 21261
modification, suspension, or revocation of permits, including 21262
general permits; 21263

(12) A definition of "general NPDES permit" that establishes 21264
categories of point sources to be covered under such a permit and 21265
a definition of "individual NPDES permit" together with the 21266
criteria for issuing a general NPDES permit and the criteria for 21267
determining a person's eligibility to discharge under a general 21268
NPDES permit. 21269

The rules adopted under division ~~(F)~~(E) of this section shall 21270
be consistent with the requirements of the Federal Water Pollution 21271
Control Act. 21272

~~(G)~~(F) Establish public notice and participation 21273
requirements, in addition to the procedures established in rules 21274
adopted under division ~~(F)~~(E)(7) of this section, for the 21275
issuance, denial, modification, transfer, suspension, and 21276
revocation of permits to install, permits to operate, and NPDES 21277
permits consistent with section 903.09 of the Revised Code, 21278
including a definition of what constitutes significant public 21279
interest for the purposes of divisions (A) and (F) of section 21280
903.09 of the Revised Code and procedures for public meetings. The 21281
rules shall require that information that is presented at such a 21282
public meeting be limited to the criteria that are applicable to 21283
the permit application that is the subject of the public meeting. 21284

~~(H)~~(G) Establish the amount of civil penalties assessed by 21285
the director of agriculture under division (B) of section 903.16 21286
of the Revised Code for violation of the terms and conditions of a 21287

permit to install, or permit to operate, ~~or review compliance~~ 21288
~~certificate~~, provided that the rules adopted under this division 21289
shall not establish a civil penalty of more than ten thousand 21290
dollars per day for each violation; 21291

~~(I)~~(H) Establish procedures for the protection of trade 21292
secrets from public disclosure. The procedures shall authorize the 21293
release of trade secrets to officers, employees, or authorized 21294
representatives of the state, another state, or the United States 21295
when necessary for an enforcement action brought under this 21296
chapter or when otherwise required by the Federal Water Pollution 21297
Control Act. The rules shall require at least ten days' written 21298
notice to the person to whom a trade secret applies prior to the 21299
release of the trade secret. Rules adopted under this division do 21300
not apply to any information that is contained in applications, 21301
including attachments, for NPDES permits and that is required to 21302
be submitted under section 903.08 of the Revised Code or rules 21303
adopted under division ~~(F)~~(E) of this section. 21304

~~(J)~~(I) Establish any other provisions necessary to administer 21305
and enforce this chapter. 21306

Sec. 903.11. (A) The director of agriculture may enter into 21307
contracts or agreements to carry out the purposes of this chapter 21308
with any public or private person, including OSU extension, the 21309
natural resources conservation service in the United States 21310
department of agriculture, the environmental protection agency, 21311
~~the division of soil and water resources in the department of~~ 21312
~~natural resources~~, and soil and water conservation districts 21313
established under Chapter ~~1515.~~ 940. of the Revised Code. However, 21314
the director shall not enter into a contract or agreement with a 21315
private person for the review of applications for permits to 21316
install, permits to operate, or NPDES permits, ~~or review~~ 21317
~~compliance certificates~~ that are issued under this chapter or for 21318

the inspection of a facility regulated under this chapter or with 21319
any person for the issuance of any of those permits ~~or~~ 21320
~~certificates~~ or for the enforcement of this chapter and rules 21321
adopted under it. 21322

(B) The director may administer grants and loans using moneys 21323
from the federal government and other sources, public or private, 21324
for carrying out any of the director's functions. Nothing in this 21325
chapter shall be construed to limit the eligibility of owners or 21326
operators of animal feeding facilities or other agricultural 21327
enterprises to receive moneys from the water pollution control 21328
loan fund established under section 6111.036 of the Revised Code 21329
and the nonpoint source pollution management fund established 21330
under section 6111.037 of the Revised Code. 21331

The director of agriculture shall provide the director of 21332
environmental protection with written recommendations for 21333
providing financial assistance from those funds to agricultural 21334
enterprises. The director of environmental protection shall 21335
consider the recommendations in developing priorities for 21336
providing financial assistance from the funds. 21337

Sec. 903.12. (A) The director of agriculture or the 21338
director's authorized representative at reasonable times may enter 21339
on any public or private property, real or personal, to make 21340
investigations and inspections, including the sampling of 21341
discharges and the inspection of discharge monitoring equipment, 21342
or to otherwise execute duties that are necessary for the 21343
administration and enforcement of this chapter. The director or 21344
the director's authorized representative at reasonable times may 21345
examine and copy any records pertaining to discharges that are 21346
subject to this chapter or any records that are required to be 21347
maintained by the terms and conditions of a permit ~~or review~~ 21348
~~compliance certificate~~ issued under this chapter. If refused 21349

entry, the director or the director's authorized representative 21350
may apply for and the court of common pleas having jurisdiction 21351
may issue an appropriate warrant. 21352

(B) No person to whom a permit ~~or review compliance~~ 21353
~~certificate~~ has been issued under this chapter shall refuse entry 21354
to the director or the director's authorized representative or 21355
purposely hinder or thwart the director or the director's 21356
authorized representative in the exercise of any authority granted 21357
under division (A) of this section. 21358

Sec. 903.13. In a private civil action for an alleged 21359
nuisance related to agricultural activities conducted at a 21360
concentrated animal feeding facility, it is an affirmative defense 21361
if the person owning, operating, or otherwise responsible for the 21362
concentrated animal feeding facility is in compliance with best 21363
management practices established in the installation permit, or 21364
permit to operate, ~~or review compliance certificate~~ issued for the 21365
concentrated animal feeding facility and the agricultural 21366
activities do not violate federal, state, and local laws governing 21367
nuisances. 21368

Sec. 903.16. (A) The director of agriculture may propose to 21369
require corrective actions and assess a civil penalty against an 21370
owner or operator of a concentrated animal feeding facility if the 21371
director or the director's authorized representative determines 21372
that the owner or operator is not in compliance with section 21373
903.02, or 903.03, ~~or 903.04~~ or division (A) of section 903.07 of 21374
the Revised Code, the terms and conditions of a permit to install, 21375
or permit to operate, ~~or review compliance certificate~~ issued for 21376
the concentrated animal feeding facility, including the 21377
requirements established under division (C) of section 903.06 of 21378
the Revised Code, or rules adopted under division (A), (B), (C), 21379

(D), ~~(E)~~, or ~~(F)~~(I) of section 903.10 of the Revised Code. 21380
However, the director may impose a civil penalty only if all of 21381
the following occur: 21382

(1) The owner or operator is notified in writing of the 21383
deficiencies resulting in noncompliance, the actions that the 21384
owner or operator must take to correct the deficiencies, and the 21385
time period within which the owner or operator must correct the 21386
deficiencies and attain compliance. 21387

(2) After the time period specified in the notice has 21388
elapsed, the director or the director's duly authorized 21389
representative has inspected the concentrated animal feeding 21390
facility, determined that the owner or operator is still not in 21391
compliance, and issued a notice of an adjudication hearing. 21392

(3) The director affords the owner or operator an opportunity 21393
for an adjudication hearing under Chapter 119. of the Revised Code 21394
to challenge the director's determination that the owner or 21395
operator is not in compliance or the imposition of the civil 21396
penalty, or both. However, the owner or operator may waive the 21397
right to an adjudication hearing. 21398

(B) If the opportunity for an adjudication hearing is waived 21399
or if, after an adjudication hearing, the director determines that 21400
a violation has occurred or is occurring, the director may issue 21401
an order requiring compliance and assess the civil penalty. The 21402
order and the assessment of the civil penalty may be appealed in 21403
accordance with section 119.12 of the Revised Code. 21404

Civil penalties shall be assessed under this division as 21405
follows: 21406

(1) A person who has violated section 903.02~~, or~~ 903.03~~, or~~ 21407
~~903.04~~ of the Revised Code, the terms and conditions of a permit 21408
to install~~, or~~ permit to operate~~, or review compliance~~ 21409

~~certificate~~, or rules adopted under division (A), (B), (C), (D), ~~(E)~~, or ~~(J)~~(I) of section 903.10 of the Revised Code shall pay a civil penalty in an amount established in rules unless the violation is of the requirements established under division (C) of section 903.06 or division (A) of section 903.07 of the Revised Code.

(2) A person who has violated the requirements established under division (C) of section 903.06 of the Revised Code shall pay a civil penalty in an amount established in rules for each violation. Each seven-day period during which a violation continues constitutes a separate violation.

(3) A person who has violated the requirements established under division (A) of section 903.07 of the Revised Code shall pay a civil penalty of not more than ten thousand dollars for each violation. Each thirty-day period during which a violation continues constitutes a separate violation.

(C) The attorney general, upon the written request of the director, shall bring an action for an injunction in any court of competent jurisdiction against any person violating or threatening to violate section 903.02, or 903.03, ~~or 903.04~~ or division (A) of section 903.07 of the Revised Code; the terms and conditions of a permit to install, or permit to operate, ~~or review compliance certificate~~, including the requirements established under division (C) of section 903.06 of the Revised Code; rules adopted under division (A), (B), (C), (D), ~~(E)~~, or ~~(J)~~(I) of section 903.10 of the Revised Code; or an order issued under division (B) of this section or division (B) of section 903.07 of the Revised Code.

(D)(1) In lieu of seeking civil penalties under division (A) of this section, the director may request the attorney general, in writing, to bring an action for a civil penalty in a court of competent jurisdiction against any person that has violated or is violating division (A) of section 903.07 of the Revised Code or

the terms and conditions of a permit to install, or permit to 21442
operate, ~~or review compliance certificate~~, including the 21443
requirements established under division (C) of section 903.06 of 21444
the Revised Code. 21445

(2) The director may request the attorney general, in 21446
writing, to bring an action for a civil penalty in a court of 21447
competent jurisdiction against any person that has violated or is 21448
violating section 903.02, or 903.03, ~~or 903.04~~ of the Revised 21449
Code, rules adopted under division (A), (B), (C), (D), ~~(E)~~, or 21450
~~(J)~~(I) of section 903.10 of the Revised Code, or an order issued 21451
under division (B) of this section or division (B) of section 21452
903.07 of the Revised Code. 21453

(3) A person who has committed a violation for which the 21454
attorney general may bring an action for a civil penalty under 21455
division (D)(1) or (2) of this section shall pay a civil penalty 21456
of not more than ten thousand dollars per violation. Each day that 21457
a violation continues constitutes a separate violation. 21458

(E) In addition to any other penalties imposed under this 21459
section, the director may impose an administrative penalty against 21460
an owner or operator of a concentrated animal feeding facility if 21461
the director or the director's authorized representative 21462
determines that the owner or operator is not in compliance with 21463
best management practices that are established in rules adopted 21464
under division (B) or (C) ~~or (D)~~ of section 903.10 of the Revised 21465
Code or in the permit to install, or permit to operate, ~~or review~~ 21466
~~compliance certificate~~ issued for the facility. The administrative 21467
penalty shall not exceed five thousand dollars. 21468

The director shall afford the owner or operator an 21469
opportunity for an adjudication hearing under Chapter 119. of the 21470
Revised Code to challenge the director's determination under this 21471
division, the director's imposition of an administrative penalty 21472
under this division, or both. The director's determination and the 21473

imposition of the administrative penalty may be appealed in 21474
accordance with section 119.12 of the Revised Code. 21475

Sec. 903.17. (A) The director of agriculture may propose to 21476
require corrective actions and assess a civil penalty against an 21477
owner or operator of an animal feeding operation if the director 21478
or the director's authorized representative determines that the 21479
owner or operator is not in compliance with section 903.08 of the 21480
Revised Code, the terms and conditions of a NPDES permit, the 21481
NPDES provisions of a permit to operate, or rules adopted under 21482
division ~~(F)~~(E) of section 903.10 of the Revised Code. However, 21483
the director may impose a civil penalty only if all of the 21484
following occur: 21485

(1) The owner or operator is notified in writing of the 21486
deficiencies resulting in noncompliance, the actions that the 21487
owner or operator must take to correct the deficiencies, and the 21488
time period within which the owner or operator must correct the 21489
deficiencies and attain compliance. 21490

(2) After the time period specified in the notice has 21491
elapsed, the director or the director's duly authorized 21492
representative has inspected the animal feeding operation, 21493
determined that the owner or operator is still not in compliance, 21494
and issued a notice of violation to require corrective actions. 21495

(3) The director affords the owner or operator an opportunity 21496
for an adjudication hearing under Chapter 119. of the Revised Code 21497
to challenge the director's determination that the owner or 21498
operator is not in compliance or the imposition of the civil 21499
penalty, or both. However, the owner or operator may waive the 21500
right to an adjudication hearing. 21501

(B) If the opportunity for an adjudication hearing is waived 21502
or if, after an adjudication hearing, the director determines that 21503
a violation has occurred or is occurring, the director may issue 21504

an order and assess a civil penalty of not more than ten thousand 21505
dollars per violation against the violator. For purposes of 21506
determining the civil penalty, each day that a violation continues 21507
constitutes a separate and distinct violation. The order and the 21508
assessment of the civil penalty may be appealed in accordance with 21509
section 119.12 of the Revised Code. 21510

(C) To the extent consistent with the Federal Water Pollution 21511
Control Act, the director shall consider technical feasibility and 21512
economic costs in issuing orders under this section. 21513

(D)(1) The attorney general, upon the written request of the 21514
director, shall bring an action for an injunction in any court of 21515
competent jurisdiction against any person violating or threatening 21516
to violate section 903.08 of the Revised Code, the terms and 21517
conditions of a NPDES permit, the NPDES provisions of a permit to 21518
operate, rules adopted under division ~~(F)~~(E) of section 903.10 of 21519
the Revised Code, or an order issued under division (B) of this 21520
section. 21521

(2) In lieu of seeking civil penalties under division (A) of 21522
this section, the director may request, in writing, the attorney 21523
general to bring an action for a civil penalty of not more than 21524
ten thousand dollars per violation in a court of competent 21525
jurisdiction against any person that has violated or is violating 21526
section 903.08 of the Revised Code, the terms and conditions of a 21527
NPDES permit, the NPDES provisions of a permit to operate, rules 21528
adopted under division ~~(F)~~(E) of section 903.10 of the Revised 21529
Code, or an order issued under division (B) of this section. For 21530
purposes of determining the civil penalty to be assessed under 21531
division (B) of this section, each day that a violation continues 21532
constitutes a separate and distinct violation. 21533

(E) In addition to any other penalties imposed under this 21534
section, the director may impose an administrative penalty against 21535
an owner or operator of an animal feeding operation if the 21536

director or the director's authorized representative determines 21537
that the owner or operator has discharged pollutants into waters 21538
of the state in violation of section 903.08 of the Revised Code or 21539
the terms and conditions of a NPDES permit or the NPDES provisions 21540
of the permit to operate issued for the operation. The 21541
administrative penalty shall not exceed five thousand dollars. 21542

The director shall afford the owner or operator an 21543
opportunity for an adjudication hearing under Chapter 119. of the 21544
Revised Code to challenge the director's determination under this 21545
division, the director's imposition of an administrative penalty 21546
under this division, or both. The director's determination and the 21547
imposition of the administrative penalty may be appealed in 21548
accordance with section 119.12 of the Revised Code. 21549

Sec. 903.25. An owner or operator of an animal feeding 21550
facility who holds a permit to install, a permit to operate, a 21551
~~review compliance certificate,~~ or a NPDES permit or who is 21552
operating under an operation and management plan, as defined in 21553
section ~~1511.01~~ 939.01 of the Revised Code, developed or approved 21554
by the ~~chief of the division of soil and water resources in the~~ 21555
~~department of natural resources under section 1511.02~~ director of 21556
agriculture under section 939.02 of the Revised Code or by the 21557
supervisors of the appropriate soil and water conservation 21558
district under section ~~1515.08~~ 940.06 of the Revised Code shall 21559
not be required by any political subdivision of the state or any 21560
officer, employee, agency, board, commission, department, or other 21561
instrumentality of a political subdivision to obtain a license, 21562
permit, or other approval pertaining to manure, insects or 21563
rodents, odor, or siting requirements for installation of an 21564
animal feeding facility. 21565

Sec. 905.31. As used in sections 905.31 to 905.503 of the 21566
Revised Code: 21567

(A) "Brand name" means a name or expression, design, or trademark used in connection with one or several grades of any type of fertilizer. 21568
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(B) "Bulk fertilizer" means any type of fertilizer in solid, liquid, or gaseous state, or any combination thereof, in a nonpackaged form. 21571
21572
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(C) "Distribute" means to offer for sale, sell, barter, or otherwise supply fertilizer for other than manufacturing purposes. 21574
21575

(D) "Fertilizer" means any substance containing nitrogen, phosphorus, or potassium or any recognized plant nutrient element or compound that is used for its plant nutrient content or for compounding mixed fertilizers. "Fertilizer" does not include lime, limestone, marl, unground bone, water, residual farm products, and animal and vegetable manures unless mixed with fertilizer materials or distributed with a guaranteed analysis. 21576
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(E) "Grade" means the percentages of total nitrogen, available phosphorus or available phosphate (P_2O_5), and soluble potassium or soluble potash (K_2O) stated in the same terms, order, and percentage as in guaranteed analysis. 21583
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21585
21586

(F) "Guaranteed analysis" means: 21587

(1) The minimum percentages of plant nutrients claimed in the following order and form: 21588
21589

Total Nitrogen (N)	per cent	21590
Available phosphate (P_2O_5)	per cent	21591
Soluble Potash (K_2O)	per cent	21592

(2) Guaranteed analysis includes, in the following order: 21593

(a) For bone and tankage, total phosphorus (P) or phosphate (P_2O_5); 21594
21595

(b) For basic slag and unacidulated phosphatic materials, available and total phosphorus (P) or phosphate (P_2O_5) and the 21596
21597

degree of fineness;	21598
(c) Additional plant nutrients guaranteed expressed as percentage of elements in the order and form as prescribed by rules adopted by the director of agriculture.	21599 21600 21601
(G) "Label" means any written or printed matter on the package or tag attached to it or on the pertinent delivery and billing invoice.	21602 21603 21604
(H) "Manufacture" means to process, granulate, blend, mix, or alter the composition of fertilizers for distribution.	21605 21606
(I) "Mixed fertilizer" means any combination or mixture of fertilizer designed for use, or claimed to have value, in promoting plant growth, including fertilizer pesticide mixtures.	21607 21608 21609
(J) "Net weight" means the weight of a commodity excluding any packaging in pounds or metric equivalent, as determined by a sealed weighing device or other means prescribed by rules adopted by the director.	21610 21611 21612 21613
(K) "Packaged fertilizer" means any type of fertilizer in closed containers of not over one hundred pounds or metric equivalent.	21614 21615 21616
(L) "Per cent" or "percentage" means the percentage of weight.	21617 21618
(M) "Person" includes any partnership, association, firm, corporation, company, society, individual or combination of individuals, institution, park, or public agency administered by the state or any subdivision of the state.	21619 21620 21621 21622
(N) "Product name" means a coined or specific designation applied to an individual fertilizer material or mixture of a fixed composition and derivation.	21623 21624 21625
(O) "Sale" means exchange of ownership or transfer of custody.	21626 21627

(P) "Official sample" means the sample of fertilizer taken	21628
and designated as official by the director.	21629
(Q) "Specialty fertilizer" means any fertilizer designed,	21630
labeled, and distributed for uses other than the production of	21631
commercial crops.	21632
(R) "Ton" means a net weight of two thousand pounds.	21633
(S) "Fertilizer material" includes any of the following:	21634
(1) A material containing not more than one of the following	21635
primary plant nutrients:	21636
(a) Nitrogen (N);	21637
(b) Phosphorus (P);	21638
(c) Potassium (K).	21639
(2) A material that has not less than eighty-five per cent of	21640
its plant nutrient content composed of a single chemical compound;	21641
(3) A material that is derived from a residue or by-product	21642
of a plant or animal or a natural material deposit and has been	21643
processed in such a way that its plant nutrients content has not	21644
been materially changed except by purification and concentration.	21645
(T) "Custom mixed fertilizer" means a fertilizer that is not	21646
premixed, but that is blended specifically to meet the nutrient	21647
needs of one specific customer.	21648
(U) "Director" or "director of agriculture" means the	21649
director of agriculture or the director's designee.	21650
(V) "Lot" means an identifiable quantity of fertilizer that	21651
may be used as an official sample.	21652
(W) "Unit" means twenty pounds of fertilizer or one per cent	21653
of a ton.	21654
(X) "Anhydrous ammonia equipment" means, with regard to the	21655
handling or storage of anhydrous ammonia, a container or	21656

containers with a maximum capacity of not more than four thousand 21657
nine hundred ninety-nine gallons or any appurtenances, pumps, 21658
compressors, or interconnecting pipes associated with such a 21659
container or containers. "Anhydrous ammonia equipment" does not 21660
include equipment for the manufacture of anhydrous ammonia or the 21661
storage of anhydrous ammonia either underground or in refrigerated 21662
structures. 21663

(Y) "Anhydrous ammonia system" or "system" means, with regard 21664
to the handling or storage of anhydrous ammonia, a container or 21665
containers with a minimum capacity of not less than five thousand 21666
gallons or any appurtenances, pumps, compressors, or 21667
interconnecting pipes associated with such a container or 21668
containers. "Anhydrous ammonia system" does not include equipment 21669
for the manufacture of anhydrous ammonia or the storage of 21670
anhydrous ammonia either underground or in refrigerated 21671
structures. 21672

(Z) "Agricultural production" means the cultivation, 21673
primarily for sale, of plants or any parts of plants on more than 21674
fifty acres. "Agricultural production" does not include the use of 21675
start-up fertilizer applied through a planter. 21676

(AA) "Rule" means a rule adopted under section 905.322, 21677
905.40, or 905.44 of the Revised Code, as applicable. 21678

(BB) "Certificate holder" means a person who has been 21679
certified to apply fertilizer under section 905.321 of the Revised 21680
Code and rules adopted under section 905.322 of the Revised Code. 21681

(CC) "Residual farm products" has the same meaning as in 21682
section ~~1511.01~~ 939.01 of the Revised Code. 21683

(DD) "Voluntary nutrient management plan" means any of the 21684
following: 21685

(1) A nutrient management plan that is in the form of the 21686
Ohio nutrient management workbook made available by the Ohio state 21687

university; 21688

(2) A comprehensive nutrient management plan developed by the 21689
United States department of agriculture natural resources 21690
conservation service, a technical service provider certified by 21691
the conservation service, or a person authorized by the 21692
conservation service to develop a plan; 21693

(3) A document that is equivalent to a plan specified in 21694
division (DD)(1) or (2) of this section, that is in a form 21695
approved by the director or the director's designee, and that 21696
contains at least all of the following information: 21697

(a) Results of soil tests conducted on land subject to the 21698
plan that comply with the field office technical guide established 21699
by the conservation service and adopted by the ~~chief of the~~ 21700
~~division of soil and water resources in the department of natural~~ 21701
~~resources~~ director in rules adopted under division (E) of section 21702
~~1511.02~~ 939.02 of the Revised Code and that are not older than 21703
three years; 21704

(b) Documentation of the method and seasonal time of 21705
utilization and application of nutrients; 21706

(c) Identification of all nutrients applied, including 21707
manure, fertilizer, sewage sludge, and biodigester residue; 21708

(d) Field information regarding land subject to the plan, 21709
including the location, spreadable acreage, crops grown, and 21710
actual and projected yields. 21711

Sec. 905.323. (A)(1) A person who owns or operates 21712
agricultural land may do any of the following: 21713

(a) Develop a voluntary nutrient management plan; 21714

(b) Request any person to develop a voluntary nutrient 21715
management plan on behalf of the person who owns or operates the 21716
agricultural land; 21717

(c) Request the supervisors of the applicable soil and water conservation district organized in accordance with Chapter ~~1515-~~ 21718
940. of the Revised Code to develop a voluntary nutrient 21719
management plan on the person's behalf. 21720
21721

(2) A person who owns or operates agricultural land and who 21722
has developed or has had developed a voluntary nutrient management 21723
plan under division (A)(1)(a) or (b) of this section, as 21724
applicable, may request the supervisors of the applicable soil and 21725
water conservation district, the director of agriculture, or the 21726
director's designee to approve the plan. The supervisors, 21727
director, or director's designee shall approve or disapprove the 21728
plan. 21729

(B) If a voluntary nutrient management plan is disapproved 21730
under this section, the person who developed the plan or had it 21731
developed may request an adjudication hearing in accordance with 21732
Chapter 119. of the Revised Code. 21733

(C) A person whose voluntary nutrient management plan is 21734
disapproved may appeal to the court of common pleas of Franklin 21735
county. 21736

(D) After a voluntary nutrient management plan has been 21737
approved under this section, the person who developed the plan or 21738
had it developed shall submit the plan once every five years to 21739
the supervisors of the applicable soil and water conservation 21740
district or the director for review. If after the review the 21741
supervisors or the director determines that the plan needs to be 21742
modified, the supervisors or director shall notify the person who 21743
submitted the plan. The person then shall provide for the 21744
modification of the plan. The procedures and requirements 21745
established in divisions (A) to (C) of this section apply to a 21746
modification of the plan. 21747

Sec. 918.41. If the director of agriculture has not entered 21748

into an agreement with the United States department of agriculture 21749
in compliance with section 918.44 of the Revised Code, ~~he~~ the 21750
director shall establish and maintain a state acceptance service 21751
within the department of agriculture to examine and monitor 21752
compliance by meat and poultry vendors ~~on the list established and~~ 21753
~~maintained by the director of administrative services under~~ 21754
~~section 125.17 of the Revised Code~~ with the specifications of the 21755
state purchase contracts awarded them under section 125.11 of the 21756
Revised Code, and by establishments, as defined in section 918.01 21757
or 918.21 of the Revised Code, subject to state or federal 21758
inspection. State acceptance service shall be made available to 21759
such vendors and establishments within the state from eight a.m. 21760
to five p.m. Monday through Friday. 21761

At least forty-eight hours, excluding Saturday and Sunday, 21762
before the date on which ~~he~~ a vendor or authorized representative 21763
from such an establishment desires examination and monitoring of 21764
the production of meat products, as defined in section 918.01 of 21765
the Revised Code, or poultry products, as defined in section 21766
918.21 of the Revised Code, that ~~he~~ the vendor or establishment 21767
intends to supply to the state under a state purchase contract, a 21768
vendor or authorized representative from such an establishment 21769
shall contact the state acceptance service and request examination 21770
and monitoring. A state acceptor shall examine and monitor the 21771
production of the meat or poultry products to determine whether 21772
there is compliance with the state purchase contract 21773
specifications. The containers of products found to be in 21774
compliance shall be sealed, dated, and marked with an official 21775
mark. The state acceptor shall provide an official acceptance 21776
certificate to accompany each shipment to its destination. 21777

The director shall train and appoint as state acceptors 21778
inspectors, as defined in sections 918.01 and 918.21 of the 21779
Revised Code. 21780

Acceptance may be provided by the United States department of 21781
agriculture at the option of the vendor or authorized 21782
representative of such an establishment. 21783

Sec. 929.03. (A)(1) No public entity with authority to levy 21784
special assessments on real property shall collect an assessment 21785
for purposes of sewer, water, or electrical service on real 21786
property that is within an agricultural district as described in 21787
division (A)(2) of this section without the permission of the 21788
owner, except that any assessment may be collected on a lot 21789
surrounding a dwelling or other structure not used in agricultural 21790
production that does not exceed one acre or the minimum area 21791
required by local zoning or subdivision rules, whichever is the 21792
greater area. 21793

(2) For purposes of division (A)(1) of this section, an 21794
agricultural district is such a district that is established: 21795

(a) In the case of counties, prior to the adoption of a 21796
resolution of necessity by a board of county commissioners, 21797
pursuant to section 6103.05 or 6117.06 of the Revised Code; 21798

(b) In the case of municipal corporations, prior to whichever 21799
of the following occurs first: 21800

(i) The adoption of the resolution of necessity by the 21801
municipal legislative authority, pursuant to section 727.12 or 21802
729.02 of the Revised Code; 21803

(ii) The service of notice on all or some of the owners to be 21804
assessed pursuant to section 729.06 of the Revised Code; 21805

(iii) The adoption of the resolution or ordinance by the 21806
municipal legislative authority declaring the necessity for the 21807
improvement, the costs of which are to be assessed under 21808
procedures authorized by a municipal charter adopted pursuant to 21809
Section 7 of Article XVIII, Ohio Constitution, or, if no such 21810

ordinance or resolution is required under the charter, the service 21811
of the first notice on all or some of the owners of lands to be 21812
assessed, or the adoption of the first ordinance or resolution by 21813
the municipal legislative authority pertaining to the assessment 21814
proceedings under the charter. 21815

(c) In the case of a regional water and sewer district 21816
established pursuant to Chapter 6119. of the Revised Code, prior 21817
to the adoption of a resolution of necessity by the board of 21818
trustees of the district under section 6119.25 of the Revised 21819
Code. 21820

(B) For each special assessment levied by a public entity on 21821
real property within an agricultural district for purposes of 21822
sewer, water, or electrical service, the county auditor shall make 21823
and maintain a list showing: 21824

(1) The name of the owner of each lot, tract, or parcel of 21825
land that is exempt from the collection of the special assessment 21826
under this section; 21827

(2) A description of the exempt land; 21828

(3) The purpose of the special assessment; 21829

(4) The amount of the uncollected assessment on the exempt 21830
land. 21831

In the case of a county project constructed under Chapter 21832
6103. or 6117. of the Revised Code, the county auditor may use a 21833
list provided for in those chapters in lieu of the list required 21834
by division (B) of this section. The auditor shall also record in 21835
the water works record required by section 6103.16 of the Revised 21836
Code or the sewer improvement record required by section 6117.33 21837
of the Revised Code those assessments not collected under this 21838
section. The recording of the assessments does not permit the 21839
collection of the assessments until such time as exempt lands are 21840
withdrawn from agricultural districts or converted to 21841

nonagricultural use. 21842

(C) If at any time any of the owner's exempt land, other than 21843
a lot sold or transferred to a son, daughter, brother, sister, 21844
mother, or father for the purpose of constructing a dwelling in 21845
which the relative will reside for at least three years, is 21846
withdrawn from an agricultural district or if the owner of the 21847
exempt land uses on that land the service for which the special 21848
assessment was assessed, the public entity may collect the entire 21849
uncollected assessment, except as otherwise provided in this 21850
division, in addition to an amount equal to the rate of interest 21851
that any bonds or notes issued for the project for which the 21852
assessment was made did bear for the number of years the land was 21853
exempted, not to exceed twenty-five or the number of years for 21854
which the bonds or notes were issued, whichever is the lesser 21855
number. The owner shall notify the county auditor of any 21856
withdrawal from a district or use of the service within ninety 21857
days following the withdrawal or use of the service. The charge 21858
shall constitute a lien of the public entity upon the land and 21859
shall continue until discharged. All liens shall be recorded in 21860
the appropriate county recorder's office. Moneys collected as a 21861
result of the charge shall be deposited in the appropriate fund of 21862
the public entity that levied the special assessment. 21863

If the owner of exempt land sells or transfers a lot to the 21864
owner's son, daughter, brother, sister, mother, or father for the 21865
purpose of constructing a dwelling in which the relative will 21866
reside for at least three years, and if the owner or the buyer of 21867
the lot uses the service for which the special assessment was 21868
assessed only to provide service to that lot, the owner of the lot 21869
shall pay only that portion of the uncollected assessment and 21870
interest that applies to the lot. 21871

If at any time any part of an owner's exempt land is 21872
appropriated, the owner shall pay only that portion of the 21873

uncollected assessment and interest that applies to the 21874
appropriated parcel of land. 21875

In lieu of immediate payment of the uncollected assessment 21876
and interest, the board of county commissioners, legislative 21877
authority of a municipal corporation, or other governing board of 21878
any other public entity may, upon the request of the owner, 21879
establish an extended repayment schedule for the owner. If the 21880
board, legislative authority, or other governing board establishes 21881
such a schedule, it shall notify the county auditor of the 21882
schedule. 21883

(D) A board of county commissioners, legislative authority of 21884
a municipal corporation, or other governing board of any other 21885
public entity may apply to the Ohio public works commission 21886
created by section 164.02 of the Revised Code for an advance of 21887
money from the water and sewer fund created by section 164.13 of 21888
the Revised Code in an amount equal to that portion of the costs 21889
of a water or sewer improvement authorized by law that is to be 21890
financed by assessments whose collection is prohibited under 21891
division (A) of this section. The application for such an advance 21892
of money shall be made in the manner prescribed in policies and 21893
procedures established by the director of the commission. Upon 21894
collection of any assessment whose collection was prohibited under 21895
division (A) of this section, the board of county commissioners, 21896
legislative authority, or other governing board shall repay the 21897
commission the amount of any money advanced by it in regard to the 21898
assessment. 21899

Sec. 931.01. As used in this chapter: 21900

(A) "Agriculture" has the same meaning as in section 1.61 of 21901
the Revised Code. 21902

(B) "Best management practices" means the engagement of 21903
agricultural production and management, including practices such 21904

as manure handling, tillage, forestry management, and similar 21905
practices, in a manner that is generally accepted in the 21906
agriculture industry and that is approved by any of the following: 21907

(1) The United States department of agriculture; 21908

(2) The natural resources conservation service in the United 21909
States department of agriculture; 21910

(3) The department of ~~natural resources~~ agriculture; 21911

(4) A soil and water conservation district established under 21912
Chapter ~~1515~~. 940. of the Revised Code; 21913

(5) With respect to organic or sustainable production 21914
methods, a conservation professional whom the director of 21915
agriculture approves as having expertise in those methods. 21916

(C) "Contiguous farmland" means any of the following: 21917

(1) Geographically contiguous property used for agriculture; 21918

(2) Noncontiguous property used for agriculture that is owned 21919
by one person and connected by a right-of-way that the person 21920
controls and to which the public does not have access; 21921

(3) Two or more pieces of property used for agriculture that 21922
would be geographically contiguous but for the fact that the 21923
property is separated by a public or private right-of-way or 21924
rights-of-way or by rivers, streams, creeks, or other bodies of 21925
water. 21926

Sec. 931.02. (A) Land that is located in the unincorporated 21927
area of a township or county may be enrolled in an agricultural 21928
security area through the submittal of an application to the board 21929
of township trustees of each township and to the board of county 21930
commissioners of each county in which the land is located 21931
requesting the establishment of such an area. Land that is located 21932
in a municipal corporation and land that is located in territory 21933

that is proposed to be annexed to a municipal corporation by a 21934
pending proceeding before the board of county commissioners or in 21935
any court of competent jurisdiction shall not be included in an 21936
agricultural security area. 21937

If all of the land sought to be enrolled in the agricultural 21938
security area is owned by the same person, that person shall 21939
submit the application to the required boards. If the land sought 21940
to be enrolled consists of parcels owned by different persons who 21941
have aggregated their parcels, either each owner may submit a 21942
separate application to the required boards or all of the owners 21943
collectively may submit one application for the entire 21944
agricultural security area to the required boards. 21945

An application shall be on the form that the director of 21946
agriculture prescribes. The director shall provide copies of the 21947
application form to county auditors. 21948

An application shall be signed by each applicant who is 21949
submitting it and shall contain all of the following: 21950

(1) The first, middle, and last name of the applicant or 21951
applicants; 21952

(2) Information concerning any property interest in the land 21953
sought to be enrolled in an agricultural security area that is 21954
held by a person other than the applicant or applicants, 21955
including, without limitation, mineral rights or easements in the 21956
land that are held by a person other than the applicant or 21957
applicants and any other interest in the land that may not be 21958
conducive to agriculture and that is held by another person; 21959

(3) A statement by each applicant who is submitting the 21960
application that the applicant will not initiate, approve, or 21961
finance any new development for nonagricultural purposes on the 21962
land that is proposed to be enrolled in an agricultural security 21963
area during the ten-year period of the enrollment, except as is 21964

otherwise authorized under division (A) of section 931.04 of the Revised Code. For purposes of division (A)(3) of this section, "new development" includes, without limitation, an applicant's transfer to another person of the ownership of a property interest in the land that occurs during the period beginning on the date that the application is submitted and ending on the date that the ten-year period of enrollment is scheduled to expire, except as otherwise provided in division (D) of this section. "New development" does not include taking any actions that are authorized under property rights in the land, such as mineral rights or easements, that were transferred to a person other than an applicant prior to the date that the application is submitted. In addition, "new development" does not include the construction, modification, or operation of wind energy-producing facilities, including windmills and wind turbines, the grant of easements for or the construction, modification, or operation of transmission or distribution lines for electricity, gas, or oil or of any gathering or production lines for oil or gas, or the grant of new mineral leases, or the drilling or operation of any oil or gas well on or in connection with the land, provided that such activities do not cause the land to become ineligible for valuation and assessment for real property tax purposes in accordance with its current agricultural use value under sections 5713.30 to 5713.38 of the Revised Code.

(4) A listing of all administrative enforcement orders issued to each applicant who is submitting the application, all civil actions in which an applicant was determined by the trier of fact to be liable in damages or was the subject of injunctive relief or another type of civil relief, and all criminal actions in which an applicant pleaded guilty or was convicted, during the ten years immediately preceding the date of submission of the application, in connection with any violation of environmental laws or similar laws of another state. As used in division (A)(4) of this section,

"environmental laws" has the same meaning as in section 3745.70 of the Revised Code. 21998
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(5) A statement from the natural resources conservation service in the United States department of agriculture, a soil and water conservation district with jurisdiction over the land to which the application applies, or any other conservation professional approved by the director that, at the time of the application, each applicant who is submitting the application is complying with best management practices; 22000
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(6) A map that complies with all of the following: 22007

(a) Is prepared by a regional or county planning commission established under section 713.21 of the Revised Code; a professional engineer, including a county engineer, or surveyor registered under Chapter 4733. of the Revised Code; a soil and water conservation district created pursuant to section ~~1515.03~~ 940.03 of the Revised Code; or the natural resources conservation service; 22008
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(b) Identifies the area of land to which the application applies and includes the corresponding parcel number that the county auditor has assigned under section 319.28 of the Revised Code to each parcel of land that comprises that area; 22015
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(c) Shows the boundaries of the land to be enrolled in an agricultural security area; 22019
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(d) Shows the names and locations of all streams, creeks, or other bodies of water, roads, rights-of-way, and railroads together with any existing residential, recreational, commercial, or industrial facilities that are situated on the land to be included in the area and within five hundred feet of the perimeter of the area. The map also shall show the location of all utility, water, and sewer lines that are situated on the land to be included in the area and within five hundred feet of the perimeter 22021
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of the area unless the board of county commissioners of each 22029
county and the board of township trustees of each township in 22030
which the land is located exempts the application from that 22031
requirement because the information generally is not readily 22032
available. 22033

(e) Indicates the date on which the map was prepared; 22034

(f) Identifies the person or persons who prepared the map. 22035

(7) A list of the other boards of township trustees and 22036
boards of county commissioners to whom an application has been 22037
submitted. 22038

An application submitted under this section is a public 22039
record. 22040

A board of township trustees and a board of county 22041
commissioners each may establish a reasonable fee or schedule of 22042
fees to be paid at the time that an application is submitted for 22043
the purpose of paying the costs of public notice and certified 22044
mail that are incurred in any proceedings conducted under this 22045
chapter. The clerk of the board shall maintain an accurate and 22046
detailed accounting of all money that is received and expended in 22047
the processing of an application and shall return to the applicant 22048
any unused portion of the fee or fees after the conclusion of the 22049
proceedings. 22050

(B) An area shall be established as an agricultural security 22051
area when all of the following criteria are satisfied: 22052

(1) The area consists of not less than five hundred acres of 22053
contiguous farmland that is located in the unincorporated area of 22054
a township or county. In order to satisfy this requirement, two or 22055
more owners of contiguous farmland may aggregate their land. 22056

(2) The land forming the area is in an agricultural district 22057
or districts established under Chapter 929. of the Revised Code. 22058

(3) The land forming the area is valued and assessed for real property tax purposes in accordance with its current agricultural use value under sections 5713.30 to 5713.38 of the Revised Code. Land forming the area that is a portion of a farm on which is located a dwelling house, a yard, or outbuildings such as a barn or garage shall be deemed to satisfy the criteria established in divisions (B)(1) and (3) of this section.

(4) Each application submitted by the owner or owners of the land forming the area is approved under section 931.03 of the Revised Code by the boards of township trustees of all of the townships in which the land is located.

(5) Each application submitted by the owner or owners of the land forming the area is approved under section 931.03 of the Revised Code by the boards of county commissioners of all of the counties in which the land is located.

(C) Additional contiguous farmland may be enrolled in an existing agricultural security area during a partially elapsed ten-year enrollment period either by a landowner who already has land enrolled in the agricultural security area or by a landowner who does not already have land enrolled in the agricultural security area. To enroll additional contiguous land in an existing agricultural security area under this division, a landowner shall obtain permission from each owner of land that already is enrolled in the agricultural security area, submit an application in accordance with this section, and obtain approval of the application from all appropriate boards of township trustees and boards of county commissioners in accordance with section 931.03 of the Revised Code. Enrollment of the additional land in the existing agricultural security area shall continue until the expiration of the current, partially elapsed ten-year enrollment period and may be renewed in accordance with section 931.06 of the Revised Code.

(D) If an owner of land that is enrolled in an agricultural security area transfers the land to another person during a partially elapsed ten-year enrollment period, the land may remain in the agricultural security area until the expiration of that period, provided that both of the following apply:

(1) The transferee certifies and submits a statement, together with the transferee's first, middle, and last name and a description of the transferred land, to the appropriate boards of township trustees and boards of county commissioners specifying that, in accordance with division (A)(3) of this section, the transferee will not initiate, approve, or finance any new development for nonagricultural purposes on the transferred land during the remainder of the partially elapsed ten-year enrollment period. Upon receipt of the statement, the boards of township trustees and boards of county commissioners shall adopt a resolution acknowledging the receipt.

(2) The transferred land continues to satisfy the criteria established in divisions (B)(2) and (3) of this section during the remainder of the partially elapsed ten-year enrollment period.

Divisions (A), (B), and (C) of section 931.03 of the Revised Code do not apply to the continued inclusion of such transferred land in an agricultural security area. Upon the expiration of the partially elapsed ten-year enrollment period, enrollment in the agricultural security area may be renewed in accordance with section 931.06 of the Revised Code.

Sec. 939.01. As used in this chapter:

(A) "Agricultural pollution" means failure to use management or conservation practices in farming operations to abate wind or water erosion of the soil or to abate the degradation of the waters of the state by residual farm products, manure, or soil sediment, including attached substances.

(B) "Animal feeding operation" means the production area, as defined in section 903.01 of the Revised Code, of an agricultural operation where agricultural animals are kept and raised in confined areas. "Animal feeding operation" does not include a facility that possesses a permit issued under Chapter 903. or division (J) of section 6111.03 of the Revised Code. 22122
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(C) "Best management practices" means practices or a combination of practices that are determined to be the most effective and practicable means of preventing or reducing agricultural pollution sources to a level compatible with the attainment of applicable water quality standards. "Best management practices" includes structural and nonstructural practices, conservation practices, and operation and maintenance procedures. 22128
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(D) "Composting" means the controlled decomposition of organic solid material consisting of dead animals that stabilizes the organic fraction of the material. 22135
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(E) "Conservation" means the wise use and management of natural resources. 22138
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(F) "Manure" means animal excreta. 22140

(G) "Ohio soil and water conservation commission" means the Ohio soil and water conservation commission established in section 940.02 of the Revised Code. 22141
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(H) "Operation and management plan" means a written record, developed or approved by the director of agriculture, the director's designee, or the board of supervisors of a soil and water conservation district, for the owner or operator of agricultural land or an animal feeding operation that contains both of the following: 22144
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(1) Implementation schedules and operational procedures for a level of management and pollution abatement practices that will abate the degradation of the waters of the state by residual farm 22150
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products, manure, and soil sediment, including attached 22153
pollutants; 22154

(2) Best management practices that are to be used by the 22155
owner or operator. 22156

(I) "Pollution abatement practice" means any erosion control, 22157
residual farm products, or manure pollution abatement facility, 22158
structure, or procedure and the operation and management 22159
associated with it as contained in an operation and management 22160
plan. 22161

(J) "Residual farm products" means bedding, wash waters, 22162
waste feed, and silage drainage. "Residual farm products" also 22163
includes the compost products resulting from the composting of 22164
dead animals in operations subject to section 939.04 of the 22165
Revised Code when either of the following applies: 22166

(1) The composting is conducted by the person who raises the 22167
animals and the compost product is used in agricultural operations 22168
owned or operated by that person regardless of whether the person 22169
owns the animals. 22170

(2) The composting is conducted by the person who owns the 22171
animals, but does not raise them and the compost product is used 22172
in agricultural operations either by a person who raises the 22173
animals or by a person who raises grain that is used to feed them 22174
and that is supplied by the owner of the animals. 22175

(K) "Soil and water conservation district" has the same 22176
meaning as in section 940.01 of the Revised Code. 22177

(L) "Waters of the state" means all streams, lakes, ponds, 22178
wetlands, watercourses, waterways, wells, springs, irrigation 22179
systems, drainage systems, and other bodies or accumulations of 22180
water, surface and underground, natural or artificial, regardless 22181
of the depth of the strata in which underground water is located, 22182
that are situated wholly or partly within, or border on, this 22183

state or are within its jurisdiction, except those private waters 22184
that do not combine or effect a junction with natural surface or 22185
underground waters. 22186

~~Sec. 1511.02~~ 939.02. The ~~chief of the division of soil and~~ 22187
~~water resources, subject to the approval of the director of~~ 22188
~~natural resources, agriculture~~ shall do all of the following: 22189

(A) Provide administrative leadership to soil and water 22190
conservation districts in planning, budgeting, staffing, and 22191
administering district programs and the training of district 22192
supervisors and personnel in their duties, responsibilities, and 22193
authorities as prescribed in this chapter and Chapter ~~1515.~~ 940. 22194
of the Revised Code; 22195

(B) Administer this chapter and Chapter ~~1515.~~ 940. of the 22196
Revised Code pertaining to state responsibilities and provide 22197
staff assistance to the Ohio soil and water conservation 22198
commission in exercising its statutory responsibilities; 22199

(C) Assist in expediting state responsibilities for watershed 22200
development and other natural resource conservation works of 22201
improvement; 22202

(D) Coordinate the development and implementation of 22203
cooperative programs and working agreements between soil and water 22204
conservation districts and ~~divisions or sections of~~ the department 22205
of ~~natural resources, agriculture~~ or other agencies of local, 22206
state, and federal government; 22207

(E) Subject to the approval of the Ohio soil and water 22208
conservation commission, adopt, ~~amend, or rescind~~ rules pursuant 22209
~~to~~ in accordance with Chapter 119. of the Revised Code. ~~Rules~~ 22210
~~adopted pursuant to this section~~ that do or comply with all of the 22211
following: 22212

(1) ~~Shall establish~~ Establish technically feasible and 22213

economically reasonable standards to achieve a level of management 22214
and conservation practices in farming or silvicultural operations 22215
that will abate wind or water erosion of the soil or abate the 22216
degradation of the waters of the state by residual farm products, 22217
manure, or soil sediment, including attached substances ~~attached~~ 22218
~~thereto~~, and establish criteria for determination of the 22219
acceptability of such management and conservation practices; 22220

~~(2) Shall establish technically feasible and economically 22221
reasonable standards to achieve a level of management and 22222
conservation practices that will abate wind or water erosion of 22223
the soil or abate the degradation of the waters of the state by 22224
soil sediment in conjunction with land grading, excavating, 22225
filling, or other soil disturbing activities on land used or being 22226
developed for nonfarm commercial, industrial, residential, or 22227
other nonfarm purposes, and establish criteria for determination 22228
of the acceptability of such management and conservation 22229
practices. The standards shall be designed to implement applicable 22230
areawide waste treatment management plans prepared under section 22231
208 of the "Federal Water Pollution Control Act," 86 Stat. 816 22232
(1972), 33 U.S.C.A. 1288, as amended. The standards and criteria 22233
shall not apply in any municipal corporation or county that adopts 22234
ordinances or rules pertaining to sediment control, nor to lands 22235
being used in a strip mine operation as defined in section 1513.01 22236
of the Revised Code, nor to lands being used in a surface mining 22237
operation as defined in section 1514.01 of the Revised Code. 22238~~

~~(3) May recommend criteria and procedures for the approval of 22239
urban sediment pollution abatement plans and issuance of permits 22240
prior to any grading, excavating, filling, or other whole or 22241
partial disturbance of five or more contiguous acres of land owned 22242
by one person or operated as one development unit and require 22243
implementation of such a plan. Areas of less than five contiguous 22244
acres are not exempt from compliance with other provisions of this 22245~~

~~chapter and rules adopted under them.~~ 22246

~~(4) Shall establish~~ Establish procedures for administration 22247
of rules for agricultural pollution abatement ~~and urban sediment~~ 22248
~~pollution abatement~~ and for enforcement of those rules ~~for~~ 22249
~~agricultural pollution abatement;~~ 22250

~~(5) Shall specify~~ (3) Specify the pollution abatement 22251
practices eligible for state cost sharing and determine the 22252
conditions for eligibility, the construction standards and 22253
specifications, the useful life, the maintenance requirements, and 22254
the limits of cost sharing for those practices. Eligible practices 22255
shall be limited to practices that address agricultural ~~or~~ 22256
~~silvicultural~~ operations and that require expenditures that are 22257
likely to exceed the economic returns to the owner or operator and 22258
that abate soil erosion or degradation of the waters of the state 22259
by residual farm products, manure, or soil sediment, including 22260
attached pollutants ~~attached thereto.~~ 22261

~~(6) Shall establish~~ (4) Establish procedures for 22262
administering grants to owners or operators of agricultural land 22263
or animal feeding operations for the implementation of operation 22264
and management plans; 22265

~~(7) Shall establish procedures for administering grants to~~ 22266
~~soil and water conservation districts for urban sediment pollution~~ 22267
~~abatement programs, specify the types of projects eligible for~~ 22268
~~grants, establish limits on the availability of grants, and~~ 22269
~~establish requirements governing the execution of projects to~~ 22270
~~encourage the reduction of erosion and sedimentation associated~~ 22271
~~with soil disturbing activities;~~ 22272

~~(8) Shall do all~~ (5) Do both of the following with regard to 22273
composting conducted in conjunction with agricultural operations: 22274

(a) ~~Provide for the distribution of educational material~~ 22275
~~concerning composting to the offices of OSU extension for the~~ 22276

~~purposes of section 1511.022 of the Revised Code;~~ 22277

~~(b) Establish methods, techniques, or practices for~~ 22278
~~composting dead animals, or particular types of dead animals, that~~ 22279
~~are to be used at such operations, as the chief director considers~~ 22280
~~to be necessary or appropriate;~~ 22281

~~(e)(b) Establish requirements and procedures governing the~~ 22282
~~review and approval or disapproval of composting plans by the~~ 22283
~~supervisors of soil and water conservation districts under~~ 22284
~~division ~~(Q)(R)~~ of section ~~1515.08~~ 940.06 of the Revised Code.~~ 22285

~~(9) Shall be adopted, amended, or rescinded after the chief~~ 22286
~~does all of the following:~~ 22287

~~(a) Mails notice to each statewide organization that the~~ 22288
~~chief determines represents persons or local governmental agencies~~ 22289
~~who would be affected by the proposed rule, amendment thereto, or~~ 22290
~~rescission thereof at least thirty five days before any public~~ 22291
~~hearing thereon;~~ 22292

~~(b) Mails a copy of each proposed rule, amendment thereto, or~~ 22293
~~rescission thereof to any person who requests a copy, within five~~ 22294
~~days after receipt of the request;~~ 22295

~~(c) Consults with appropriate state and local governmental~~ 22296
~~agencies or their representatives, including statewide~~ 22297
~~organizations of local governmental officials, industrial~~ 22298
~~representatives, and other interested persons;~~ 22299

~~(d) If the rule relates to agricultural pollution abatement,~~ 22300
~~develops an economic impact statement concerning the effect of the~~ 22301
~~proposed rule or amendment.~~ 22302

~~(10) Shall not~~ (6) Establish best management practices for 22303
inclusion in operation and management plans; 22304

(7) Establish the amount of civil penalties assessed by the 22305
director under division (B) of section 939.07 of the Revised Code 22306

for violation of rules adopted under division (E) of this section; 22307

(8) Not conflict with air or water quality standards adopted 22308
pursuant to section 3704.03 or 6111.041 of the Revised Code. 22309
Compliance with rules adopted ~~pursuant to~~ under this section does 22310
not affect liability for noncompliance with air or water quality 22311
standards adopted pursuant to section 3704.03 or 6111.041 of the 22312
Revised Code. The application of a level of management and 22313
conservation practices recommended under this section to control 22314
windblown soil from farming operations creates a presumption of 22315
compliance with section 3704.03 of the Revised Code as that 22316
section applies to windblown soil. 22317

~~(11) Insofar as the rules relate to urban sediment pollution,~~ 22318
~~shall not be applicable in a municipal corporation or county that~~ 22319
~~adopts ordinances or rules for urban sediment control, except that~~ 22320
~~a municipal corporation or county that adopts such ordinances or~~ 22321
~~rules may receive moneys for urban sediment control that are~~ 22322
~~disbursed by the board of supervisors of the applicable soil and~~ 22323
~~water conservation district under division (N) of section 1515.08~~ 22324
~~of the Revised Code. The rules shall not exempt any person from~~ 22325
~~compliance with municipal ordinances enacted pursuant to Section 3~~ 22326
~~of Article XVIII, Ohio Constitution.~~ 22327

(F) Cost share with landowners on practices established 22328
pursuant to division (E)~~(5)~~(3) of this section as moneys are 22329
appropriated and available for that purpose. Any practice for 22330
which cost share is provided shall be maintained for its useful 22331
life. Failure to maintain a cost share practice for its useful 22332
life shall subject the landowner to full repayment to the ~~division~~ 22333
department. 22334

~~(G) Issue orders requiring compliance with any rule adopted~~ 22335
~~under division (E)(1) of this section or with section 1511.022 of~~ 22336
~~the Revised Code. Before the chief issues an order, the chief~~ 22337
~~shall afford each person allegedly liable an adjudication hearing~~ 22338

~~under Chapter 119. of the Revised Code. The chief may require in 22339
an order that a person who has caused agricultural pollution by 22340
failure to comply with the standards established under division 22341
(E)(1) of this section operate under an operation and management 22342
plan approved by the chief under this section. The chief shall 22343
require in an order that a person who has failed to comply with 22344
division (A) of section 1511.022 of the Revised Code prepare a 22345
composting plan in accordance with rules adopted under division 22346
(E)(8)(c) of this section and operate in accordance with that plan 22347
or that a person who has failed to operate in accordance with such 22348
a plan begin to operate in accordance with it. Each order shall be 22349
issued in writing and contain a finding by the chief of the facts 22350
upon which the order is based and the standard that is not being 22351
met. 22352~~

~~(H)~~ Employ field assistants and ~~such~~ other employees ~~as that~~ 22353
are necessary for the performance of the work prescribed by 22354
Chapter ~~1515. 940.~~ of the Revised Code, for performance of work of 22355
the ~~division~~ department under this chapter, and as agreed to under 22356
working agreements or contractual arrangements with soil and water 22357
conservation districts, prescribe their duties, and fix their 22358
compensation in accordance with ~~such~~ schedules ~~as that~~ are 22359
provided by law for the compensation of state employees. All 22360

All such employees of the ~~division~~ department, unless 22361
specifically exempted by law, shall be employed subject to the 22362
classified civil service laws in force at the time of employment. 22363

~~(I)~~(H) In connection with new or relocated projects involving 22364
highways, underground cables, pipelines, railroads, and other 22365
improvements affecting soil and water resources, including surface 22366
and subsurface drainage: 22367

(1) Provide engineering service ~~as that~~ is mutually agreeable 22368
to the Ohio soil and water conservation commission and the 22369
director to aid in the design and installation of soil and water 22370

conservation practices as a necessary component of such projects;	22371
(2) Maintain close liaison between the owners of lands on	22372
which the projects are executed, soil and water conservation	22373
districts, and authorities responsible for such projects;	22374
(3) Review plans for such projects to ensure their compliance	22375
with standards developed under division (E) of this section in	22376
cooperation with the department of transportation or with any	22377
other interested agency that is engaged in soil or water	22378
conservation projects in the state in order to minimize adverse	22379
impacts on soil and water resources adjacent to or otherwise	22380
affected by these projects;	22381
(4) Recommend measures to retard erosion and protect soil and	22382
water resources through the installation of water impoundment or	22383
other soil and water conservation practices;	22384
(5) Cooperate with other agencies and subdivisions of the	22385
state to protect the agricultural status of rural lands adjacent	22386
to such projects and control adverse impacts on soil and water	22387
resources.	22388
(J) (I) Collect, analyze, inventory, and interpret all	22389
available information pertaining to the origin, distribution,	22390
extent, use, and conservation of the soil resources of the state;	22391
(K) (J) Prepare and maintain up-to-date reports, maps, and	22392
other materials pertaining to the soil resources of the state and	22393
their use and make that information available to governmental	22394
agencies, public officials, conservation entities, and the public;	22395
(L) (K) Provide soil and water conservation districts with	22396
technical assistance including on-site soil investigations and	22397
soil interpretation reports on the suitability or limitations of	22398
soil to support a particular use or to plan soil conservation	22399
measures. The assistance shall be upon such <u>on</u> terms as <u>that</u> are	22400
mutually agreeable to the districts and the department of natural	22401

resources agriculture. 22402

~~(M)~~(L) Assist local government officials in utilizing land 22403
use planning and zoning, current agricultural use value 22404
assessment, development reviews, and land management activities; 22405

~~(N)~~(M) When necessary for the purposes of this chapter or 22406
Chapter ~~1515.~~ 940. of the Revised Code, develop or approve 22407
operation and management plans. The director may designate an 22408
employee of the department to develop or approve operation and 22409
management plans in lieu of the director. 22410

This section does not restrict the manure of domestic or farm 22411
animals defecated on land outside an animal feeding operation or 22412
runoff ~~therefrom~~ from that land into the waters of the state. 22413

Sec. ~~1511.021~~ 939.03. (A) ~~Any~~ A person who owns or operates 22414
agricultural land or an animal feeding operation may develop and 22415
operate under an operation and management plan approved by the 22416
~~chief of the division of soil and water resources~~ director of 22417
agriculture or the director's designee under section ~~1511.02~~ 22418
939.02 of the Revised Code or by the supervisors of the applicable 22419
soil and water conservation district under section ~~1515.08~~ 940.06 22420
of the Revised Code. 22421

(B) ~~Any~~ A person who wishes to make a complaint regarding 22422
nuisances involving agricultural pollution may do so orally or by 22423
submitting a written, signed, and dated complaint to the ~~chief~~ 22424
director or to the ~~chief's~~ director's designee. After receiving an 22425
oral complaint, the ~~chief~~ director or the ~~chief's~~ director's 22426
designee may cause an investigation to be conducted to determine 22427
whether agricultural pollution has occurred or is imminent. After 22428
receiving a written, signed, and dated complaint, the ~~chief~~ 22429
director or the ~~chief's~~ director's designee shall cause such an 22430
investigation to be conducted. 22431

(C) In a private civil action for nuisances involving 22432
agricultural pollution, it is an affirmative defense if the person 22433
owning, operating, or otherwise responsible for agricultural land 22434
or an animal feeding operation is operating under and in 22435
substantial compliance with an approved operation and management 22436
plan developed under division (A) of this section, with an 22437
operation and management plan developed by the ~~chief director or~~ 22438
the director's designee under section ~~1511.02~~ 939.02 of the 22439
Revised Code or by the supervisors of the applicable soil and 22440
water conservation district under section ~~1515.08~~ 940.06 of the 22441
Revised Code, or with an operation and management plan required by 22442
~~an order issued by the chief~~ under division ~~(G)~~(A)(2) of section 22443
~~1511.02~~ 939.02 of the Revised Code. Nothing in this section is in 22444
derogation of the authority granted to the ~~chief director~~ in 22445
division (E) of section ~~1511.02~~ 939.02 and in section ~~1511.07~~ 22446
939.07 of the Revised Code. 22447

Sec. ~~1511.022~~ 939.04. (A) ~~Any~~ A person who owns or operates 22448
an agricultural operation, or owns the animals raised by the owner 22449
or operator of an agricultural operation, and who wishes to 22450
conduct composting of dead animals resulting from the agricultural 22451
operation shall do both of the following: 22452

(1) Participate in an educational course concerning 22453
composting conducted by OSU extension and obtain a certificate of 22454
completion for the course; 22455

(2) Use the appropriate method, technique, or practice of 22456
composting established in rules adopted under division ~~(E)~~(8)(5) 22457
of section ~~1511.02~~ 939.02 of the Revised Code. 22458

(B) ~~Any~~ A person who fails to comply with division (A) of 22459
this section shall prepare and operate under a composting plan ~~in~~ 22460
~~accordance with an order issued~~ required by the ~~chief of the~~ 22461
~~division of soil and water resources~~ director of agriculture under 22462

division ~~(G)~~(A)(2) of section ~~1511.02~~ 939.02 of the Revised Code. 22463
If the person's proposed composting plan is disapproved by the 22464
~~board~~ of supervisors of the appropriate soil and water 22465
conservation district under division ~~(Q)~~(R)(3) of section ~~1515.08~~ 22466
940.06 of the Revised Code, the person may appeal the plan 22467
disapproval to the ~~chief~~ director, who shall afford the person a 22468
hearing. Following the hearing, the ~~chief~~ director shall uphold 22469
the plan disapproval or reverse it. If the ~~chief~~ director reverses 22470
the disapproval, the plan shall be deemed approved. 22471

Sec. ~~1511.05~~ 939.05. The ~~chief of the division of soil and~~ 22472
~~water resources~~ director of agriculture, subject to approval of 22473
the terms of the agreement by the Ohio soil and water conservation 22474
commission, shall enter into cooperative agreements with the ~~board~~ 22475
~~of~~ supervisors of ~~any~~ a soil and water conservation district 22476
desiring to enter into ~~such~~ those agreements pursuant to section 22477
~~1515.08~~ 940.06 of the Revised Code. ~~Such~~ The agreements shall be 22478
entered into to obtain compliance with rules ~~and orders~~ of the 22479
~~chief~~ director pertaining to agricultural pollution abatement ~~and~~ 22480
~~urban sediment pollution abatement.~~ 22481

The ~~chief or any person designated by the chief~~ director or 22482
~~the director's designee~~ may ~~upon obtaining agreement with the~~ 22483
~~owner, tenant, or manager of any land, public or private,~~ enter 22484
~~thereon at reasonable times on private property, with the consent~~ 22485
~~of the property owner, or on public property to make inspections~~ 22486
inspect and investigate conditions to determine whether or not 22487
there is compliance with the rules adopted under division (E)(1) 22488
of section ~~1511.02~~ 939.02 of the Revised Code. Upon reason to 22489
believe there is a violation, the ~~chief or the chief's~~ director or 22490
~~the director's~~ designee may apply for and a judge of the court of 22491
common pleas for the county where the land is located may issue an 22492
appropriate ~~inspection~~ search warrant as necessary to achieve the 22493
purposes of this chapter. 22494

~~Sec. 1511.03~~ 939.06. The chief of the division of soil and water resources may enter director of agriculture may do any of the following: 22495
22496
22497

(A) Enter into contracts or agreements, ~~with the approval of the director of natural resources,~~ with any agency of the United States government, or any other public or private agency, or organization, for the performance of the prescribed duties of the ~~division,~~ department of agriculture under this chapter and Chapter 940. of the Revised Code or for accomplishing cooperative projects within the ~~designated duties of the division~~ scope of those duties; 22498
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(B) Enter into agreements with local government agencies for the purpose of soil surveys, land use inventories, and other soil-related duties; 22506
22507
22508

(C) Accept donations, grants, and contributions in money, service, or equipment to enhance or expedite the prescribed work of the department. 22509
22510
22511

Sec. 939.07. (A)(1) The director of agriculture may propose to require corrective actions and assess a civil penalty against the owner or operator of agricultural land or an animal feeding operation if the director or the director's designee determines that the owner or operator is doing one of the following: 22512
22513
22514
22515
22516

(a) Not complying with a standard established in rules adopted under division (E)(1) of section 939.02 of the Revised Code; 22517
22518
22519

(b) Not operating in accordance with an approved operation and management plan that is developed under division (A) of section 939.03 of the Revised Code, with an operation and management plan developed by the director or the director's designee under section 939.02 of the Revised Code or by the 22520
22521
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supervisors of the applicable soil and water conservation district 22525
under section 940.06 of the Revised Code, or with an operation and 22526
management plan required by the director under division (A)(2) of 22527
this section; 22528

(c) Not complying with a standard established in rules 22529
adopted under division (E)(5)(a) of section 939.02 of the Revised 22530
Code; 22531

(d) Not operating in accordance with a composting plan that 22532
is approved in accordance with rules adopted under division 22533
(E)(5)(b) of section 939.02 of the Revised Code or required by the 22534
director under division (A)(2) of this section. 22535

(2) The director may include in the corrective actions a 22536
requirement that an owner or operator do one of the following: 22537

(a) Operate under an operation and management plan approved 22538
by the director or the director's designee under section 939.02 of 22539
the Revised Code; 22540

(b) If the owner or operator has failed to operate in 22541
accordance with an existing operation and management plan, operate 22542
in accordance with that plan; 22543

(c) Prepare a composting plan in accordance with rules 22544
adopted under division (E)(5)(b) of section 939.02 of the Revised 22545
Code and operate in accordance with that plan; 22546

(d) If the owner or operator has failed to operate in 22547
accordance with an existing composting plan, operate in accordance 22548
with that plan. 22549

(3) The director may impose a civil penalty only if all of 22550
the following occur: 22551

(a) The owner or operator is notified in writing of the 22552
deficiencies resulting in noncompliance, the actions that the 22553
owner or operator must take to correct the deficiencies, and the 22554

time period within which the owner or operator must correct the 22555
deficiencies and attain compliance. 22556

(b) After the time period specified in the notice has 22557
elapsed, the director or the director's designee has inspected the 22558
agricultural land or animal feeding operation, determined that the 22559
owner or operator is still not in compliance, and issued a notice 22560
of an adjudication hearing. 22561

(c) The director affords the owner or operator an opportunity 22562
for an adjudication hearing under Chapter 119. of the Revised Code 22563
to challenge the determination of the director or the director's 22564
designee that the owner or operator is not in compliance or the 22565
imposition of the civil penalty, or both. However, the owner or 22566
operator may waive the right to an adjudication hearing. 22567

(4) If the opportunity for an adjudication hearing is waived 22568
or if, after an adjudication hearing, the director determines that 22569
noncompliance has occurred or is occurring, the director may issue 22570
an order requiring compliance and assess the civil penalty. The 22571
order and the assessment of the civil penalty may be appealed in 22572
accordance with section 119.12 of the Revised Code. 22573

(5) A person who has violated rules adopted under division 22574
(E) of section 939.02 of the Revised Code shall pay a civil 22575
penalty in an amount established in rules adopted under that 22576
section. 22577

(B) The attorney general, upon the written request of the 22578
director, shall bring an action for an injunction in any court of 22579
competent jurisdiction against a person violating or threatening 22580
to violate rules adopted under division (E) of section 939.02 of 22581
the Revised Code or an order issued under division (A)(4) of this 22582
section. 22583

(C)(1) In lieu of imposing a civil penalty under division (A) 22584
of this section, the director may request the attorney general, in 22585

writing, to bring an action for a civil penalty in a court of 22586
competent jurisdiction against a person that has violated or is 22587
violating a rule adopted under division (E) of section 939.02 of 22588
the Revised Code. 22589

(2) The civil penalty for which an action may be brought 22590
under division (C)(1) of this section shall not exceed ten 22591
thousand dollars per violation. Each day that a violation 22592
continues constitutes a separate violation. 22593

(D) In addition to any other penalties imposed under this 22594
section, the director may impose an administrative penalty against 22595
the owner or operator of agricultural land or an animal feeding 22596
operation if the director or the director's designee determines 22597
that the owner or operator is not in compliance with best 22598
management practices that are established in rules adopted under 22599
division (E) of section 939.02 of the Revised Code. The 22600
administrative penalty shall not exceed five thousand dollars. 22601

The director shall afford the owner or operator an 22602
opportunity for an adjudication hearing under Chapter 119. of the 22603
Revised Code to challenge the determination of the director or the 22604
director's designee under this division, the director's imposition 22605
of an administrative penalty under this division, or both. The 22606
determination and the imposition of the administrative penalty may 22607
be appealed in accordance with section 119.12 of the Revised Code. 22608

(E) Notwithstanding any other provision in this section, if 22609
the director determines that an emergency exists requiring 22610
immediate action to protect public health or safety or the 22611
environment, the director may issue an order, without notice or 22612
adjudication hearing, stating the existence of the emergency and 22613
requiring that action be taken that is necessary to address the 22614
emergency. The order shall take effect immediately. A person to 22615
whom the order is issued shall comply immediately, but on 22616
application to the director shall be afforded an adjudication 22617

hearing in accordance with Chapter 119. of the Revised Code as 22618
soon as possible, but not later than thirty days after the 22619
director's receipt of the application. Following the hearing, the 22620
director shall continue the order in effect, revoke it, or modify 22621
it. The order may be appealed in accordance with section 119.12 of 22622
the Revised Code. An emergency order shall not remain in effect 22623
for more than one hundred twenty days after its issuance. 22624

If a person to whom an order is issued does not comply with 22625
the order within a reasonable period of time as determined by the 22626
director, the director or the director's designee may enter on 22627
private or public lands to investigate and take action to 22628
mitigate, minimize, remove, or abate the conditions that are the 22629
subject of the order. 22630

(F) A person that is responsible for causing or allowing the 22631
unauthorized spill, release, or discharge of manure or residual 22632
farm products is liable to the director for the costs incurred in 22633
investigating, mitigating, minimizing, removing, or abating the 22634
spill, release, or discharge. Upon request of the director, the 22635
attorney general shall bring a civil action against the 22636
responsible person or persons to recover those costs. 22637

(G) Money recovered under division (F) of this section and 22638
money collected from civil penalties assessed under this section 22639
shall be paid into the state treasury to the credit of the 22640
agricultural pollution abatement fund created in section 939.10 of 22641
the Revised Code. 22642

(H) As used in this section, "noncompliance" means doing one 22643
of the actions specified in division (A)(1) of this section. 22644

Sec. ~~1511.10~~ 939.08. (A) Except as provided in division (B) 22645
of this section, no person in the western basin shall surface 22646
apply manure under any of the following circumstances: 22647

(1) On snow-covered or frozen soil;	22648
(2) When the top two inches of soil are saturated from precipitation;	22649 22650
(3) When the local weather forecast for the application area contains greater than a fifty per cent chance of precipitation exceeding one-half inch in a twenty-four-hour period.	22651 22652 22653
(B) Division (A) of this section does not apply if a person in the western basin applies manure under any of the following circumstances:	22654 22655 22656
(1) The manure is injected into the ground.	22657
(2) The manure is incorporated within twenty-four hours of surface application.	22658 22659
(3) The manure is applied onto a growing crop.	22660
(4) In the event of an emergency, the chief of the division of soil and water resources <u>director of agriculture</u> or the chief's <u>director's</u> designee provides written consent and the manure application is made in accordance with procedures established in the United States department of agriculture natural resources conservation service practice standard code 590 prepared for this state.	22661 22662 22663 22664 22665 22666 22667
(C)(1) Upon receiving a complaint by any person or upon receiving information that would indicate a violation of this section, the chief <u>director</u> or the chief's <u>director's</u> designee may investigate or make inquiries into any alleged failure to comply with this section.	22668 22669 22670 22671 22672
(2) After receiving a complaint by any person or upon receiving information that would indicate a violation of this section, the chief <u>director</u> or the chief's <u>director's</u> designee may enter at reasonable times on any private or public property to inspect and investigate conditions relating to any such alleged	22673 22674 22675 22676 22677

failure to comply with this section. 22678

(3) If an individual denies access to the individual's 22679
property, the ~~chief~~ director may apply to a court of competent 22680
jurisdiction in the county in which the premises is located for a 22681
search warrant authorizing access to the premises for the purposes 22682
of this section. 22683

(4) The court shall issue the search warrant for the purposes 22684
requested if there is probable cause to believe that the person is 22685
not in compliance with this section. The finding of probable cause 22686
may be based on hearsay, provided that there is a reasonable basis 22687
for believing that the source of the hearsay is credible. 22688

(D) This section does not affect any restrictions established 22689
in Chapter 903. of the Revised Code or otherwise apply to those 22690
entities or facilities that are permitted as concentrated animal 22691
feeding facilities under that chapter. 22692

(E) As used in this section, "western basin" has the same 22693
meaning as in section 905.326 of the Revised Code. 22694

Sec. ~~1511.11~~ 939.09. (A) Except as provided in division (D) 22695
of this section, the ~~chief of the division of soil and water~~ 22696
~~resources~~ director of agriculture may assess a civil penalty 22697
against a person that violates section ~~1511.10~~ 939.08 of the 22698
Revised Code. The ~~chief~~ director may impose a civil penalty only 22699
if the ~~chief~~ director affords the person an opportunity for an 22700
adjudication hearing under Chapter 119. of the Revised Code to 22701
challenge the ~~chief's~~ director's determination that the person 22702
violated section ~~1511.10~~ 939.08 of the Revised Code. The person 22703
may waive the right to an adjudication hearing. 22704

(B) If the opportunity for an adjudication hearing is waived 22705
or if, after an adjudication hearing, the ~~chief~~ director 22706
determines that a violation has occurred or is occurring, the 22707

chief director may issue an order requiring compliance with 22708
section ~~1511.10~~ 939.08 of the Revised Code and assess the civil 22709
penalty. The order and the assessment of the civil penalty may be 22710
appealed in accordance with section 119.12 of the Revised Code. 22711

(C) A person that has violated section ~~1511.10~~ 939.08 of the 22712
Revised Code shall pay a civil penalty in an amount established in 22713
rules. Each day during which manure is applied in violation of 22714
section ~~1511.10~~ 939.08 of the Revised Code constitutes a separate 22715
violation. 22716

(D)(1) The owner or operator of a small agricultural 22717
operation or a medium agricultural operation may apply to the 22718
chief director for an exemption from the prohibition established 22719
in division (A) of section ~~1511.10~~ 939.08 of the Revised Code. If 22720
the chief director or the ~~chief's~~ director's designee determines 22721
that it is appropriate, the chief director or the ~~chief's~~ 22722
director's designee may issue such an exemption as follows: 22723

(a) For a medium agricultural operation, for a period ending 22724
not later than one year after ~~the effective date of this section~~ 22725
July 3, 2015; 22726

(b) For a small agricultural operation, for a period ending 22727
not later than two years after ~~the effective date of this section~~ 22728
July 3, 2015. 22729

(2) The chief director shall establish the form of the 22730
application for an exemption in rules adopted under division (E) 22731
of this section. 22732

(3) The chief director or the ~~chief's~~ director's designee 22733
shall approve or deny an application for an exemption submitted 22734
under division (D)(1) of this section not later than thirty days 22735
after an application has been submitted. 22736

(4) The chief director or the ~~chief's~~ director's designee may 22737
deny an application for an exemption or revoke an exemption 22738

approved under division (D)(3) of this section if the ~~chief~~ 22739
director or the ~~chief's~~ director's designee determines that the 22740
owner or operator is not in substantial compliance with this 22741
chapter and rules adopted under it other than violating division 22742
(A) of section ~~1511.10~~ 939.08 of the Revised Code. 22743

(5) An owner or operator that has been issued an exemption 22744
under this section is not subject to civil penalties assessed for 22745
a violation of division (A) of section ~~1511.10~~ 939.08 of the 22746
Revised Code during the exemption period. 22747

(6) An owner or operator that has an initial application for 22748
an exemption that is pending the ~~chief's~~ director's review is not 22749
subject to civil penalties assessed for a violation of division 22750
(A) of section ~~1511.10~~ 939.08 of the Revised Code. 22751

(E) The ~~chief~~ director shall adopt rules in accordance with 22752
Chapter 119. of the Revised Code that establish both of the 22753
following: 22754

(1) The amount of the civil penalty assessed under this 22755
section. The civil penalty shall be not more than ten thousand 22756
dollars for each violation. 22757

(2) Requirements governing the application form for an 22758
exemption submitted under division (D) of this section. The rules 22759
shall require the form to include all of the following: 22760

(a) A statement from the applicant affirming that the 22761
applicant understands the provisions of sections ~~1511.10~~ 939.08 22762
and ~~1511.11~~ 939.09 of the Revised Code; 22763

(b) A statement from the applicant affirming that the 22764
applicant understands that the applicant must be in compliance 22765
with procedures established in the United States department of 22766
agriculture natural resources conservation service practice 22767
standard code 590 prepared for this state except procedures that 22768
are in conflict with this section and section ~~1511.10~~ 939.08 of 22769

the Revised Code; 22770

(c) A place for the applicant to explain the reasons for the 22771
necessity for the exemption; 22772

(d) A place on the form that provides information on programs 22773
that may assist an applicant with methods to comply with division 22774
(A) of section ~~1511.10~~ 939.08 of the Revised Code; 22775

(e) A place on the form that provides the applicant an 22776
opportunity to request technical assistance or information from 22777
the ~~chief~~ director or the applicable soil and water conservation 22778
district to assist the applicant to comply with division (A) of 22779
section ~~1511.10~~ 939.08 of the Revised Code. 22780

(F) Money collected from civil penalties assessed under this 22781
section shall be paid into the state treasury to the credit of the 22782
agricultural pollution abatement fund created in section 939.10 of 22783
the Revised Code. 22784

(G) As used in this section: 22785

(1) "Small agricultural operation" means an agricultural 22786
operation in the western basin that stables or confines fewer than 22787
any of the numbers of animals specified in divisions (Q)(1)(a) to 22788
(m) of section 903.01 of the Revised Code. 22789

(2) "Medium agricultural operation" means an agricultural 22790
operation in the western basin that stables or confines any of the 22791
numbers of animals specified in divisions (Q)(1)(a) to (m) of 22792
section 903.01 of the Revised Code. 22793

(3) "Western basin" has the same meaning as in section 22794
905.326 of the Revised Code. 22795

Sec. ~~1511.071~~ 939.10. There is hereby created in the state 22796
treasury the agricultural pollution abatement fund, which shall be 22797
administered by the ~~chief of the division of soil and water~~ 22798
~~resources~~ director of agriculture. The fund may be used to pay 22799

costs incurred by the ~~division~~ department of agriculture under 22800
division ~~(A)(3)(E)~~ of section ~~1511.07~~ 939.07 of the Revised Code 22801
in investigating, mitigating, minimizing, removing, or abating any 22802
pollution of the waters of the state caused by agricultural 22803
pollution or an unauthorized release, spill, or discharge of 22804
manure into or upon the environment that requires emergency action 22805
to protect the public health. 22806

~~Any person responsible for causing or allowing agricultural 22807
pollution or an unauthorized release, spill, or discharge is 22808
liable to the chief for any costs incurred by the division and 22809
soil and water conservation districts in investigating, 22810
mitigating, minimizing, removing, or abating the agricultural 22811
pollution or release, spill, or discharge, regardless of whether 22812
those costs were paid out of the agricultural pollution abatement 22813
fund or any other fund of the division or a district. Upon the 22814
request of the chief, the attorney general shall bring a civil 22815
action against the responsible person to recover those costs. 22816
Moneys recovered under this section shall be paid into the 22817
agricultural pollution abatement fund. 22818~~

Sec. ~~1515.01~~ 940.01. As used in this chapter: 22819

(A) "Soil and water conservation district" means a district 22820
organized in accordance with this chapter. 22821

(B) "Supervisor" means one of the members of the governing 22822
body of a district. 22823

(C) "Landowner," "owner," or "owner of land" means an owner 22824
of record as shown by the records in the office of the county 22825
recorder. With respect to an improvement or a proposed 22826
improvement, "landowner," "owner," or "owner of land" also 22827
includes any public corporation and the director of any 22828
department, office, or institution of the state that is affected 22829

by the improvement or that would be affected by the proposed 22830
improvement, but that does not own any right, title, estate, or 22831
interest in or to any real property. 22832

(D) "Land occupier" or "occupier of land" means any person, 22833
firm, or corporation that controls the use of land whether as 22834
landowner, lessee, renter, or tenant. 22835

(E) "Due notice" means notice published at least twice, 22836
stating time and place, with an interval of at least thirteen days 22837
between the two publication dates, in a newspaper of general 22838
circulation within a soil and water conservation district. 22839

(F) "Agricultural pollution" means failure to use management 22840
or conservation practices in farming or silvicultural operations 22841
to abate wind or water erosion of the soil or to abate the 22842
degradation of the waters of the state by residual farm products, 22843
manure, or soil sediment, including substances attached thereto. 22844

(G) "Urban sediment pollution" means failure to use 22845
management or conservation practices to abate wind or water 22846
erosion of the soil or to abate the degradation of the waters of 22847
the state by soil sediment in conjunction with land grading, 22848
excavating, filling, or other soil disturbing activities on land 22849
used or being developed for nonfarm commercial, industrial, 22850
residential, or other nonfarm purposes, except lands being used in 22851
a strip mine operation as defined in section 1513.01 of the 22852
Revised Code and except lands being used in a surface mining 22853
operation as defined in section 1514.01 of the Revised Code. 22854

(H) "Uniform assessment" means an assessment that is both of 22855
the following: 22856

(1) Based upon a complete appraisal of each parcel of land, 22857
together with all improvements thereon, within a project area and 22858
of the benefits or damages brought about as a result of the 22859
project that is determined by criteria applied equally to all 22860

parcels within the project area;	22861
(2) Levied upon the parcels at a uniform rate on the basis of the appraisal.	22862 22863
(I) "Varied assessment" means any assessment that does not meet the criteria established in division (H) of this section.	22864 22865
(J) "Project area" means an area determined and certified by the supervisors of a soil and water conservation district under section 1515.19 <u>940.25</u> of the Revised Code.	22866 22867 22868
(K) "Benefit" or "benefits" means advantages to land and owners, to public corporations, and to the state resulting from drainage, conservation, control, and management of water and from environmental, wildlife, and recreational improvements. "Benefit" or "benefits" includes, but is not limited to, any of the following factors:	22869 22870 22871 22872 22873 22874
(1) Elimination or reduction of damage from flooding;	22875
(2) Removal of water conditions that jeopardize public health, safety, or welfare;	22876 22877
(3) Increased value of land resulting from an improvement;	22878
(4) Use of water for irrigation, storage, regulation of stream flow, soil conservation, water supply, or any other incidental purpose;	22879 22880 22881
(5) Providing an outlet for the accelerated runoff from artificial drainage if a stream, watercourse, channel, or ditch that is under improvement is called upon to discharge functions for which it was not designed. Uplands that have been removed from their natural state by deforestation, cultivation, artificial drainage, urban development, or other human methods shall be considered to be benefited by an improvement that is required to dispose of the accelerated flow of water from the uplands.	22882 22883 22884 22885 22886 22887 22888 22889
(L) "Improvement" or "conservation works of improvement"	22890

means an improvement that is made under the authority established 22891
in division (C) of section ~~1515.08~~ 940.06 of the Revised Code. 22892

(M) "Land" has the same meaning as in section 6131.01 of the 22893
Revised Code. 22894

(N) "Manure," "operation and management plan," and "residual 22895
farm products" have the same meanings as in section ~~1511.01~~ 939.01 22896
of the Revised Code. 22897

(O) "Voluntary nutrient management plan" has the same meaning 22898
as in section 905.31 of the Revised Code. 22899

Sec. ~~1515.02~~ 940.02. There is hereby established in the 22900
department of ~~natural resources~~ agriculture the Ohio soil and 22901
water conservation commission. The commission shall consist of 22902
seven members of equal status and authority, six of whom shall be 22903
appointed by the governor with the advice and consent of the 22904
senate, and one of whom shall be designated by resolution of the 22905
board of directors of the Ohio federation of soil and water 22906
conservation districts. The directors of agriculture, 22907
environmental protection, and natural resources, the 22908
vice-president for agricultural administration of the Ohio state 22909
university, and an officer of the Ohio federation of soil and 22910
water conservation districts, or their designees, may serve as ex 22911
officio members of the commission, but without the power to vote. 22912
A vacancy in the office of an appointed member shall be filled by 22913
the governor, with the advice and consent of the senate. Any 22914
member appointed to fill a vacancy occurring prior to the 22915
expiration of the term for which the member's predecessor was 22916
appointed shall hold office for the remainder of that term. Of the 22917
appointed members, four shall be persons who have a knowledge of 22918
or interest in agricultural production and the natural resources 22919
of the state. One member shall represent rural interests and one 22920
member shall represent urban interests. Not more than three of the 22921

appointed members shall be members of the same political party. 22922

Terms of office of the member designated by the board of 22923
directors of the federation and the members appointed by the 22924
governor shall be for four years, commencing on the first day of 22925
July and ending on the thirtieth day of June. 22926

Each appointed member shall hold office from the date of 22927
appointment until the end of the term for which the member was 22928
appointed. Any appointed member shall continue in office 22929
subsequent to the expiration date of the member's term until the 22930
member's successor takes office, or until a period of sixty days 22931
has elapsed, whichever occurs first. 22932

The commission shall organize by selecting from its members a 22933
chairperson and a vice-chairperson. The commission shall hold at 22934
least one regular meeting in each quarter of each calendar year 22935
and shall keep a record of its proceedings, which shall be open to 22936
the public for inspection. Special meetings may be called by the 22937
chairperson and shall be called by the chairperson upon receipt of 22938
a written request signed by two or more members of the commission. 22939
Written notice of the time and place of each meeting shall be sent 22940
to each member of the commission. A majority of the commission 22941
shall constitute a quorum. 22942

The commission may adopt rules as necessary to carry out the 22943
purposes of this chapter, subject to Chapter 119. of the Revised 22944
Code. 22945

The governor may remove any appointed member of the 22946
commission at any time for inefficiency, neglect of duty, or 22947
malfeasance in office, after giving to the member a copy of the 22948
charges against the member and an opportunity to be heard publicly 22949
in person or by counsel in the member's defense. Any such act of 22950
removal by the governor is final. A statement of the findings of 22951
the governor, the reason for the governor's action, and the 22952

answer, if any, of the member shall be filed by the governor with the secretary of state and shall be open to public inspection.

All members of the commission shall be reimbursed for the necessary expenses incurred by them in the performance of their duties as members.

Upon recommendation by the commission, the director of ~~natural resources~~ agriculture shall designate an executive secretary and provide staff necessary to carry out the powers and duties of the commission.

The commission shall do all of the following:

(A) Determine distribution of funds under section ~~1515.14~~ 940.15 of the Revised Code, recommend to the director ~~of natural resources~~ and other agencies the levels of appropriations to special funds established to assist soil and water conservation districts, and recommend the amount of federal funds to be requested and policies for the use of such funds in support of soil and water conservation district programs;

(B) Assist in keeping the supervisors of soil and water conservation districts informed of their powers and duties, program opportunities, and the activities and experience of all other districts, and facilitate the interchange of advice, experience, and cooperation between the districts;

(C) Seek the cooperation and assistance of the federal government or any of its agencies, and of agencies of this state, in the work of the districts;

(D) Adopt appropriate rules governing the conduct of elections provided for in this chapter, subject to Chapter 119. of the Revised Code, provided that only owners and occupiers of lands situated within the boundaries of the districts or proposed districts to which the elections apply shall be eligible to vote in the elections;

(E) Recommend to the director priorities for planning and construction of small watershed projects, and make recommendations to the director concerning coordination of programs as proposed and implemented in agreements with soil and water conservation districts; 22984
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(F) Recommend to the director, the governor, and the general assembly programs and legislation with respect to the operations of soil and water conservation districts that will encourage proper soil, water, and other natural resource management and promote the economic and social development of the state; 22989
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(G) Recommend to the director of agriculture a procedure for coordination of a program of agricultural pollution abatement. Implementation of such a program shall be based on air and water quality standards adopted pursuant to sections 3704.03 and 6111.041 of the Revised Code, respectively. The director of agriculture, through the division of soil and water conservation, shall coordinate the efforts of state and local governmental agencies to meet the minimum state air and water quality standards relating to agricultural pollutants. The director of environmental protection shall utilize the division of soil and water conservation in the department of agriculture and soil and water conservation districts in encouraging landowner abatement of agricultural pollution. 22994
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Sec. 1515.03 940.03. Each county shall have a soil and water conservation district coextensive with the geographic area of the county, and each district shall constitute a political subdivision of this state. 23007
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Sec. 1515.05 940.04. Each soil and water conservation district shall be administered by a board consisting of the five supervisors. Elections of supervisors shall be conducted by the 23011
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Ohio soil and water conservation commission pursuant to rules it 23014
adopts under Chapter 119. of the Revised Code. The term of each 23015
supervisor shall be for three years, ~~except that supervisors~~ 23016
~~holding office on May 2, 1980 shall serve the terms to which they~~ 23017
~~were elected or appointed under former section 1515.05 of the~~ 23018
~~Revised Code.~~ Due notice of election of supervisors shall be given 23019
by the commission. Successors to fill unexpired terms may be 23020
appointed by the commission on the unanimous recommendation of the 23021
remaining supervisors. In any case in which a unanimous 23022
recommendation cannot be agreed upon, a successor to fill an 23023
unexpired term shall be elected in the same manner in which ~~his~~ 23024
the supervisor's predecessor was elected. 23025

Eligible voters and candidates for supervisor shall be at 23026
least eighteen years of age by the day of election. Candidates 23027
shall reside in the district in which they are running for office. 23028

Sec. ~~1515.07~~ 940.05. The governing body of a soil and water 23029
conservation district shall consist of five supervisors, as 23030
provided for in section ~~1515.05~~ 940.04 of the Revised Code. 23031

The supervisors shall organize annually by selecting a 23032
~~chairman~~ chairperson, a secretary, and a treasurer. They shall 23033
designate one of their members as fiscal agent. A majority of the 23034
five supervisors shall constitute a quorum. The concurrence of a 23035
majority of the five supervisors in any matter shall be required 23036
for its determination. A supervisor shall receive no compensation 23037
for ~~his~~ the supervisor's services, except when both of the 23038
following occur: 23039

(A) A district board of supervisors designates one or more of 23040
its supervisors to represent the district on a joint district 23041
board or if an agency or instrumentality of the United States, of 23042
this state, or of a political subdivision of this state requires 23043
or requests district board representation; 23044

(B) Such compensation is provided for by public moneys other than moneys in the special fund of the local district created pursuant to section ~~1515.10~~ 940.12 of the Revised Code.

A supervisor is entitled to be reimbursed for the necessary expenses incurred in the discharge of ~~his~~ official duties.

The supervisors shall furnish to the Ohio soil and water conservation commission, upon its request, copies of rules, orders, contracts, forms, and other documents they adopt or employ and other information concerning their activities as it requires in the performance of its duties under this chapter.

At least once each year, a district shall submit to the commission a report of progress and operations, including a summary of receipts and disbursements during the period covered by the report. A district shall submit additional financial reports as requested by the commission.

The supervisors shall provide for the execution of surety bonds for all employees and officers who are entrusted with funds and shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions and orders issued or adopted. Any supervisor may be removed by the commission upon notice and hearing for neglect of duty or malfeasance in office.

Sec. ~~1515.08~~ 940.06. The supervisors of a soil and water conservation district have the following powers in addition to their other powers:

(A) To conduct surveys, investigations, and research relating to the character of soil erosion, floodwater and sediment damages, and the preventive and control measures and works of improvement for flood prevention and the conservation, development, utilization, and disposal of water needed within the district, and to publish the results of those surveys, investigations, or

research, provided that no district shall initiate any research 23075
program except in cooperation or after consultation with the Ohio 23076
agricultural research and development center; 23077

(B) To develop plans for the conservation of soil resources, 23078
for the control and prevention of soil erosion, and for works of 23079
improvement for flood prevention and the conservation, 23080
development, utilization, and disposal of water within the 23081
district, and to publish those plans and information; 23082

(C) To implement, construct, repair, maintain, and operate 23083
preventive and control measures and other works of improvement for 23084
natural resource conservation and development and flood 23085
prevention, and the conservation, development, utilization, and 23086
disposal of water within the district on lands owned or controlled 23087
by this state or any of its agencies and on any other lands within 23088
the district, which works may include any facilities authorized 23089
under state or federal programs, and to acquire, by purchase or 23090
gift, to hold, encumber, or dispose of, and to lease real and 23091
personal property or interests in such property for those 23092
purposes; 23093

(D) To cooperate or enter into agreements with any occupier 23094
of lands within the district in the carrying on of natural 23095
resource conservation operations and works of improvement for 23096
flood prevention and the conservation, development, utilization, 23097
and management of natural resources within the district, subject 23098
to such conditions as the supervisors consider necessary; 23099

(E) To accept donations, gifts, grants, and contributions in 23100
money, service, materials, or otherwise, and to use or expend them 23101
according to their terms; 23102

(F) To adopt, amend, and rescind rules to carry into effect 23103
the purposes and powers of the district; 23104

(G) To sue and plead in the name of the district, and be sued 23105

and impleaded in the name of the district, with respect to its 23106
contracts and, as indicated in section ~~1515.081~~ 940.07 of the 23107
Revised Code, certain torts of its officers, employees, or agents 23108
acting within the scope of their employment or official 23109
responsibilities, or with respect to the enforcement of its 23110
obligations and covenants made under this chapter; 23111

(H) To make and enter into all contracts, leases, and 23112
agreements and execute all instruments necessary or incidental to 23113
the performance of the duties and the execution of the powers of 23114
the district under this chapter, provided that all of the 23115
following apply: 23116

(1) Except as provided in section 307.86 of the Revised Code 23117
regarding expenditures by boards of county commissioners, when the 23118
cost under any such contract, lease, or agreement, other than 23119
compensation for personal services or rental of office space, 23120
involves an expenditure of more than the amount established in 23121
that section regarding expenditures by boards of county 23122
commissioners, the supervisors shall make a written contract with 23123
the lowest and best bidder after advertisement, for not less than 23124
two nor more than four consecutive weeks preceding the day of the 23125
opening of bids, in a newspaper of general circulation within the 23126
district or as provided in section 7.16 of the Revised Code and in 23127
such other publications as the supervisors determine. The notice 23128
shall state the general character of the work and materials to be 23129
furnished, the place where plans and specifications may be 23130
examined, and the time and place of receiving bids. 23131

(2) Each bid for a contract shall contain the full name of 23132
every person interested in it. 23133

(3) Each bid for a contract for the construction, demolition, 23134
alteration, repair, or reconstruction of an improvement shall meet 23135
the requirements of section 153.54 of the Revised Code. 23136

(4) Each bid for a contract, other than a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement, at the discretion of the supervisors, may be accompanied by a bond or certified check on a solvent bank in an amount not to exceed five per cent of the bid, conditioned that, if the bid is accepted, a contract shall be entered into.

(5) The supervisors may reject any and all bids.

~~(I) To make agreements with the department of natural resources giving it control over lands of the district for the purpose of construction of improvements by the department under section 1501.011 of the Revised Code;~~

~~(J)~~ To charge, alter, and collect rentals and other charges for the use or services of any works of the district;

~~(K)~~(J) To enter, either in person or by designated representatives, upon lands, private or public, in the necessary discharge of their duties;

~~(L)~~(K) To enter into agreements or contracts with the department of agriculture for the determination, implementation, inspection, and funding of agricultural pollution abatement ~~and urban sediment pollution abatement~~ measures whereby landowners, operators, managers, and developers may meet adopted state standards for a quality environment, except that failure of a district board of supervisors to negotiate an agreement or contract with the department ~~shall authorize~~ authorizes the ~~division of soil and water resources~~ department to implement the required program;

~~(M)~~(L) To conduct demonstrations and provide information to the public regarding practices and methods for natural resource conservation, development, and utilization;

~~(N)~~(M) To enter into contracts or agreements with the ~~chief of the division of soil and water resources to implement and~~

~~administer a program for director of environmental protection in 23168
furtherance of actions to abate urban sediment pollution abatement 23169
and to receive and expend moneys provided by the chief for that 23170
purpose; 23171~~

~~(O)(N) To develop operation and management plans as 23172
necessary; 23173~~

~~(P)(O) To determine whether operation and management plans 23174
developed under division (A) of section ~~1511.021~~ 939.03 of the 23175
Revised Code comply with the standards established under division 23176
(E)(1) of section ~~1511.02~~ 939.02 of the Revised Code and to 23177
approve or disapprove the plans, based on such compliance. If an 23178
operation and management plan is disapproved, the board shall 23179
provide a written explanation to the person who submitted the 23180
plan. The person may appeal the plan disapproval to the ~~chief~~ 23181
director of agriculture or the director's designee, who shall 23182
afford the person a hearing. Following the hearing, the ~~chief~~ 23183
director or the director's designee shall uphold the plan 23184
disapproval or reverse it. If the ~~chief~~ director or the director's 23185
designee reverses the plan disapproval, the plan shall be deemed 23186
approved under this division. In the event that any person 23187
operating or owning agricultural land or an animal feeding 23188
operation in accordance with an approved operation and management 23189
plan who, in good faith, is following that plan, causes 23190
agricultural pollution, the plan shall be revised in a fashion 23191
necessary to mitigate the agricultural pollution, as determined 23192
and approved by the board of supervisors of the soil and water 23193
conservation district. 23194~~

~~(Q)(P) To develop timber harvest plans; 23195~~

~~(Q) To determine whether timber harvest plans developed under 23196
division (A) of section 1503.52 of the Revised Code comply with 23197
the standards established under division (A)(1) of section 1503.51 23198
of the Revised Code and to approve or disapprove the plans based 23199~~

on such compliance. If a timber harvest plan is disapproved, the 23200
board shall provide a written explanation to the person who 23201
submitted the plan. The person may appeal the plan disapproval to 23202
the chief of the division of forestry or the chief's designee, who 23203
shall afford the person a hearing. Following the hearing, the 23204
chief or the chief's designee shall uphold the plan disapproval or 23205
reverse it. If the chief or the chief's designee reverses the plan 23206
disapproval, the plan shall be deemed approved under this 23207
division. 23208

(R) With regard to composting conducted in conjunction with 23209
agricultural operations, to do all of the following: 23210

(1) Upon request or upon their own initiative, inspect 23211
composting at any such operation to determine whether the 23212
composting is being conducted in accordance with section ~~1511.022~~ 23213
939.04 of the Revised Code; 23214

(2) If the board determines that composting is not being so 23215
conducted, request the ~~chief to issue an order under division (G)~~ 23216
~~of section 1511.02 of the Revised Code requiring~~ director to take 23217
corrective actions under section 939.07 of the Revised Code that 23218
require the person who is conducting the composting to prepare a 23219
composting plan in accordance with rules adopted under division 23220
(E)~~(8)(e)(5)(a)~~ of ~~that~~ section 939.02 of the Revised Code and to 23221
operate in accordance with that plan or to operate in accordance 23222
with a previously prepared plan, as applicable; 23223

(3) In accordance with rules adopted under division 23224
(E)~~(8)(e)(5)(b)~~ of section ~~1511.02~~ 939.02 of the Revised Code, 23225
review and approve or disapprove any such composting plan. If a 23226
plan is disapproved, the board shall provide a written explanation 23227
to the person who submitted the plan. 23228

As used in division ~~(Q)~~(R) of this section, "composting" has 23229
the same meaning as in section ~~1511.01~~ 939.01 of the Revised Code. 23230

~~(R)~~(S) With regard to conservation activities that are 23231
conducted in conjunction with agricultural operations, to assist 23232
the county auditor, upon request, in determining whether a 23233
conservation activity is a conservation practice for purposes of 23234
Chapter 929. or sections 5713.30 to 5713.37 and 5715.01 of the 23235
Revised Code. 23236

As used in this division, "conservation practice" has the 23237
same meaning as in section 5713.30 of the Revised Code. 23238

~~(S)~~(T) To develop and approve or disapprove voluntary 23239
nutrient management plans in accordance with section 905.323 of 23240
the Revised Code; 23241

~~(T)~~(U) To do all acts necessary or proper to carry out the 23242
powers granted in this chapter. 23243

The director ~~of natural resources~~ shall make recommendations 23244
to reduce the adverse environmental effects of each project that a 23245
soil and water conservation district plans to undertake under 23246
division (A), (B), (C), or (D) of this section and that will be 23247
funded in whole or in part by moneys authorized under section 23248
~~1515.16~~ 940.17 of the Revised Code and shall disapprove any such 23249
project that the director finds will adversely affect the 23250
environment without equal or greater benefit to the public. The 23251
director's disapproval or recommendations, upon the request of the 23252
district filed in accordance with rules adopted by the Ohio soil 23253
and water conservation commission, shall be reviewed by the 23254
commission, which may confirm the director's decision, modify it, 23255
or add recommendations to or approve a project the director has 23256
disapproved. 23257

Any instrument by which real property is acquired pursuant to 23258
this section shall identify the agency of the state that has the 23259
use and benefit of the real property as specified in section 23260
5301.012 of the Revised Code. 23261

Sec. 1515.081 <u>940.07</u>. (A) As used in this section:	23262
(1) "Judgment" includes a consent judgment.	23263
(2) "Tort action" means a civil action for damages for injury, death, or loss to person or property, other than a civil action for damages for a breach of contract or another agreement between persons.	23264 23265 23266 23267
(B) Except as provided in divisions (C) and (D) of this section, the provisions of Chapter 2744. of the Revised Code apply to soil and water conservation districts as political subdivisions of the state and to their supervisors and other officers, employees, and agents as employees of political subdivisions of the state.	23268 23269 23270 23271 23272 23273
(C)(1) The attorney general, an assistant attorney general, or special counsel appointed by the attorney general shall defend a soil and water conservation district in any tort action that is commenced against the district as a political subdivision of the state under or pursuant to Chapter 2744. of the Revised Code, if a written request for the legal representation is submitted to the attorney general by the <u>Ohio</u> soil and water conservation commission. If a request is so submitted, the prosecuting attorney of the county associated with the district does not have legal representation duties in connection with the tort action under section 1515.11 <u>940.13</u> of the Revised Code.	23274 23275 23276 23277 23278 23279 23280 23281 23282 23283 23284
(2) The attorney general, an assistant attorney general, or special counsel appointed by the attorney general shall defend a supervisor or other officer, employee, or agent of a soil and water conservation district in any tort action that is commenced against that person and based upon an action or omission allegedly associated with his <u>that person's</u> employment or official responsibilities for the district, if both of the following apply:	23285 23286 23287 23288 23289 23290 23291

(a) At the time of the action or omission, the person was not acting manifestly outside the scope of ~~his~~ the person's employment or official responsibilities for the district or acting with malicious purpose, in bad faith, or in a wanton or reckless manner;

(b) A written request for the legal representation is submitted to the attorney general by the Ohio soil and water conservation commission.

(3) If a request for legal representation is submitted to the attorney general pursuant to division (C)(2) of this section, divisions (A)(1) and (C) of section 2744.07 of the Revised Code do not apply to the soil and water conservation district and the defense of its supervisor or other officer, employee, or agent.

(D)(1) The state shall indemnify and hold harmless a soil and water conservation district as follows:

(a) In the amount of any judgment that is rendered against the district in a tort action that is commenced under or pursuant to Chapter 2744. of the Revised Code;

(b) In the amount of any settlement of a tort action against the district as described in division (D)(1)(a) of this section, or of a claim for damages for injury, death, or loss to person or property that could become a basis of a tort action against the district as described in division (D)(1)(a) of this section.

(2) The state shall indemnify and hold harmless a supervisor or other officer, employee, or agent of a soil and water conservation district as follows:

(a) Subject to the limitations specified in division (D)(3) of this section, in the amount of any judgment that is rendered against that person in a tort action based upon an action or omission allegedly associated with ~~his~~ the person's employment or official responsibilities for the district;

(b) Subject to the limitations specified in division (D)(3) 23323
of this section, in the amount of any settlement of a tort action 23324
as described in division (D)(2)(a) of this section or of any 23325
settlement of a claim for damages for injury, death, or loss to 23326
person or property that could become a basis of a tort action as 23327
described in division (D)(2)(a) of this section. 23328

(3)(a) The maximum aggregate amount of indemnification paid 23329
directly from state funds to or on behalf of any supervisor or 23330
other officer, employee, or agent of a soil and water conservation 23331
district pursuant to divisions (D)(2)(a) and (b) of this section 23332
shall be one million dollars per occurrence, regardless of the 23333
number of persons who suffer injury, death, or loss to person or 23334
property as a result of the action or omission of that person. 23335

(b) An indemnification may be made pursuant to division 23336
(D)(2)(a) or (b) of this section only if, at the time of the 23337
action or omission, the supervisor or other officer, employee, or 23338
agent of a soil and water conservation district was not acting 23339
manifestly outside the scope of his the supervisor's or other 23340
officer's, employee's, or agent's employment or official 23341
responsibilities for the district or acting with malicious 23342
purpose, in bad faith, or in a wanton or reckless manner. 23343

(c) An indemnification shall not be made pursuant to division 23344
(D)(2)(a) or (b) of this section for any portion of a consent 23345
judgment or settlement that is unreasonable or for any portion of 23346
a judgment that represents punitive or exemplary damages. 23347

(4) Division (A)(2) of section 2744.07 of the Revised Code 23348
does not apply to a soil and water conservation district, or to 23349
any of its supervisors or other officers, employees, or agents, to 23350
the extent that division (D) of this section requires the state to 23351
indemnify and hold harmless a supervisor or other officer, 23352
employee, or agent of that district. 23353

Sec. ~~1515.09~~ 940.08. The supervisors of a soil and water 23354
conservation district may employ assistants and such other 23355
employees as they consider necessary and may provide for the 23356
payment of the reasonable compensation of such assistants and 23357
employees and expenses incurred by them in the discharge of their 23358
duties from the special fund established for the district pursuant 23359
to section ~~1515.10~~ 940.12 of the Revised Code. 23360

District employees are entitled to the sick leave benefits 23361
that are provided in section 124.38 of the Revised Code and the 23362
vacation leave benefits that are provided in section 325.19 of the 23363
Revised Code and are entitled to participate in the sick leave 23364
donation program established under section ~~1515.091~~ 940.09 of the 23365
Revised Code. 23366

The supervisors may designate the amounts and forms of other 23367
benefits, including insurance protection, to be provided to 23368
employees and may make payments of benefits from the district fund 23369
that is created with moneys accepted by the supervisors in 23370
accordance with division (E) of section ~~1515.08~~ 940.06 of the 23371
Revised Code or from the special fund created pursuant to section 23372
~~1515.10~~ 940.12 of the Revised Code. The board of county 23373
commissioners may make payments of benefits that are provided 23374
under this section. 23375

The supervisors may purchase such materials, equipment, and 23376
supplies, may lease such equipment, and may rent, purchase, or 23377
construct, and maintain, such offices, and provide for such 23378
equipment and supplies therefor, as they consider necessary and 23379
may pay for the same from the special fund established for the 23380
district pursuant to section ~~1515.10~~ 940.12 of the Revised Code. 23381

Sec. ~~1515.091~~ 940.09. (A) As used in this section: 23382

(1) "Receiving employee" means an employee of a soil and 23383

water conservation district who receives donated sick leave as 23384
authorized by this section. 23385

(2) "Donating employee" means an employee of a soil and water 23386
conservation district who donates sick leave as authorized by this 23387
section. 23388

(3) "Paid leave" has the same meaning as in section 124.391 23389
of the Revised Code. 23390

(4) "Full-time employee" means an employee of a soil and 23391
water conservation district whose regular hours of service for the 23392
district total forty hours per week or who renders any other 23393
standard of service accepted as full-time by the district. 23394

(5) "Full-time limited hours employee" means an employee of a 23395
soil and water conservation district whose regular hours of 23396
service for the district total twenty-five to thirty-nine hours 23397
per week or who renders any other standard of service accepted as 23398
full-time limited hours by the district. 23399

(B)(1) An employee of a soil and water conservation district 23400
is eligible to become a receiving employee if the employee is a 23401
full-time employee, or a full-time limited hours employee, who has 23402
completed the prescribed probationary period, has used up all 23403
accrued paid leave, and has been placed on an approved, unpaid, 23404
medical-related leave of absence for a period of at least thirty 23405
consecutive working days because of the employee's own serious 23406
illness or because of a serious illness of a member of the 23407
employee's immediate family. 23408

(2) An employee who desires to become a receiving employee 23409
shall submit to the board of supervisors of the employing soil and 23410
water conservation district, along with a satisfactory physician's 23411
certification, a written request for donated sick leave. The board 23412
of supervisors shall determine whether the employee is eligible to 23413
become a receiving employee and shall approve the request if it 23414

determines the employee is eligible. 23415

(C)(1) A board of supervisors that approves a request for an 23416
employee to become a receiving employee shall forward the approved 23417
application to a committee that the Ohio association of soil and 23418
water conservation district employees shall appoint to act as a 23419
clearinghouse for the donation of sick leave under this section. 23420
The committee shall post notice for not less than ten days 23421
informing all employees of soil and water conservation districts 23422
throughout the state that it has received an approved application 23423
to become a receiving employee. 23424

(2) A soil and water conservation district employee desiring 23425
to become a donating employee shall complete and submit a sick 23426
leave donation form to the employee's immediate supervisor within 23427
twenty days after the date of the initial posting of the notice 23428
described in division (C)(1) of this section. If the board of 23429
supervisors of the employing district of an employee desiring to 23430
become a donating employee approves the sick leave donation, the 23431
board shall forward to the committee, together with a check equal 23432
to the total value of the sick leave donation, a copy of the sick 23433
leave donation form, and the board shall notify the receiving 23434
employee regarding the donation. 23435

(D) If the committee described in division (C)(1) of this 23436
section receives a sick leave donation form and a check from a 23437
board of supervisors, the committee shall deposit the check into 23438
an account that it shall establish to be used to dispense funds to 23439
the employing district of a receiving employee. The committee 23440
shall notify the board of supervisors of the employing district of 23441
a receiving employee of the amount of sick leave donated. The 23442
board of supervisors shall bill the committee during each pay 23443
period for the receiving employee's gross hourly wages in an 23444
amount that does not exceed the amount donated to the receiving 23445
employee. The board of supervisors, with the approval of the 23446

county auditor, shall provide for the deposit into its appropriate 23447
payroll account of any payments it receives for the benefit of a 23448
receiving employee. 23449

(E) The donation and receipt of sick leave under this section 23450
is subject to all of the following: 23451

(1) All donations of sick leave shall be voluntary. 23452

(2) A donating employee is eligible to donate not less than 23453
eight hours and not more than eighty hours of sick leave during 23454
the same calendar year. 23455

(3) The value of an hour of sick leave donated is the value 23456
of the donating employee's gross hourly wage. The number of hours 23457
received by a receiving employee from a donating employee shall be 23458
a number that, when multiplied by the receiving employee's gross 23459
hourly wage, equals the amount resulting when the donating 23460
employee's gross hourly wage is multiplied by the number of hours 23461
of sick leave donated. 23462

(4) No paid leave shall accrue to a receiving employee for 23463
any compensation received through donated sick leave, and the 23464
receipt of donated sick leave does not affect the date on which a 23465
receiving employee first qualifies for continuation of health 23466
insurance coverage. 23467

(5) If a receiving employee does not use all donated sick 23468
leave during the period of the employee's leave of absence, the 23469
unused balance shall remain in the account that the committee 23470
described in division (C)(1) of this section established under 23471
division (D) of this section and shall be used to dispense funds 23472
in the future to the employing district of a receiving employee. 23473

Sec. ~~1515.092~~ 940.10. (A) When the supervisors of a soil and 23474
water conservation district find, by resolution, that the district 23475
has personal property, including motor vehicles acquired for the 23476

use of district officers, road machinery, equipment, tools, or 23477
supplies, ~~which~~ that is not needed for public use, or is obsolete 23478
or unfit for the use for which it was acquired, the supervisors 23479
may sell such property at public auction or by sealed bid to the 23480
highest bidder, after giving at least ten days' notice of the 23481
time, place, and manner of sale by posting a typewritten or 23482
printed notice in the office of the board of county commissioners. 23483
~~In case~~ If the fair market value of the property to be sold 23484
pursuant to this division is, in the opinion of the supervisors, 23485
in excess of two thousand dollars, notice of the time, place, and 23486
manner of the sale shall also be published in a newspaper of 23487
general circulation in the district at least ten days prior to 23488
such sale. The supervisors may authorize the sale of such personal 23489
property without advertisement or public notification and 23490
competitive bidding to the federal government, the state, or any 23491
political subdivision of the state. 23492

If the supervisors conduct a sale of personal property by 23493
sealed bid, the form of the bid shall be as prescribed by the 23494
supervisors, and each bid shall contain the name of the person 23495
submitting it. Bids received shall be opened and tabulated at the 23496
time stated in the notice. The property shall be sold to the 23497
highest bidder, except that the supervisors may reject all bids 23498
and hold another sale, by public auction or sealed bid, in the 23499
manner prescribed by this section. 23500

(B) Where the supervisors find, by resolution, that the 23501
district has vehicles, equipment, or machinery ~~which~~ that is not 23502
needed, or is unfit for public use, and the supervisors desire to 23503
sell such vehicles, equipment, or machinery to the person or firm 23504
from which they propose to purchase other vehicles, equipment, or 23505
machinery, the supervisors may offer to sell the vehicles, 23506
equipment, or machinery to such person or firm, and to have such 23507
selling price credited to the person or firm against the purchase 23508

price of other vehicles, equipment, or machinery. 23509

(C) Where the supervisors advertise for bids for the sale of 23510
new vehicles, equipment, or machinery to the district, they may 23511
include in the same advertisement a notice of their willingness to 23512
accept bids for the purchase of district-owned vehicles, 23513
equipment, or machinery ~~which~~ that is obsolete or not needed for 23514
public use, and to have the amount of such bids subtracted from 23515
the selling price of the other vehicles, equipment, or machinery 23516
as a means of determining the lowest responsible bidder. 23517

Sec. ~~1515.093~~ 940.11. The supervisors of a soil and water 23518
conservation district may hold one or more credit cards on behalf 23519
of the district and may authorize any supervisor or employee of 23520
the district to use such a credit card to pay for expenses related 23521
to the purposes of the district. The supervisors shall pay the 23522
debt incurred as a result of the use of such a credit card from 23523
money accepted by the supervisors as authorized under division (E) 23524
of section ~~1515.08~~ 940.06 of the Revised Code or from the special 23525
fund established for the district under section ~~1515.10~~ 940.12 of 23526
the Revised Code. 23527

The misuse of a credit card held on behalf of a soil and 23528
water conservation district is a violation of section 2913.21 of 23529
the Revised Code. In addition, a supervisor or employee of a 23530
district who makes unauthorized use of such a credit card may be 23531
held personally liable to the district for the unauthorized use. 23532
This section does not limit any other liability of a supervisor or 23533
employee of a district for the unauthorized use of such a credit 23534
card. 23535

A supervisor or employee of a soil and water conservation 23536
district who is authorized to use a credit card that is held on 23537
behalf of the district and who suspects the loss, theft, or 23538
possibility of another person's unauthorized use of the credit 23539

card immediately shall notify the supervisors in writing of the 23540
suspected loss, theft, or possible unauthorized use. 23541

Sec. ~~1515.10~~ 940.12. The board of county commissioners of 23542
each county in which there is a soil and water conservation 23543
district may levy a tax within the ten-mill limitation and may 23544
appropriate money from the proceeds of the levy or from the 23545
general fund of the county. The money shall be held in a special 23546
fund for the credit of the district, to be expended for the 23547
purposes prescribed in sections ~~1515.09~~ 940.08 and ~~1515.093~~ 940.11 23548
of the Revised Code, for construction and maintenance of 23549
improvements by the district, and for other expenses incurred in 23550
carrying out the program of the district upon the written order of 23551
the fiscal agent for the district after authorization by a 23552
majority of the supervisors of the district. 23553

Sec. ~~1515.11~~ 940.13. The prosecuting attorney of a county in 23554
which there is a soil and water conservation district shall be the 23555
legal adviser of the district. The prosecuting attorney shall be 23556
the legal counsel of such district in all civil actions brought by 23557
or against it and shall conduct all such actions in ~~his~~ the 23558
prosecuting attorney's official capacity. The supervisors of a 23559
district may also employ such attorneys as may be necessary or 23560
desirable in the operations of the district. 23561

Sec. ~~1515.13~~ 940.14. Sections ~~1515.01 to 1515.29~~ of the 23562
~~Revised Code do~~ This chapter does not infringe upon the rights, 23563
powers, and authority vested by law in the division of wildlife in 23564
the department of natural resources. 23565

Sec. ~~1515.14~~ 940.15. Within (A) Except as provided in 23566
division (B) of this section, within the limits of funds 23567
appropriated to the department of ~~natural resources~~ agriculture 23568

and the soil and water conservation district assistance fund 23569
created in this section, there shall be paid in each calendar year 23570
to each ~~local~~ soil and water conservation district an amount not 23571
to exceed one dollar for each one dollar received in accordance 23572
with section ~~1515.10~~ 940.12 of the Revised Code, received from tax 23573
levies in excess of the ten-mill levy limitation approved for the 23574
benefit of ~~local~~ soil and water conservation districts, received 23575
pursuant to a contract entered into under section 6117.021 of the 23576
Revised Code, or received from an appropriation by a municipal 23577
corporation or a township to a maximum of eight thousand dollars, 23578
provided that the Ohio soil and water conservation commission may 23579
approve payment to a district in an amount in excess of eight 23580
thousand dollars in any calendar year upon receipt of a request 23581
and justification from the district. The county auditor shall 23582
credit such payments to the special fund established pursuant to 23583
section ~~1515.10~~ 940.12 of the Revised Code for the ~~local~~ soil and 23584
water conservation district. The department may make advances at 23585
least quarterly to each district on the basis of the estimated 23586
contribution of the state to each district. Moneys received by 23587
each district shall be expended for the purposes of the district. 23588

For (B) Money paid to a soil and water conservation district 23589
under division (A) of this section that results from a board of 23590
county commissioners' compensation to the district pursuant to a 23591
contract entered into under section 6117.021 of the Revised Code 23592
in calendar years 2015, 2016, and 2017 shall not exceed the amount 23593
of money paid to the district under that division during calendar 23594
year 2013 that resulted from the board of county commissioners' 23595
having used the proceeds of a contract entered into between the 23596
board of county commissioners and a district of a type similar to 23597
that which is authorized by section 6117.021 of the Revised Code, 23598
directly or indirectly, for matching funds in calendar year 2013, 23599
but may exceed that amount to the extent that other sources of 23600
local matching funds specified by division (A) of this section are 23601

used by the district for local matching funds in state fiscal 23602
years 2015, 2016, and 2017. 23603

(C) For the purpose of providing money to soil and water 23604
conservation districts under this section, there is hereby created 23605
in the state treasury the soil and water conservation district 23606
assistance fund consisting of money credited to it under sections 23607
3714.073 and 3734.901 and division (A)(4) of section 3734.57 of 23608
the Revised Code. 23609

Sec. ~~1515.15~~ 940.16. A board of county commissioners may 23610
apply to the Ohio soil and water conservation commission for an 23611
advance of moneys from the soil and water conservation fund, which 23612
is hereby created in the state treasury, to enable a soil and 23613
water conservation district to pay all or part of the cost of 23614
surveys and plans, appraisals, estimates of cost, land options, 23615
and other incidental expenses of constructing works of improvement 23616
for the district. The commission shall consider the application 23617
and shall recommend an amount of moneys reasonably needed for that 23618
purpose. 23619

The order of the commission recommending the amount of the 23620
moneys needed shall be certified to the controlling board. The 23621
controlling board shall then determine the amount to be advanced 23622
to the county and shall certify its action to the director of 23623
budget and management for payment. 23624

All such amounts received by any such district shall be 23625
repaid by the board of county commissioners to the state 23626
immediately upon the receipt by the board of funds from the sale 23627
of bonds or from other sources that may be used for that purpose, 23628
or in such number of equal annual installments, not exceeding 23629
five, and commencing at such time, as shall be specified in the 23630
order of the commission. 23631

If an unfavorable referendum or court decision has denied the 23632

work of improvement, the controlling board, upon receipt of 23633
sufficient and satisfactory evidence that the board and district 23634
have proceeded in good faith and the recommendation of the 23635
commission, shall relieve the board or district of its repayment 23636
obligation. 23637

Sec. ~~1515.16~~ 940.17. The director of ~~natural resources~~ 23638
agriculture, upon recommendation by the Ohio soil and water 23639
conservation commission, may enter into agreements with boards of 23640
county commissioners under which the state shares the cost of 23641
construction of works of improvement constructed by the county for 23642
a soil and water conservation district. The state share shall be 23643
paid from moneys appropriated for such purposes. The state share 23644
authorized under this section shall not exceed fifty per cent of 23645
the nonfederal cost of the project. 23646

Sec. ~~1515.17~~ 940.18. The supervisors of any two or more 23647
adjoining soil and water conservation districts may, with approval 23648
of the Ohio soil and water conservation commission, form a joint 23649
board of supervisors for the purpose of construction, maintenance, 23650
and operation of a work of improvement located or to be located in 23651
such districts. Each district shall have the same number of 23652
supervisors on the joint board, except that where the members on 23653
the joint board would otherwise be an even number, an additional 23654
supervisor shall be designated from the district in which it 23655
appears that the highest amount of taxes or assessment for 23656
benefits for the improvement is to be made. 23657

A joint board may exercise the powers given the supervisors 23658
of a soil and water conservation district under ~~Chapter 1515.~~ of 23659
~~the Revised Code~~ this chapter in connection with the work of 23660
improvement for which it was formed. 23661

Sec. ~~1515.18~~ 940.19. An owner of land that is located in a 23662

soil and water conservation district may file a petition with the 23663
supervisors of the district requesting the construction of a 23664
conservation ~~works~~ work of improvement. Upon the receipt of such a 23665
petition, the supervisors shall make a preliminary determination 23666
to accept or reject the petition. 23667

A petition may be rejected if the supervisors determine that 23668
the information that it contains about the proposed improvement is 23669
insufficient to enable the supervisors to proceed with the 23670
petition under this chapter or if the petition appears to be 23671
frivolous. The supervisors also may reject a petition on the 23672
grounds that the district lacks sufficient staff or other 23673
resources to proceed with the improvement in accordance with this 23674
chapter. If the supervisors reject a petition, they shall notify 23675
the petitioner of the reasons for the rejection. A petition that 23676
was rejected due to insufficient information may be supplemented 23677
with additional information and filed again. 23678

If the supervisors accept a petition for a proposed 23679
improvement, they shall establish a date and time for a view of 23680
the proposed improvement, which date shall be not fewer than 23681
twenty-five nor more than ninety days after the date on which the 23682
petition was filed. The supervisors shall designate a convenient 23683
place near the proposed improvement at which the view shall start. 23684

Upon receipt of a petition, the supervisors also shall 23685
establish a date and time on and at which and designate a location 23686
at which they will hold a hearing on the proposed improvement. The 23687
hearing shall occur not later than ninety days after the date 23688
established for the view. 23689

Sec. ~~1515.181~~ 940.20. As soon as the supervisors of a soil 23690
and water conservation district have established the dates, times, 23691
and locations of the view and the hearing concerning a proposed 23692

improvement, they shall send, at least twenty days prior to the 23693
date established for the view, a written notice of the view and 23694
the hearing to the landowners within the area to be benefited by 23695
the proposed improvement and to the board of county commissioners 23696
and the county engineer. The supervisors shall notify all 23697
landowners that are adjacent to the proposed improvement by 23698
certified mail and shall notify all others by certified mail or 23699
first class mailings. Any such written notice shall have the words 23700
"Legal Notice" printed in plain view on the face of the envelope. 23701
In addition, the supervisors shall invite to the view and the 23702
hearing the staff of the soil and water conservation district and 23703
the staff of the natural resources conservation service in the 23704
United States department of agriculture that is involved with the 23705
district together with any other people that the supervisors 23706
consider to be necessary to the proceedings. 23707

Sec. ~~1515.182~~ 940.21. On the date established for the view of 23708
a proposed improvement, the supervisors of a soil and water 23709
conservation district shall meet at the designated location near 23710
the proposed improvement at the established time. At that time, 23711
they shall hear proof of the need for the proposed improvement 23712
offered by any landowner that is affected by it. 23713

The supervisors shall view the area in which the proposed 23714
improvement is to be constructed. If the proposed improvement is a 23715
ditch, the view shall include the line of the proposed ditch and 23716
each branch, lateral, or spur of the ditch that is mentioned in 23717
the petition. If the area to be viewed is extensive, the 23718
supervisors may conduct the view on more than one day and may 23719
adjourn from day to day, or a longer period, until the view is 23720
completed. 23721

Sec. ~~1515.183~~ 940.22. Upon acceptance of a petition 23722

requesting the construction of an improvement, the supervisors of 23723
a soil and water conservation district shall begin to prepare, as 23724
a guide to the board of county commissioners and the petitioners, 23725
a preliminary report regarding the proposed improvement. The 23726
supervisors shall present the completed preliminary report at the 23727
hearing that is held on the proposed improvement. 23728

The preliminary report shall include a preliminary estimate 23729
of cost, comments on the feasibility of the project, and a 23730
statement of the supervisors' opinion as to whether the benefits 23731
from the project are likely to exceed the estimated cost. The 23732
preliminary report shall identify all factors that are apparent to 23733
the supervisors, both favorable and unfavorable to the proposed 23734
improvement, so that the petitioners may be informed concerning 23735
what is involved with the construction of the improvement. 23736

In addition to reporting on the improvement as petitioned, 23737
the supervisors may submit alternate proposals to accomplish the 23738
intent of the petition. The preliminary report and all alternate 23739
proposals shall be reviewed and receive concurrence from an 23740
engineer who is employed by the ~~division of soil and water~~ 23741
~~resources~~ department of agriculture or by the natural resources 23742
conservation service in the United States department of 23743
agriculture and who is responsible for providing technical 23744
assistance to the district or from any other registered 23745
professional engineer whom the supervisors choose. 23746

Sec. ~~1515.184~~ 940.23. On the date and at the time established 23747
for the hearing on a petition for a proposed improvement, the 23748
supervisors of a soil and water conservation district shall 23749
conduct the hearing. Prior to the hearing, landowners affected by 23750
the proposed improvement may file objections to it with the 23751
supervisors, and at the hearing the supervisors shall hear any 23752
objections so filed. In addition, the supervisors shall present 23753

their preliminary report on the proposed improvement and shall 23754
hear any evidence offered by any landowner for or against 23755
construction of the proposed improvement. If necessary, the 23756
hearing may occur on more than one day and may be adjourned from 23757
day to day or for a longer time that may be reasonable so that all 23758
interested landowners may have an opportunity to be heard in favor 23759
of or in opposition to the proposed improvement. 23760

23761

Sec. ~~1515.185~~ 940.24. If modifications or alternatives to a 23762
proposed improvement are proposed or discussed at the hearing on 23763
the improvement, the supervisors of the soil and water 23764
conservation district may adjourn the hearing for a period of time 23765
that is necessary to conduct a subsequent view of the proposed 23766
improvement in light of the proposed changes. If it appears that a 23767
subsequent view is necessary, the supervisors shall establish a 23768
date, time, and location for it and shall notify, in the same 23769
manner, the same persons that were required to be notified of the 23770
first view. 23771

Sec. ~~1515.19~~ 940.25. At the conclusion of the hearing on a 23772
proposed improvement, the supervisors of a soil and water 23773
conservation district may approve the petition for the improvement 23774
if they are reasonably certain that the cost of the proposed 23775
improvement will be less than the benefits from it and if they 23776
find that the improvement is necessary, that it will be conducive 23777
to the public welfare, that it will improve water management and 23778
development in the county in which the district is located to the 23779
advantage of lands located in it, and that it will aid lands in 23780
the area by promoting the economical, industrial, environmental, 23781
or social development of the area. 23782

Upon approval of the petition, the supervisors shall 23783

establish a date by which the supervisors must complete, in 23784
accordance with sections ~~1515.191~~ 940.26 to ~~1515.193~~ 940.28 of the 23785
Revised Code, plans and specifications for the improvement 23786
together with estimates of damages from and costs for it. The date 23787
established shall allow as much time as is necessary for the 23788
preparation of the plans, specifications, and estimates. The 23789
supervisors may extend the completion date if necessary. Upon 23790
completion of the plans, specifications, and estimates, the 23791
supervisors shall do both of the following: 23792

(A) Determine the area that would be benefited by the 23793
proposed improvement and certify the determination together with 23794
the supervisors' approval of the improvement to the board of 23795
county commissioners of each county containing land included in 23796
the benefited area; 23797

(B) Submit the plans, specifications, and estimates together 23798
with the preliminary report to each such board. 23799

Sec. ~~1515.191~~ 940.26. Upon approval by the supervisors of a 23800
soil and water conservation district of a petition for a proposed 23801
improvement, the supervisors or their designee shall conduct all 23802
necessary surveys for the proposed improvement. In addition, the 23803
supervisors or their designee shall prepare plans for constructing 23804
the improvement and shall prepare maps showing the location of the 23805
land that is proposed to be assessed in accordance with section 23806
~~1515.24~~ 940.33 of the Revised Code for the improvement. 23807

The supervisors or their designee shall prepare 23808
specifications for construction of the improvement and shall 23809
specify dimensions of any temporary easement that is necessary for 23810
construction purposes. In addition, the supervisors or their 23811
designee shall make estimates of the cost of material and any 23812
excavation costs. The construction of the improvement may be 23813
divided into construction areas if that would be expedient. 23814

In the case of an improvement that is a ditch or similar structure for the disposal of water, the specifications for its construction that the supervisors or their designee must prepare shall provide for spreading and leveling of spoil banks and shall provide for erosion and sediment control through the establishment of a sod or seeded strip not fewer than four feet nor more than fifteen feet wide, measured at right angles to the top of the ditch bank on both sides of the ditch, except where suitable vegetative cover exists. The strip or other such controls shall be considered to be part of the permanent improvement. Sod or seeded strips that are established and maintained in excess of four feet shall be compensated for by their removal from the taxable valuation of the property of which they are a part.

The supervisors or their designee shall make note of all fences, floodgates, culverts, bridges, and other structures that will be removed or adjusted in constructing the improvement. The supervisors or their designee also shall make note of any gates that need to be installed in existing fences in order to provide access to the improvement for maintenance purposes. The gates shall be locked when requested by the owner of the fence and shall be considered to be a part of the original improvement and subject to maintenance along with the improvement.

The supervisors shall submit the plans, specifications, and other information prepared in accordance with this section to the board of county commissioners of each county in which the proposed improvement is to be located.

Sec. ~~1515.192~~ 940.27. The supervisors of a soil and water conservation district or their designee shall estimate the value of land or other property that must be taken and the damages to be sustained by any owner as a result of the construction and subsequent maintenance of a proposed improvement. The supervisors

or their designee shall prepare a schedule of damages consisting 23846
of the name and address of each owner that is alleged to be 23847
damaged, the amount of the estimated damages, and an explanation 23848
of the injury upon which the estimate is based. The supervisors' 23849
or their designee's schedule of damages also shall contain the 23850
value of the land or other property that is necessary to be taken 23851
and a complete description of that land or other property. The 23852
supervisors shall include the total of the estimated damages and 23853
valuations as part of the estimate of the total cost of 23854
constructing the improvement and shall submit the schedule of 23855
damages to the board of county commissioners of each county in 23856
which the improvement is to be located. 23857

Sec. ~~1515.193~~ 940.28. The supervisors of a soil and water 23858
conservation district or their designee shall make an estimate of 23859
the cost of the construction of a proposed improvement, which 23860
shall include actual construction costs, any other expenses 23861
incurred in investigations and notifications related to the 23862
project, the value of land or other property that must be taken 23863
and the damages to be sustained by any owner as a result of the 23864
construction and subsequent maintenance of the proposed 23865
improvement, the cost of installing any gates in fences or any 23866
other structures that are necessary to provide access to the 23867
improvement for maintenance purposes, and any other incidental 23868
costs. Upon completion of the estimate of cost, the supervisors 23869
shall submit it to the board of county commissioners of each 23870
county in which the improvement is to be located. 23871

Sec. ~~1515.21~~ 940.29. Upon receipt of a certification under 23872
section ~~1515.19~~ 940.25 of the Revised Code, the board of county 23873
commissioners shall, within sixty days, approve or disapprove 23874
construction of the improvement. If a board disapproves 23875

construction of the improvement, the supervisors may revise the 23876
plan for the improvement and again proceed under section ~~1515.19~~ 23877
940.25 of the Revised Code. If the board of county commissioners 23878
of each county containing any of the territory included in the 23879
project area approves construction of the improvement, the board, 23880
or if there is more than one such county, the joint board formed 23881
under section ~~1515.22~~ 940.31 of the Revised Code, has in addition 23882
to its other powers, the powers of a soil and water conservation 23883
district granted by division (C) of section ~~1515.08~~ 940.06 of the 23884
Revised Code. 23885

When considering whether to approve or disapprove 23886
construction of an improvement, the board shall consider all of 23887
the following factors: 23888

(A) The cost of location and construction; 23889

(B) The compensation for land or other property that must be 23890
taken; 23891

(C) The benefits to the public welfare; 23892

(D) The benefits to land, public corporations, and the state 23893
needing the improvement; 23894

(E) In the case of an improvement involving the drainage of 23895
water, the effect on land below the improvement that may be caused 23896
by constructing the improvement and the sufficiency or 23897
insufficiency of the outlet that receives flow from the 23898
improvement; 23899

(F) Any other proper matter that will assist the board in 23900
approving or disapproving construction of the improvement. 23901

When, in the opinion of the board of county commissioners, it 23902
is necessary for the board to acquire real property or a 23903
right-of-way or other easement for a conservation works of 23904
improvement under this chapter, the board may appropriate the real 23905

property or right-of-way or other easement in accordance with 23906
sections 163.01 to 163.62 of the Revised Code. 23907

If the board approves construction of the improvement, the 23908
county engineer shall file with the county recorder a property 23909
plat showing the general location of the improvement and a 23910
statement describing the dimensions of any permanent easement that 23911
is necessary for maintenance of the improvement. In the case of an 23912
improvement that is an open ditch, provisions that govern the 23913
permanent easement for maintenance of the ditch that are 23914
established in section 6137.12 of the Revised Code shall apply. 23915

A board shall follow sections 307.86 to 307.91 of the Revised 23916
Code, except that the board may designate the board of supervisors 23917
as the contracting agency and it shall follow division (H) of 23918
section ~~1515.08~~ 940.06 of the Revised Code, or except that if the 23919
improvement is being undertaken through the joint efforts and 23920
cooperation of the board of county commissioners or board of 23921
supervisors and another state or federal agency, and if the state 23922
or federal regulations or procedures are in conflict with those 23923
sections with respect to the procedures for the preparing of 23924
contracts, the issuing of bids, the making of awards, and 23925
generally the administering of the contracts, the board of county 23926
commissioners or board of supervisors may adopt the state or 23927
federal regulations or procedures in those areas where conflict 23928
exists and proceed with the improvement in accordance with the 23929
requirements of the state or federal regulations or procedures. 23930

Sec. ~~1515.211~~ 940.30. (A) A board of county commissioners 23931
that approves construction of a proposed improvement or the 23932
board's designee shall prepare a schedule of estimated assessments 23933
on property within the area that is to be benefited by the 23934
improvement. In preparing the schedule, the board or its designee 23935
shall use information concerning the proposed improvement that 23936

must be submitted to the board by the supervisors of a soil and 23937
water conservation district. The information includes plans for 23938
the proposed improvement, including surveys, maps, and 23939
specifications, together with schedules of damages, cost 23940
estimates, and any related reports that the supervisors or their 23941
designee prepared. 23942

The schedule of estimated assessments that must be prepared 23943
shall include the name and address of each owner of land believed 23944
to be benefited by the proposed improvement together with a 23945
description of the land. The names and descriptions shall be 23946
obtained from the tax duplicates of the county. The board or its 23947
designee shall enter in the schedule the amount of each estimated 23948
assessment, which shall be determined using considerations 23949
established in section ~~1515.24~~ 940.33 of the Revised Code. In no 23950
case shall an assessment be less than twenty-five dollars for each 23951
parcel of land, except in the case of a multi-parcel lot, in which 23952
case the board may charge a minimum of twenty-five dollars with 23953
respect to all of the parcels comprising the multi-parcel lot. In 23954
addition, the board may charge an assessment of less than 23955
twenty-five dollars if the board determines that a lower amount is 23956
appropriate, provided that the lower amount includes the cost of 23957
preparing and mailing the notice required under division (D)(1) of 23958
section ~~1515.24~~ 940.33 of the Revised Code. The total of the 23959
estimated assessments, including the total estimated assessments 23960
allocated to public corporations and the state, shall equal the 23961
estimated cost of the proposed improvement. The board shall use 23962
the schedule of estimated assessments for purposes of levying 23963
final assessments under section ~~1515.24~~ 940.33 of the Revised 23964
Code. 23965

(B) As used in this section, "multi-parcel lot" means a site 23966
on which a dwelling is located and that comprises two or more 23967
contiguous parcels of land. 23968

Sec. ~~1515.22~~ 940.31. The boards of county commissioners of 23969
all the counties containing any of the territory included in the 23970
project area, if all such counties have approved construction of 23971
an improvement under section ~~1515.21~~ 940.29 of the Revised Code, 23972
are a joint board of county commissioners for the improvement. 23973

A joint board of county commissioners may do all the things 23974
that a board of county commissioners may do in connection with the 23975
improvement and shall proceed as if it were a board of county 23976
commissioners representing a county that included all the 23977
territory within the project area. 23978

The joint board may agree to apportion any cost of the 23979
improvement, or expenses incurred in connection therewith, not 23980
paid by assessments or taxes levied for the improvement, or funds 23981
other than county funds, among the participating counties. 23982

The joint board shall elect one of its members president and 23983
designate a clerk of one of the boards of county commissioners of 23984
the participating counties as clerk of the joint board. A majority 23985
of the county commissioners constituting the joint board 23986
constitutes a quorum. All decisions of the joint board shall be 23987
made by a majority vote of the county commissioners constituting 23988
the joint board. 23989

For the purpose of bringing a referendum petition against a 23990
soil and water conservation project under section 305.31 of the 23991
Revised Code, a resolution adopted by a joint board of county 23992
commissioners shall be considered to be a resolution adopted by 23993
the board of county commissioners of each county in the project 23994
area. The electors of any county in the project area may file a 23995
petition for referendum under that section against a resolution 23996
adopted by the joint board of county commissioners as if it had 23997
been adopted by the board of county commissioners for that county. 23998
The referendum shall be conducted only in the county in which the 23999

referendum petition was filed. The electors of any county in the 24000
project area in which no referendum petition was filed shall not 24001
be eligible to vote in the referendum, and the outcome of a 24002
referendum shall have effect only in the county in which the 24003
referendum was held. Any county in the project area in which a 24004
referendum is not held remains subject to the provisions of the 24005
resolution adopted by the joint board of county commissioners for 24006
the soil and water conservation district. 24007

Sec. ~~1515.23~~ 940.32. The county auditor and county treasurer 24008
of one of the counties represented by a joint board of county 24009
commissioners under section ~~1515.22~~ 940.31 of the Revised Code, to 24010
be designated by the joint board, shall ex officio become the 24011
fiscal agents of all the participating counties. Such auditor 24012
shall certify to the auditor of the other counties a schedule of 24013
any taxes or assessments to be levied for the improvement, and the 24014
auditor of such other county shall proceed forthwith to place such 24015
tax or assessment upon the duplicates. Taxes or assessments so 24016
certified for collection to an auditor of another county ~~is~~ are a 24017
lien on the land within such county from the date such certificate 24018
is received by the auditor of such other county. The treasurer of 24019
each county shall proceed to collect the same pursuant to the 24020
orders made in the proceedings of the joint board, and such taxes 24021
or assessments when collected shall be paid to the treasurer for 24022
the joint board. The auditor and treasurer shall receive and 24023
account for such funds in the same manner as they would for taxes 24024
or assessments collected within their county. The treasurer and 24025
auditor with their ~~bondsmen~~ bondspersons are liable on their 24026
official bonds for any misappropriation of such funds. All 24027
warrants for the payment of costs in connection with the 24028
improvement shall be drawn by the auditor designated under this 24029
section, on the treasurer of ~~said~~ the county, payable out of the 24030
fund designated by the joint board to receive moneys for the 24031

improvement. 24032

Sec. ~~1515.24~~ 940.33. (A) Following receipt of a certification 24033
made by the supervisors of a soil and water conservation district 24034
pursuant to section ~~1515.19~~ 940.25 of the Revised Code together 24035
with receipt of all plans, specifications, and estimates submitted 24036
under that section and upon completion of a schedule of estimated 24037
assessments in accordance with section ~~1515.211~~ 940.30 of the 24038
Revised Code, the board of county commissioners may adopt a 24039
resolution levying upon the property within the project area an 24040
assessment at a uniform or varied rate based upon the benefit to 24041
the area certified by the supervisors, as necessary to pay the 24042
cost of construction of the improvement not otherwise funded and 24043
to repay advances made for purposes of the improvement from the 24044
fund created by section ~~1515.15~~ 940.16 of the Revised Code. The 24045
board of county commissioners shall direct the person or authority 24046
preparing assessments to give primary consideration, in 24047
determining a parcel's estimated assessments relating to the 24048
disposal of water, to the potential increase in productivity that 24049
the parcel may experience as a result of the improvement and also 24050
to give consideration to the amount of water disposed of, the 24051
location of the property relative to the project, the value of the 24052
project to the watershed, and benefits. The part of the assessment 24053
that is found to benefit state, county, or township roads or 24054
highways or municipal streets shall be assessed against the state, 24055
county, township, or municipal corporation, respectively, payable 24056
from motor vehicle revenues. The part of the assessment that is 24057
found to benefit property owned by any public corporation, any 24058
political subdivision of the state, or the state shall be assessed 24059
against the public corporation, the political subdivision, or the 24060
state and shall be paid out of the general funds or motor vehicle 24061
revenues of the public corporation, the political subdivision of 24062
the state, or the state, except as otherwise provided by law. 24063

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(B) The assessment shall be certified to the county auditor
and by the county auditor to the county treasurer. The collection
of the assessment shall conform in all matters to Chapter 323. of
the Revised Code.

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(C) Any land owned and managed by the department of natural
resources for wildlife, recreation, nature preserve, or forestry
purposes is exempt from assessments if the director of natural
resources determines that the land derives no benefit from the
improvement. In making such a determination, the director shall
consider the purposes for which the land is owned and managed and
any relevant articles of dedication or existing management plans
for the land. If the director determines that the land derives no
benefit from the improvement, the director shall notify the board
of county commissioners, within thirty days after receiving the
assessment notification required by this section, indicating that
the director has determined that the land is to be exempt and
explaining the specific reason for making this determination. The
board of county commissioners, within thirty days after receiving
the director's exemption notification, may appeal the
determination to the court of common pleas. If the court of common
pleas finds in favor of the board of county commissioners, the
department of natural resources shall pay all court costs and
legal fees.

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(D)(1) The board shall give notice by first class mail to
every public and private property owner whose property is subject
to assessment, at the tax mailing or other known address of the
owner. The notice shall contain a statement of the amount to be
assessed against the property of the addressee, a description of
the method used to determine the necessity for and the amount of
the proposed assessment, a description of any easement on the

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property that is necessary for purposes of the improvement, and a 24095
statement that the addressee may file an objection in writing at 24096
the office of the board of county commissioners within thirty days 24097
after the mailing of notice. If the residence of any owner cannot 24098
be ascertained, or if any mailed notice is returned undelivered, 24099
the board shall publish the notice to all such owners in a 24100
newspaper of general circulation within the project area, once 24101
each week for three weeks or as provided in section 7.16 of the 24102
Revised Code. The notice shall include the information contained 24103
in the mailed notice, but shall state that the owner may file an 24104
objection in writing at the office of the board of county 24105
commissioners within thirty days after the last publication of the 24106
notice. 24107

(2) Upon receipt of objections as provided in this section, 24108
the board shall proceed within thirty days to hold a final hearing 24109
on the objections by fixing a date and giving notice by first 24110
class mail to the objectors at the address provided in filing the 24111
objection. If any mailed notice is returned undelivered, the board 24112
shall give due notice to the objectors in a newspaper of general 24113
circulation in the project area or as provided in section 7.16 of 24114
the Revised Code, stating the time, place, and purpose of the 24115
hearing. Upon hearing the objectors, the board may adopt a 24116
resolution amending and approving the final schedule of 24117
assessments and shall enter it in the journal. 24118

(3) Any owner whose objection is not allowed may appeal 24119
within thirty days to the court of common pleas of the county in 24120
which the property is located. 24121

(4) The board of county commissioners shall make an order 24122
approving the levying of the assessment and shall proceed under 24123
section 6131.23 of the Revised Code after one of the following has 24124
occurred, as applicable: 24125

(a) Final notice is provided by mail or publication. 24126

(b) The imposition of assessments is upheld in the final disposition of an appeal that is filed pursuant to division (D)(3) of this section.

(c) The resolution levying the assessments is approved in a referendum that is held pursuant to section 305.31 of the Revised Code.

(5) The county treasurer shall deposit the proceeds of the assessment in the fund designated by the board and shall report to the county auditor the amount of money from the assessment that is collected by the treasurer. Moneys shall be expended from the fund for purposes of the improvement.

(E) Any moneys collected in excess of the amount needed for construction of the improvement and the subsequent first year's maintenance may be maintained in a fund to be used for maintenance of the improvement. In any year subsequent to a year in which an assessment for construction of an improvement levied under this section has been collected, and upon determination by the board of county commissioners that funds are not otherwise available for maintenance or repair of the improvement, the board shall levy on the property within the project area an assessment for maintenance at a uniform percentage of all construction costs based upon the assessment schedule used in determining the construction assessment. The assessment is not subject to the provisions concerning notice and petition contained in this section. An assessment for maintenance shall not be levied in any year in which the unencumbered balance of funds available for maintenance of the improvement exceeds twenty per cent of the cost of construction of the improvement, except that the board may adjust the level of assessment within the twenty per cent limitation, or suspend temporarily the levying of an assessment, for maintenance purposes as maintenance funds are needed.

For the purpose of levying an assessment for maintenance of

an improvement, a board may use the procedures established in 24159
Chapter 6137. of the Revised Code regarding maintenance of 24160
improvements as defined in section 6131.01 of the Revised Code in 24161
lieu of using the procedures established under this section. 24162

(F) The board of county commissioners may issue bonds and 24163
notes as authorized by section 131.23 or 133.17 of the Revised 24164
Code. 24165

Sec. ~~1515.28~~ 940.34. A board of county commissioners may 24166
declare by resolution that it is necessary to levy a tax upon the 24167
property within the project area in order to pay the costs of the 24168
improvement not otherwise funded. 24169

Such resolution shall specify the rate ~~which~~ that it is 24170
necessary to levy, the purpose thereof, and the number of years 24171
during which such increase shall be in effect, which levy may 24172
include a levy upon the duplicate of the current year. 24173

A copy of the resolution shall be certified to the board of 24174
elections for the county not less than ninety days before the 24175
general election in any year and ~~said~~ the board shall submit the 24176
proposal to the electors within the project area at the succeeding 24177
November election in accordance with section 5705.25 of the 24178
Revised Code. For purposes of that section, the subdivision is the 24179
project area. 24180

If the per cent required for approval of a levy as set forth 24181
in section 5705.26 of the Revised Code vote in favor thereof, the 24182
board of county commissioners may levy a tax within the project 24183
area, outside the ten-mill limitation, during the period and for 24184
the purpose stated in the resolution, or at any less rate or for 24185
any less number of years. 24186

The board may issue bonds and notes in anticipation of the 24187
collection of taxes levied under this section, and notes in 24188

anticipation of the issuance of bonds. 24189

Sec. ~~1515.29~~ 940.35. The board of county commissioners, or, 24190
if a joint board of county commissioners has been created under 24191
section ~~1515.22~~ 940.31 of the Revised Code, the joint board, shall 24192
maintain the works of improvement constructed by the board for a 24193
soil and water conservation district. For that purpose, the board 24194
or joint board may use procedures and requirements established in 24195
sections 6137.08 to 6137.14 of the Revised Code and may contract 24196
with or authorize the supervisors or joint board of supervisors of 24197
a soil and water conservation district to perform maintenance of 24198
such works of improvement. 24199

Sec. 941.14. (A) The owner shall burn the body of an animal 24200
that has died of, or been destroyed because of, a dangerously 24201
infectious or contagious disease, bury it not less than four feet 24202
under the surface of the ground, dissolve it by alkaline 24203
hydrolysis, remove it in a watertight tank to a rendering 24204
establishment, or otherwise dispose of it in accordance with 24205
section 939.04 or 953.26 ~~or 1511.022~~ of the Revised Code within 24206
twenty-four hours after knowledge thereof or after notice in 24207
writing from the department of agriculture. 24208

(B) The owner of premises that contain a dead animal shall 24209
burn the body of the animal, bury it not less than four feet 24210
beneath the surface of the ground, dissolve it by alkaline 24211
hydrolysis, remove it in a watertight tank to a rendering 24212
establishment, or otherwise dispose of it in accordance with 24213
section 939.04 or 953.26 ~~or 1511.022~~ of the Revised Code within a 24214
reasonable time after knowledge thereof or after notice in writing 24215
from the department or from the township trustees of the township 24216
in which the owner's premises are located. 24217

(C) Notwithstanding division (A) or (B) of this section, the 24218

director of agriculture, in written notice sent to the owner of a 24219
dead animal, may require the owner to employ a specific method of 24220
disposition of the body, including burning, burying, rendering, 24221
composting, or alkaline hydrolysis, when that method does not 24222
conflict with any law or rule governing the disposal of infectious 24223
wastes and, in the director's judgment, is necessary for purposes 24224
of animal disease control. No person shall fail to employ the 24225
method of disposition required under this division. 24226

(D) The director, in written notice sent to the owner of a 24227
dead animal, may prohibit the owner from transporting the body of 24228
the dead animal on any street or highway if that prohibition does 24229
not conflict with any law or rule governing the transportation of 24230
infectious wastes and, in the director's judgment, is necessary 24231
for purposes of animal disease control. No person shall fail to 24232
comply with a prohibition issued under this division. 24233

(E) As used in this section, "infectious wastes" has the same 24234
meaning as in section 3734.01 of the Revised Code, and "street" or 24235
"highway" has the same meaning as in section 4511.01 of the 24236
Revised Code. 24237

Sec. 953.22. (A) No person shall engage in the business of 24238
disposing of, picking up, rendering, or collecting raw rendering 24239
material or transporting the material to a composting facility 24240
without a license to do so from the department of agriculture. 24241

(B) This chapter does not apply to any of the following: 24242

(1) A farmer who slaughters the farmer's own animals, raised 24243
by the farmer on the farmer's own farm, processes the farmer's own 24244
meat therefrom, and disposes of the farmer's raw rendering 24245
material only by delivery to a person licensed under section 24246
953.23 of the Revised Code; 24247

(2) A person whose only connection with raw rendering 24248

material is curing hides and skins;	24249
(3) A person whose only connection with raw rendering material is operating a pet cemetery;	24250 24251
(4) A person who is conducting composting, as defined in section 1511.01 <u>939.01</u> of the Revised Code, in accordance with section 1511.022 <u>939.04</u> of the Revised Code;	24252 24253 24254
(5) A person whose only connection with raw rendering material is trapping wild animals in accordance with a nuisance wild animal permit issued by the chief of the division of wildlife in the department of natural resources under rules adopted pursuant to section 1531.08 of the Revised Code;	24255 24256 24257 24258 24259
(6) A county dog warden or animal control officer who transports raw rendering material only for disposal purposes.	24260 24261
Sec. 955.12. Except as provided in section 955.121 of Revised Code, a board of county commissioners shall appoint or employ a county dog warden and deputies in such number, for such periods of time, and at such compensation as the board considers necessary to enforce sections 955.01 to 955.27, 955.29 to 955.38 , and 955.50 to 955.53 of the Revised Code.	24262 24263 24264 24265 24266 24267
The warden and deputies shall give bond in a sum not less than five hundred dollars and not more than two thousand dollars, as set by the board, conditioned for the faithful performance of their duties. The bond or bonds may, in the discretion of the board, be individual or blanket bonds. The bonds shall be filed with the county auditor of their respective counties.	24268 24269 24270 24271 24272 24273
The warden and deputies shall make a record of all dogs owned, kept, and harbored in their respective counties. They shall patrol their respective counties and seize and impound on sight all dogs found running at large and all dogs more than three months of age found not wearing a valid registration tag, except	24274 24275 24276 24277 24278

any dog that wears a valid registration tag and is: on the 24279
premises of its owner, keeper, or harborer, under the reasonable 24280
control of its owner or some other person, hunting with its owner 24281
or its handler at a field trial, kept constantly confined in a dog 24282
kennel registered under this chapter or one licensed under Chapter 24283
956. of the Revised Code, or acquired by, and confined on the 24284
premises of, an institution or organization of the type described 24285
in section 955.16 of the Revised Code. A dog that wears a valid 24286
registration tag may be seized on the premises of its owner, 24287
keeper, or harborer and impounded only in the event of a natural 24288
disaster. 24289

If a dog warden has reason to believe that a dog is being 24290
treated inhumanely on the premises of its owner, keeper, or 24291
harborer, the warden shall apply to the court of common pleas for 24292
the county in which the premises are located for an order to enter 24293
the premises, and if necessary, seize the dog. If the court finds 24294
probable cause to believe that the dog is being treated 24295
inhumanely, it shall issue such an order. 24296

The warden and deputies shall also ~~investigate all claims for~~ 24297
~~damages to animals reported to them under section 955.29 of the~~ 24298
~~Revised Code and assist claimants to fill out the claim form~~ 24299
~~therefor. They shall~~ make weekly reports, in writing, to the board 24300
in their respective counties of all dogs seized, impounded, 24301
redeemed, and destroyed ~~and of all claims for damage to animals~~ 24302
~~inflicted by dogs.~~ 24303

The wardens and deputies shall have the same police powers as 24304
are conferred upon sheriffs and police officers in the performance 24305
of their duties as prescribed by sections 955.01 to 955.27, ~~955.29~~ 24306
~~to 955.38,~~ and 955.50 to 955.53 of the Revised Code. They shall 24307
also have power to summon the assistance of bystanders in 24308
performing their duties and may serve writs and other legal 24309
processes issued by any court in their respective counties with 24310

reference to enforcing those sections. County auditors may 24311
deputize the wardens or deputies to issue dog licenses as provided 24312
in sections 955.01 and 955.14 of the Revised Code. 24313

Whenever any person files an affidavit in a court of 24314
competent jurisdiction that there is a dog running at large that 24315
is not kept constantly confined either in a dog kennel registered 24316
under this chapter or one licensed under Chapter 956. of the 24317
Revised Code or on the premises of an institution or organization 24318
of the type described in section 955.16 of the Revised Code or 24319
that a dog is kept or harbored in the warden's jurisdiction 24320
without being registered as required by law, the court shall 24321
immediately order the warden to seize and impound the dog. 24322
Thereupon the warden shall immediately seize and impound the dog 24323
complained of. The warden shall give immediate notice by certified 24324
mail to the owner, keeper, or harborer of the dog seized and 24325
impounded by the warden, if the owner, keeper, or harborer can be 24326
determined from the current year's registration list maintained by 24327
the warden and the county auditor of the county where the dog is 24328
registered, that the dog has been impounded and that, unless the 24329
dog is redeemed within fourteen days of the date of the notice, it 24330
may thereafter be sold or destroyed according to law. If the 24331
owner, keeper, or harborer cannot be determined from the current 24332
year's registration list maintained by the warden and the county 24333
auditor of the county where the dog is registered, the officer 24334
shall post a notice in the pound or animal shelter both describing 24335
the dog and place where seized and advising the unknown owner 24336
that, unless the dog is redeemed within three days, it may 24337
thereafter be sold or destroyed according to law. 24338

~~As used in this section, "animal" has the same meaning as in 24339
section 955.51 of the Revised Code. 24340~~

Sec. 955.121. (A)(1) In lieu of appointing a county dog 24341

warden and deputies under section 955.12 of the Revised Code, a 24342
board of county commissioners may appoint the county sheriff to 24343
enforce sections 955.01 to 955.27, ~~955.29 to 955.38~~, and 955.50 to 24344
955.53 of the Revised Code. If a board chooses to appoint the 24345
county sheriff as the county dog warden, the board shall enter 24346
into a two-year written agreement with the sheriff for that 24347
purpose at the first meeting in a calendar year following a 24348
general election in which at least one of the members of the board 24349
was elected. 24350

(2) The agreement may authorize both of the following: 24351

(a) The sheriff to appoint sheriff's deputies or persons 24352
other than peace officers as deputy dog wardens; 24353

(b) The transfer of any benefits accrued by employees who are 24354
transferred as a result of the county sheriff's being appointed as 24355
the county dog warden. 24356

(B) Any dog warden and deputy dog wardens appointed under 24357
this section shall comply with both of the following: 24358

(1) Any training requirements applicable to county dog 24359
wardens and deputy dog wardens appointed or employed under section 24360
955.12 of the Revised Code; 24361

(2) The requirements established in that section. 24362

(C) If a county sheriff or a sheriff's deputies are appointed 24363
as a dog warden or deputy dog wardens under this section, 24364
references in this chapter and in Chapters 953., 956., and 959. of 24365
the Revised Code to "dog warden" and "deputy dog warden" shall be 24366
deemed to be replaced, respectively, with references to "sheriff" 24367
and "deputy sheriff." 24368

Sec. 955.14. (A) Notwithstanding section 955.01 of the 24369
Revised Code, a board of county commissioners by resolution may 24370

increase dog and kennel registration fees in the county. The 24371
amount of the fees shall not exceed an amount that the board, in 24372
its discretion, estimates is needed to pay all expenses for the 24373
administration of this chapter ~~and to pay claims allowed for~~ 24374
~~animals injured or destroyed by dogs~~. Such a resolution shall be 24375
adopted not earlier than the first day of February and not later 24376
than the thirty-first day of August of any year and shall specify 24377
the registration period or periods to which the increased fees 24378
apply. An increase in fees adopted under this division shall be in 24379
the ratio of two dollars for each year of registration for a dog 24380
registration fee, twenty dollars for a permanent dog registration 24381
fee, and ten dollars for a kennel registration fee. 24382

~~(B) Not later than the fifteenth day of October of each year,~~ 24383
~~the board of county commissioners shall determine if there is~~ 24384
~~sufficient money in the dog and kennel fund, after paying the~~ 24385
~~expenses of administration incurred or estimated to be incurred~~ 24386
~~for the remainder of the year, to pay the claims allowed for~~ 24387
~~animals injured or destroyed by dogs. If the board determines~~ 24388
~~there is not sufficient money in the dog and kennel fund to pay~~ 24389
~~the claims allowed, the board shall provide by resolution that all~~ 24390
~~claims remaining unpaid shall be paid from the general fund of the~~ 24391
~~county. All money paid out of the general fund for those purposes~~ 24392
~~may be replaced by the board from the dog and kennel fund at any~~ 24393
~~time during the following year notwithstanding section 5705.14 of~~ 24394
~~the Revised Code.~~ 24395

~~(C)~~ Notwithstanding section 955.20 of the Revised Code, if 24396
dog and kennel registration fees in any county are increased above 24397
two dollars for each year of registration and twenty dollars for a 24398
permanent registration for a dog registration fee and ten dollars 24399
for a kennel registration fee under authority of division (A) of 24400
this section, then on or before the first day of March following 24401
each year in which the increased fees are in effect, the county 24402

auditor shall draw on the dog and kennel fund a warrant payable to 24403
the college of veterinary medicine of the Ohio state university in 24404
an amount equal to ten cents for each one-year dog registration, 24405
thirty cents for each three-year dog registration, one dollar for 24406
each permanent dog registration, and ten cents for each kennel 24407
registration fee received during the preceding year. The money 24408
received by the college of veterinary medicine of the Ohio state 24409
university under this division shall be applied for research and 24410
study of the diseases of dogs, particularly those transmittable to 24411
humans, and for research of other diseases of dogs that by their 24412
nature will provide results applicable to the prevention and 24413
treatment of both human and canine illness. 24414

~~(D)~~(C) The Ohio state university college of veterinary 24415
medicine shall be responsible to report annually to the general 24416
assembly the progress of the research and study authorized and 24417
funded by division ~~(C)~~(B) of this section. The report shall 24418
briefly describe the research projects undertaken and assess the 24419
value of each. The report shall account for funds received 24420
pursuant to division ~~(C)~~(B) of this section and for the funds 24421
expended attributable to each research project and for other 24422
necessary expenses in conjunction with the research authorized by 24423
division ~~(C)~~(B) of this section. The report shall be filed with 24424
the general assembly by the first day of May of each year. 24425

~~(E)~~(D) The county auditor may authorize agents to receive 24426
applications for registration of dogs and kennels and to issue 24427
certificates of registration and tags. If authorized agents are 24428
employed in a county, each applicant for a dog or kennel 24429
registration shall pay to the agent an administrative fee of 24430
seventy-five cents in addition to the registration fee. The 24431
administrative fee shall be the compensation of the agent. The 24432
county auditor shall establish rules for reporting and accounting 24433
by the agents. No administrative or similar fee shall be charged 24434

in any county except as authorized by this division or division 24435
~~(F)~~(E) of this section. 24436

~~(F)~~(E) For any county that accepts the payment of dog and 24437
kennel registration fees by financial transaction devices in 24438
accordance with section 955.013 of the Revised Code, in addition 24439
to those registration fees, the county auditor shall collect for 24440
each registration paid by a financial transaction device one of 24441
the following: 24442

(1) An administrative fee of seventy-five cents or another 24443
amount necessary to cover actual costs designated by the county 24444
auditor; 24445

(2) If the board of county commissioners adopts a surcharge 24446
or convenience fee for making payments by a financial transaction 24447
device under division (E) of section 301.28 of the Revised Code, 24448
that surcharge or convenience fee; 24449

(3) If the county auditor contracts with a third party to 24450
provide services to enable registration via the internet as 24451
provided in section 955.013 of the Revised Code, a surcharge or 24452
convenience fee as agreed to between that third party and the 24453
county for those internet registration services. Any additional 24454
expenses incurred by the county auditor that result from a 24455
contract with a third party as provided in this section and 24456
section 955.013 of the Revised Code and that are not covered by a 24457
surcharge or convenience fee shall be paid out of the allowance 24458
provided to the county auditor under section 955.20 of the Revised 24459
Code. 24460

~~(G)~~(F) The county auditor shall post conspicuously the amount 24461
of the administrative fee, surcharge, or convenience fee that is 24462
permissible under this section on the web page where the auditor 24463
accepts payments for registrations made under division (B)(1) of 24464
section 955.013 of the Revised Code. If any person chooses to pay 24465

by financial transaction device, the administrative fee, 24466
surcharge, or convenience fee shall be considered voluntary and is 24467
not refundable. 24468

~~(H) As used in this section, "animal" has the same meaning as 24469
in section 955.51 of the Revised Code. 24470~~

Sec. 955.15. The board of county commissioners shall provide 24471
nets and other suitable devices for the taking of dogs in a humane 24472
manner, provide a suitable place for impounding dogs, make proper 24473
provision for feeding and caring for the same, and provide humane 24474
devices and methods for destroying dogs. In any county in which 24475
there is a society for the prevention of cruelty to children and 24476
animals, having one or more agents and maintaining an animal 24477
shelter suitable for a dog pound and devices for humanely 24478
destroying dogs, the board need not furnish a dog pound, but the 24479
county dog warden shall deliver all dogs seized by ~~him~~ the warden 24480
and ~~his~~ the warden's deputies to such society at its animal 24481
shelter, there to be dealt with in accordance with law. The board 24482
shall provide for the payment of reasonable compensation to such 24483
society for its services so performed out of the dog and kennel 24484
fund. The board may designate and appoint any officers regularly 24485
employed by any society organized under sections 1717.02 to 24486
1717.05, ~~inclusive,~~ of the Revised Code, to act as county dog 24487
warden or deputies for the purpose of carrying out sections 955.01 24488
to 955.27, ~~inclusive,~~ and ~~955.29 to 955.38, inclusive,~~ of the 24489
Revised Code, if such society whose agents are so employed owns or 24490
controls a suitable place for keeping and destroying dogs. 24491

Sec. 955.20. The registration fees provided for in sections 24492
955.01 to 955.14 of the Revised Code constitute a special fund 24493
known as "the dog and kennel fund." The fees shall be deposited by 24494
the county auditor in the county treasury daily as collected. 24495
Money in the fund shall be used for the purpose of defraying the 24496

cost of furnishing all blanks, records, tags, nets, and other 24497
equipment, for the purpose of paying the compensation of county 24498
dog wardens, deputies, poundkeepers, and other employees necessary 24499
to carry out and enforce sections 955.01 to 955.261 of the Revised 24500
Code, ~~and for the payment of animal claims as provided in sections~~ 24501
~~955.29 to 955.38 of the Revised Code,~~ and in accordance with 24502
section 955.27 of the Revised Code. The board of county 24503
commissioners, by resolution, shall appropriate sufficient funds 24504
out of the dog and kennel fund, not more than fifteen per cent of 24505
which shall be expended by the auditor for registration tags, 24506
blanks, records, and clerk hire, for the purpose of defraying the 24507
necessary expenses of registering, seizing, impounding, and 24508
destroying dogs in accordance with sections 955.01 to 955.27 of 24509
the Revised Code, and for the purpose of covering any additional 24510
expenses incurred by the county auditor as authorized by division 24511
~~(F)~~(E)(3) of section 955.14 of the Revised Code. 24512

If the funds so appropriated in any calendar year are found 24513
by the board to be insufficient to defray the necessary cost and 24514
expense of the county dog warden in enforcing sections 955.01 to 24515
955.27 of the Revised Code, the board, by resolution so provided, 24516
~~after setting aside a sum equal to the total amount of animal~~ 24517
~~claims filed in that calendar year, or an amount equal to the~~ 24518
~~total amount of animal claims paid or allowed the preceding year,~~ 24519
~~whichever amount is larger,~~ may appropriate further funds for the 24520
use and purpose of the county dog warden in administering those 24521
sections. 24522

Sec. 955.27. After paying all necessary expenses of 24523
administering the sections of the Revised Code relating to the 24524
registration, seizing, impounding, and destroying of dogs, 24525
including the purchase, construction, and repair of vehicles and 24526
facilities necessary for the proper administration of such 24527
sections, ~~making compensation for injuries to livestock inflicted~~ 24528

~~by dogs, and after paying all animal claims,~~ the board of county 24529
commissioners, at the December session, if there remains more than 24530
two thousand dollars in the dog and kennel fund for that year in a 24531
county in which there is a society for the prevention of cruelty 24532
to children and animals, incorporated and organized by law, and 24533
having one or more agents appointed pursuant to law, or any other 24534
society organized under Chapter 1717. of the Revised Code, that 24535
owns or controls a suitable dog kennel or a place for the keeping 24536
and destroying of dogs that has one or more agents appointed and 24537
employed pursuant to law, may pay to the treasurer of the society, 24538
upon warrant of the county auditor, all such excess as the board 24539
deems necessary for the uses and purposes of the society. 24540

~~As used in this section, "animal" has the same meaning as in 24541
section 955.51 of the Revised Code. 24542~~

Sec. 991.03. (A) The Ohio expositions commission shall: 24543

(1) Conduct at least one fair or exposition annually; 24544

(2) Maintain and manage property held by the state for the 24545
purpose of conducting fairs, expositions, and exhibits; 24546

(3) As provided in section 109.122 of the Revised Code, 24547
provide notice of or copies of any proposed entertainment or 24548
sponsorship contracts to the attorney general. 24549

(B) The commission may: 24550

(1) Conduct such additional fairs, expositions, or 24551
exhibitions as the commission determines are in the general public 24552
interest; 24553

(2) Accept on behalf of the state conveyances of property for 24554
the purposes of conducting fairs, expositions, and exhibits, 24555
subject to any terms and conditions agreed to by the commission 24556
and approved by the controlling board; 24557

(3) Accept gifts, devises, and bequests of money, lands, and 24558

other property and apply the money, lands, or other property 24559
according to the terms of the gift, devise, or bequest. A 24560
political subdivision as authorized by law may make gifts and 24561
devises to the commission, and the commission shall apply such a 24562
gift or devise according to the terms of the gift or devise. All 24563
gifts and bequests of money accepted under this division shall be 24564
deposited into the state treasury to the credit of the Ohio 24565
expositions support fund. 24566

(4) Enter into contracts that the commission considers 24567
necessary or worthwhile in the conduct of its purposes, provided 24568
that contracts made for a term exceeding two years, other than 24569
those described in division (B)(4) of this section, shall be 24570
subject to the approval of the controlling board and provided that 24571
the attorney general, pursuant to the attorney general's authority 24572
under section 109.122 of the Revised Code, has not disapproved the 24573
proposed contract; 24574

(5) Enter into contracts for the mutual exchange of goods or 24575
services; 24576

(6) Sell or convey all or a portion of the property, land, or 24577
buildings under its management subject to the approval of the 24578
legislature; 24579

(7) Grant leases on all or any part of the property, land, or 24580
buildings under the management of the commission to private or 24581
public organizations, which appear to be in the best interests of 24582
the state, with the approval of the controlling board and director 24583
of administrative services, subject to the following conditions: 24584

(a) The lessees shall make or construct improvements on such 24585
lands or buildings at no cost to the commission or to the state, 24586
subject to prior approval by the director of administrative 24587
services of detailed plans and specifications of such 24588
improvements. 24589

(b) No person, firm, or corporation shall cause a lien to be filed against any funds or property of the state or of the commission as a result of a lessee's activities pursuant to division (B)(7)(a) of this section.

(c) Leases shall be entered into subject to the sale of such property, lands, or buildings during the term of the lease.

(d) No leases shall be made which interfere with a fair, exposition, or exhibition on such lands.

(8) Encumber appropriations for the entire amount of a contract at the time the contract is made, even though the contract will not be performed in the fiscal year for which the appropriations were made.

(9) Implement a credit card payment program permitting payment by means of a credit card of any fees, charges, and rentals associated with conducting fairs, expositions, and exhibits. The commission may open an account outside the state treasury in a financial institution for the purpose of depositing credit card receipts. By the end of the business day following the deposit of the receipts, the financial institution shall make available to the commission funds in the amount of the receipts. The commission shall then pay these funds into the state treasury to the credit of the Ohio expositions fund.

The commission shall adopt rules as necessary to carry out the purposes of division (B)(9) of this section. The rules shall include standards for determining eligible financial institutions and the manner in which funds shall be made available and shall be consistent with the standards contained in sections 135.03, 135.18, ~~and 135.181,~~ and 135.182 of the Revised Code.

The commission shall not adopt or enforce any rules which will prohibit livestock exhibited at the Ohio state fair from participating in county and independent fairs in the state.

Sec. 1306.20. (A) Subject to section 1306.11 of the Revised Code, each state agency shall determine if, and the extent to which, it will send and receive electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.

(B)(1) Subject to division (B)(2) of this section, a state agency may waive a requirement in the Revised Code, other than a requirement in sections 1306.01 to 1306.15 of the Revised Code, that relates to any of the following:

(a) The method of posting or displaying records;

(b) The manner of sending, communicating, or transmitting records;

(c) The manner of formatting records.

(2) A state agency may exercise its authority to waive a requirement under division (B)(1) of this section only if the following apply:

(a) The requirement relates to a matter over which the state agency has jurisdiction;

(b) The waiver is consistent with criteria set forth in rules adopted by the state agency. The criteria, to the extent reasonable under the circumstances, shall contain standards to facilitate the use of electronic commerce by persons under the jurisdiction of the state agency consistent with rules adopted by the department of administrative services pursuant to division (A) of section 1306.21 of the Revised Code.

(C) If a state agency creates, uses, receives, or retains electronic records, both of the following apply:

(1) Any rules adopted by a state agency relating to electronic records shall be consistent with rules adopted by the

department of administrative services pursuant to division (A) of 24651
section 1306.21 of the Revised Code. 24652

(2) Each state agency shall create, use, receive, and retain 24653
electronic records in accordance with section 149.40 of the 24654
Revised Code. 24655

(D) If a state agency creates, uses, or receives electronic 24656
signatures, the state agency shall create, use, or receive the 24657
signatures in accordance with rules adopted by the department of 24658
administrative services pursuant to division (A) of section 24659
1306.21 of the Revised Code. 24660

(E)~~(1)~~ To the extent a state agency retains an electronic 24661
record, the state agency may retain a record in a format that is 24662
different from the format in which the record was originally 24663
created, used, sent, or received only if it can be demonstrated 24664
that the alternative format used accurately and completely 24665
reflects the record as it was originally created, used, sent, or 24666
received. 24667

~~(2) If a state agency in retaining any set of electronic 24668
records pursuant to division (E)(1) of this section alters the 24669
format of the records, the state agency shall create a certificate 24670
of authenticity for each set of records that is altered. 24671~~

~~(3) The department of administrative services, in 24672
consultation with the state archivist, shall adopt rules in 24673
accordance with section 111.15 of the Revised Code that establish 24674
the methods for creating certificates of authenticity pursuant to 24675
division (E)(2) of this section. 24676~~

(F) Whenever any rule of law requires or authorizes the 24677
filing of any information, notice, lien, or other document or 24678
record with any state agency, a filing made by an electronic 24679
record shall have the same force and effect as a filing made on 24680
paper in all cases where the state agency has authorized or agreed 24681

to such electronic filing and the filing is made in accordance 24682
with applicable rules or agreement. 24683

(G) Nothing in sections 1306.01 to 1306.23 of the Revised 24684
Code shall be construed to require any state agency to use or 24685
permit the use of electronic records and electronic signatures. 24686

~~(H)(1) Notwithstanding division (C)(1) or (D) of this 24687
section, any state agency that, prior to September 14, 2000, used 24688
or permitted the use of electronic records or electronic 24689
signatures pursuant to laws enacted, rules adopted, or agency 24690
policies adopted before September 14, 2000, may use or permit the 24691
use of electronic records or electronic signatures pursuant to 24692
those previously enacted laws, adopted rules, or adopted policies 24693
for a period of two years after September 14, 2000. 24694~~

~~(2) Subject to division (H)(3) of this section, after the 24695
two year period described in division (H)(1) of this section has 24696
concluded, all state agencies that use or permit the use of 24697
electronic records or electronic signatures before September 14, 24698
2000, shall only use or permit the use of electronic records or 24699
electronic signatures consistent with rules adopted by the 24700
department of administrative services pursuant to division (A) of 24701
section 1306.21 of the Revised Code. 24702~~

~~(3) After the two year period described in division (H)(1) of 24703
this section has concluded, the department of administrative 24704
services may permit a state agency to use electronic records or 24705
electronic signatures that do not comply with division (H)(2) of 24706
this section, if the state agency files a written request with the 24707
department. 24708~~

~~(I) For the purposes of this section, "state agency" means 24709
every organized body, office, or agency established by the laws of 24710
the state for the exercise of any function of state government, 24711
but does not include the general assembly, any legislative agency, 24712~~

the supreme court, the other courts of record in this state, any 24713
judicial agency, or any state university identified in section 24714
3345.011 of the Revised Code, or the northeast Ohio medical 24715
university. 24716

~~(F)~~(I) A state university identified in section 3345.011 of 24717
the Revised Code, and the northeast Ohio medical university, that 24718
uses or permits the use of electronic records or electronic 24719
signatures on ~~the effective date of this amendment~~ September 16, 24720
2014, shall, within six months after ~~the effective date of this~~ 24721
~~amendment~~ September 16, 2014, adopt rules in accordance with 24722
section 111.15 of the Revised Code to provide for the use or 24723
permission to use electronic records or electronic signatures. A 24724
state university identified in section 3345.011 of the Revised 24725
Code, and the northeast Ohio medical university, if not using or 24726
permitting the use of electronic records or electronic signatures 24727
on ~~the effective date of this amendment~~ September 16, 2014, shall 24728
adopt rules in accordance with section 111.15 of the Revised Code 24729
when it elects to begin using or permitting the use of electronic 24730
records or electronic signatures. 24731

Sec. 1309.528. All fees collected by the secretary of state 24732
for filings under Title XIII or XVII of the Revised Code shall be 24733
deposited into the state treasury to the credit of the corporate 24734
and uniform commercial code filing fund, which is hereby created. 24735
The fund shall also receive revenue from fees charged to customers 24736
for special database requests. All moneys credited to the fund 24737
shall be used for the purpose of paying for the operations of the 24738
office of the secretary of state and for the purpose of paying for 24739
expenses relating to the processing of filings under Title XIII or 24740
XVII of the Revised Code. 24741

Sec. 1332.25. (A) An application made to the director of 24742
commerce for a video service authorization under section 1332.24 24743

of the Revised Code shall require and contain only the following:	24744
(1) Specification of the location of the applicant's principal place of business and the names of the applicant's principal executive officers;	24745 24746 24747
(2) Specification of the geographic and political boundaries of the applicant's proposed video service area;	24748 24749
(3) A general description of the type or types of technologies the applicant will use to deliver the video programming, which may include wireline, wireless, or any other alternative technology, subject, as applicable, to section 1332.29 of the Revised Code;	24750 24751 24752 24753 24754
(4) An attestation that the applicant has filed or will timely file with the federal communications commission all forms required by that agency in advance of offering video service in this state;	24755 24756 24757 24758
(5) An attestation that the applicant will comply with applicable federal, state, and local laws;	24759 24760
(6) An attestation that the applicant is legally, financially, and technically qualified to provide video service;	24761 24762
(7) A description of the applicant's customer complaint handling process, including policies on addressing customer service issues, billing adjustments, and communication with government officials regarding customer complaints, and a local or toll-free telephone number at which a customer may contact the applicant.	24763 24764 24765 24766 24767 24768
(B) For the purpose of division (A)(2) of this section:	24769
(1) The video service areas of video service providers may overlap.	24770 24771
(2) A specified video service area shall be coextensive with municipal, township unincorporated area, or county boundaries,	24772 24773

except as authorized under division (B)(3) or (4) of this section, 24774
but nothing in sections 1332.21 to 1332.34 of the Revised Code 24775
shall require a video service provider to provide access to video 24776
service within the entire video service area. 24777

(3) The specified video service area of a person using 24778
telecommunications facilities to provide video service on 24779
September 24, 2007, or of any other person later so using 24780
telecommunications facilities shall be the geographic area in 24781
which the person ~~offers~~ offered basic local exchange service on 24782
September 24, 2007. 24783

(4) Subject to division (C)(2) of section 1332.27 of the 24784
Revised Code, the specified video service area of an applicant 24785
cable operator that offers service under a franchise in effect on 24786
September 24, 2007, initially shall be, at minimum, the franchise 24787
area established under that franchise. 24788

(C) A video service provider shall immediately file an 24789
application to amend its video service authorization with the 24790
director to reflect any change in the information required under 24791
division (A)(1), (2), or (3) of this section. An amendment 24792
pursuant to division (A)(2) of this section shall include any new 24793
delivery technology information required by division (A)(3) of 24794
this section. 24795

(D) Within thirty days after its filing or within thirty days 24796
after the filing of supplemental information necessary to make it 24797
complete, the director shall determine the completeness of an 24798
application filed under division (A) or (C) of this section 24799
relative to the respective requirements of divisions (A), (B), and 24800
(C) of this section and, as applicable, shall notify the applicant 24801
of an incompleteness determination, state the bases for that 24802
determination, and inform the applicant that it may resubmit a 24803
corrected application. The director shall issue a video service 24804
authorization, authorization renewal, or amended authorization 24805

within fifteen days after the director's determination that the 24806
filed application is complete. 24807

If the director does not notify the applicant regarding the 24808
completeness of the application within the time period specified 24809
in this division or does not issue the authorization requested by 24810
a completed application within the applicable time period, the 24811
application shall be deemed complete, and the authorization or 24812
amended authorization deemed issued on the forty-fifth day after 24813
the application's filing date. 24814

(E) An applicant shall pay a two thousand dollar 24815
nonrefundable fee for each application filed under division (A) of 24816
this section and a one hundred dollar nonrefundable fee for each 24817
application to amend filed under division (C) of this section. 24818
Fees collected under this division shall be deposited to the 24819
credit of the video service authorization fund in the state 24820
treasury, which is hereby created, to be used by the department of 24821
commerce in carrying out its duties under sections 1332.21 to 24822
1332.34 of the Revised Code. 24823

(F)(1) No video service provider shall identify or make 24824
reference to an application fee under division (E) of this section 24825
on any subscriber bill or in conjunction with charging any fee to 24826
the subscriber. 24827

(2) A video service provider may identify or make reference 24828
on a subscriber bill to an assessment under section 1332.24 of the 24829
Revised Code only if the provider opts to pass the cost of the 24830
assessment onto subscribers. 24831

(G) An applicant may identify any information in its 24832
application as trade secret information, and if, upon its written 24833
request to the director, the director reasonably affirms all or 24834
part of that information as trade secret information, the 24835
information so affirmed does not constitute a public record for 24836

the purpose of section 149.43 of the Revised Code. 24837

Sec. 1346.03. Any information provided to the attorney 24838
general by the department of taxation in accordance with division 24839
(C)~~(5)~~(4) of section 5703.21 of the Revised Code shall not be 24840
disclosed publicly by the attorney general except when it is 24841
necessary to facilitate compliance with and enforcement of section 24842
1346.01 or 1346.02 of the Revised Code. 24843

Sec. 1347.08. (A) Every state or local agency that maintains 24844
a personal information system, upon the request and the proper 24845
identification of any person who is the subject of personal 24846
information in the system, shall: 24847

(1) Inform the person of the existence of any personal 24848
information in the system of which the person is the subject; 24849

(2) Except as provided in divisions (C) and (E)(2) of this 24850
section, permit the person, the person's legal guardian, or an 24851
attorney who presents a signed written authorization made by the 24852
person, to inspect all personal information in the system of which 24853
the person is the subject; 24854

(3) Inform the person about the types of uses made of the 24855
personal information, including the identity of any users usually 24856
granted access to the system. 24857

(B) Any person who wishes to exercise a right provided by 24858
this section may be accompanied by another individual of the 24859
person's choice. 24860

(C)(1) A state or local agency, upon request, shall disclose 24861
medical, psychiatric, or psychological information to a person who 24862
is the subject of the information or to the person's legal 24863
guardian, unless a physician, psychiatrist, or psychologist 24864
determines for the agency that the disclosure of the information 24865
is likely to have an adverse effect on the person, in which case 24866

the information shall be released to a physician, psychiatrist, or 24867
psychologist who is designated by the person or by the person's 24868
legal guardian. 24869

(2) Upon the signed written request of either a licensed 24870
attorney at law or a licensed physician designated by the inmate, 24871
together with the signed written request of an inmate of a 24872
correctional institution under the administration of the 24873
department of rehabilitation and correction, the department shall 24874
disclose medical information to the designated attorney or 24875
physician as provided in division (C) of section 5120.21 of the 24876
Revised Code. 24877

(D) If an individual who is authorized to inspect personal 24878
information that is maintained in a personal information system 24879
requests the state or local agency that maintains the system to 24880
provide a copy of any personal information that the individual is 24881
authorized to inspect, the agency shall provide a copy of the 24882
personal information to the individual. Each state and local 24883
agency may establish reasonable fees for the service of copying, 24884
upon request, personal information that is maintained by the 24885
agency. 24886

(E)(1) This section regulates access to personal information 24887
that is maintained in a personal information system by persons who 24888
are the subject of the information, but does not limit the 24889
authority of any person, including a person who is the subject of 24890
personal information maintained in a personal information system, 24891
to inspect or have copied, pursuant to section 149.43 of the 24892
Revised Code, a public record as defined in that section. 24893

(2) This section does not provide a person who is the subject 24894
of personal information maintained in a personal information 24895
system, the person's legal guardian, or an attorney authorized by 24896
the person, with a right to inspect or have copied, or require an 24897
agency that maintains a personal information system to permit the 24898

inspection of or to copy, a confidential law enforcement	24899
investigatory record or trial preparation record, as defined in	24900
divisions (A)(2) and (4) of section 149.43 of the Revised Code.	24901
(F) This section does not apply to any of the following:	24902
(1) The contents of an adoption file maintained by the	24903
department of health under sections 3705.12 to 3705.124 of the	24904
Revised Code;	24905
(2) Information contained in the putative father registry	24906
established by section 3107.062 of the Revised Code, regardless of	24907
whether the information is held by the department of job and	24908
family services or, pursuant to section 3111.69 of the Revised	24909
Code, the office of child support in the department or a child	24910
support enforcement agency;	24911
(3) Papers, records, and books that pertain to an adoption	24912
and that are subject to inspection in accordance with section	24913
3107.17 of the Revised Code;	24914
(4) Records specified in division (A) of section 3107.52 of	24915
the Revised Code;	24916
(5) Records that identify an individual described in division	24917
(A)(1) of section 3721.031 of the Revised Code, or that would tend	24918
to identify such an individual;	24919
(6) Files and records that have been expunged under division	24920
(D)(1) or (2) of section 3721.23 of the Revised Code;	24921
(7) Records that identify an individual described in division	24922
(A)(1) of section 3721.25 of the Revised Code, or that would tend	24923
to identify such an individual;	24924
(8) Records that identify an individual described in division	24925
(A)(1) of section 5165.88 of the Revised Code, or that would tend	24926
to identify such an individual;	24927
(9) Test materials, examinations, or evaluation tools used in	24928

an examination for licensure as a nursing home administrator that 24929
the board of executives of long-term services and supports 24930
administers under section 4751.04 of the Revised Code or contracts 24931
under that section with a private or government entity to 24932
administer; 24933

(10) Information contained in a database established and 24934
maintained pursuant to section 5101.13 of the Revised Code; 24935

(11) Information contained in a database established and 24936
maintained pursuant to section 5101.612 of the Revised Code. 24937

Sec. 1349.04. (A) As used in this section: 24938

(1) "Active duty" means active duty pursuant to an executive 24939
order of the president of the United States, an act of the 24940
congress of the United States, or section 5919.29 or 5923.21 of 24941
the Revised Code. 24942

(2) "Immediate family" means a person's spouse residing in 24943
the person's household; brothers and sisters of the whole or half 24944
blood; children, including adopted children and stepchildren; 24945
parents; and grandparents. 24946

(B) The attorney general shall appoint a member of the staff 24947
of the consumer protection division of the attorney general's 24948
office to expedite cases or issues raised by a person, or the 24949
immediate family of the person, who is deployed on active duty, 24950
which cases or issues raised relate to ~~sections 125.021,~~ section 24951
317.322, 1343.031, 1349.02, 1349.03, 1713.60, 1923.062, 3313.64, 24952
3332.20, 3345.53, 3915.053, 4933.12, or 4933.121 of the Revised 24953
Code or to any other relevant section of the Revised Code 24954
regulating consumer protection. 24955

Sec. 1501.01. (A) Except where otherwise expressly provided, 24956
the director of natural resources shall formulate and institute 24957
all the policies and programs of the department of natural 24958

resources. The chief of any division of the department shall not 24959
enter into any contract, agreement, or understanding unless it is 24960
approved by the director. No appointee or employee of the 24961
director, other than the assistant director, may bind the director 24962
in a contract except when given general or special authority to do 24963
so by the director. 24964

The director may enter into contracts or agreements with any 24965
agency of the United States government, any other public agency, 24966
or any private entity or organization for the performance of the 24967
duties of the department. 24968

(B) The director shall correlate and coordinate the work and 24969
activities of the divisions in the department to eliminate 24970
unnecessary duplications of effort and overlapping of functions. 24971
The chiefs of the various divisions of the department shall meet 24972
with the director at least once each month at a time and place 24973
designated by the director. 24974

The director may create advisory boards to any of those 24975
divisions in conformity with section 121.13 of the Revised Code. 24976

(C) The director may accept and expend gifts, devises, and 24977
bequests of money, lands, and other properties on behalf of the 24978
department or any division thereof under the terms set forth in 24979
section 9.20 of the Revised Code. Any political subdivision of 24980
this state may make contributions to the department for the use of 24981
the department or any division therein according to the terms of 24982
the contribution. 24983

(D) The director may publish and sell or otherwise distribute 24984
data, reports, and information. 24985

(E) The director may identify and develop the geographic 24986
information system needs for the department, which may include, 24987
but not be limited to, all of the following: 24988

(1) Assisting in the training and education of department 24989

resource managers, administrators, and other staff in the	24990
application and use of geographic information system technology;	24991
(2) Providing technical support to the department in the	24992
design, preparation of data, and use of appropriate geographic	24993
information system applications in order to help solve resource	24994
related problems and to improve the effectiveness and efficiency	24995
of department delivered services;	24996
(3) Creating, maintaining, and documenting spatial digital	24997
data bases;	24998
(4) Providing information to and otherwise assisting	24999
government officials, planners, and resource managers in	25000
understanding land use planning and resource management;	25001
(5) Providing continuing assistance to local government	25002
officials and others in natural resource digital data base	25003
development and in applying and utilizing the geographic	25004
information system for land use planning, current agricultural use	25005
value assessment, development reviews, coastal management, and	25006
other resource management activities;	25007
(6) Coordinating and administering the remote sensing needs	25008
of the department, including the collection and analysis of aerial	25009
photography, satellite data, and other data pertaining to land,	25010
water, and other resources of the state;	25011
(7) Preparing and publishing maps and digital data relating	25012
to the state's land use and land cover over time on a local,	25013
regional, and statewide basis;	25014
(8) Locating and distributing hard copy maps, digital data,	25015
aerial photography, and other resource data and information to	25016
government agencies and the public;	25017
(9) Preparing special studies and executing any other related	25018
duties, functions, and responsibilities identified by the	25019

director; 25020

(10) Entering into contracts or agreements with any agency of 25021
the United States government, any other public agency, or any 25022
private agency or organization for the performance of the duties 25023
specified in division (E) of this section or for accomplishing 25024
cooperative projects within those duties; 25025

(11) Entering into agreements with local government agencies 25026
for the purposes of land use inventories, Ohio capability analysis 25027
data layers, and other duties related to resource management. 25028

(F) The director shall adopt rules in accordance with Chapter 25029
119. of the Revised Code to permit the department to accept by 25030
means of a credit card the payment of fees, charges, and rentals 25031
at those facilities described in section 1501.07 of the Revised 25032
Code that are operated by the department, for any data, reports, 25033
or information sold by the department, and for any other goods or 25034
services provided by the department. 25035

(G) Whenever authorized by the governor to do so, the 25036
director may appropriate property for the uses and purposes 25037
authorized to be performed by the department and on behalf of any 25038
division within the department. This authority shall be exercised 25039
in the manner provided in sections 163.01 to 163.22 of the Revised 25040
Code for the appropriation of property by the director of 25041
administrative services. This authority to appropriate property is 25042
in addition to the authority provided by law for the appropriation 25043
of property by divisions of the department. The director of 25044
natural resources also may acquire by purchase, lease, or 25045
otherwise such real and personal property rights or privileges in 25046
the name of the state as are necessary for the purposes of the 25047
department or any division therein. The director, ~~with the~~ 25048
~~approval of the governor and the attorney general~~ in accordance 25049
with section 5301.13 of the Revised Code, if applicable, may sell, 25050
lease, or exchange portions of lands or property, real or 25051

personal, of any division of the department or grant easements or 25052
licenses for the use thereof, or enter into agreements for the 25053
sale of water from lands and waters under the administration or 25054
care of the department or any of its divisions, when the sale, 25055
lease, exchange, easement, agreement, or license for use is in an 25056
amount that is less than fifty thousand dollars and is 25057
advantageous to the state, ~~provided that such approval is not~~ 25058
~~required for leases and contracts made under section 1501.07,~~ 25059
~~1501.09, or 1520.03 or Chapter 1523. of the Revised Code. With the~~ 25060
approval of the governor, the director, in accordance with section 25061
5301.13 of the Revised Code, if applicable, may sell, lease, or 25062
exchange portions of, grant easements or licenses for the use of, 25063
or enter into agreements for the sale of such lands, property, or 25064
waters in an amount of fifty thousand dollars or more when the 25065
sale, lease, exchange, easement, agreement, or license is 25066
advantageous to the state. Water may be sold from a reservoir only 25067
to the extent that the reservoir was designed to yield a supply of 25068
water for a purpose other than recreation or wildlife, and the 25069
water sold is in excess of that needed to maintain the reservoir 25070
for purposes of recreation or wildlife. 25071

Money received from such sales, leases, easements, exchanges, 25072
agreements, or licenses for use, except revenues required to be 25073
set aside or paid into depositories or trust funds for the payment 25074
of bonds issued under sections 1501.12 to 1501.15 of the Revised 25075
Code, and to maintain the required reserves therefor as provided 25076
in the orders authorizing the issuance of such bonds or the trust 25077
agreements securing such bonds, revenues required to be paid and 25078
credited pursuant to the bond proceeding applicable to obligations 25079
issued pursuant to section 154.22, and revenues generated under 25080
section 1520.05 of the Revised Code, shall be deposited in the 25081
state treasury to the credit of the fund of the division of the 25082
department having prior jurisdiction over the lands or property. 25083
If no such fund exists, the money shall be credited to the general 25084

revenue fund. All such money received from lands or properties 25085
administered by the division of wildlife shall be credited to the 25086
wildlife fund. 25087

(H) The director shall provide for the custody, safekeeping, 25088
and deposit of all moneys, checks, and drafts received by the 25089
department or its employees prior to paying them to the treasurer 25090
of state under section 113.08 of the Revised Code. 25091

(I) The director shall cooperate with the nature conservancy, 25092
other nonprofit organizations, and the United States fish and 25093
wildlife service in order to secure protection of islands in the 25094
Ohio river and the wildlife and wildlife habitat of those islands. 25095

(J) Any instrument by which real property is acquired 25096
pursuant to this section shall identify the agency of the state 25097
that has the use and benefit of the real property as specified in 25098
section 5301.012 of the Revised Code. 25099

Sec. 1501.011. (A) Except as provided in divisions (B), (C), 25100
and (D) of this section, the Ohio facilities construction 25101
commission shall supervise the design and construction of, and 25102
make contracts for the construction, reconstruction, improvement, 25103
enlargement, alteration, repair, or decoration of, any projects or 25104
improvements for the department of natural resources that may be 25105
authorized by legislative appropriations or any other funds 25106
available therefor, the estimated cost of which amounts to two 25107
hundred thousand dollars or more or the amount determined pursuant 25108
to section 153.53 of the Revised Code or more. 25109

~~(B) The department of natural resources shall administer the 25110
construction of improvements under an agreement with the 25111
supervisors of a soil and water conservation district pursuant to 25112
division (I) of section 1515.08 of the Revised Code. 25113~~

~~(C)(1) The department of natural resources shall supervise 25114~~

the design and construction of, and make contracts for the 25115
construction, reconstruction, improvement, enlargement, 25116
alteration, repair, or decoration of, any of the following 25117
activities, projects, or improvements: 25118

(a) Dam repairs administered by the division of engineering 25119
under Chapter 1507. of the Revised Code; 25120

(b) Projects or improvements administered by the division of 25121
watercraft and funded through the waterways safety fund 25122
established in section 1547.75 of the Revised Code; 25123

(c) Projects or improvements administered by the division of 25124
wildlife under Chapter 1531. or 1533. of the Revised Code; 25125

(d) Activities conducted by the department pursuant to 25126
section 5511.05 of the Revised Code in order to maintain the 25127
department's roadway inventory. 25128

(2) If a contract to be let under division ~~(C)~~(B)(1) of this 25129
section involves an exigency that concerns the public health, 25130
safety, or welfare or addresses an emergency situation in which 25131
timeliness is crucial in preventing the cost of the contract from 25132
increasing significantly, pursuant to the declaration of a public 25133
exigency, the department may award the contract without 25134
competitive bidding or selection as otherwise required by Chapter 25135
153. of the Revised Code. 25136

A notice published by the department of natural resources 25137
regarding an activity, project, or improvement shall be published 25138
as contemplated in section 7.16 of the Revised Code. 25139

~~(D)~~(C) The executive director of the Ohio facilities 25140
construction commission may authorize the department of natural 25141
resources to administer any other project or improvement, the 25142
estimated cost of which, including design fees, construction, 25143
equipment, and contingency amounts, is not more than one million 25144
five hundred thousand dollars. 25145

Sec. 1501.022. There is hereby created in the state treasury 25146
the injection well review fund consisting of moneys transferred to 25147
it under section 6111.046 of the Revised Code. Moneys in the fund 25148
shall be used by the chiefs of the divisions of mineral resources 25149
management, oil and gas resources management, geological survey, 25150
and ~~soil and~~ water resources in the department of natural 25151
resources exclusively for the purpose of executing their duties 25152
under sections 6111.043 to 6111.047 of the Revised Code. 25153

Sec. 1501.04. There is hereby created in the department of 25154
natural resources a recreation and resources commission composed 25155
of the chairperson of the wildlife council created under section 25156
1531.03 of the Revised Code, the chairperson of the parks and 25157
recreation council created under section 1541.40 of the Revised 25158
Code, the chairperson of the waterways safety council created 25159
under section 1547.73 of the Revised Code, the chairperson of the 25160
technical advisory council on oil and gas created under section 25161
1509.38 of the Revised Code, the chairperson of the forestry 25162
advisory council created under section 1503.40 of the Revised 25163
Code, ~~the chairperson of the Ohio soil and water conservation~~ 25164
~~commission created under section 1515.02 of the Revised Code,~~ the 25165
chairperson of the Ohio natural areas council created under 25166
section 1517.03 of the Revised Code, the chairperson of the Ohio 25167
water advisory council created under section 1521.031 of the 25168
Revised Code, the chairperson of the Ohio geology advisory council 25169
created under section 1505.11 of the Revised Code, and five 25170
members appointed by the governor with the advice and consent of 25171
the senate, not more than three of whom shall belong to the same 25172
political party. The director of natural resources shall be an ex 25173
officio member of the commission, with a voice in its 25174
deliberations, but without the power to vote. 25175

Terms of office of members of the commission appointed by the 25176

governor shall be for five years, commencing on the second day of 25177
February and ending on the first day of February. Each member 25178
shall hold office from the date of appointment until the end of 25179
the term for which the member was appointed. 25180

In the event of the death, removal, resignation, or 25181
incapacity of a member of the commission, the governor, with the 25182
advice and consent of the senate, shall appoint a successor who 25183
shall hold office for the remainder of the term for which the 25184
member's predecessor was appointed. Any member shall continue in 25185
office subsequent to the expiration date of the member's term 25186
until the member's successor takes office, or until a period of 25187
sixty days has elapsed, whichever occurs first. 25188

The governor may remove any appointed member of the 25189
commission for misfeasance, nonfeasance, or malfeasance in office. 25190

The commission shall exercise no administrative function, but 25191
may do any of the following: 25192

(A) Advise with and recommend to the director as to plans and 25193
programs for the management, development, utilization, and 25194
conservation of the natural resources of the state; 25195

(B) Advise with and recommend to the director as to methods 25196
of coordinating the work of the divisions of the department; 25197

(C) Consider and make recommendations upon any matter that 25198
the director may submit to it; 25199

(D) Submit to the governor biennially recommendations for 25200
amendments to the conservation laws of the state. 25201

Each member of the commission, before entering upon the 25202
discharge of the member's duties, shall take and subscribe to an 25203
oath of office, which oath, in writing, shall be filed in the 25204
office of the secretary of state. 25205

The members of the commission shall serve without 25206

compensation, but shall be entitled to receive their actual and 25207
necessary expenses incurred in the performance of their official 25208
duties. 25209

The commission, by a majority vote of all its members, shall 25210
adopt and amend bylaws. 25211

To be eligible for appointment, a person shall be a citizen 25212
of the United States and an elector of the state and shall possess 25213
a knowledge of and have an interest in the natural resources of 25214
this state. 25215

The commission shall hold at least four regular quarterly 25216
meetings each year. Special meetings shall be held at such times 25217
as the bylaws of the commission provide. Notices of all meetings 25218
shall be given in such manner as the bylaws provide. The 25219
commission shall choose annually from among its members a 25220
chairperson to preside over its meetings and a secretary to keep a 25221
record of its proceedings. A majority of the members of the 25222
commission constitutes a quorum. No advice shall be given or 25223
recommendation made without a majority of the members of the 25224
commission concurring in it. 25225

Sec. 1503.50. As used in sections 1503.50 to 1503.55 of the 25226
Revised Code: 25227

(A) "Conservation" means the wise use and management of 25228
natural resources. 25229

(B) "Forestry pollution" means failure to use management or 25230
conservation practices in silvicultural operations to abate wind 25231
or water erosion of the soil or to abate the degradation of the 25232
waters of the state by soil sediment, including attached 25233
substances, from silvicultural operations. 25234

(C) "Pollution abatement practice" means any erosion control 25235
practice or timber harvest best management practice or procedure 25236

and the operation and management associated with it as contained 25237
in a timber harvest plan. 25238

(D) "Soil and water conservation district" has the same 25239
meaning as in section 940.01 of the Revised Code. 25240

(E) "Timber harvest plan" means a written record, developed 25241
or approved by the chief of the division of forestry or the 25242
chief's designee that contains implementation schedules and 25243
operational procedures for a level of land and water management 25244
that will abate wind or water erosion of the soil or abate the 25245
degradation of the waters of the state by soil sediment, including 25246
attached substances, from silvicultural operations. 25247

(F) "Waters of the state" has the same meaning as in section 25248
903.01 of the Revised Code. 25249

Sec. 1503.51. (A) The chief of the division of forestry shall 25250
adopt rules in accordance with Chapter 119. of the Revised Code 25251
that do or comply with all of the following: 25252

(1) Establish technically feasible and economically 25253
reasonable standards to achieve a level of management and 25254
conservation practices in silvicultural operations that will abate 25255
wind or water erosion of the soil or abate the degradation of the 25256
waters of the state by soil sediment, including attached 25257
substances, from silvicultural operations and establish criteria 25258
for determination of the acceptability of such management and 25259
conservation practices; 25260

(2) Establish procedures for administration of the rules; 25261

(3) Specify the pollution abatement practices eligible for 25262
state cost sharing and determine the conditions for eligibility, 25263
the construction standards and specifications, the useful life, 25264
the maintenance requirements, and the limits of cost sharing for 25265
those practices. Eligible practices shall be limited to practices 25266

that address silvicultural operations, that require expenditures 25267
that are likely to exceed the economic returns to the owner or 25268
operator of a silvicultural operation, and that abate soil erosion 25269
or degradation of the waters of the state by soil sediment, 25270
including attached substances, from silvicultural operations. 25271

(B) The chief or the chief's designee shall do all of the 25272
following: 25273

(1) Issue orders requiring compliance with a rule adopted 25274
under this section. Before the chief or the chief's designee 25275
issues an order, the chief or the chief's designee shall afford 25276
the person an adjudication hearing under Chapter 119. of the 25277
Revised Code. The chief or the chief's designee may require in an 25278
order that a person who has caused forestry pollution by failure 25279
to comply with the standards established in rules adopted under 25280
this section operate under a timber harvest plan approved by the 25281
chief or the chief's designee under this section. An order shall 25282
be issued in writing and contain a finding by the chief or the 25283
chief's designee of the facts on which the order is based and the 25284
standard that is not being met. 25285

(2) Periodically monitor the use and effectiveness of 25286
management and conservation practices conducted in accordance with 25287
standards established in rules adopted under division (A)(1) of 25288
this section; 25289

(3) Assist in expediting state responsibilities for watershed 25290
development and other natural resource conservation works of 25291
improvement; 25292

(4) When necessary for the purposes of sections 1503.50 to 25293
1503.55 of the Revised Code, develop or approve timber harvest 25294
plans. 25295

Sec. 1503.52. (A) A person who owns or operates a 25296

silviculture operation may develop and operate under a timber harvest plan approved by the chief of the division of forestry or the chief's designee under section 1503.51 of the Revised Code or by the supervisors of the applicable soil and water conservation district under section 940.06 of the Revised Code. 25297
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(B) Any person who wishes to make a complaint regarding nuisances involving forestry pollution may do so orally or by submitting a written, signed, and dated complaint to the chief or the chief's designee. After receiving an oral complaint, the chief or the chief's designee may cause an investigation to be conducted to determine whether forestry pollution has occurred or is imminent. After receiving a written, signed, and dated complaint, the chief or the chief's designee shall cause such an investigation to be conducted. 25302
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(C) In a private civil action for nuisances involving forestry pollution, it is an affirmative defense if the person owning, operating, or otherwise responsible for a silvicultural operation is operating under and in substantial compliance with an approved timber harvest plan developed under division (A) of this section, with a timber harvest plan developed by the chief or the chief's designee under section 1503.51 of the Revised Code or by the supervisors of the applicable soil and water conservation district under section 940.06 of the Revised Code, or with a timber harvest plan required by an order issued by the chief or the chief's designee under division (B)(1) of section 1503.51 of the Revised Code. Nothing in this section is in derogation of the authority granted to the chief or the chief's designee in 1503.51 of the Revised Code. 25311
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Sec. 1503.53. (A) Except as provided in division (B) of this section, the chief of the division of forestry, an employee of the division of forestry, the supervisors of a soil and water 25325
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conservation district, an employee of a district, and a contractor 25328
of the division or a district shall not disclose either of the 25329
following: 25330

(1) Information, including data from geographic information 25331
systems and global positioning systems, provided by a person who 25332
owns or operates a silvicultural operation that is operated under 25333
a timber harvest plan; 25334

(2) Information gathered as a result of an inspection to 25335
determine whether the person who owns or operates the operation is 25336
in compliance with a timber harvest plan. 25337

(B) The chief or the supervisors of a district may release or 25338
disclose information specified in division (A)(1) or (2) of this 25339
section to a person or a federal, state, or local agency working 25340
in cooperation with the chief or the supervisors in the 25341
development of a timber harvest plan or an inspection to determine 25342
compliance with such a plan if the chief or supervisors determine 25343
that the person or federal, state, or local agency will not 25344
subsequently disclose the information to another person. 25345

Sec. 1503.54. (A)(1) No person shall recklessly fail to 25346
comply with an order of the chief of the division of forestry or 25347
the chief's designee issued under section 1503.51 of the Revised 25348
Code. 25349

(2) In addition to the remedies provided and irrespective of 25350
whether an adequate remedy at law exists, the chief may apply to 25351
the court of common pleas in the county where a violation of a 25352
standard established in rules adopted under section 1503.51 of the 25353
Revised Code causes forestry pollution for an order to compel the 25354
violator to cease the violation and to remove the pollutant or to 25355
comply with the rules adopted under that section, as appropriate. 25356

(3) In addition to the remedies provided and irrespective of 25357

whether an adequate remedy at law exists, whenever the chief 25358
officially determines that an emergency exists because of forestry 25359
pollution, the chief may issue an order, without notice or 25360
hearing, stating the existence of the emergency and requiring that 25361
action be taken that is necessary to address the emergency. The 25362
order shall be effective immediately. 25363

A person to whom the order is issued shall comply with the 25364
order immediately, but on application to the chief shall be 25365
afforded an adjudication hearing in accordance with Chapter 119. 25366
of the Revised Code as soon as possible, but not later than twenty 25367
days after the chief's receipt of the application. Following the 25368
hearing, the chief shall continue the order in effect, revoke it, 25369
or modify it. The order may be appealed in accordance with section 25370
119.12 of the Revised Code. An emergency order shall not remain in 25371
effect for more than sixty days after its issuance. 25372

If a person to whom an order is issued does not comply with 25373
the order within a reasonable period of time as determined by the 25374
chief, the chief or the chief's designee may enter on private or 25375
public lands to investigate and take action to mitigate, minimize, 25376
remove, or abate the conditions that are the subject of the order. 25377

(B) The attorney general, upon the written request of the 25378
chief, shall bring appropriate legal action in Franklin county 25379
against any person who fails to comply with an order of the chief 25380
or the chief's designee issued under section 1503.51 of the 25381
Revised Code. 25382

Sec. 1503.55. (A) There is hereby created in the state 25383
treasury the forestry pollution abatement fund, which shall be 25384
administered by the chief of the division of forestry. 25385

(B) The fund may be used to pay costs incurred under all of 25386
the following: 25387

<u>(1) Rules adopted under division (A)(3) of section 1503.51 of the Revised Code;</u>	25388
	25389
<u>(2) Division (B)(2) of section 1503.51 of the Revised Code;</u>	25390
<u>(3) Division (A)(3) of section 1503.54 of the Revised Code in</u>	25391
<u>investigating, mitigating, minimizing, removing, or abating any</u>	25392
<u>pollution of the waters of the state caused by forestry pollution</u>	25393
<u>that requires emergency action to protect public health.</u>	25394
<u>(C) Any person responsible for causing or allowing forestry</u>	25395
<u>pollution or an unauthorized release, spill, or discharge is</u>	25396
<u>liable to the chief for any costs incurred by the chief in</u>	25397
<u>investigating, mitigating, minimizing, removing, or abating the</u>	25398
<u>forestry pollution or release, spill, or discharge regardless of</u>	25399
<u>whether those costs were paid from the forestry pollution</u>	25400
<u>abatement fund or any other fund of the division. Upon the request</u>	25401
<u>of the chief, the attorney general shall bring a civil action</u>	25402
<u>against the responsible person to recover those costs. Money</u>	25403
<u>recovered under this section shall be credited to the forestry</u>	25404
<u>pollution abatement fund.</u>	25405
Sec. 1503.99. (A) Whoever violates section 1503.01 or 1503.12	25406
of the Revised Code is guilty of a minor misdemeanor.	25407
(B) Whoever violates section 1503.18 or 1503.43 of the	25408
Revised Code is guilty of a misdemeanor of the third degree.	25409
<u>(C) Whoever violates division (A) of section 1503.54 of the</u>	25410
<u>Revised Code is guilty of a misdemeanor of the first degree. Each</u>	25411
<u>day of violation is a separate offense. In addition to the penalty</u>	25412
<u>provided in this division, the sentencing court may assess damages</u>	25413
<u>in an amount equal to the costs of reclaiming, restoring, or</u>	25414
<u>otherwise repairing any damage to public or private property</u>	25415
<u>caused by any violation of division (A) of section 1503.54 of the</u>	25416
<u>Revised Code. All fines and moneys assessed as damages under this</u>	25417

section shall be credited to the forestry pollution abatement fund 25418
created in section 1503.55 of the Revised Code. 25419

Sec. 1505.10. ~~The chief of the division of geological survey~~ 25420
director of natural resources or the director's designee shall 25421
prepare and publish for public distribution annual reports that 25422
shall include all of the following: 25423

(A) A list of the operators of mines, quarries, pits, or 25424
other mineral resource extraction operations in this state; 25425

(B) Information on the location of and commodity extracted at 25426
each operation; 25427

(C) Information on the employment at each operation; 25428

(D) Information on the tonnage of coal or other minerals 25429
extracted at each operation along with the method of extraction; 25430

(E) Information on the production, use, distribution, value, 25431
and other facts relative to the mineral resources of the state 25432
that may be of public interest. 25433

The director or the director's designee may require the 25434
division of mineral resources management to perform the duties 25435
required by this section. 25436

Each operator engaged in the extraction of minerals shall 25437
submit an accurate and complete annual report, on or before the 25438
last day of January each year, to the ~~chief of the division of~~ 25439
~~geological survey~~ director or the director's designee on forms 25440
provided by the ~~chief~~ director or the director's designee and 25441
containing the information specified in divisions (A) to (E) of 25442
this section for the immediately preceding calendar year. The 25443
~~chief of the division of mineral resources management~~ director or 25444
the director's designee may use all or portions of the information 25445
collected pursuant to this section in preparing the annual report 25446
required by section 1561.04 of the Revised Code. 25447

No person shall fail to comply with this section. 25448

Sec. 1506.01. As used in this chapter: 25449

(A) "Coastal area" means the waters of Lake Erie, the islands 25450
in the lake, and the lands under and adjacent to the lake, 25451
including transitional areas, wetlands, and beaches. The coastal 25452
area extends in Lake Erie to the international boundary line 25453
between the United States and Canada and landward only to the 25454
extent necessary to include shorelands, the uses of which have a 25455
direct and significant impact on coastal waters as determined by 25456
the director of natural resources. 25457

(B) "Coastal management program" means the comprehensive 25458
action of the state and its political subdivisions cooperatively 25459
to preserve, protect, develop, restore, or enhance the resources 25460
of the coastal area and to ensure wise use of the land and water 25461
resources of the coastal area, giving attention to natural, 25462
cultural, historic, and aesthetic values; agricultural, 25463
recreational, energy, and economic needs; and the national 25464
interest. "Coastal management program" includes the establishment 25465
of objectives, policies, standards, and criteria concerning, 25466
without limitation, protection of air, water, wildlife, rare and 25467
endangered species, wetlands and natural areas, and other natural 25468
resources in the coastal area; management of coastal development 25469
and redevelopment; preservation and restoration of historic, 25470
cultural, and aesthetic coastal features; and public access to the 25471
coastal area for recreation purposes. 25472

(C) "Coastal management program document" means a 25473
comprehensive statement consisting of, without limitation, text, 25474
maps, and illustrations that is adopted by the director in 25475
accordance with this chapter, describes the objectives, policies, 25476
standards, and criteria of the coastal management program for 25477
guiding public and private uses of lands and waters in the coastal 25478

area, lists the governmental agencies, including, without
limitation, state agencies, involved in implementing the coastal
management program, describes their applicable policies and
programs, and cites the statutes and rules under which they may
adopt and implement those policies and programs.

(D) "Person" means any agency of this state, any political
subdivision of this state or of the United States, and any legal
entity defined as a person under section 1.59 of the Revised Code.

(E) "Director" means the director of natural resources or the
director's designee.

(F) "Permanent structure" means any residential, commercial,
industrial, institutional, or agricultural building, any mobile
home as defined in division (O) of section 4501.01 of the Revised
Code, any manufactured home as defined in division (C)(4) of
section 3781.06 of the Revised Code, and any septic system that
receives sewage from a single-family, two-family, or three-family
dwelling, but does not include any recreational vehicle as defined
in section 4501.01 of the Revised Code.

(G) "State agency" or "agency of the state" has the same
meaning as "agency" as defined in section 111.15 of the Revised
Code.

(H) "Coastal flood hazard area" means any territory within
the coastal area that has been identified as a flood hazard area
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975,
42 U.S.C.A. 4002, as amended.

(I) "Coastal erosion area" means any territory included in
Lake Erie coastal erosion areas identified by the director under
section 1506.06 of the Revised Code.

(J) "Conservancy district" means a conservancy district that
is established under Chapter 6101. of the Revised Code.

(K) "Park board" means the board of park commissioners of a park district that is created under Chapter 1545. of the Revised Code.

(L) "Erosion control structure" means a structure that is designed solely and specifically to reduce or control erosion of the shore along or near Lake Erie, including, without limitation, revetments, seawalls, bulkheads, certain breakwaters, and similar structures.

(M) "Shore structure" includes, but is not limited to, beaches; groins; revetments; bulkheads; seawalls; breakwaters; certain dikes designated by the chief of the division of ~~soil and~~ water resources; piers; docks; jetties; wharves; marinas; boat ramps; any associated fill or debris used as part of the construction of shore structures that may affect shore erosion, wave action, or inundation; and fill or debris that is placed along or near the shore, including bluffs, banks, or beach ridges, for the purpose of stabilizing slopes.

Sec. 1509.01. As used in this chapter:

(A) "Well" means any borehole, whether drilled or bored, within the state for production, extraction, or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil field waters.

(B) "Oil" means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir.

(C) "Gas" means all natural gas and all other fluid hydrocarbons that are not oil, including condensate.

(D) "Condensate" means liquid hydrocarbons separated at or

near the well pad or along the gas production or gathering system 25539
prior to gas processing. 25540

(E) "Pool" means an underground reservoir containing a common 25541
accumulation of oil or gas, or both, but does not include a gas 25542
storage reservoir. Each zone of a geological structure that is 25543
completely separated from any other zone in the same structure may 25544
contain a separate pool. 25545

(F) "Field" means the general area underlaid by one or more 25546
pools. 25547

(G) "Drilling unit" means the minimum acreage on which one 25548
well may be drilled, but does not apply to a well for injecting 25549
gas into or removing gas from a gas storage reservoir. 25550

(H) "Waste" includes all of the following: 25551

(1) Physical waste, as that term generally is understood in 25552
the oil and gas industry; 25553

(2) Inefficient, excessive, or improper use, or the 25554
unnecessary dissipation, of reservoir energy; 25555

(3) Inefficient storing of oil or gas; 25556

(4) Locating, drilling, equipping, operating, or producing an 25557
oil or gas well in a manner that reduces or tends to reduce the 25558
quantity of oil or gas ultimately recoverable under prudent and 25559
proper operations from the pool into which it is drilled or that 25560
causes or tends to cause unnecessary or excessive surface loss or 25561
destruction of oil or gas; 25562

(5) Other underground or surface waste in the production or 25563
storage of oil, gas, or condensate, however caused. 25564

(I) "Correlative rights" means the reasonable opportunity to 25565
every person entitled thereto to recover and receive the oil and 25566
gas in and under the person's tract or tracts, or the equivalent 25567
thereof, without having to drill unnecessary wells or incur other 25568

unnecessary expense. 25569

(J) "Tract" means a single, ~~individually taxed~~ individual 25570
parcel of land ~~appearing on the tax list or a portion of a single,~~ 25571
individual parcel of land. 25572

(K) "Owner," unless referring to a mine, means the person who 25573
has the right to drill on a tract or drilling unit, to drill into 25574
and produce from a pool, and to appropriate the oil or gas 25575
produced therefrom either for the person or for others, except 25576
that a person ceases to be an owner with respect to a well when 25577
the well has been plugged in accordance with applicable rules 25578
adopted and orders issued under this chapter. "Owner" does not 25579
include a person who obtains a lease of the mineral rights for oil 25580
and gas on a parcel of land if the person does not attempt to 25581
produce or produce oil or gas from a well or obtain a permit under 25582
this chapter for a well or if the entire interest of a well is 25583
transferred to the person in accordance with division (B) of 25584
section 1509.31 of the Revised Code. 25585

(L) "Royalty interest" means the fee holder's share in the 25586
production from a well. 25587

(M) "Discovery well" means the first well capable of 25588
producing oil or gas in commercial quantities from a pool. 25589

(N) "Prepared clay" means a clay that is plastic and is 25590
thoroughly saturated with fresh water to a weight and consistency 25591
great enough to settle through saltwater in the well in which it 25592
is to be used, except as otherwise approved by the chief of the 25593
division of oil and gas resources management. 25594

(O) "Rock sediment" means the combined cutting and residue 25595
from drilling sedimentary rocks and formation. 25596

(P) "Excavations and workings," "mine," and "pillar" have the 25597
same meanings as in section 1561.01 of the Revised Code. 25598

(Q) "Coal bearing township" means a township designated as 25599
such by the chief of the division of mineral resources management 25600
under section 1561.06 of the Revised Code. 25601

(R) "Gas storage reservoir" means a continuous area of a 25602
subterranean porous sand or rock stratum or strata into which gas 25603
is or may be injected for the purpose of storing it therein and 25604
removing it therefrom and includes a gas storage reservoir as 25605
defined in section 1571.01 of the Revised Code. 25606

(S) "Safe Drinking Water Act" means the "Safe Drinking Water 25607
Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the 25608
"Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 25609
U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 25610
100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water 25611
Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and 25612
regulations adopted under those acts. 25613

(T) "Person" includes any political subdivision, department, 25614
agency, or instrumentality of this state; the United States and 25615
any department, agency, or instrumentality thereof; ~~and~~ any legal 25616
entity defined as a person under section 1.59 of the Revised Code; 25617
any limited liability company; any joint venture; and any other 25618
form of business entity. 25619

(U) "Brine" means all saline geological formation water 25620
resulting from, obtained from, or produced in connection with 25621
exploration, drilling, well stimulation, production of oil or gas, 25622
or plugging of a well. 25623

(V) "Waters of the state" means all streams, lakes, ponds, 25624
marshes, watercourses, waterways, springs, irrigation systems, 25625
drainage systems, and other bodies of water, surface or 25626
underground, natural or artificial, that are situated wholly or 25627
partially within this state or within its jurisdiction, except 25628
those private waters that do not combine or effect a junction with 25629

natural surface or underground waters.	25630
(W) "Exempt Mississippian well" means a well that meets all	25631
of the following criteria:	25632
(1) Was drilled and completed before January 1, 1980;	25633
(2) Is located in an unglaciated part of the state;	25634
(3) Was completed in a reservoir no deeper than the	25635
Mississippian Big Injun sandstone in areas underlain by	25636
Pennsylvanian or Permian stratigraphy, or the Mississippian Berea	25637
sandstone in areas directly underlain by Permian stratigraphy;	25638
(4) Is used primarily to provide oil or gas for domestic use.	25639
(X) "Exempt domestic well" means a well that meets all of the	25640
following criteria:	25641
(1) Is owned by the owner of the surface estate of the tract	25642
on which the well is located;	25643
(2) Is used primarily to provide gas for the owner's domestic	25644
use;	25645
(3) Is located more than two hundred feet horizontal distance	25646
from any inhabited private dwelling house other than an inhabited	25647
private dwelling house located on the tract on which the well is	25648
located;	25649
(4) Is located more than two hundred feet horizontal distance	25650
from any public building that may be used as a place of resort,	25651
assembly, education, entertainment, lodging, trade, manufacture,	25652
repair, storage, traffic, or occupancy by the public.	25653
(Y) "Urbanized area" means an area where a well or production	25654
facilities of a well are located within a municipal corporation or	25655
within a township that has an unincorporated population of more	25656
than five thousand in the most recent federal decennial census	25657
prior to the issuance of the permit for the well or production	25658
facilities.	25659

(Z) "Well stimulation" or "stimulation of a well" means the process of enhancing well productivity, including hydraulic fracturing operations.

(AA) "Production operation" means all operations and activities and all related equipment, facilities, and other structures that may be used in or associated with the exploration and production of oil, gas, or other mineral resources that are regulated under this chapter, including operations and activities associated with site preparation, site construction, access road construction, well drilling, well completion, well stimulation, well site activities, reclamation, and plugging. "Production operation" also includes all of the following:

(1) The piping, equipment, and facilities used for the production and preparation of hydrocarbon gas or liquids for transportation or delivery;

(2) The processes of extraction and recovery, lifting, stabilization, treatment, separation, production processing, storage, waste disposal, and measurement of hydrocarbon gas and liquids, including related equipment and facilities;

(3) The processes and related equipment and facilities associated with production compression, gas lift, gas injection, fuel gas supply, well drilling, well stimulation, and well completion activities, including dikes, pits, and earthen and other impoundments used for the temporary storage of fluids and waste substances associated with well drilling, well stimulation, and well completion activities;

(4) Equipment and facilities at a wellpad or other location that are used for the transportation, handling, recycling, temporary storage, management, processing, or treatment of any equipment, material, and by-products or other substances from an operation at a wellpad that may be used or reused at the same or

another operation at a wellpad or that will be disposed of in accordance with applicable laws and rules adopted under them.

(BB) "Annular overpressurization" means the accumulation of fluids within an annulus with sufficient pressure to allow migration of annular fluids into underground sources of drinking water.

(CC) "Idle and orphaned well" means a well for which a bond has been forfeited or an abandoned well for which no money is available to plug the well in accordance with this chapter and rules adopted under it.

(DD) "Temporarily inactive well" means a well that has been granted temporary inactive status under section 1509.062 of the Revised Code.

(EE) "Material and substantial violation" means any of the following:

(1) Failure to obtain a permit to drill, reopen, convert, plugback, or plug a well under this chapter;

(2) Failure to obtain, maintain, update, or submit proof of insurance coverage that is required under this chapter;

(3) Failure to obtain, maintain, update, or submit proof of a surety bond that is required under this chapter;

(4) Failure to plug an abandoned well or idle and orphaned well unless the well has been granted temporary inactive status under section 1509.062 of the Revised Code or the chief of the division of oil and gas resources management has approved another option concerning the abandoned well or idle and orphaned well;

(5) Failure to restore a disturbed land surface as required by section 1509.072 of the Revised Code;

(6) Failure to reimburse the oil and gas well fund pursuant to a final order issued under section 1509.071 of the Revised

Code;	25721
(7) Failure to comply with a final nonappealable order of the chief issued under section 1509.04 of the Revised Code;	25722 25723
(8) Failure to submit a report, test result, fee, or document that is required in this chapter or rules adopted under it.	25724 25725
(FF) "Severer" has the same meaning as in section 5749.01 of the Revised Code.	25726 25727
(GG) "Horizontal well" means a well that is drilled for the production of oil or gas in which the wellbore reaches a horizontal or near horizontal position in the Point Pleasant, Utica, or Marcellus formation and the well is stimulated.	25728 25729 25730 25731
(HH) "Well pad" means the area that is cleared or prepared for the drilling of one or more horizontal wells.	25732 25733
Sec. 1509.06. (A) An application for a permit to drill a new well, drill an existing well deeper, reopen a well, convert a well to any use other than its original purpose, or plug back a well to a different source of supply, including associated production operations, shall be filed with the chief of the division of oil and gas resources management upon such form as the chief prescribes and shall contain each of the following that is applicable:	25734 25735 25736 25737 25738 25739 25740 25741
(1) The name and address of the owner and, if a corporation, the name and address of the statutory agent;	25742 25743
(2) The signature of the owner or the owner's authorized agent. When an authorized agent signs an application, it shall be accompanied by a certified copy of the appointment as such agent.	25744 25745 25746
(3) The names and addresses of all persons holding the royalty interest in the tract upon which the well is located or is to be drilled or within a proposed drilling unit;	25747 25748 25749

(4) The location of the tract or drilling unit on which the well is located or is to be drilled identified by section or lot number, city, village, township, and county; 25750
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(5) Designation of the well by name and number; 25753

(6)(a) The geological formation to be tested or used and the proposed total depth of the well; 25754
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(b) If the well is for the injection of a liquid, identity of the geological formation to be used as the injection zone and the composition of the liquid to be injected. 25756
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(7) The type of drilling equipment to be used; 25759

(8)(a) An identification, to the best of the owner's knowledge, of each proposed source of ground water and surface water that will be used in the production operations of the well. The identification of each proposed source of water shall indicate if the water will be withdrawn from the Lake Erie watershed or the Ohio river watershed. In addition, the owner shall provide, to the best of the owner's knowledge, the proposed estimated rate and volume of the water withdrawal for the production operations. If recycled water will be used in the production operations, the owner shall provide the estimated volume of recycled water to be used. The owner shall submit to the chief an update of any of the information that is required by division (A)(8)(a) of this section if any of that information changes before the chief issues a permit for the application. 25760
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(b) Except as provided in division (A)(8)(c) of this section, for an application for a permit to drill a new well within an urbanized area, the results of sampling of water wells within three hundred feet of the proposed well prior to commencement of drilling. In addition, the owner shall include a list that identifies the location of each water well where the owner of the property on which the water well is located denied the owner 25774
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access to sample the water well. The sampling shall be conducted 25781
in accordance with the guidelines established in "Best Management 25782
Practices For Pre-drilling Water Sampling" in effect at the time 25783
that the application is submitted. The division shall furnish 25784
those guidelines upon request and shall make them available on the 25785
division's web site. If the chief determines that conditions at 25786
the proposed well site warrant a revision, the chief may revise 25787
the distance established in this division for purposes of 25788
pre-drilling water sampling. 25789

(c) For an application for a permit to drill a new horizontal 25790
well, the results of sampling of water wells within one thousand 25791
five hundred feet of the proposed horizontal wellhead prior to 25792
commencement of drilling. In addition, the owner shall include a 25793
list that identifies the location of each water well where the 25794
owner of the property on which the water well is located denied 25795
the owner access to sample the water well. The sampling shall be 25796
conducted in accordance with the guidelines established in "Best 25797
Management Practices For Pre-drilling Water Sampling" in effect at 25798
the time that the application is submitted. The division shall 25799
furnish those guidelines upon request and shall make them 25800
available on the division's web site. If the chief determines that 25801
conditions at the proposed well site warrant a revision, the chief 25802
may revise the distance established in this division for purposes 25803
of pre-drilling water sampling. 25804

(9) For an application for a permit to drill a new well 25805
within an urbanized area, a sworn statement that the applicant has 25806
provided notice by regular mail of the application to the owner of 25807
each parcel of real property that is located within five hundred 25808
feet of the surface location of the well and to the executive 25809
authority of the municipal corporation or the board of township 25810
trustees of the township, as applicable, in which the well is to 25811
be located. In addition, the notice shall contain a statement that 25812

informs an owner of real property who is required to receive the 25813
notice under division (A)(9) of this section that within five days 25814
of receipt of the notice, the owner is required to provide notice 25815
under section 1509.60 of the Revised Code to each residence in an 25816
occupied dwelling that is located on the owner's parcel of real 25817
property. The notice shall contain a statement that an application 25818
has been filed with the division of oil and gas resources 25819
management, identify the name of the applicant and the proposed 25820
well location, include the name and address of the division, and 25821
contain a statement that comments regarding the application may be 25822
sent to the division. The notice may be provided by hand delivery 25823
or regular mail. The identity of the owners of parcels of real 25824
property shall be determined using the tax records of the 25825
municipal corporation or county in which a parcel of real property 25826
is located as of the date of the notice. 25827

(10) A plan for restoration of the land surface disturbed by 25828
drilling operations. The plan shall provide for compliance with 25829
the restoration requirements of division (A) of section 1509.072 25830
of the Revised Code and any rules adopted by the chief pertaining 25831
to that restoration. 25832

(11)(a) A description by name or number of the county, 25833
township, and municipal corporation roads, streets, and highways 25834
that the applicant anticipates will be used for access to and 25835
egress from the well site; 25836

(b) For an application for a permit for a horizontal well, a 25837
copy of an agreement concerning maintenance and safe use of the 25838
roads, streets, and highways described in division (A)(11)(a) of 25839
this section entered into on reasonable terms with the public 25840
official that has the legal authority to enter into such 25841
maintenance and use agreements for each county, township, and 25842
municipal corporation, as applicable, in which any such road, 25843
street, or highway is located or an affidavit on a form prescribed 25844

by the chief attesting that the owner attempted in good faith to 25845
enter into an agreement under division (A)(11)(b) of this section 25846
with the applicable public official of each such county, township, 25847
or municipal corporation, but that no agreement was executed. 25848

(12) Such other relevant information as the chief prescribes 25849
by rule. 25850

Each application shall be accompanied by a map, on a scale 25851
not smaller than four hundred feet to the inch, prepared by an 25852
Ohio registered surveyor, showing the location of the well and 25853
containing such other data as may be prescribed by the chief. If 25854
the well is or is to be located within the excavations and 25855
workings of a mine, the map also shall include the location of the 25856
mine, the name of the mine, and the name of the person operating 25857
the mine. 25858

(B) The chief shall cause a copy of the weekly circular 25859
prepared by the division to be provided to the county engineer of 25860
each county that contains active or proposed drilling activity. 25861
The weekly circular shall contain, in the manner prescribed by the 25862
chief, the names of all applicants for permits, the location of 25863
each well or proposed well, the information required by division 25864
(A)(11) of this section, and any additional information the chief 25865
prescribes. In addition, the chief promptly shall transfer an 25866
electronic copy or facsimile, or if those methods are not 25867
available to a municipal corporation or township, a copy via 25868
regular mail, of a drilling permit application to the clerk of the 25869
legislative authority of the municipal corporation or to the clerk 25870
of the township in which the well or proposed well is or is to be 25871
located if the legislative authority of the municipal corporation 25872
or the board of township trustees has asked to receive copies of 25873
such applications and the appropriate clerk has provided the chief 25874
an accurate, current electronic mailing address or facsimile 25875
number, as applicable. 25876

(C)(1) Except as provided in division (C)(2) of this section, 25877
the chief shall not issue a permit for at least ten days after the 25878
date of filing of the application for the permit unless, upon 25879
reasonable cause shown, the chief waives that period or a request 25880
for expedited review is filed under this section. However, the 25881
chief shall issue a permit within twenty-one days of the filing of 25882
the application unless the chief denies the application by order. 25883

(2) If the location of a well or proposed well will be or is 25884
within an urbanized area, the chief shall not issue a permit for 25885
at least eighteen days after the date of filing of the application 25886
for the permit unless, upon reasonable cause shown, the chief 25887
waives that period or the chief at the chief's discretion grants a 25888
request for an expedited review. However, the chief shall issue a 25889
permit for a well or proposed well within an urbanized area within 25890
thirty days of the filing of the application unless the chief 25891
denies the application by order. 25892

(D) An applicant may file a request with the chief for 25893
expedited review of a permit application if the well is not or is 25894
not to be located in a gas storage reservoir or reservoir 25895
protective area, as "reservoir protective area" is defined in 25896
section 1571.01 of the Revised Code. If the well is or is to be 25897
located in a coal bearing township, the application shall be 25898
accompanied by the affidavit of the landowner prescribed in 25899
section 1509.08 of the Revised Code. 25900

In addition to a complete application for a permit that meets 25901
the requirements of this section and the permit fee prescribed by 25902
this section, a request for expedited review shall be accompanied 25903
by a separate nonrefundable filing fee of two hundred fifty 25904
dollars. Upon the filing of a request for expedited review, the 25905
chief shall cause the county engineer of the county in which the 25906
well is or is to be located to be notified of the filing of the 25907
permit application and the request for expedited review by 25908

telephone or other means that in the judgment of the chief will 25909
provide timely notice of the application and request. The chief 25910
shall issue a permit within seven days of the filing of the 25911
request unless the chief denies the application by order. 25912
Notwithstanding the provisions of this section governing expedited 25913
review of permit applications, the chief may refuse to accept 25914
requests for expedited review if, in the chief's judgment, the 25915
acceptance of the requests would prevent the issuance, within 25916
twenty-one days of their filing, of permits for which applications 25917
are pending. 25918

(E) A well shall be drilled and operated in accordance with 25919
the plans, sworn statements, and other information submitted in 25920
the approved application. 25921

(F) The chief shall issue an order denying a permit if the 25922
chief finds that there is a substantial risk that the operation 25923
will result in violations of this chapter or rules adopted under 25924
it that will present an imminent danger to public health or safety 25925
or damage to the environment, provided that where the chief finds 25926
that terms or conditions to the permit can reasonably be expected 25927
to prevent such violations, the chief shall issue the permit 25928
subject to those terms or conditions, including, if applicable, 25929
terms and conditions regarding subjects identified in rules 25930
adopted under section 1509.03 of the Revised Code. The issuance of 25931
a permit shall not be considered an order of the chief. 25932

The chief shall post notice of each permit that has been 25933
approved under this section on the division's web site not later 25934
than two business days after the application for a permit has been 25935
approved. 25936

(G) Each application for a permit required by section 1509.05 25937
of the Revised Code, except an application ~~to plug back an~~ 25938
~~existing well that is required by that section and an application~~ 25939
for a well drilled or reopened for purposes of section 1509.22 of 25940

the Revised Code, also shall be accompanied by a nonrefundable fee 25941
as follows: 25942

(1) Five hundred dollars for a permit to conduct activities 25943
in a township with a population of fewer than ten thousand; 25944

(2) Seven hundred fifty dollars for a permit to conduct 25945
activities in a township with a population of ten thousand or 25946
more, but fewer than fifteen thousand; 25947

(3) One thousand dollars for a permit to conduct activities 25948
in either of the following: 25949

(a) A township with a population of fifteen thousand or more; 25950

(b) A municipal corporation regardless of population. 25951

(4) If the application is for a permit that requires 25952
mandatory pooling, an additional five thousand dollars. 25953

For purposes of calculating fee amounts, populations shall be 25954
determined using the most recent federal decennial census. 25955

Each application for the revision or reissuance of a permit 25956
shall be accompanied by a nonrefundable fee of two hundred fifty 25957
dollars. 25958

(H)(1) Prior to the commencement of well pad construction and 25959
prior to the issuance of a permit to drill a proposed horizontal 25960
well or a proposed well that is to be located in an urbanized 25961
area, the division shall conduct a site review to identify and 25962
evaluate any site-specific terms and conditions that may be 25963
attached to the permit. At the site review, a representative of 25964
the division shall consider fencing, screening, and landscaping 25965
requirements, if any, for similar structures in the community in 25966
which the well is proposed to be located. The terms and conditions 25967
that are attached to the permit shall include the establishment of 25968
fencing, screening, and landscaping requirements for the surface 25969
facilities of the proposed well, including a tank battery of the 25970

well. 25971

(2) Prior to the issuance of a permit to drill a proposed 25972
well, the division shall conduct a review to identify and evaluate 25973
any site-specific terms and conditions that may be attached to the 25974
permit if the proposed well will be located in a one-hundred-year 25975
floodplain or within the five-year time of travel associated with 25976
a public drinking water supply. 25977

(I) A permit shall be issued by the chief in accordance with 25978
this chapter. A permit issued under this section for a well that 25979
is or is to be located in an urbanized area shall be valid for 25980
twelve months, and all other permits issued under this section 25981
shall be valid for twenty-four months. 25982

(J) An applicant or a permittee, as applicable, shall submit 25983
to the chief an update of the information that is required under 25984
division (A)(8)(a) of this section if any of that information 25985
changes prior to commencement of production operations. 25986

(K) A permittee or a permittee's authorized representative 25987
shall notify an inspector from the division at least twenty-four 25988
hours, or another time period agreed to by the chief's authorized 25989
representative, prior to the commencement of well pad construction 25990
and of drilling, reopening, converting, well stimulation, or 25991
plugback operations. 25992

Sec. 1509.11. (A)(1) The owner of any well, except a 25993
horizontal well, that is producing or capable of producing oil or 25994
gas shall file with the chief of the division of oil and gas 25995
resources management, on or before the thirty-first day of March, 25996
a statement of production of oil, gas, and brine for the last 25997
preceding calendar year in such form as the chief may prescribe. 25998
An owner that has more than one hundred such wells in this state 25999
shall submit electronically the statement of production in a 26000
format that is approved by the chief. ~~The chief shall include on~~ 26001

~~the form, at the minimum, a request for the submittal of the 26002
information that a person who is regulated under this chapter is 26003
required to submit under the "Emergency Planning and Community 26004
Right To Know Act of 1986," 100 Stat. 1728, 42 U.S.C.A. 11001, and 26005
regulations adopted under it, and that the division of oil and gas 26006
resources management does not obtain through other reporting 26007
mechanisms. 26008~~

(2) The owner of any horizontal well that is producing or 26009
capable of producing oil or gas shall file with the chief, on the 26010
forty-fifth day following the close of each calendar quarter, a 26011
statement of production of oil, gas, and brine for the preceding 26012
calendar quarter in a form that the chief prescribes. An owner 26013
that has more than one hundred horizontal wells in this state 26014
shall submit electronically the statement of production in a 26015
format that is approved by the chief. ~~The chief shall include on 26016
the form, at a minimum, a request for the submittal of the 26017
information that a person who is regulated under this chapter is 26018
required to submit under the "Emergency Planning and Community 26019
Right To Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11001, and 26020
regulations adopted under it, and that the division does not 26021
obtain through other reporting mechanisms. 26022~~

(B) The chief shall not disclose information received from 26023
the department of taxation under division (C)~~(12)~~(11) of section 26024
5703.21 of the Revised Code until the related statement of 26025
production required by division (A) of this section is filed with 26026
the chief. 26027

Sec. 1509.23. ~~(A)~~ Rules of the chief of the division of oil 26028
and gas resources management may specify practices to be followed 26029
in the drilling and treatment of wells, production of oil and gas, 26030
and plugging of wells for protection of public health or safety or 26031
to prevent damage to natural resources, including specification of 26032

the following: 26033

~~(1)~~(A) Appropriate devices; 26034

~~(2)~~(B) Minimum distances that wells and other excavations, 26035
structures, and equipment shall be located from water wells, 26036
streets, roads, highways, rivers, lakes, streams, ponds, other 26037
bodies of water, railroad tracks, public or private recreational 26038
areas, zoning districts, and buildings or other structures. Rules 26039
adopted under this division ~~(A)(2) of this section~~ shall not 26040
conflict with section 1509.021 of the Revised Code. 26041

~~(3)~~(C) Other methods of operation; 26042

~~(4)~~(D) Procedures, methods, and equipment and other 26043
requirements for equipment to prevent and contain discharges of 26044
oil and brine from oil production facilities and oil drilling and 26045
workover facilities consistent with and equivalent in scope, 26046
content, and coverage to section 311(j)(1)(c) of the "Federal 26047
Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 26048
U.S.C.A. 1251, as amended, and regulations adopted under it. In 26049
addition, the rules may specify procedures, methods, and equipment 26050
and other requirements for equipment to prevent and contain 26051
surface and subsurface discharges of fluids, condensates, and 26052
gases. 26053

~~(5)~~(E) Notifications; 26054

~~(6)~~(F) Requirements governing the location and construction 26055
of fresh water impoundments that are part of a production 26056
operation. 26057

~~(B) The chief, in consultation with the emergency response 26058
commission created in section 3750.02 of the Revised Code, shall 26059
adopt rules in accordance with Chapter 119. of the Revised Code 26060
that specify the information that shall be included in an 26061
electronic database that the chief shall create and host. The 26062
information shall be that which the chief considers to be 26063~~

~~appropriate for the purpose of responding to emergency situations 26064
that pose a threat to public health or safety or the environment. 26065
At the minimum, the information shall include that which a person 26066
who is regulated under this chapter is required to submit under 26067
the "Emergency Planning and Community Right To Know Act of 1986," 26068
100 Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under 26069
it. 26070~~

~~In addition, the rules shall specify whether and to what 26071
extent the database and the information that it contains will be 26072
made accessible to the public. The rules shall ensure that the 26073
database will be made available via the internet or a system of 26074
computer disks to the emergency response commission and to every 26075
local emergency planning committee and fire department in this 26076
state. 26077~~

Sec. 1509.231. (A) A person that is regulated under this 26078
chapter and rules adopted under it and that is required to submit 26079
information under the "Emergency Planning and Community 26080
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11022, and 26081
regulations adopted under it shall submit the information to the 26082
chief of the division of oil and gas resources management on or 26083
before the first day of March of each calendar year. The person 26084
shall submit the information in accordance with rules adopted 26085
under division (B) of this section. 26086

(B) The chief, in consultation with the emergency response 26087
commission created in section 3750.02 of the Revised Code, shall 26088
adopt rules in accordance with Chapter 119. of the Revised Code 26089
that specify the information that shall be included in an 26090
electronic database that the chief shall create and host. The 26091
information shall be information that the chief considers to be 26092
appropriate for the purpose of responding to emergency situations 26093
that pose a threat to public health or safety or the environment. 26094

The rules shall require that the information be consistent with 26095
the information that a person that is regulated under this chapter 26096
is required to submit under the "Emergency Planning and Community 26097
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11022, and 26098
regulations adopted under it. 26099

In addition, the rules shall do all of the following: 26100

(1) Specify whether and to what extent the database and the 26101
information that it contains will be made accessible to the 26102
public; 26103

(2) Ensure that the information submitted for the database 26104
will be made immediately available to the emergency response 26105
commission, the local emergency planning committee of the 26106
emergency planning district in which a facility is located, and 26107
the fire department having jurisdiction over a facility; 26108

(3) Ensure that the information submitted for the database 26109
includes the information required to be reported under section 26110
3750.08 of the Revised Code and rules adopted under section 26111
3750.02 of the Revised Code. 26112

(C) As used in this section, "emergency planning district," 26113
"facility," and "fire department" have the same meanings as in 26114
section 3750.01 of the Revised Code. 26115

Sec. 1509.232. (A) An owner, a person to whom an order is 26116
issued under this chapter or rules adopted under it, a person to 26117
whom a registration certificate is issued under section 1509.222 26118
of the Revised Code, or a person engaged in an activity pursuant 26119
to section 1509.226 of the Revised Code shall notify the division 26120
of oil and gas resources management by means of a toll free 26121
telephone number designated by the chief of the division of oil 26122
and gas resources management or by electronic means designated by 26123
the chief within thirty minutes after becoming aware of the 26124

occurrence of any of the following unless notification within that 26125
time is impracticable under the circumstances: 26126

(1) An uncontrolled or unplanned release of gas associated 26127
with a production operation or other activity regulated under this 26128
chapter or rules adopted under it in an amount determined, in good 26129
faith, to equal or exceed one hundred MCF as defined in section 26130
5727.80 of the Revised Code; 26131

(2) A release of oil outside a containment area associated 26132
with a production operation or other activity regulated under this 26133
chapter or rules adopted under it if the release is in an amount 26134
determined, in good faith, to exceed two hundred ten United States 26135
gallons or as specified by rule adopted by the chief in accordance 26136
with Chapter 119. of the Revised Code; 26137

(3) A release of brine, drill cuttings, or other drilling 26138
wastes regulated under this chapter or rules adopted under it 26139
outside the boundary of a site or facility regulated under this 26140
chapter or rules adopted under it; 26141

(4) A release of hydrogen sulfide associated with a 26142
production operation or other activity regulated under this 26143
chapter or rules adopted under it in an amount determined, in good 26144
faith, to exceed twenty parts per million; 26145

(5) A discharge or spill of a liquid, solid, or semisolid 26146
substance or material associated with a production operation or 26147
other activity regulated under this chapter or rules adopted under 26148
it in an amount determined, in good faith, to exceed a reportable 26149
quantity as defined in rules adopted under section 3750.02 of the 26150
Revised Code, excluding a discharge or spill consisting solely of 26151
fresh water or storm water; 26152

(6) A fire or explosion associated with a production 26153
operation or other activity regulated under this chapter or rules 26154

adopted under it, excluding flaring or controlled burns authorized 26155
under this chapter or rules adopted under it or by the terms and 26156
conditions of a permit issued under this chapter; 26157

(7) The response by a fire department as defined in section 26158
742.01 of the Revised Code or a person providing emergency medical 26159
services as defined in section 4765.01 of the Revised Code to the 26160
location of, and for the purpose of responding to, an occurrence 26161
specified in division (A)(1), (2), (3), (4), (5), or (6) of this 26162
section. 26163

(B) If a contractor performs services on behalf of a person 26164
specified in division (A) of this section, the contractor shall 26165
notify that person within thirty minutes after the contractor 26166
becomes aware of any occurrence specified in that division unless 26167
notification within that time is impracticable under the 26168
circumstances. 26169

(C) The chief may adopt rules in accordance with Chapter 119. 26170
of the Revised Code that are necessary for the administration of 26171
this section. 26172

(D) No person shall fail to comply with this section. 26173

(E)(1) Section 1509.33 of the Revised Code applies to this 26174
section. 26175

(2) Section 1509.99 of the Revised Code does not apply to 26176
this section. 26177

Sec. 1509.27. ~~If a tract of land is~~ or tracts are of 26178
insufficient size or shape to meet the requirements for drilling a 26179
proposed well thereon as provided in section 1509.24 or 1509.25 of 26180
the Revised Code, whichever is applicable, and the owner ~~of the~~ 26181
~~tract who also is the owner of the mineral interest~~ has been 26182
unable to form a drilling unit under agreement as provided in 26183
section 1509.26 of the Revised Code, on a just and equitable 26184

basis, ~~such as~~ the owner may make application to the division of 26185
oil and gas resources management for a mandatory pooling order. 26186

The application shall include information as shall be 26187
reasonably required by the chief of the division of oil and gas 26188
resources management and shall be accompanied by an application 26189
for a permit as required by section 1509.05 of the Revised Code. 26190
The chief shall notify all mineral rights owners of ~~land tracts~~ 26191
within the area proposed to be pooled by an order and included 26192
within the drilling unit of the filing of the application and of 26193
their right to a hearing. After the hearing or after the 26194
expiration of thirty days from the date notice of application was 26195
mailed to such owners, the chief, if satisfied that the 26196
application is proper in form and that mandatory pooling is 26197
necessary to protect correlative rights and to provide effective 26198
development, use, and conservation of oil and gas, shall issue a 26199
drilling permit and a mandatory pooling order complying with the 26200
requirements for drilling a well as provided in section 1509.24 or 26201
1509.25 of the Revised Code, whichever is applicable. The 26202
mandatory pooling order shall: 26203

(A) Designate the boundaries of the drilling unit within 26204
which the well shall be drilled; 26205

(B) Designate the proposed production site; 26206

(C) Describe each separately owned tract or part thereof 26207
pooled by the order; 26208

(D) Allocate on a surface acreage basis a pro rata portion of 26209
the production to ~~the owner of~~ each tract pooled by the order. The 26210
pro rata portion shall be in the same proportion that the 26211
percentage of the ~~owner's~~ tract's acreage is to the state minimum 26212
acreage requirements established in rules adopted under this 26213
chapter for a drilling unit unless the applicant demonstrates to 26214
the chief using geological evidence that the geologic structure 26215

containing the oil or gas is larger than the minimum acreage 26216
requirement in which case the pro rata portion shall be in the 26217
same proportion that the percentage of the ~~owner's~~ tract's acreage 26218
is to the geologic structure. 26219

(E) Specify the basis upon which each mineral rights owner of 26220
a tract pooled by the order shall share all reasonable costs and 26221
expenses of drilling and producing if the mineral rights owner 26222
elects to participate in the drilling and operation of the well; 26223

(F) Designate the person to whom the permit shall be issued. 26224

A person shall not submit more than five applications for 26225
mandatory pooling orders per year under this section unless 26226
otherwise approved by the chief. 26227

No surface operations or disturbances to the surface of the 26228
land shall occur on a tract pooled by an order without the written 26229
consent of or a written agreement with the surface rights owner of 26230
the tract that approves the operations or disturbances. 26231

If ~~an~~ a mineral rights owner of a tract pooled by the order 26232
does not elect to participate in the risk and cost of the drilling 26233
and operation of a well, the mineral rights owner shall be 26234
designated as a nonparticipating owner in the drilling and 26235
operation of the well on a limited or carried basis and is subject 26236
to terms and conditions determined by the chief to be just and 26237
reasonable. In addition, if ~~an~~ a mineral rights owner is 26238
designated as a nonparticipating owner, the mineral rights owner 26239
is not liable for actions or conditions associated with the 26240
drilling or operation of the well. If the applicant bears the 26241
costs of drilling, equipping, and operating a well for the benefit 26242
of a nonparticipating owner, as provided for in the pooling order, 26243
then the applicant shall be entitled to the share of production 26244
from the drilling unit accruing to the interest of that 26245
nonparticipating owner, exclusive of the nonparticipating owner's 26246

proportionate share of the royalty interest until there has been 26247
received the share of costs charged to that nonparticipating owner 26248
plus such additional percentage of the share of costs as the chief 26249
shall determine. The total amount receivable hereunder shall in no 26250
event exceed two hundred per cent of the share of costs charged to 26251
that nonparticipating owner. After receipt of that share of costs 26252
by such an applicant, a nonparticipating owner shall receive a 26253
proportionate share of the working interest in the well in 26254
addition to a proportionate share of the royalty interest, if any. 26255

If there is a dispute as to costs of drilling, equipping, or 26256
operating a well, the chief shall determine those costs. 26257

Sec. 1509.33. (A) Whoever violates sections 1509.01 to 26258
1509.31 of the Revised Code, or any rules adopted or orders or 26259
terms or conditions of a permit or registration certificate issued 26260
pursuant to these sections for which no specific penalty is 26261
provided in this section, shall pay a civil penalty of not more 26262
than ~~four~~ ten thousand dollars for each offense. 26263

(B) Whoever violates section 1509.221 of the Revised Code or 26264
any rules adopted or orders or terms or conditions of a permit 26265
issued thereunder shall pay a civil penalty of not more than ~~two~~ 26266
ten thousand ~~five hundred~~ dollars for each violation. 26267

(C) Whoever violates division (D) of section 1509.22 or 26268
division (A)(1) of section 1509.222 of the Revised Code shall pay 26269
a civil penalty of not less than two thousand five hundred dollars 26270
nor more than twenty thousand dollars for each violation. 26271

(D) Whoever violates division (A) of section 1509.22 of the 26272
Revised Code shall pay a civil penalty of not less than two 26273
thousand five hundred dollars nor more than ten thousand dollars 26274
for each violation. 26275

(E) Whoever violates division (A) of section 1509.223 of the 26276

Revised Code shall pay a civil penalty of not more than ten 26277
thousand dollars for each violation. 26278

(F) Whoever violates section 1509.072 of the Revised Code or 26279
any rules adopted or orders issued to administer, implement, or 26280
enforce that section shall pay a civil penalty of not more than 26281
five thousand dollars for each violation. 26282

(G) In addition to any other penalties provided in this 26283
chapter, whoever violates section 1509.05, section 1509.21, 26284
division (B) of section 1509.22, or division (A)(1) of section 26285
1509.222 of the Revised Code or a term or condition of a permit or 26286
an order issued by the chief of the division of oil and gas 26287
resources management under this chapter or knowingly violates 26288
division (A) of section 1509.223 of the Revised Code is liable for 26289
any damage or injury caused by the violation and for the actual 26290
cost of rectifying the violation and conditions caused by the 26291
violation. If two or more persons knowingly violate one or more of 26292
those divisions in connection with the same event, activity, or 26293
transaction, they are jointly and severally liable under this 26294
division. 26295

(H) The attorney general, upon the request of the chief of 26296
the division of oil and gas resources management, shall commence 26297
an action under this section against any person who violates 26298
sections 1509.01 to 1509.31 of the Revised Code, or any rules 26299
adopted or orders or terms or conditions of a permit or 26300
registration certificate issued pursuant to these sections. Any 26301
action under this section is a civil action, governed by the Rules 26302
of Civil Procedure and other rules of practice and procedure 26303
applicable to civil actions. The remedy provided in this division 26304
is cumulative and concurrent with any other remedy provided in 26305
this chapter, and the existence or exercise of one remedy does not 26306
prevent the exercise of any other, except that no person shall be 26307
subject to both a civil penalty under division (A), (B), (C), or 26308

(D) of this section and a ~~criminal penalty under~~ fine established 26309
in section 1509.99 of the Revised Code for the same offense. 26310

(I) For purposes of this section, each day of violation 26311
constitutes a separate offense. 26312

Sec. 1513.07. (A)(1) No operator shall conduct a coal mining 26313
operation without a permit for the operation issued by the chief 26314
of the division of mineral resources management. 26315

(2) All permits issued pursuant to this chapter shall be 26316
issued for a term not to exceed five years, except that, if the 26317
applicant demonstrates that a specified longer term is reasonably 26318
needed to allow the applicant to obtain necessary financing for 26319
equipment and the opening of the operation and if the application 26320
is full and complete for the specified longer term, the chief may 26321
grant a permit for the longer term. A successor in interest to a 26322
permittee who applies for a new permit within thirty days after 26323
succeeding to the interest and who is able to obtain the 26324
performance security of the original permittee may continue coal 26325
mining and reclamation operations according to the approved mining 26326
and reclamation plan of the original permittee until the 26327
successor's application is granted or denied. 26328

(3) A permit shall terminate if the permittee has not 26329
commenced the coal mining operations covered by the permit within 26330
three years after the issuance of the permit, except that the 26331
chief may grant reasonable extensions of the time upon a showing 26332
that the extensions are necessary by reason of litigation 26333
precluding the commencement or threatening substantial economic 26334
loss to the permittee or by reason of conditions beyond the 26335
control and without the fault or negligence of the permittee, and 26336
except that with respect to coal to be mined for use in a 26337
synthetic fuel facility or specified major electric generating 26338
facility, the permittee shall be deemed to have commenced coal 26339

mining operations at the time construction of the synthetic fuel 26340
or generating facility is initiated. 26341

(4)(a) Any permit issued pursuant to this chapter shall carry 26342
with it the right of successive renewal upon expiration with 26343
respect to areas within the boundaries of the permit. The holders 26344
of the permit may apply for renewal and the renewal shall be 26345
issued unless the chief determines by written findings, subsequent 26346
to fulfillment of the public notice requirements of this section 26347
and section 1513.071 of the Revised Code through demonstrations by 26348
opponents of renewal or otherwise, that one or more of the 26349
following circumstances exists: 26350

(i) The terms and conditions of the existing permit are not 26351
being satisfactorily met. 26352

(ii) The present coal mining and reclamation operation is not 26353
in compliance with the environmental protection standards of this 26354
chapter. 26355

(iii) The renewal requested substantially jeopardizes the 26356
operator's continuing responsibilities on existing permit areas. 26357

(iv) The applicant has not provided evidence that the 26358
performance security in effect for the operation will continue in 26359
effect for any renewal requested in the application. 26360

(v) Any additional, revised, or updated information required 26361
by the chief has not been provided. Prior to the approval of any 26362
renewal of a permit, the chief shall provide notice to the 26363
appropriate public authorities as prescribed by rule of the chief. 26364

(b) If an application for renewal of a valid permit includes 26365
a proposal to extend the mining operation beyond the boundaries 26366
authorized in the existing permit, the portion of the application 26367
for renewal of a valid permit that addresses any new land areas 26368
shall be subject to the full standards applicable to new 26369
applications under this chapter. 26370

(c) A permit renewal shall be for a term not to exceed the 26371
period of the original permit established by this chapter. 26372
Application for permit renewal shall be made at least one hundred 26373
twenty days prior to the expiration of the valid permit. 26374

(5) A permit issued pursuant to this chapter does not 26375
eliminate the requirements for obtaining a permit to install or 26376
modify a disposal system or any part thereof or to discharge 26377
sewage, industrial waste, or other wastes into the waters of the 26378
state in accordance with Chapter 6111. of the Revised Code. 26379

(B)(1) The permit application shall be submitted in a manner 26380
satisfactory to the chief and shall contain, among other things, 26381
all of the following: 26382

(a) The names and addresses of all of the following: 26383

(i) The permit applicant; 26384

(ii) Every legal owner of record of the property, surface and 26385
mineral, to be mined; 26386

(iii) The holders of record of any leasehold interest in the 26387
property; 26388

(iv) Any purchaser of record of the property under a real 26389
estate contract; 26390

(v) The operator if different from the applicant; 26391

(vi) If any of these are business entities other than a 26392
single proprietor, the names and addresses of the principals, 26393
officers, and statutory agent for service of process. 26394

(b) The names and addresses of the owners of record of all 26395
surface and subsurface areas adjacent to any part of the permit 26396
area; 26397

(c) A statement of any current or previous coal mining 26398
permits in the United States held by the applicant, the permit 26399
identification, and any pending applications; 26400

(d) If the applicant is a partnership, corporation, 26401
association, or other business entity, the following where 26402
applicable: the names and addresses of every officer, partner, 26403
director, or person performing a function similar to a director, 26404
of the applicant, the name and address of any person owning, of 26405
record, ten per cent or more of any class of voting stock of the 26406
applicant, a list of all names under which the applicant, partner, 26407
or principal shareholder previously operated a coal mining 26408
operation within the United States within the five-year period 26409
preceding the date of submission of the application, and a list of 26410
the person or persons primarily responsible for ensuring that the 26411
applicant complies with the requirements of this chapter and rules 26412
adopted pursuant thereto while mining and reclaiming under the 26413
permit; 26414

(e) A statement of whether the applicant, any subsidiary, 26415
affiliate, or persons controlled by or under common control with 26416
the applicant, any partner if the applicant is a partnership, any 26417
officer, principal shareholder, or director if the applicant is a 26418
corporation, or any other person who has a right to control or in 26419
fact controls the management of the applicant or the selection of 26420
officers, directors, or managers of the applicant: 26421

(i) Has ever held a federal or state coal mining permit that 26422
in the five-year period prior to the date of submission of the 26423
application has been suspended or revoked or has had a coal mining 26424
bond, performance security, or similar security deposited in lieu 26425
of bond forfeited and, if so, a brief explanation of the facts 26426
involved; 26427

(ii) Has been an officer, partner, director, principal 26428
shareholder, or person having the right to control or has in fact 26429
controlled the management of or the selection of officers, 26430
directors, or managers of a business entity that has had a coal 26431
mining or surface mining permit that in the five-year period prior 26432

to the date of submission of the application has been suspended or 26433
revoked or has had a coal mining or surface mining bond, 26434
performance security, or similar security deposited in lieu of 26435
bond forfeited and, if so, a brief explanation of the facts 26436
involved. 26437

(f) A copy of the applicant's advertisement to be published 26438
in a newspaper of general circulation in the locality of the 26439
proposed site at least once a week for four successive weeks, 26440
which shall include the ownership of the proposed mine, a 26441
description of the exact location and boundaries of the proposed 26442
site sufficient to make the proposed operation readily 26443
identifiable by local residents, and the location where the 26444
application is available for public inspection; 26445

(g) A description of the type and method of coal mining 26446
operation that exists or is proposed, the engineering techniques 26447
proposed or used, and the equipment used or proposed to be used; 26448

(h) The anticipated or actual starting and termination dates 26449
of each phase of the mining operation and number of acres of land 26450
to be affected; 26451

(i) An accurate map or plan, to an appropriate scale, clearly 26452
showing the land to be affected ~~and~~, the land upon which the 26453
applicant has the legal right to enter and commence coal mining 26454
operations, and the land for which the applicant will acquire the 26455
legal right to enter and commence coal mining operations during 26456
the term of the permit, copies of those documents upon which is 26457
based the applicant's legal right to enter and commence coal 26458
mining operations or a notarized statement describing the 26459
applicant's legal right to enter and commence coal mining 26460
operations, and a statement whether that right is the subject of 26461
pending litigation. This chapter does not authorize the chief to 26462
adjudicate property title disputes. 26463

(j) The name of the watershed and location of the surface stream or tributary into which drainage from the operation will be discharged; 26464
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(k) A determination of the probable hydrologic consequences of the mining and reclamation operations, both on and off the mine site, with respect to the hydrologic regime, providing information on the quantity and quality of water in surface and ground water systems including the dissolved and suspended solids under seasonal flow conditions and the collection of sufficient data for the mine site and surrounding areas so that an assessment can be made by the chief of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability, but this determination shall not be required until hydrologic information of the general area prior to mining is made available from an appropriate federal or state agency; however, the permit shall not be approved until the information is available and is incorporated into the application; 26467
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(l) When requested by the chief, the climatological factors that are peculiar to the locality of the land to be affected, including the average seasonal precipitation, the average direction and velocity of prevailing winds, and the seasonal temperature ranges; 26481
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(m) Accurate maps prepared by or under the direction of and certified by a qualified registered professional engineer, registered surveyor, or licensed landscape architect to an appropriate scale clearly showing all types of information set forth on topographical maps of the United States geological survey of a scale of not more than four hundred feet to the inch, including all artificial features and significant known archeological sites. The map, among other things specified by the chief, shall show all boundaries of the land to be affected, the boundary lines and names of present owners of record of all 26486
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surface areas abutting the permit area, and the location of all 26496
buildings within one thousand feet of the permit area. 26497

(n)(i) Cross-section maps or plans of the land to be affected 26498
including the actual area to be mined, prepared by or under the 26499
direction of and certified by a qualified registered professional 26500
engineer or certified professional geologist with assistance from 26501
experts in related fields such as hydrology, hydrogeology, 26502
geology, and landscape architecture, showing pertinent elevations 26503
and locations of test borings or core samplings and depicting the 26504
following information: the nature and depth of the various strata 26505
of overburden; the nature and thickness of any coal or rider seam 26506
above the coal seam to be mined; the nature of the stratum 26507
immediately beneath the coal seam to be mined; all mineral crop 26508
lines and the strike and dip of the coal to be mined within the 26509
area to be affected; existing or previous coal mining limits; the 26510
location and extent of known workings of any underground mines, 26511
including mine openings to the surface; the location of spoil, 26512
waste, or refuse areas and topsoil preservation areas; the 26513
location of all impoundments for waste or erosion control; any 26514
settling or water treatment facility; constructed or natural 26515
drainways and the location of any discharges to any surface body 26516
of water on the land to be affected or adjacent thereto; profiles 26517
at appropriate cross sections of the anticipated final surface 26518
configuration that will be achieved pursuant to the operator's 26519
proposed reclamation plan; the location of subsurface water, if 26520
encountered; the location and quality of aquifers; and the 26521
estimated elevation of the water table. Registered surveyors shall 26522
be allowed to perform all plans, maps, and certifications under 26523
this chapter as they are authorized under Chapter 4733. of the 26524
Revised Code. 26525

(ii) A statement of the quality and locations of subsurface 26526
water. The chief shall provide by rule the number of locations to 26527

be sampled, frequency of collection, and parameters to be analyzed 26528
to obtain the statement required. 26529

(o) A statement of the results of test borings or core 26530
samplings from the permit area, including logs of the drill holes, 26531
the thickness of the coal seam found, an analysis of the chemical 26532
properties of the coal, the sulfur content of any coal seam, 26533
chemical analysis of potentially acid or toxic forming sections of 26534
the overburden, and chemical analysis of the stratum lying 26535
immediately underneath the coal to be mined, except that this 26536
division may be waived by the chief with respect to the specific 26537
application by a written determination that its requirements are 26538
unnecessary. If the test borings or core samplings from the permit 26539
area indicate the existence of potentially acid forming or toxic 26540
forming quantities of sulfur in the coal or overburden to be 26541
disturbed by mining, the application also shall include a 26542
statement of the acid generating potential and the acid 26543
neutralizing potential of the rock strata to be disturbed as 26544
calculated in accordance with the calculation method established 26545
under section 1513.075 of the Revised Code or with another 26546
calculation method. 26547

(p) For those lands in the permit application that a 26548
reconnaissance inspection suggests may be prime farmlands, a soil 26549
survey shall be made or obtained according to standards 26550
established by the secretary of the United States department of 26551
agriculture in order to confirm the exact location of the prime 26552
farmlands, if any; 26553

(q) A certificate issued by an insurance company authorized 26554
to do business in this state certifying that the applicant has a 26555
public liability insurance policy in force for the coal mining and 26556
reclamation operations for which the permit is sought or evidence 26557
that the applicant has satisfied other state self-insurance 26558
requirements. The policy shall provide for personal injury and 26559

property damage protection in an amount adequate to compensate any persons damaged as a result of coal mining and reclamation operations, including the use of explosives, and entitled to compensation under the applicable provisions of state law. The policy shall be maintained in effect during the term of the permit or any renewal, including the length of all reclamation operations. The insurance company shall give prompt notice to the permittee and the chief if the public liability insurance policy lapses for any reason including the nonpayment of insurance premiums. Upon the lapse of the policy, the chief may suspend the permit and all other outstanding permits until proper insurance coverage is obtained.

(r) The business telephone number of the applicant;

(s) If the applicant seeks an authorization under division (E)(7) of this section to conduct coal mining and reclamation operations on areas to be covered by the permit that were affected by coal mining operations before August 3, 1977, that have resulted in continuing water pollution from or on the previously mined areas, such additional information pertaining to those previously mined areas as may be required by the chief, including, without limitation, maps, plans, cross sections, data necessary to determine existing water quality from or on those areas with respect to pH, iron, and manganese, and a pollution abatement plan that may improve water quality from or on those areas with respect to pH, iron, and manganese.

(2) Information pertaining to coal seams, test borings, core samplings, or soil samples as required by this section shall be made available by the chief to any person with an interest that is or may be adversely affected, except that information that pertains only to the analysis of the chemical and physical properties of the coal, excluding information regarding mineral or elemental content that is potentially toxic in the environment,

shall be kept confidential and not made a matter of public record. 26592

(3)(a) If the chief finds that the probable total annual 26593
production at all locations of any operator will not exceed three 26594
hundred thousand tons, the following activities, upon the written 26595
request of the operator in connection with a permit application, 26596
shall be performed by a qualified public or private laboratory or 26597
another public or private qualified entity designated by the 26598
chief, and the cost of the activities shall be assumed by the 26599
chief, provided that sufficient moneys for such assistance are 26600
available: 26601

(i) The determination of probable hydrologic consequences 26602
required under division (B)(1)(k) of this section; 26603

(ii) The development of cross-section maps and plans required 26604
under division (B)(1)(n)(i) of this section; 26605

(iii) The geologic drilling and statement of results of test 26606
borings and core samplings required under division (B)(1)(o) of 26607
this section; 26608

(iv) The collection of archaeological information required 26609
under division (B)(1)(m) of this section and any other 26610
archaeological and historical information required by the chief, 26611
and the preparation of plans necessitated thereby; 26612

(v) Pre-blast surveys required under division (E) of section 26613
1513.161 of the Revised Code; 26614

(vi) The collection of site-specific resource information and 26615
production of protection and enhancement plans for fish and 26616
wildlife habitats and other environmental values required by the 26617
chief under this chapter. 26618

(b) A coal operator that has received assistance under 26619
division (B)(3)(a) of this section shall reimburse the chief for 26620
the cost of the services rendered if the chief finds that the 26621

operator's actual and attributed annual production of coal for all 26622
locations exceeds three hundred thousand tons during the twelve 26623
months immediately following the date on which the operator was 26624
issued a coal mining and reclamation permit. 26625

(4) Each applicant for a permit shall submit to the chief as 26626
part of the permit application a reclamation plan that meets the 26627
requirements of this chapter. 26628

(5) Each applicant for a coal mining and reclamation permit 26629
shall file a copy of the application for a permit, excluding that 26630
information pertaining to the coal seam itself, for public 26631
inspection with the county recorder or an appropriate public 26632
office approved by the chief in the county where the mining is 26633
proposed to occur. 26634

(6) Each applicant for a coal mining and reclamation permit 26635
shall submit to the chief as part of the permit application a 26636
blasting plan that describes the procedures and standards by which 26637
the operator will comply with section 1513.161 of the Revised 26638
Code. 26639

(C) Each reclamation plan submitted as part of a permit 26640
application shall include, in the detail necessary to demonstrate 26641
that reclamation required by this chapter can be accomplished and 26642
in the detail necessary for the chief to determine the estimated 26643
cost of reclamation if the reclamation has to be performed by the 26644
division of mineral resources management in the event of 26645
forfeiture of the performance security by the applicant, a 26646
statement of: 26647

(1) The identification of the lands subject to coal mining 26648
operations over the estimated life of those operations and the 26649
size, sequence, and timing of the subareas for which it is 26650
anticipated that individual permits for mining will be sought; 26651

(2) The condition of the land to be covered by the permit 26652

prior to any mining, including all of the following: 26653

(a) The uses existing at the time of the application and, if 26654
the land has a history of previous mining, the uses that preceded 26655
any mining; 26656

(b) The capability of the land prior to any mining to support 26657
a variety of uses, giving consideration to soil and foundation 26658
characteristics, topography, and vegetative cover and, if 26659
applicable, a soil survey prepared pursuant to division (B)(1)(p) 26660
of this section; 26661

(c) The productivity of the land prior to mining, including 26662
appropriate classification as prime farmlands as well as the 26663
average yield of food, fiber, forage, or wood products obtained 26664
from the land under high levels of management. 26665

(3) The use that is proposed to be made of the land following 26666
reclamation, including information regarding the utility and 26667
capacity of the reclaimed land to support a variety of alternative 26668
uses, the relationship of the proposed use to existing land use 26669
policies and plans, and the comments of any owner of the land and 26670
state and local governments or agencies thereof that would have to 26671
initiate, implement, approve, or authorize the proposed use of the 26672
land following reclamation; 26673

(4) A detailed description of how the proposed postmining 26674
land use is to be achieved and the necessary support activities 26675
that may be needed to achieve the proposed land use; 26676

(5) The engineering techniques proposed to be used in mining 26677
and reclamation and a description of the major equipment; a plan 26678
for the control of surface water drainage and of water 26679
accumulation; a plan, where appropriate, for backfilling, soil 26680
stabilization, and compacting, grading, and appropriate 26681
revegetation; a plan for soil reconstruction, replacement, and 26682
stabilization, pursuant to the performance standards in section 26683

1513.16 of the Revised Code, for those food, forage, and forest 26684
lands identified in that section; and a statement as to how the 26685
permittee plans to comply with each of the requirements set out in 26686
section 1513.16 of the Revised Code; 26687

(6) A description of the means by which the utilization and 26688
conservation of the solid fuel resource being recovered will be 26689
maximized so that re-affecting the land in the future can be 26690
minimized; 26691

(7) A detailed estimated timetable for the accomplishment of 26692
each major step in the reclamation plan; 26693

(8) A description of the degree to which the coal mining and 26694
reclamation operations are consistent with surface owner plans and 26695
applicable state and local land use plans and programs; 26696

(9) The steps to be taken to comply with applicable air and 26697
water quality laws and regulations and any applicable health and 26698
safety standards; 26699

(10) A description of the degree to which the reclamation 26700
plan is consistent with local physical, environmental, and 26701
climatological conditions; 26702

(11) A description of all lands, interests in lands, or 26703
options on such interests held by the applicant or pending bids on 26704
interests in lands by the applicant, which lands are contiguous to 26705
the area to be covered by the permit; 26706

(12) The results of test borings that the applicant has made 26707
at the area to be covered by the permit, or other equivalent 26708
information and data in a form satisfactory to the chief, 26709
including the location of subsurface water, and an analysis of the 26710
chemical properties, including acid forming properties of the 26711
mineral and overburden; except that information that pertains only 26712
to the analysis of the chemical and physical properties of the 26713
coal, excluding information regarding mineral or elemental 26714

contents that are potentially toxic in the environment, shall be 26715
kept confidential and not made a matter of public record; 26716

(13) A detailed description of the measures to be taken 26717
during the mining and reclamation process to ensure the protection 26718
of all of the following: 26719

(a) The quality of surface and ground water systems, both on- 26720
and off-site, from adverse effects of the mining and reclamation 26721
process; 26722

(b) The rights of present users to such water; 26723

(c) The quantity of surface and ground water systems, both 26724
on- and off-site, from adverse effects of the mining and 26725
reclamation process or, where such protection of quantity cannot 26726
be assured, provision of alternative sources of water. 26727

(14) Any other requirements the chief prescribes by rule. 26728

(D)(1) Any information required by division (C) of this 26729
section that is not on public file pursuant to this chapter shall 26730
be held in confidence by the chief. 26731

(2) With regard to requests for an exemption from the 26732
requirements of this chapter for coal extraction incidental to the 26733
extraction of other minerals, as described in division (H)(1)(a) 26734
of section 1513.01 of the Revised Code, confidential information 26735
includes and is limited to information concerning trade secrets or 26736
privileged commercial or financial information relating to the 26737
competitive rights of the persons intending to conduct the 26738
extraction of minerals. 26739

(E)(1) Upon the basis of a complete mining application and 26740
reclamation plan or a revision or renewal thereof, as required by 26741
this chapter, and information obtained as a result of public 26742
notification and public hearing, if any, as provided by section 26743
1513.071 of the Revised Code, the chief shall grant, require 26744

modification of, or deny the application for a permit and notify 26745
the applicant in writing in accordance with division (I)(3) of 26746
this section. An application is deemed to be complete as submitted 26747
to the chief unless the chief, within fourteen days of the 26748
submission, identifies deficiencies in the application in writing 26749
and subsequently submits a copy of a written list of deficiencies 26750
to the applicant. An application shall not be considered 26751
incomplete or denied by reason of right of entry documentation, 26752
provided that the applicant documents the applicant's legal right 26753
to enter and mine at least sixty-seven per cent of the total area 26754
for which coal mining operations are proposed. 26755

A decision of the chief denying a permit shall state in 26756
writing the specific reasons for the denial. 26757

The applicant for a permit or revision of a permit has the 26758
burden of establishing that the application is in compliance with 26759
all the requirements of this chapter. Within ten days after the 26760
granting of a permit, the chief shall notify the boards of 26761
township trustees and county commissioners, the mayor, and the 26762
legislative authority in the township, county, and municipal 26763
corporation in which the area of land to be affected is located 26764
that a permit has been issued and shall describe the location of 26765
the land. However, failure of the chief to notify the local 26766
officials shall not affect the status of the permit. 26767

(2) No permit application or application for revision of an 26768
existing permit shall be approved unless the application 26769
affirmatively demonstrates and the chief finds in writing on the 26770
basis of the information set forth in the application or from 26771
information otherwise available, which shall be documented in the 26772
approval and made available to the applicant, all of the 26773
following: 26774

(a) The application is accurate and complete and all the 26775
requirements of this chapter have been complied with. 26776

(b) The applicant has demonstrated that the reclamation required by this chapter can be accomplished under the reclamation plan contained in the application.

(c)(i) Assessment of the probable cumulative impact of all anticipated mining in the general and adjacent area on the hydrologic balance specified in division (B)(1)(k) of this section has been made by the chief, and the proposed operation has been designed to prevent material damage to hydrologic balance outside the permit area.

(ii) There shall be an ongoing process conducted by the chief in cooperation with other state and federal agencies to review all assessments of probable cumulative impact of coal mining in light of post-mining data and any other hydrologic information as it becomes available to determine if the assessments were realistic. The chief shall take appropriate action as indicated in the review process.

(d) The area proposed to be mined is not included within an area designated unsuitable for coal mining pursuant to section 1513.073 of the Revised Code or is not within an area under study for such designation in an administrative proceeding commenced pursuant to division (A)(3)(c) or (B) of section 1513.073 of the Revised Code unless in an area as to which an administrative proceeding has commenced pursuant to division (A)(3)(c) or (B) of section 1513.073 of the Revised Code, the operator making the permit application demonstrates that, prior to January 1, 1977, the operator made substantial legal and financial commitments in relation to the operation for which a permit is sought.

(e) In cases where the private mineral estate has been severed from the private surface estate and surface disturbance will result from the applicant's proposed use of a strip mining method, the applicant has submitted to the chief one of the following:

(i) The written consent of the surface owner to the surface disturbance that will result from the extraction of coal by the applicant's proposed strip mining method; 26809
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(ii) A conveyance that expressly grants or reserves the right to extract the coal by strip mining methods that cause surface disturbance; 26812
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(iii) If the conveyance does not expressly grant the right to extract coal by strip mining methods that cause surface disturbance, the surface-subsurface legal relationship concerning surface disturbance shall be determined under the law of this state. This chapter does not authorize the chief to adjudicate property rights disputes. 26815
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(3)(a) The applicant shall file with the permit application a schedule listing all notices of violations of any law, rule, or regulation of the United States or of any department or agency thereof or of any state pertaining to air or water environmental protection incurred by the applicant in connection with any coal mining operation during the three-year period prior to the date of application. The schedule also shall indicate the final resolution of such a notice of violation. Upon receipt of an application, the chief shall provide a schedule listing all notices of violations of this chapter pertaining to air or water environmental protection incurred by the applicant during the three-year period prior to receipt of the application and the final resolution of all such notices of violation. The chief shall provide this schedule to the applicant for filing by the applicant with the application filed for public review, as required by division (B)(5) of this section. When the schedule or other information available to the chief indicates that any coal mining operation owned or controlled by the applicant is currently in violation of such laws, the permit shall not be issued until the applicant submits proof that the violation has been corrected or is in the 26821
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process of being corrected to the satisfaction of the regulatory 26841
authority, department, or agency that has jurisdiction over the 26842
violation and that any civil penalties owed to the state for a 26843
violation and not the subject of an appeal have been paid. No 26844
permit shall be issued to an applicant after a finding by the 26845
chief that the applicant or the operator specified in the 26846
application controls or has controlled mining operations with a 26847
demonstrated pattern of willful violations of this chapter of a 26848
nature and duration to result in irreparable damage to the 26849
environment as to indicate an intent not to comply with or a 26850
disregard of this chapter. 26851

(b) For the purposes of division (E)(3)(a) of this section, 26852
any violation resulting from an unanticipated event or condition 26853
at a surface coal mining operation on lands eligible for remining 26854
under a permit held by the person submitting an application for a 26855
coal mining permit under this section shall not prevent issuance 26856
of that permit. As used in this division, "unanticipated event or 26857
condition" means an event or condition encountered in a remining 26858
operation that was not contemplated by the applicable surface coal 26859
mining and reclamation permit. 26860

(4)(a) In addition to finding the application in compliance 26861
with division (E)(2) of this section, if the area proposed to be 26862
mined contains prime farmland as determined pursuant to division 26863
(B)(1)(p) of this section, the chief, after consultation with the 26864
secretary of the United States department of agriculture and 26865
pursuant to regulations issued by the secretary of the interior 26866
with the concurrence of the secretary of agriculture, may grant a 26867
permit to mine on prime farmland if the chief finds in writing 26868
that the operator has the technological capability to restore the 26869
mined area, within a reasonable time, to equivalent or higher 26870
levels of yield as nonmined prime farmland in the surrounding area 26871
under equivalent levels of management and can meet the soil 26872

reconstruction standards in section 1513.16 of the Revised Code. 26873

(b) Division (E)(4)(a) of this section does not apply to a 26874
permit issued prior to August 3, 1977, or revisions or renewals 26875
thereof. 26876

(5) The chief shall issue an order denying a permit after 26877
finding that the applicant has misrepresented or omitted any 26878
material fact in the application for the permit. 26879

(6) The chief may issue an order denying a permit after 26880
finding that the applicant, any partner, if the applicant is a 26881
partnership, any officer, principal shareholder, or director, if 26882
the applicant is a corporation, or any other person who has a 26883
right to control or in fact controls the management of the 26884
applicant or the selection of officers, directors, or managers of 26885
the applicant has been a sole proprietor or partner, officer, 26886
director, principal shareholder, or person having the right to 26887
control or has in fact controlled the management of or the 26888
selection of officers, directors, or managers of a business entity 26889
that ever has had a coal mining license or permit issued by this 26890
or any other state or the United States suspended or revoked, ever 26891
has forfeited a coal or surface mining bond, performance security, 26892
or similar security deposited in lieu of bond in this or any other 26893
state or with the United States, or ever has substantially or 26894
materially failed to comply with this chapter. 26895

(7) When issuing a permit under this section, the chief may 26896
authorize an applicant to conduct coal mining and reclamation 26897
operations on areas to be covered by the permit that were affected 26898
by coal mining operations before August 3, 1977, that have 26899
resulted in continuing water pollution from or on the previously 26900
mined areas for the purpose of potentially reducing the pollution 26901
loadings of pH, iron, and manganese from discharges from or on the 26902
previously mined areas. Following the chief's authorization to 26903
conduct such operations on those areas, the areas shall be 26904

designated as pollution abatement areas for the purposes of this chapter. 26905
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The chief shall not grant an authorization under division (E)(7) of this section to conduct coal mining and reclamation operations on any such previously mined areas unless the applicant demonstrates to the chief's satisfaction that all of the following conditions are met: 26907
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(a) The applicant's pollution abatement plan for mining and reclaiming the previously mined areas represents the best available technology economically achievable. 26912
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(b) Implementation of the plan will potentially reduce pollutant loadings of pH, iron, and manganese resulting from discharges of surface waters or ground water from or on the previously mined areas within the permit area. 26915
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(c) Implementation of the plan will not cause any additional degradation of surface water quality off the permit area with respect to pH, iron, and manganese. 26919
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(d) Implementation of the plan will not cause any additional degradation of ground water. 26922
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(e) The plan meets the requirements governing mining and reclamation of such previously mined pollution abatement areas established by the chief in rules adopted under section 1513.02 of the Revised Code. 26924
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(f) Neither the applicant; any partner, if the applicant is a partnership; any officer, principal shareholder, or director, if the applicant is a corporation; any other person who has a right to control or in fact controls the management of the applicant or the selection of officers, directors, or managers of the applicant; nor any contractor or subcontractor of the applicant, has any of the following: 26928
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(i) Responsibility or liability under this chapter or rules adopted under it as an operator for treating the discharges of water pollutants from or on the previously mined areas for which the authorization is sought;

(ii) Any responsibility or liability under this chapter or rules adopted under it for reclaiming the previously mined areas for which the authorization is sought;

(iii) During the eighteen months prior to submitting the permit application requesting an authorization under division (E)(7) of this section, had a coal mining and reclamation permit suspended or revoked under division (D)(3) of section 1513.02 of the Revised Code for violating this chapter or Chapter 6111. of the Revised Code or rules adopted under them with respect to water quality, effluent limitations, or surface or ground water monitoring;

(iv) Ever forfeited a coal or surface mining bond, performance security, or similar security deposited in lieu of a bond in this or any other state or with the United States.

(8) In the case of the issuance of a permit that involves a conflict of results between various methods of calculating potential acidity and neutralization potential for purposes of assessing the potential for acid mine drainage to occur at a mine site, the permit shall include provisions for monitoring and record keeping to identify the creation of unanticipated acid water at the mine site. If the monitoring detects the creation of acid water at the site, the permit shall impose on the permittee additional requirements regarding mining practices and site reclamation to prevent the discharge of acid mine drainage from the mine site. As used in division (E)(8) of this section, "potential acidity" and "neutralization potential" have the same meanings as in section 1513.075 of the Revised Code.

(F)(1) During the term of the permit, the permittee may submit an application for a revision of the permit, together with a revised reclamation plan, to the chief.

(2) An application for a revision of a permit shall not be approved unless the chief finds that reclamation required by this chapter can be accomplished under the revised reclamation plan. The revision shall be approved or disapproved within ninety days after receipt of a complete revision application. The chief shall establish, by rule, criteria for determining the extent to which all permit application information requirements and procedures, including notice and hearings, shall apply to the revision request, except that any revisions that propose significant alterations in the reclamation plan, at a minimum, shall be subject to notice and hearing requirements.

(3) Any extensions to the area covered by the permit except incidental boundary revisions shall be made by application for a permit.

(4) Documents or a notarized statement that form the basis of the applicant's legal right to enter and commence coal mining operations on land that is located within an area covered by the permit and that was legally acquired subsequent to the issuance of the permit for the area shall be submitted with an application for a revision of the permit.

(G) No transfer, assignment, or sale of the rights granted under a permit issued pursuant to this chapter shall be made without the written approval of the chief.

(H) The chief, within a time limit prescribed in the chief's rules, shall review outstanding permits and may require reasonable revision or modification of a permit. A revision or modification shall be based upon a written finding and subject to notice and hearing requirements established by rule of the chief.

(I)(1) If an informal conference has been held pursuant to 26997
section 1513.071 of the Revised Code, the chief shall issue and 26998
furnish the applicant for a permit, persons who participated in 26999
the informal conference, and persons who filed written objections 27000
pursuant to division (B) of section 1513.071 of the Revised Code, 27001
with the written finding of the chief granting or denying the 27002
permit in whole or in part and stating the reasons therefor within 27003
sixty days of the conference, provided that the chief shall comply 27004
with the time frames established in division (I)(3) of this 27005
section. 27006

(2) If there has been no informal conference held pursuant to 27007
section 1513.071 of the Revised Code, the chief shall submit to 27008
the applicant for a permit the written finding of the chief 27009
granting or denying the permit in whole or in part and stating the 27010
reasons therefor within the time frames established in division 27011
(I)(3) of this section. 27012

(3) The chief shall grant or deny a permit not later than two 27013
hundred forty days after the submission of a complete application 27014
for the permit. Any time during which the applicant is making 27015
revisions to an application or providing additional information 27016
requested by the chief regarding an application shall not be 27017
included in the two hundred forty days. If the chief determines 27018
that a permit cannot be granted or denied within the 27019
two-hundred-forty-day time frame, the chief, not later than two 27020
hundred ten days after the submission of a complete application 27021
for the permit, shall provide the applicant with written notice of 27022
the expected delay. 27023

(4) If the application is approved, the permit shall be 27024
issued. However, the permit shall prohibit the commencement of 27025
coal mining operations on any land that is located within an area 27026
covered by the permit if the permittee has not provided to the 27027
chief documents that form the basis of the permittee's legal right 27028

to enter and conduct coal mining operations on that land. If the 27029
application is disapproved, specific reasons therefor shall be set 27030
forth in the notification. Within thirty days after the applicant 27031
is notified of the final decision of the chief on the permit 27032
application, the applicant or any person with an interest that is 27033
or may be adversely affected may appeal the decision to the 27034
reclamation commission pursuant to section 1513.13 of the Revised 27035
Code. 27036

(5) Any applicant or any person with an interest that is or 27037
may be adversely affected who has participated in the 27038
administrative proceedings as an objector and is aggrieved by the 27039
decision of the reclamation commission, or if the commission fails 27040
to act within the time limits specified in this chapter, may 27041
appeal in accordance with section 1513.14 of the Revised Code. 27042

Sec. 1513.16. (A) Any permit issued under this chapter to 27043
conduct coal mining operations shall require that the operations 27044
meet all applicable performance standards of this chapter and such 27045
other requirements as the chief of the division of mineral 27046
resources management shall adopt by rule. General performance 27047
standards shall apply to all coal mining and reclamation 27048
operations and shall require the operator at a minimum to do all 27049
of the following: 27050

(1) Conduct coal mining operations so as to maximize the 27051
utilization and conservation of the solid fuel resource being 27052
recovered so that re-affecting the land in the future through coal 27053
mining can be minimized; 27054

(2) Restore the land affected to a condition capable of 27055
supporting the uses that it was capable of supporting prior to any 27056
mining, or higher or better uses of which there is reasonable 27057
likelihood, so long as the uses do not present any actual or 27058
probable hazard to public health or safety or pose any actual or 27059

probable threat of diminution or pollution of the waters of the state, and the permit applicants' declared proposed land uses following reclamation are not considered to be impractical or unreasonable, to be inconsistent with applicable land use policies and plans, to involve unreasonable delay in implementation, or to violate federal, state, or local law;

(3) Except as provided in division (B) of this section, with respect to all coal mining operations, backfill, compact where advisable to ensure stability or to prevent leaching of toxic materials, and grade in order to restore the approximate original contour of the land with all highwalls, spoil piles, and depressions eliminated unless small depressions are needed in order to retain moisture to assist revegetation or as otherwise authorized pursuant to this chapter, provided that if the operator demonstrates that due to volumetric expansion the amount of overburden and the spoil and waste materials removed in the course of the mining operation are more than sufficient to restore the approximate original contour, the operator shall backfill, grade, and compact the excess overburden and other spoil and waste materials to attain the lowest grade, but not more than the angle of repose, and to cover all acid-forming and other toxic materials in order to achieve an ecologically sound land use compatible with the surrounding region in accordance with the approved mining plan. The overburden or spoil shall be shaped and graded in such a way as to prevent slides, erosion, and water pollution and shall be revegetated in accordance with this chapter.

(4) Stabilize and protect all surface areas, including spoil piles affected by the coal mining and reclamation operation, to control erosion and attendant air and water pollution effectively;

(5) Remove the topsoil from the land in a separate layer, replace it on the backfill area, or, if not utilized immediately, segregate it in a separate pile from the spoil, and when the

topsoil is not replaced on a backfill area within a time short 27092
enough to avoid deterioration of the topsoil, maintain a 27093
successful cover by quick-growing plants or other means thereafter 27094
so that the topsoil is preserved from wind and water erosion, 27095
remains free of any contamination by acid or other toxic material, 27096
and is in a usable condition for sustaining vegetation when 27097
restored during reclamation. If the topsoil is of insufficient 27098
quantity or of poor quality for sustaining vegetation or if other 27099
strata can be shown to be more suitable for vegetation 27100
requirements, the operator shall remove, segregate, and preserve 27101
in a like manner such other strata as are best able to support 27102
vegetation. 27103

(6) Restore the topsoil or the best available subsoil that is 27104
best able to support vegetation; 27105

(7) For all prime farmlands as identified in division 27106
(B)(1)(p) of section 1513.07 of the Revised Code to be mined and 27107
reclaimed, perform soil removal, storage, replacement, and 27108
reconstruction in accordance with specifications established by 27109
the secretary of the United States department of agriculture under 27110
the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 27111
445, 30 U.S.C.A. 1201. The operator, at a minimum, shall be 27112
required to do all of the following: 27113

(a) Segregate the A horizon of the natural soil, except where 27114
it can be shown that other available soil materials will create a 27115
final soil having a greater productive capacity, and, if not 27116
utilized immediately, stockpile this material separately from the 27117
spoil and provide needed protection from wind and water erosion or 27118
contamination by acid or other toxic material; 27119

(b) Segregate the B horizon of the natural soil, or 27120
underlying C horizons or other strata, or a combination of such 27121
horizons or other strata that are shown to be both texturally and 27122
chemically suitable for plant growth and that can be shown to be 27123

equally or more favorable for plant growth than the B horizon, in 27124
sufficient quantities to create in the regraded final soil a root 27125
zone of comparable depth and quality to that which existed in the 27126
natural soil, and, if not utilized immediately, stockpile this 27127
material separately from the spoil and provide needed protection 27128
from wind and water erosion or contamination by acid or other 27129
toxic material; 27130

(c) Replace and regrade the root zone material described in 27131
division (A)(7)(b) of this section with proper compaction and 27132
uniform depth over the regraded spoil material; 27133

(d) Redistribute and grade in a uniform manner the surface 27134
soil horizon described in division (A)(7)(a) of this section. 27135

(8) Create, if authorized in the approved mining and 27136
reclamation plan and permit, permanent impoundments of water on 27137
mining sites as part of reclamation activities only when it is 27138
adequately demonstrated by the operator that all of the following 27139
conditions will be met: 27140

(a) The size of the impoundment is adequate for its intended 27141
purposes. 27142

(b) The impoundment dam construction will be so designed as 27143
to achieve necessary stability with an adequate margin of safety 27144
compatible with that of structures constructed under the 27145
"Watershed Protection and Flood Prevention Act," 68 Stat. 666 27146
(1954), 16 U.S.C. 1001, as amended. 27147

(c) The quality of impounded water will be suitable on a 27148
permanent basis for its intended use and discharges from the 27149
impoundment will not degrade the water quality below water quality 27150
standards established pursuant to applicable federal and state law 27151
in the receiving stream. 27152

(d) The level of water will be reasonably stable. 27153

(e) Final grading will provide adequate safety and access for proposed water users. 27154
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(f) The water impoundments will not result in the diminution of the quality or quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses. 27156
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(9) Conduct any augering operation associated with strip mining in a manner to maximize recoverability of mineral reserves remaining after the operation and reclamation are complete and seal all auger holes with an impervious and noncombustible material in order to prevent drainage, except where the chief determines that the resulting impoundment of water in such auger holes may create a hazard to the environment or the public health or safety. The chief may prohibit augering if necessary to maximize the utilization, recoverability, or conservation of the solid fuel resources or to protect against adverse water quality impacts. 27160
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(10) Minimize the disturbances to the prevailing hydrologic balance at the mine site and in associated offsite areas and to the quality and quantity of water in surface and ground water systems both during and after coal mining operations and during reclamation by doing all of the following: 27171
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(a) Avoiding acid or other toxic mine drainage by such measures as, but not limited to: 27176
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(i) Preventing or removing water from contact with toxic producing deposits; 27178
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(ii) Treating drainage to reduce toxic content that adversely affects downstream water upon being released to water courses in accordance with rules adopted by the chief in accordance with section 1513.02 of the Revised Code; 27180
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(iii) Casing, sealing, or otherwise managing boreholes, 27184

shafts, and wells, and keeping acid or other toxic drainage from 27185
entering ground and surface waters. 27186

(b)(i) Conducting coal mining operations so as to prevent, to 27187
the extent possible using the best technology currently available, 27188
additional contributions of suspended solids to streamflow or 27189
runoff outside the permit area, but in no event shall 27190
contributions be in excess of requirements set by applicable state 27191
or federal laws; 27192

(ii) Constructing any siltation structures pursuant to 27193
division (A)(10)(b)(i) of this section prior to commencement of 27194
coal mining operations. The structures shall be certified by 27195
persons approved by the chief to be constructed as designed and as 27196
approved in the reclamation plan. 27197

(c) Cleaning out and removing temporary or large settling 27198
ponds or other siltation structures from drainways after disturbed 27199
areas are revegetated and stabilized, and depositing the silt and 27200
debris at a site and in a manner approved by the chief; 27201

(d) Restoring recharge capacity of the mined area to 27202
approximate premining conditions; 27203

(e) Avoiding channel deepening or enlargement in operations 27204
requiring the discharge of water from mines; 27205

(f) Such other actions as the chief may prescribe. 27206

(11) With respect to surface disposal of mine wastes, 27207
tailings, coal processing wastes, and other wastes in areas other 27208
than the mine working areas or excavations, stabilize all waste 27209
piles in designated areas through construction in compacted 27210
layers, including the use of noncombustible and impervious 27211
materials if necessary, and ensure that the final contour of the 27212
waste pile will be compatible with natural surroundings and that 27213
the site can and will be stabilized and revegetated according to 27214
this chapter; 27215

(12) Refrain from coal mining within five hundred feet of 27216
active and abandoned underground mines in order to prevent 27217
breakthroughs and to protect the health or safety of miners. The 27218
chief shall permit an operator to mine near, through, or partially 27219
through an abandoned underground mine or closer than five hundred 27220
feet to an active underground mine if both of the following 27221
conditions are met: 27222

(a) The nature, timing, and sequencing of the approximate 27223
coincidence of specific strip mine activities with specific 27224
underground mine activities are approved by the chief. 27225

(b) The operations will result in improved resource recovery, 27226
abatement of water pollution, or elimination of hazards to the 27227
health and safety of the public. 27228

(13) Design, locate, construct, operate, maintain, enlarge, 27229
modify, and remove or abandon, in accordance with the standards 27230
and criteria developed pursuant to rules adopted by the chief, all 27231
existing and new coal mine waste piles consisting of mine wastes, 27232
tailings, coal processing wastes, or other liquid and solid 27233
wastes, and used either temporarily or permanently as dams or 27234
embankments; 27235

(14) Ensure that all debris, acid-forming materials, toxic 27236
materials, or materials constituting a fire hazard are treated or 27237
buried and compacted or otherwise disposed of in a manner designed 27238
to prevent contamination of ground or surface waters and that 27239
contingency plans are developed to prevent sustained combustion; 27240

(15) Ensure that all reclamation efforts proceed in an 27241
environmentally sound manner and as contemporaneously as 27242
practicable with the coal mining operations, except that where the 27243
applicant proposes to combine strip mining operations with 27244
underground mining operations to ensure maximum practical recovery 27245
of the mineral resources, the chief may grant a variance for 27246

specific areas within the reclamation plan from the requirement 27247
that reclamation efforts proceed as contemporaneously as 27248
practicable to permit underground mining operations prior to 27249
reclamation if: 27250

(a) The chief finds in writing that: 27251

(i) The applicant has presented, as part of the permit 27252
application, specific, feasible plans for the proposed underground 27253
mining operations. 27254

(ii) The proposed underground mining operations are necessary 27255
or desirable to ensure maximum practical recovery of the mineral 27256
resource and will avoid multiple disturbance of the surface. 27257

(iii) The applicant has satisfactorily demonstrated that the 27258
plan for the underground mining operations conforms to 27259
requirements for underground mining in this state and that permits 27260
necessary for the underground mining operations have been issued 27261
by the appropriate authority. 27262

(iv) The areas proposed for the variance have been shown by 27263
the applicant to be necessary for the implementing of the proposed 27264
underground mining operations. 27265

(v) No substantial adverse environmental damage, either 27266
on-site or off-site, will result from the delay in completion of 27267
reclamation as required by this chapter. 27268

(vi) Provisions for the off-site storage of spoil will comply 27269
with division (A)(21) of this section. 27270

(b) The chief has adopted specific rules to govern the 27271
granting of such variances in accordance with this division and 27272
has imposed such additional requirements as the chief considers 27273
necessary. 27274

(c) Variances granted under this division shall be reviewed 27275
by the chief not more than three years from the date of issuance 27276

of the permit. 27277

(d) Liability under the performance security filed by the 27278
applicant with the chief pursuant to section 1513.08 of the 27279
Revised Code shall be for the duration of the underground mining 27280
operations and until the requirements of this section and section 27281
1513.08 of the Revised Code have been fully complied with. 27282

(16) Ensure that the construction, maintenance, and 27283
postmining conditions of access roads into and across the site of 27284
operations will control or prevent erosion and siltation, 27285
pollution of water, and damage to fish or wildlife or their 27286
habitat, or to public or private property; 27287

(17) Refrain from the construction of roads or other access 27288
ways up a stream bed or drainage channel or in such proximity to 27289
the channel as to seriously alter the normal flow of water; 27290

(18) Establish, on the regraded areas and all other lands 27291
affected, a diverse, effective, and permanent vegetative cover of 27292
the same seasonal variety native to the area of land to be 27293
affected and capable of self-regeneration and plant succession at 27294
least equal in extent of cover to the natural vegetation of the 27295
area, except that introduced species may be used in the 27296
revegetation process where desirable and necessary to achieve the 27297
approved postmining land use plan; 27298

(19)(a) Assume the responsibility for successful 27299
revegetation, as required by division (A)(18) of this section, for 27300
a period of five full years after the last year of augmented 27301
seeding, fertilizing, irrigation, or other work in order to ensure 27302
compliance with that division, except that when the chief approves 27303
a long-term intensive agricultural postmining land use, the 27304
applicable five-year period of responsibility for revegetation 27305
shall commence at the date of initial planting for that long-term 27306
intensive agricultural postmining land use, and except that when 27307

the chief issues a written finding approving a long-term intensive 27308
agricultural postmining land use as part of the mining and 27309
reclamation plan, the chief may grant an exception to division 27310
(A)(18) of this section; 27311

(b) On lands eligible for remining, assume the responsibility 27312
for successful revegetation, as required by division (A)(18) of 27313
this section, for a period of two full years after the last year 27314
of augmented seeding, fertilizing, irrigation, or other work in 27315
order to ensure compliance with that division. 27316

(20) Protect off-site areas from slides or damage occurring 27317
during the coal mining and reclamation operations and not deposit 27318
spoil material or locate any part of the operations or waste 27319
accumulations outside the permit area; 27320

(21) Place all excess spoil material resulting from coal 27321
mining and reclamation operations in such a manner that all of the 27322
following apply: 27323

(a) Spoil is transported and placed in a controlled manner in 27324
position for concurrent compaction and in such a way as to ensure 27325
mass stability and to prevent mass movement. 27326

(b) The areas of disposal are within the permit areas for 27327
which performance security has been provided. All organic matter 27328
shall be removed immediately prior to spoil placement except in 27329
the zoned concept method. 27330

(c) Appropriate surface and internal drainage systems and 27331
diversion ditches are used so as to prevent spoil erosion and mass 27332
movement. 27333

(d) The disposal area does not contain springs, natural 27334
watercourses, or wet weather seeps unless lateral drains are 27335
constructed from the wet areas to the main underdrains in such a 27336
manner that filtration of the water into the spoil pile will be 27337
prevented unless the zoned concept method is used. 27338

(e) If placed on a slope, the spoil is placed upon the most moderate slope among those slopes upon which, in the judgment of the chief, the spoil could be placed in compliance with all the requirements of this chapter and is placed, where possible, upon, or above, a natural terrace, bench, or berm if that placement provides additional stability and prevents mass movement.

(f) Where the toe of the spoil rests on a downslope, a rock toe buttress of sufficient size to prevent mass movement is constructed.

(g) The final configuration is compatible with the natural drainage pattern and surroundings and suitable for intended uses.

(h) Design of the spoil disposal area is certified by a qualified registered professional engineer in conformance with professional standards.

(i) All other provisions of this chapter are met.

(22) Meet such other criteria as are necessary to achieve reclamation in accordance with the purpose of this chapter, taking into consideration the physical, climatological, and other characteristics of the site;

(23) To the extent possible, using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable;

(24) Provide for an undisturbed natural barrier beginning at the elevation of the lowest coal seam to be mined and extending from the outslope for such distance as the chief shall determine to be retained in place as a barrier to slides and erosion;

(25) Restore on the permit area streams and wetlands affected by mining operations unless the chief approves restoration off the permit area without a permit required by section 1513.07 or

1513.074 of the Revised Code, instead of restoration on the permit area, of a stream or wetland or a portion of a stream or wetland, provided that the chief first makes all of the following written determinations: 27369
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(a) A hydrologic and engineering assessment of the affected lands, submitted by the operator, demonstrates that restoration on the permit area is not possible. 27373
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(b) The proposed mitigation plan under which mitigation activities described in division (A)(25)(c) of this section will be conducted is limited to a stream or wetland, or a portion of a stream or wetland, for which restoration on the permit area is not possible. 27376
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(c) Mitigation activities off the permit area, including mitigation banking and payment of in-lieu mitigation fees, will be performed pursuant to a permit issued under sections 401 and 404 of the "Federal Water Pollution Control Act" as defined in section 6111.01 of the Revised Code or an isolated wetland permit issued under Chapter 6111. of the Revised Code or pursuant to a no-cost reclamation contract for the restoration of water resources affected by past mining activities pursuant to section 1513.37 of the Revised Code. 27381
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(d) The proposed mitigation plan and mitigation activities comply with the standards established in this section. 27390
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If the chief approves restoration off the permit area in accordance with this division, the operator shall complete all mitigation construction or other activities required by the mitigation plan. 27392
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Performance security for reclamation activities on the permit area shall be released pursuant to division (F) of this section, except that the release of the remaining portion of performance security under division (F)(3)(c) of this section shall not be 27396
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approved prior to the construction of required mitigation 27400
activities off the permit area. 27401

(B)(1) The chief may permit mining operations for the 27402
purposes set forth in division (B)(3) of this section. 27403

(2) When an applicant meets the requirements of divisions 27404
(B)(3) and (4) of this section, a permit without regard to the 27405
requirement to restore to approximate original contour known as 27406
mountain top removal set forth in divisions (A)(3) or (C)(2) and 27407
(3) of this section may be granted for the mining of coal where 27408
the mining operation will remove an entire coal seam or seams 27409
running through the upper fraction of a mountain, ridge, or hill, 27410
except as provided in division (B)(4)(a) of this section, by 27411
removing all of the overburden and creating a level plateau or a 27412
gently rolling contour with no highwalls remaining, and capable of 27413
supporting postmining uses in accordance with this division. 27414

(3) In cases where an industrial, commercial, agricultural, 27415
residential, or public facility use, including recreational 27416
facilities, is proposed for the postmining use of the affected 27417
land, the chief may grant a permit for a mining operation of the 27418
nature described in division (B)(2) of this section when all of 27419
the following apply: 27420

(a) After consultation with the appropriate land use planning 27421
agencies, if any, the proposed postmining land use is considered 27422
to constitute an equal or better economic or public use of the 27423
affected land, as compared with premining use. 27424

(b) The applicant presents specific plans for the proposed 27425
postmining land use and appropriate assurances that the use will 27426
be all of the following: 27427

(i) Compatible with adjacent land uses; 27428

(ii) Obtainable according to data regarding expected need and 27429
market; 27430

(iii) Assured of investment in necessary public facilities;	27431
(iv) Supported by commitments from public agencies where appropriate;	27432 27433
(v) Practicable with respect to private financial capability for completion of the proposed use;	27434 27435
(vi) Planned pursuant to a schedule attached to the reclamation plan so as to integrate the mining operation and reclamation with the postmining land use;	27436 27437 27438
(vii) Designed by a registered engineer in conformity with professional standards established to ensure the stability, drainage, and configuration necessary for the intended use of the site.	27439 27440 27441 27442
(c) The proposed use is consistent with adjacent land uses and existing state and local land use plans and programs.	27443 27444
(d) The chief provides the governing body of the unit of general-purpose local government in which the land is located, and any state or federal agency that the chief, in the chief's discretion, determines to have an interest in the proposed use, an opportunity of not more than sixty days to review and comment on the proposed use.	27445 27446 27447 27448 27449 27450
(e) All other requirements of this chapter will be met.	27451
(4) In granting a permit pursuant to this division, the chief shall require that each of the following is met:	27452 27453
(a) The toe of the lowest coal seam and the overburden associated with it are retained in place as a barrier to slides and erosion.	27454 27455 27456
(b) The reclaimed area is stable.	27457
(c) The resulting plateau or rolling contour drains inward from the out slopes except at specified points.	27458 27459

(d) No damage will be done to natural watercourses. 27460

(e) Spoil will be placed on the mountaintop bench as is 27461
necessary to achieve the planned postmining land use, except that 27462
all excess spoil material not retained on the mountaintop bench 27463
shall be placed in accordance with division (A)(21) of this 27464
section. 27465

(f) Stability of the spoil retained on the mountaintop bench 27466
is ensured and the other requirements of this chapter are met. 27467

(5) The chief shall adopt specific rules to govern the 27468
granting of permits in accordance with divisions (B)(1) to (4) of 27469
this section and may impose such additional requirements as the 27470
chief considers necessary. 27471

(6) All permits granted under divisions (B)(1) to (4) of this 27472
section shall be reviewed not more than three years from the date 27473
of issuance of the permit unless the applicant affirmatively 27474
demonstrates that the proposed development is proceeding in 27475
accordance with the terms of the approved schedule and reclamation 27476
plan. 27477

(C) All of the following performance standards apply to 27478
steep-slope coal mining and are in addition to those general 27479
performance standards required by this section, except that this 27480
division does not apply to those situations in which an operator 27481
is mining on flat or gently rolling terrain on which an occasional 27482
steep slope is encountered through which the mining operation is 27483
to proceed, leaving a plain or predominantly flat area, or where 27484
an operator is in compliance with division (B) of this section: 27485

(1) The operator shall ensure that when performing coal 27486
mining on steep slopes, no debris, abandoned or disabled 27487
equipment, spoil material, or waste mineral matter is placed on 27488
the downslope below the bench or mining cut. Spoil material in 27489
excess of that required for the reconstruction of the approximate 27490

original contour under division (A)(3) or (C)(2) of this section 27491
shall be permanently stored pursuant to division (A)(21) of this 27492
section. 27493

(2) The operator shall complete backfilling with spoil 27494
material to cover completely the highwall and return the site to 27495
the approximate original contour, which material will maintain 27496
stability following mining and reclamation. 27497

(3) The operator shall not disturb land above the top of the 27498
highwall unless the chief finds that the disturbance will 27499
facilitate compliance with the environmental protection standards 27500
of this section, except that any such disturbance involving land 27501
above the highwall shall be limited to that amount of land 27502
necessary to facilitate compliance. 27503

(D)(1) The chief may permit variances for the purposes set 27504
forth in division (D)(3) of this section, provided that the 27505
watershed control of the area is improved and that complete 27506
backfilling with spoil material shall be required to cover 27507
completely the highwall, which material will maintain stability 27508
following mining and reclamation. 27509

(2) Where an applicant meets the requirements of divisions 27510
(D)(3) and (4) of this section, a variance from the requirement to 27511
restore to approximate original contour set forth in division 27512
(C)(2) of this section may be granted for the mining of coal when 27513
the owner of the surface knowingly requests in writing, as a part 27514
of the permit application, that such a variance be granted so as 27515
to render the land, after reclamation, suitable for an industrial, 27516
commercial, residential, or public use, including recreational 27517
facilities, in accordance with divisions (D)(3) and (4) of this 27518
section. 27519

(3) A variance pursuant to division (D)(2) of this section 27520
may be granted if: 27521

(a) After consultation with the appropriate land use planning agencies, if any, the potential use of the affected land is considered to constitute an equal or better economic or public use.

(b) The postmining land condition is designed and certified by a registered professional engineer in conformity with professional standards established to ensure the stability, drainage, and configuration necessary for the intended use of the site.

(c) After approval of the appropriate state environmental agencies, the watershed of the affected land is considered to be improved.

(4) In granting a variance pursuant to division (D) of this section, the chief shall require that only such amount of spoil will be placed off the mine bench as is necessary to achieve the planned postmining land use, ensure stability of the spoil retained on the bench, and meet all other requirements of this chapter. All spoil placement off the mine bench shall comply with division (A)(21) of this section.

(5) The chief shall adopt specific rules to govern the granting of variances under division (D) of this section and may impose such additional requirements as the chief considers necessary.

(6) All variances granted under division (D) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the permittee affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the reclamation plan.

(E) The chief shall establish standards and criteria regulating the design, location, construction, operation, maintenance, enlargement, modification, removal, and abandonment

of new and existing coal mine waste piles referred to in division 27553
(A)(13) of this section and division (A)(5) of section 1513.35 of 27554
the Revised Code. The standards and criteria shall conform to the 27555
standards and criteria used by the chief of the United States army 27556
corps of engineers to ensure that flood control structures are 27557
safe and effectively perform their intended function. In addition 27558
to engineering and other technical specifications, the standards 27559
and criteria developed pursuant to this division shall include 27560
provisions for review and approval of plans and specifications 27561
prior to construction, enlargement, modification, removal, or 27562
abandonment; performance of periodic inspections during 27563
construction; issuance of certificates of approval upon completion 27564
of construction; performance of periodic safety inspections; and 27565
issuance of notices for required remedial or maintenance work. 27566

(F)(1) The permittee may file a request with the chief for 27567
release of a part of a performance security under division (F)(3) 27568
of this section. Within thirty days after any request for 27569
performance security release under this section has been filed 27570
with the chief, the operator shall submit a copy of an 27571
advertisement placed at least once a week for four successive 27572
weeks in a newspaper of general circulation in the locality of the 27573
coal mining operation. The advertisement shall be considered part 27574
of any performance security release application and shall contain 27575
a notification of the precise location of the land affected, the 27576
number of acres, the permit number and the date approved, the 27577
amount of the performance security filed and the portion sought to 27578
be released, the type and appropriate dates of reclamation work 27579
performed, and a description of the results achieved as they 27580
relate to the operator's approved reclamation plan and, if 27581
applicable, the operator's pollution abatement plan. In addition, 27582
as part of any performance security release application, the 27583
applicant shall submit copies of the letters sent to adjoining 27584
property owners, local governmental bodies, planning agencies, and 27585

sewage and water treatment authorities or water companies in the 27586
locality in which the coal mining and reclamation activities took 27587
place, notifying them of the applicant's intention to seek release 27588
from the performance security. 27589

(2) Upon receipt of a copy of the advertisement and request 27590
for release of a performance security under division (F)(3)(c) of 27591
this section, the chief, within thirty days, shall conduct an 27592
inspection and evaluation of the reclamation work involved. The 27593
evaluation shall consider, among other things, the degree of 27594
difficulty to complete any remaining reclamation, whether 27595
pollution of surface and subsurface water is occurring, the 27596
probability of continuation or future occurrence of the pollution, 27597
and the estimated cost of abating the pollution. The chief shall 27598
notify the permittee in writing of the decision to release or not 27599
to release all or part of the performance security within sixty 27600
days after the filing of the request if no public hearing is held 27601
pursuant to division (F)(6) of this section or, if there has been 27602
a public hearing held pursuant to division (F)(6) of this section, 27603
within thirty days thereafter. 27604

(3) The chief may release the performance security if the 27605
reclamation covered by the performance security or portion thereof 27606
has been accomplished as required by this chapter and rules 27607
adopted under it according to the following schedule: 27608

(a) When the operator completes the backfilling, regrading, 27609
and drainage control of an area for which performance security has 27610
been provided in accordance with the approved reclamation plan, 27611
and, if the area covered by the performance security is one for 27612
which an authorization was made under division (E)(7) of section 27613
1513.07 of the Revised Code, the operator has complied with the 27614
approved pollution abatement plan and all additional requirements 27615
established by the chief in rules adopted under section 1513.02 of 27616
the Revised Code governing coal mining and reclamation operations 27617

on pollution abatement areas, the chief shall grant a release of 27618
fifty per cent of the performance security for the applicable 27619
permit area. 27620

(b) After resoiling and revegetation have been established on 27621
the regraded mined lands in accordance with the approved 27622
reclamation plan, the chief shall grant a release in an amount not 27623
exceeding thirty-five per cent of the original performance 27624
security for all or part of the affected area under the permit. 27625
When determining the amount of performance security to be released 27626
after successful revegetation has been established, the chief 27627
shall retain that amount of performance security for the 27628
revegetated area that would be sufficient for a third party to 27629
cover the cost of reestablishing revegetation for the period 27630
specified for operator responsibility in this section for 27631
reestablishing revegetation. No part of the performance security 27632
shall be released under this division so long as the lands to 27633
which the release would be applicable are contributing suspended 27634
solids to streamflow or runoff outside the permit area in excess 27635
of the requirements of this section or until soil productivity for 27636
prime farmlands has returned to equivalent levels of yield as 27637
nonmined land of the same soil type in the surrounding area under 27638
equivalent management practices as determined from the soil survey 27639
performed pursuant to section 1513.07 of the Revised Code. If the 27640
area covered by the performance security is one for which an 27641
authorization was made under division (E)(7) of section 1513.07 of 27642
the Revised Code, no part of the performance security shall be 27643
released under this division until the operator has complied with 27644
the approved pollution abatement plan and all additional 27645
requirements established by the chief in rules adopted under 27646
section 1513.02 of the Revised Code governing coal mining and 27647
reclamation operations on pollution abatement areas. Where a silt 27648
dam is to be retained as a permanent impoundment pursuant to 27649
division (A)(10) of this section, the portion of performance 27650

security may be released under this division so long as provisions 27651
for sound future maintenance by the operator or the landowner have 27652
been made with the chief. 27653

(c) When the operator has completed successfully all coal 27654
mining and reclamation activities, including, if applicable, all 27655
additional requirements established in the pollution abatement 27656
plan approved under division (E)(7) of section 1513.07 of the 27657
Revised Code and all additional requirements established by the 27658
chief in rules adopted under section 1513.02 of the Revised Code 27659
governing coal mining and reclamation operations on pollution 27660
abatement areas, the chief shall release all or any of the 27661
remaining portion of the performance security for all or part of 27662
the affected area under a permit, but not before the expiration of 27663
the period specified for operator responsibility in this section, 27664
except that the chief may adopt rules for a variance to the 27665
operator period of responsibility considering vegetation success 27666
and probability of continued growth and consent of the landowner, 27667
provided that no performance security shall be fully released 27668
until all reclamation requirements of this chapter are fully met. 27669

(4) If the chief disapproves the application for release of 27670
the performance security or portion thereof, the chief shall 27671
notify the permittee, in writing, stating the reasons for 27672
disapproval and recommending corrective actions necessary to 27673
secure the release, and allowing the opportunity for a public 27674
adjudicatory hearing. 27675

(5) When any application for total or partial performance 27676
security release is filed with the chief under this section, the 27677
chief shall notify the municipal corporation in which the coal 27678
mining operation is located by certified mail at least thirty days 27679
prior to the release of all or a portion of the performance 27680
security. 27681

(6) A person with a valid legal interest that might be 27682

adversely affected by release of a performance security under this 27683
section or the responsible officer or head of any federal, state, 27684
or local government agency that has jurisdiction by law or special 27685
expertise with respect to any environmental, social, or economic 27686
impact involved in the operation or is authorized to develop and 27687
enforce environmental standards with respect to such operations 27688
may file written objections to the proposed release from the 27689
performance security with the chief within thirty days after the 27690
last publication of the notice required by division (F)(1) of this 27691
section. If written objections are filed and an informal 27692
conference is requested, the chief shall inform all interested 27693
parties of the time and place of the conference. The date, time, 27694
and location of the informal conference shall be advertised by the 27695
chief in a newspaper of general circulation in the locality of the 27696
coal mining operation proposed for performance security release 27697
for at least once a week for two consecutive weeks. The informal 27698
conference shall be held in the locality of the coal mining 27699
operation proposed for performance security release or in Franklin 27700
county, at the option of the objector, within thirty days after 27701
the request for the conference. An electronic or stenographic 27702
record shall be made of the conference proceeding unless waived by 27703
all parties. The record shall be maintained and shall be 27704
accessible to the parties until final release of the performance 27705
security at issue. In the event all parties requesting the 27706
informal conference stipulate agreement prior to the requested 27707
informal conference and withdraw their request, the informal 27708
conference need not be held. 27709

(7) If an informal conference has been held pursuant to 27710
division (F)(6) of this section, the chief shall issue and furnish 27711
the applicant and persons who participated in the conference with 27712
the written decision regarding the release within sixty days after 27713
the conference. Within thirty days after notification of the final 27714
decision of the chief regarding the performance security release, 27715

the applicant or any person with an interest that is or may be 27716
adversely affected by the decision may appeal the decision to the 27717
reclamation commission pursuant to section 1513.13 of the Revised 27718
Code. 27719

(8)(a) If the chief determines that a permittee is 27720
responsible for mine drainage that requires water treatment after 27721
reclamation is completed under the terms of the permit or that a 27722
permittee must provide an alternative water supply after 27723
reclamation is completed under the terms of the permit, the 27724
permittee shall provide alternative financial security in an 27725
amount determined by the chief prior to the release of the 27726
remaining portion of performance security under division (F)(3)(c) 27727
of this section. The alternative financial security shall be in an 27728
amount that is equal to or greater than the present value of the 27729
estimated cost over time to develop and implement mine drainage 27730
plans and provide water treatment or in an amount that is 27731
necessary to provide and maintain an alternative water supply, as 27732
applicable. The alternative financial security shall include a 27733
contract, trust, or other agreement or mechanism that is 27734
enforceable under law to provide long-term water treatment or a 27735
long-term alternative water supply, or both. The contract, trust, 27736
or other agreement or mechanism included with the alternative 27737
financial security may provide for the funding of the alternative 27738
financial security incrementally over a period of time, not to 27739
exceed five years, with reliance on guarantees or other collateral 27740
provided by the permittee and approved by the chief for the 27741
balance of the alternative financial security required until the 27742
alternative financial security has been fully funded by the 27743
permittee. 27744

(b) The chief shall adopt rules in accordance with Chapter 27745
119. of the Revised Code that are necessary for the administration 27746
of division (F)(8)(a) of this section. 27747

(c) If the chief determines that a permittee must provide alternative financial security under division (F)(8)(a) of this section and the performance security for the permit was provided under division (C)(2) of section 1513.08 of the Revised Code, the permittee may fund the alternative financial security incrementally over a period of time, not to exceed five years, with reliance on the reclamation forfeiture fund created in section 1513.18 of the Revised Code for the balance of the alternative financial security required until the alternative financial security has been fully funded by the permittee. The permittee semiannually shall pay to the division of mineral resources management a fee that is equal to seven and one-half per cent of the average balance of the alternative financial security that is being provided by reliance on the reclamation forfeiture fund over the previous six months. All money received from the fee shall be credited to the reclamation forfeiture fund.

(9) Final release of the performance security in accordance with division (F)(3)(c) of this section terminates the jurisdiction of the chief under this chapter over the reclaimed site of a surface coal mining and reclamation operation or applicable portion of an operation. However, the chief shall reassert jurisdiction over such a site if the release was based on fraud, collusion, or misrepresentation of a material fact and the chief, in writing, demonstrates evidence of the fraud, collusion, or misrepresentation. Any person with an interest that is or may be adversely affected by the chief's determination may appeal the determination to the reclamation commission in accordance with section 1513.13 of the Revised Code.

(G) The chief shall adopt rules governing the criteria for forfeiture of performance security, the method of determining the forfeited amount, and the procedures to be followed in the event of forfeiture. Cash received as the result of such forfeiture is

the property of the state. 27780

Sec. 1514.08. (A) The chief of the division of mineral 27781
resources management may adopt, amend, and rescind rules in 27782
accordance with Chapter 119. of the Revised Code in order to 27783
prescribe procedures for submitting applications for permits, 27784
amendments to permits, and amendments to plans of mining and 27785
reclamation; filing annual reports and final reports; requesting 27786
inspection and approval of reclamation; paying permit and filing 27787
fees; and filing and obtaining the release of performance bonds 27788
deposited with the state. For the purpose of preventing damage to 27789
adjoining property or achieving one or more of the performance 27790
standards established in division (A)(10) of section 1514.02 of 27791
the Revised Code, the chief may establish classes of mining 27792
industries, based upon industrial categories, combinations of 27793
minerals produced, and geological conditions in which surface or 27794
in-stream mining operations occur, and may prescribe different 27795
rules consistent with the performance standards for each class. 27796
For the purpose of apportioning the workload of the division of 27797
mineral resources management among the quarters of the year, the 27798
rules may require that applications for permits and annual reports 27799
be filed in different quarters of the year, depending upon the 27800
county in which the operation is located. 27801

(B) The chief shall adopt rules under this section that do 27802
all of the following: 27803

(1) With respect to in-stream mining, and in consultation 27804
with the chief of the division of ~~soil and~~ water resources, 27805
determine periods of low flow, which are the only time periods 27806
during which in-stream mining is allowed, and develop and 27807
implement any criteria, in addition to the criteria established in 27808
section 1514.02 of the Revised Code, that the chief determines are 27809
necessary for the permitting of in-stream mining; 27810

(2) Establish criteria and procedures for approving or	27811
disapproving the transfer of a surface or in-stream mining permit	27812
under division (F) of section 1514.02 of the Revised Code;	27813
(3) Define when any of the following may be considered to be	27814
"significant" for purposes of section 1514.022 of the Revised	27815
Code:	27816
(a) An amendment to a permit issued under section 1514.02 of	27817
the Revised Code for a surface or in-stream mining operation;	27818
(b) An amendment to the plan of mining and reclamation that	27819
must be filed with an application for either permit under section	27820
1514.02 of the Revised Code;	27821
(c) Changes to that plan of mining and reclamation that are	27822
proposed in a permit renewal application filed under section	27823
1514.021 of the Revised Code.	27824
In defining "significant," the chief shall focus on changes	27825
that increase the likelihood that the mining operation may have a	27826
negative impact on the public.	27827
(4) Establish a framework and procedures under which the	27828
amount of any bond required to be filed under this chapter to	27829
ensure the satisfactory performance of the reclamation measures	27830
required under this chapter may be reduced by subtracting a credit	27831
based on the operator's past compliance with this chapter and	27832
rules adopted and orders issued under it. The rules also shall	27833
apply to cash, an irrevocable letter of credit, or a certificate	27834
of deposit that is on deposit in lieu of a bond. In establishing	27835
the amount of credit that an operator or applicant may receive	27836
based on past compliance, the chief may consider past compliance	27837
with respect to any permit for a surface or in-stream mining	27838
operation that has been issued in this state to the operator or	27839
applicant.	27840
(5) Establish criteria and procedures for granting a variance	27841

from compliance with the prohibitions established in divisions 27842
(E)(3) and (F)(3) of section 1514.10 of the Revised Code. The 27843
criteria shall ensure that an operator may obtain a variance only 27844
if compliance with the applicable prohibition is not necessary to 27845
prevent damage to the watercourse or surrounding areas. 27846

Sec. 1514.13. (A) The chief of the division of mineral 27847
resources management shall use the compilation of data for ground 27848
water modeling submitted under section 1514.02 of the Revised Code 27849
to establish a projected cone of depression for any surface mining 27850
operation that may result in dewatering. The chief shall consult 27851
with the chief of the division of ~~soil and~~ water resources when 27852
projecting a cone of depression. An applicant for a surface mining 27853
permit for such an operation may submit ground water modeling that 27854
shows a projected cone of depression for that operation to the 27855
chief, provided that the modeling complies with rules adopted by 27856
the chief regarding ground water modeling. However, the chief 27857
shall establish the projected cone of depression for the purposes 27858
of this section. 27859

The chief shall adopt, and may amend and rescind, rules in 27860
accordance with Chapter 119. of the Revised Code establishing 27861
requirements and standards governing both of the following: 27862

(1) Ground water modeling for establishing a projected cone 27863
of depression. A ground water model shall be generally accepted in 27864
the scientific community. 27865

(2) Replacement of water supplies. 27866

(B)(1) If an owner of real property who obtains all or part 27867
of the owner's water supply for domestic, agricultural, 27868
industrial, or other legitimate use from ground water has a 27869
diminution, contamination, or interruption of that water supply 27870
and the owner's real property is located within the projected cone 27871
of depression of a surface mining operation established under this 27872

section, the owner may submit a written complaint to the operator 27873
of that operation or to the chief informing the operator or the 27874
chief that there is a diminution, contamination, or interruption 27875
of the owner's water supply. The complaint shall include the 27876
owner's name, address, and telephone number. 27877

If the chief receives a written complaint, the chief 27878
immediately shall send a copy of the complaint to the operator, 27879
and the operator immediately shall respond by sending the chief a 27880
statement that explains how the operator resolved or will resolve 27881
the complaint. If the operator receives a written complaint, the 27882
operator immediately shall send to the chief a copy of the 27883
complaint and include a statement that explains how the operator 27884
resolved or will resolve the complaint. Not later than seventy-two 27885
hours after receipt of the complaint, the operator shall provide 27886
the owner a supply of water that is comparable, in quantity and 27887
quality, to the owner's water supply prior to the diminution, 27888
contamination, or interruption of the owner's water supply. The 27889
operator shall maintain that water supply until the operator 27890
provides a permanent replacement water supply to the owner under 27891
division (B)(3) of this section or until the division of mineral 27892
resources management completes the evaluation under division 27893
(B)(2) of this section, whichever is applicable. 27894

(2) A rebuttable presumption exists that the operation caused 27895
the diminution, contamination, or interruption of the owner's 27896
water supply. However, not later than fourteen days after receipt 27897
of the complaint, the operator may submit to the division 27898
information showing that the operation is not the proximate cause 27899
of the diminution, contamination, or interruption of the owner's 27900
water supply. The division shall evaluate the information 27901
submitted by the operator to determine if the presumption is 27902
rebutted. If the operator fails to rebut the presumption, the 27903
division immediately shall notify the operator that the operator 27904

failed to rebut the presumption. Not later than fourteen days 27905
after receipt of that notice, the operator shall provide the owner 27906
a permanent replacement water supply that is comparable, in 27907
quantity and quality, to the owner's water supply prior to the 27908
diminution, contamination, or interruption of the owner's water 27909
supply. If the operator rebuts the presumption, the division 27910
immediately shall notify the operator that the operator rebutted 27911
the presumption, and, upon receipt of that notice, the operator 27912
may cease providing a supply of water to the owner under division 27913
(B)(1) of this section. 27914

(3) If, within fourteen days after receipt of the complaint, 27915
the operator does not submit to the division information showing 27916
that the operation is not the proximate cause of the diminution, 27917
contamination, or interruption of the owner's water supply, the 27918
operator shall provide the owner, not later than twenty-eight days 27919
after receipt of the complaint, a permanent replacement water 27920
supply that is comparable, in quantity and quality, to the owner's 27921
water supply prior to the diminution, contamination, or 27922
interruption of the owner's water supply. 27923

(4) The division may investigate a complaint under division 27924
(B) of this section. 27925

(C) If an owner of real property who obtains all or part of 27926
the owner's water supply for domestic, agricultural, industrial, 27927
or other legitimate use from ground water has a diminution, 27928
contamination, or interruption of that water supply and the 27929
owner's real property is not located within the projected cone of 27930
depression of a surface mining operation established under this 27931
section, the owner may submit a written complaint to the operator 27932
of that operation or to the chief informing the operator or the 27933
chief that there is a diminution, contamination, or interruption 27934
of the owner's water supply. The complaint shall include the 27935
owner's name, address, and telephone number. 27936

If the operator receives a written complaint, the operator 27937
immediately shall send the chief a copy of the complaint. If the 27938
chief receives a written complaint, the chief immediately shall 27939
send the operator a copy of the complaint. The chief shall 27940
investigate any complaint submitted under this division and, upon 27941
completion of the investigation, immediately shall send the 27942
results of the investigation to the operator and to the owner that 27943
filed the complaint. 27944

An owner that submits a written complaint under this division 27945
may resolve the diminution, contamination, or interruption of the 27946
owner's water supply with the operator of that operation or may 27947
commence a civil action for that purpose. 27948

(D) An operator may request the chief to amend the plan of 27949
mining and reclamation filed with the application under section 27950
1514.02 of the Revised Code when a ground water user may affect 27951
the projected cone of depression established for the operation 27952
under division (A) of this section. The operator shall submit 27953
additional data that reflect the ground water user's impact on the 27954
ground water. The chief shall perform ground water modeling using 27955
the additional data and may establish a revised projected cone of 27956
depression for that operation. 27957

(E) This section shall not be construed as creating, 27958
modifying, or affecting any right, liability, or remedy of surface 27959
riparian owners. 27960

Sec. 1521.03. The chief of the division of ~~soil and~~ water 27961
resources shall do all of the following: 27962

(A) Assist in an advisory capacity any properly constituted 27963
watershed district, conservancy district, or soil and water 27964
conservation district or any county, municipal corporation, or 27965
other government agency of the state in the planning of works for 27966
ground water recharge, flood mitigation, floodplain management, 27967

flood control, flow capacity and stability of streams, rivers, and 27968
watercourses, or the establishment of water conservation 27969
practices, within the limits of the appropriations for those 27970
purposes; 27971

(B) Have authority to conduct basic inventories of the water 27972
and related natural resources in each drainage basin in the state; 27973
to develop a plan on a watershed basis that will recognize the 27974
variety of uses to which water may be put and the need for its 27975
management for those uses; with the approval of the director of 27976
natural resources and the controlling board, to transfer 27977
appropriated or other funds, authorized for those inventories and 27978
plan, to any division of the department of natural resources or 27979
other state agencies for the purpose of developing pertinent data 27980
relating to the plan of water management; and to accept and expend 27981
moneys contributed by any person for implementing the development 27982
of the plan; 27983

(C) Have authority to make detailed investigations of all 27984
factors relating to floods, floodplain management, and flood 27985
control in the state with particular attention to those factors 27986
bearing upon the hydraulic and hydrologic characteristics of 27987
rivers, streams, and watercourses, recognizing the variety of uses 27988
to which water and watercourses may be put; 27989

(D) Cooperate with the United States or any agency thereof 27990
and with any political subdivision of the state in planning and 27991
constructing flood control works; 27992

(E) Hold meetings or public hearings, whichever is considered 27993
appropriate by the chief, to assist in the resolution of conflicts 27994
between ground water users. Such meetings or hearings shall be 27995
called upon written request from boards of health of city or 27996
general health districts created by or under the authority of 27997
Chapter 3709. of the Revised Code or authorities having the duties 27998
of a board of health as authorized by section 3709.05 of the 27999

Revised Code, boards of county commissioners, boards of township trustees, legislative authorities of municipal corporations, or boards of directors of conservancy districts and may be called by the chief upon the request of any other person or at the chief's discretion. The chief shall collect and present at such meetings or hearings the available technical information relevant to the conflicts and to the ground water resource. The chief shall prepare a report, and may make recommendations, based upon the available technical data and the record of the meetings or hearings, about the use of the ground water resource. In making the report and any recommendations, the chief also may consider the factors listed in division (B) of section 1521.17 of the Revised Code. The technical information presented, the report prepared, and any recommendations made under this division shall be presumed to be prima-facie authentic and admissible as evidence in any court pursuant to Evidence Rule 902.

(F) Perform stream or ground water gauging and may contract with the United States government or any other agency for the gauging of any streams or ground water within the state;

(G) Primarily with regard to water quantity, have authority to collect, study, map, and interpret all available information, statistics, and data pertaining to the availability, supply, use, conservation, and replenishment of the ground and surface waters in the state in coordination with other agencies of this state;

(H) Primarily with regard to water quantity and availability, be authorized to cooperate with and negotiate for the state with any agency of the United States government, of this state, or of any other state pertaining to the water resources of the state;

(I) Provide engineering support for the coastal management program established under Chapter 1506. of the Revised Code.

Sec. 1521.031. There is hereby created in the department of

natural resources the Ohio water advisory council. The council 28031
shall consist of seven members appointed by the governor with the 28032
advice and consent of the senate. No more than four of the members 28033
shall be of the same political party. Members shall be persons who 28034
have a demonstrated interest in water management and whose 28035
expertise reflects the various responsibilities of the division of 28036
~~soil and~~ water resources under this chapter and Chapter 1523. of 28037
the Revised Code, including, but not limited to, dam safety, 28038
surface water, groundwater, and flood plain management. The chief 28039
of the division of ~~soil and~~ water resources may participate in the 28040
deliberations of the council, but shall not vote. 28041

Terms of office of members shall be for two years commencing 28042
on the second day of February and ending on the first day of 28043
February. Each member shall hold office from the date of 28044
appointment until the end of the term for which appointed. The 28045
governor may remove any member at any time for inefficiency, 28046
neglect of duty, or malfeasance in office. In the event of the 28047
death, removal, resignation, or incapacity of any member, the 28048
governor, with the advice and consent of the senate, shall appoint 28049
a successor to hold office for the remainder of the term for which 28050
the member's predecessor was appointed. Any member shall continue 28051
in office following the expiration date of the member's term until 28052
the member's successor takes office or until sixty days have 28053
elapsed, whichever occurs first. Membership on the council does 28054
not constitute holding a public office or position of employment 28055
under the Revised Code and is not grounds for removal of public 28056
officers or employees from their offices or positions of 28057
employment. 28058

The council annually shall select from its members a 28059
chairperson and a vice-chairperson. The council shall hold at 28060
least one meeting each calendar quarter and shall keep a record of 28061
its proceedings, which shall be open to the public for inspection. 28062

Special meetings may be called by the chairperson and shall be 28063
called upon the written request of two or more members. A majority 28064
of the members constitutes a quorum. The division shall furnish 28065
clerical, technical, legal, and other services required by the 28066
council in the performance of its duties. 28067

Members shall receive no compensation, but shall be 28068
reimbursed from the appropriations for the division for the actual 28069
and necessary expenses incurred by them in the performance of 28070
their official duties. 28071

The council shall: 28072

(A) Advise the chief of the division of ~~soil and~~ water 28073
resources in carrying out the duties of the division under this 28074
chapter and Chapter 1523. of the Revised Code; 28075

(B) Recommend such policy and legislation with respect to 28076
water management and conservation as will promote the economic, 28077
industrial, and social development of the state while minimizing 28078
threats to the state's natural environment; 28079

(C) Review and make recommendations on the development of 28080
plans and programs for long-term, comprehensive water management 28081
throughout the state; and 28082

(D) Recommend ways to enhance cooperation among governmental 28083
agencies having an interest in water to encourage wise use and 28084
protection of the state's ground and surface waters. To this end, 28085
the council shall request nonvoting representation from 28086
appropriate governmental agencies. 28087

Sec. 1521.04. The chief of the division of ~~soil and~~ water 28088
resources, with the approval of the director of natural resources, 28089
may make loans and grants from the water management fund created 28090
in section 1501.32 of the Revised Code to governmental agencies 28091
for water management, water supply improvements, and planning and 28092

may administer grants from the federal government and from other 28093
public or private sources for carrying out those functions and for 28094
the performance of any acts that may be required by the United 28095
States or by any agency or department thereof as a condition for 28096
the participation by any governmental agency in any federal 28097
financial or technical assistance program. Direct and indirect 28098
costs of administration may be paid from the fund. 28099

The chief may use the water management fund for the purposes 28100
of administering the water diversion and consumptive use permit 28101
programs established in sections 1501.30 to 1501.35 of the Revised 28102
Code and the withdrawal and consumptive use permit program 28103
established under sections 1522.10 to 1522.21 of the Revised Code; 28104
to perform watershed and water resources studies for the purposes 28105
of water management planning; and to acquire, construct, 28106
reconstruct, improve, equip, maintain, operate, and dispose of 28107
water management improvements. The chief may fix, alter, charge, 28108
and collect rates, fees, rentals, and other charges to be paid 28109
into the fund by governmental agencies and persons who are 28110
supplied with water by facilities constructed or operated by the 28111
department of natural resources in order to amortize and defray 28112
the cost of the construction, maintenance, and operation of those 28113
facilities. 28114

Sec. 1521.05. (A) As used in this section: 28115

(1) "Construct" or "construction" includes drilling, boring, 28116
digging, deepening, altering, and logging. 28117

(2) "Altering" means changing the configuration of a well, 28118
including, without limitation, deepening a well, extending or 28119
replacing any portion of the inside or outside casing or wall of a 28120
well that extends below ground level, plugging a portion of a well 28121
back to a certain depth, and reaming out a well to enlarge its 28122
original diameter. 28123

(3) "Logging" means describing the lithology, grain size, color, and texture of the formations encountered during the drilling, boring, digging, deepening, or altering of a well.

(4) "Grouting" means neat cement; bentonite products in slurry, granular, or pelletized form, excluding drilling mud or fluids; or any combination of neat cement and bentonite products that is placed within a well to seal the annular space or to seal an abandoned well and that is impervious to and capable of preventing the movement of water.

(5) "Abandoned well" means a well whose use has been permanently discontinued and that poses potential health and safety hazards or that has the potential to transmit surface contaminants into the aquifer in which the well has been constructed.

(6) "Sealing" means the complete filling of an abandoned well with grouting or other approved materials in order to permanently prevent the vertical movement of water in the well and thus prevent the contamination of ground water or the intermixing of water between aquifers.

(B) Any person that constructs a well shall keep a careful and accurate log of the construction of the well. The log shall show all of the following:

(1) The character, including, without limitation, the lithology, color, texture, and grain size, the name, if known, and the depth of all formations passed through or encountered;

(2) The depths at which water is encountered;

(3) The static water level of the completed well;

(4) A copy of the record of all pumping tests and analyses related to those tests, if any;

(5) Construction details, including lengths, diameters, and

thicknesses of casing and screening and the volume, type of	28154
material, and method of introducing gravel packing and grouting	28155
into the well;	28156
(6) The type of pumping equipment installed, if any;	28157
(7) The name of the owner of the well, the address of the	28158
location where the well was constructed, and either the state	28159
plane coordinates or the latitude and longitude of the well;	28160
(8) The signature of the individual who constructed the well	28161
and filed the well log;	28162
(9) Any other information required by the chief of the	28163
division of soil and water resources.	28164
The log shall be filed with the division of soil and water	28165
resources within thirty days after the completion of construction	28166
of the well on forms prescribed and prepared by the division. The	28167
log shall be kept on file by the division.	28168
(C) Any person that seals a well shall keep a careful and	28169
accurate report of the sealing of the well. The sealing report	28170
shall show all of the following:	28171
(1) The name of the owner of the well, the address of the	28172
location where the well was constructed, and either the state	28173
plane coordinates or the latitude and longitude of the well;	28174
(2) The depth of the well, the size and length of its casing,	28175
and the static water level of the well;	28176
(3) The sealing procedures, including the volume and type of	28177
sealing material or materials and the method and depth of	28178
placement of each material;	28179
(4) The date on which the sealing was performed;	28180
(5) The signature of the individual who sealed the well and	28181
filed the sealing report;	28182

(6) Any other information required by the chief.	28183
The sealing report shall be filed with the division within	28184
thirty days after the completion of the sealing of the well on	28185
forms prescribed and prepared by the division.	28186
(D) In accordance with Chapter 119. of the Revised Code, the	28187
chief may adopt, amend, and rescind rules requiring other persons	28188
that are involved in the construction or subsequent development of	28189
a well to submit well logs under division (B) of this section	28190
containing any or all of the information specified in divisions	28191
(B)(1) to (9) of this section and specifying additional	28192
information to be included in sealing reports required under	28193
division (C) of this section. The chief shall adopt rules	28194
establishing procedures and requirements governing the payment and	28195
collection of water well log filing fees, including the amount of	28196
any filing fee to be imposed as an alternative to the	28197
twenty-dollar filing fee established in division (G) of this	28198
section and including procedures for the quarterly transfer of	28199
filing fees by boards of health and the director of environmental	28200
protection under that division.	28201
(E)(1) No person shall fail to keep and file a well log or a	28202
sealing report as required by this section.	28203
(2) No person shall make a false statement in any well log or	28204
sealing report required to be kept and filed under this section.	28205
Violation of division (E)(2) of this section is falsification	28206
under section 2921.13 of the Revised Code.	28207
(F) For the purposes of prosecution of a violation of	28208
division (E)(1) of this section, a prima-facie case is established	28209
when the division obtains either of the following:	28210
(1) A certified copy of a permit for a private water system	28211
issued in accordance with rules adopted under section 3701.344 of	28212
the Revised Code, or a certified copy of the invoice or a canceled	28213

check from the owner of a well indicating the construction or sealing services performed; 28214
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(2) A certified copy of any permit issued under Chapter 3734. or 6111. of the Revised Code or plan approval granted under Chapter 6109. of the Revised Code for any activity that includes the construction or sealing of a well as applicable. 28216
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(G) In accordance with rules adopted under this section, a person or entity that constructs a well for the purpose of extracting potable water as part of a private water system that is subject to rules adopted under section 3701.344 of the Revised Code or a public water system that is required to be licensed under Chapter 6109. of the Revised Code shall pay a well log filing fee of twenty dollars per well log or, if the chief has adopted rules establishing an alternative fee amount, the fee amount established under rules. The fee shall be collected by a board of health under section 3701.344 of the Revised Code or the environmental protection agency under section 6109.22 of the Revised Code, as applicable. 28220
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Each calendar quarter, a board of health or the environmental protection agency, as applicable, shall forward all well log filing fees collected during the previous calendar quarter to the division of ~~soil and~~ water resources. The fees shall be forwarded in accordance with procedures established in rules adopted under this section. 28232
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Proceeds of well log filing fees shall be used by the division of ~~soil and~~ water resources for the purposes of acquiring, maintaining, and dispensing digital and paper records of well logs that are filed with the division. 28238
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Sec. 1521.06. (A) No dam may be constructed for the purpose of storing, conserving, or retarding water, or for any other purpose, nor shall any levee be constructed for the purpose of 28242
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diverting or retaining flood water, unless the person or 28245
governmental agency desiring the construction has a construction 28246
permit for the dam or levee issued by the chief of the division of 28247
~~soil and~~ water resources. 28248

A construction permit is not required under this section for: 28249

(1) A dam that is or will be less than ten feet in height and 28250
that has or will have a storage capacity of not more than fifty 28251
acre-feet at the elevation of the top of the dam, as determined by 28252
the chief. For the purposes of this section, the height of a dam 28253
shall be measured from the natural stream bed or lowest ground 28254
elevation at the downstream or outside limit of the dam to the 28255
elevation of the top of the dam. 28256

(2) A dam, regardless of height, that has or will have a 28257
storage capacity of not more than fifteen acre-feet at the 28258
elevation of the top of the dam, as determined by the chief; 28259

(3) A dam, regardless of storage capacity, that is or will be 28260
six feet or less in height, as determined by the chief; 28261

(4) A dam or levee that belongs to a class exempted by the 28262
chief; 28263

(5) The repair, maintenance, improvement, alteration, or 28264
removal of a dam or levee that is subject to section 1521.062 of 28265
the Revised Code, unless the construction constitutes an 28266
enlargement or reconstruction of the structure as determined by 28267
the chief; 28268

(6) A dam or impoundment constructed under Chapter 1513. of 28269
the Revised Code. 28270

(B) Before a construction permit may be issued, three copies 28271
of the plans and specifications, including a detailed cost 28272
estimate, for the proposed construction, prepared by a registered 28273
professional engineer, together with the filing fee specified by 28274

this section and the bond or other security required by section 28275
1521.061 of the Revised Code, shall be filed with the chief. The 28276
detailed estimate of the cost shall include all costs associated 28277
with the construction of the dam or levee, including supervision 28278
and inspection of the construction by a registered professional 28279
engineer. The filing fee shall be based on the detailed cost 28280
estimate for the proposed construction as filed with and approved 28281
by the chief, and shall be determined by the following schedule 28282
unless otherwise provided by rules adopted under this section: 28283

(1) For the first one hundred thousand dollars of estimated 28284
cost, a fee of four per cent; 28285

(2) For the next four hundred thousand dollars of estimated 28286
cost, a fee of three per cent; 28287

(3) For the next five hundred thousand dollars of estimated 28288
cost, a fee of two per cent; 28289

(4) For all costs in excess of one million dollars, a fee of 28290
one-half of one per cent. 28291

In no case shall the filing fee be less than one thousand 28292
dollars or more than one hundred thousand dollars. If the actual 28293
cost exceeds the estimated cost by more than fifteen per cent, an 28294
additional filing fee shall be required equal to the fee 28295
determined by the preceding schedule less the original filing fee. 28296
All fees collected pursuant to this section, and all fines 28297
collected pursuant to section 1521.99 of the Revised Code, shall 28298
be deposited in the state treasury to the credit of the dam safety 28299
fund, which is hereby created. Expenditures from the fund shall be 28300
made by the chief for the purpose of administering this section 28301
and sections 1521.061 and 1521.062 of the Revised Code. 28302

(C) The chief shall, within thirty days from the date of the 28303
receipt of the application, fee, and bond or other security, issue 28304
or deny a construction permit for the construction or may issue a 28305

construction permit conditioned upon the making of such changes in 28306
the plans and specifications for the construction as the chief 28307
considers advisable if the chief determines that the construction 28308
of the proposed dam or levee, in accordance with the plans and 28309
specifications filed, would endanger life, health, or property. 28310

(D) The chief may deny a construction permit after finding 28311
that a dam or levee built in accordance with the plans and 28312
specifications would endanger life, health, or property, because 28313
of improper or inadequate design, or for such other reasons as the 28314
chief may determine. 28315

In the event the chief denies a permit for the construction 28316
of the dam or levee, or issues a permit conditioned upon a making 28317
of changes in the plans or specifications for the construction, 28318
the chief shall state the reasons therefor and so notify, in 28319
writing, the person or governmental agency making the application 28320
for a permit. If the permit is denied, the chief shall return the 28321
bond or other security to the person or governmental agency making 28322
application for the permit. 28323

The decision of the chief conditioning or denying a 28324
construction permit is subject to appeal as provided in Chapter 28325
119. of the Revised Code. A dam or levee built substantially at 28326
variance from the plans and specifications upon which a 28327
construction permit was issued is in violation of this section. 28328
The chief may at any time inspect any dam or levee, or site upon 28329
which any dam or levee is to be constructed, in order to determine 28330
whether it complies with this section. 28331

(E) A registered professional engineer shall inspect the 28332
construction for which the permit was issued during all phases of 28333
construction and shall furnish to the chief such regular reports 28334
of the engineer's inspections as the chief may require. When the 28335
chief finds that construction has been fully completed in 28336
accordance with the terms of the permit and the plans and 28337

specifications approved by the chief, the chief shall approve the 28338
construction. When one year has elapsed after approval of the 28339
completed construction, and the chief finds that within this 28340
period no fact has become apparent to indicate that the 28341
construction was not performed in accordance with the terms of the 28342
permit and the plans and specifications approved by the chief, or 28343
that the construction as performed would endanger life, health, or 28344
property, the chief shall release the bond or other security. No 28345
bond or other security shall be released until one year after 28346
final approval by the chief, unless the dam or levee has been 28347
modified so that it will not retain water and has been approved as 28348
nonhazardous after determination by the chief that the dam or 28349
levee as modified will not endanger life, health, or property. 28350

(F) When inspections required by this section are not being 28351
performed, the chief shall notify the person or governmental 28352
agency to which the permit has been issued that inspections are 28353
not being performed by the registered professional engineer and 28354
that the chief will inspect the remainder of the construction. 28355
Thereafter, the chief shall inspect the construction and the cost 28356
of inspection shall be charged against the owner. Failure of the 28357
registered professional engineer to submit required inspection 28358
reports shall be deemed notice that the engineer's inspections are 28359
not being performed. 28360

(G) The chief may order construction to cease on any dam or 28361
levee that is being built in violation of this section, and may 28362
prohibit the retention of water behind any dam or levee that has 28363
been built in violation of this section. The attorney general, 28364
upon written request of the chief, may bring an action for an 28365
injunction against any person who violates this section or to 28366
enforce an order or prohibition of the chief made pursuant to this 28367
section. 28368

(H) The chief may adopt rules in accordance with Chapter 119. 28369

of the Revised Code, for the design and construction of dams and levees for which a construction permit is required by this section or for which periodic inspection is required by section 1521.062 of the Revised Code, for establishing a filing fee schedule in lieu of the schedule established under division (B) of this section, for deposit and forfeiture of bonds and other securities required by section 1521.061 of the Revised Code, for the periodic inspection, operation, repair, improvement, alteration, or removal of all dams and levees, as specified in section 1521.062 of the Revised Code, and for establishing classes of dams or levees that are exempt from the requirements of this section and section 1521.062 of the Revised Code as being of a size, purpose, or situation that does not present a substantial hazard to life, health, or property. The chief may, by rule, limit the period during which a construction permit issued under this section is valid. The rules may allow for the extension of the period during which a permit is valid upon written request, provided that the written request includes a revised construction cost estimate, and may require the payment of an additional filing fee for the requested extension. If a construction permit expires without an extension before construction is completed, the person or agency shall apply for a new permit, and shall not continue construction until the new permit is issued.

Sec. 1521.061. Except as otherwise provided in this section, a construction permit shall not be issued under section 1521.06 of the Revised Code unless the person or governmental agency applying for the permit executes and files a surety bond conditioned on completion of the dam or levee in accordance with the terms of the permit and the plans and specifications approved by the chief of the division of ~~soil~~ and water resources, in an amount equal to fifty per cent of the estimated cost of the project.

If a permittee requests an extension of the time period

during which a construction permit is valid in accordance with 28402
rules adopted under section 1521.06 of the Revised Code, the chief 28403
shall determine whether the revised construction cost estimate 28404
provided with the request exceeds the original construction cost 28405
estimate that was filed with the chief by more than twenty-five 28406
per cent. If the revised construction cost estimate exceeds the 28407
original construction cost estimate by more than twenty-five per 28408
cent, the chief may require an additional surety bond to be filed 28409
so that the total amount of the surety bonds equals at least fifty 28410
per cent of the revised construction cost estimate. 28411

The chief shall not approve any bond until it is personally 28412
signed and acknowledged by both principal and surety, or as to 28413
either by the attorney in fact thereof, with a certified copy of 28414
the power of attorney attached. The chief shall not approve the 28415
bond unless there is attached a certificate of the superintendent 28416
of insurance that the company is authorized to transact a fidelity 28417
and surety business in this state. 28418

All bonds shall be given in a form prescribed by the chief 28419
and shall run to the state as obligee. 28420

The applicant may deposit, in lieu of a bond, cash in an 28421
amount equal to the amount of the bond or United States government 28422
securities or negotiable certificates of deposit issued by any 28423
bank organized or transacting business in this state having a par 28424
value equal to or greater than the amount of the bond. Such cash 28425
or securities shall be deposited upon the same terms as bonds. If 28426
one or more certificates of deposit are deposited in lieu of a 28427
bond, the chief shall require the bank that issued any such 28428
certificate to pledge securities of the aggregate market value 28429
equal to the amount of the certificate that is in excess of the 28430
amount insured by the federal deposit insurance corporation. The 28431
securities to be pledged shall be those designated as eligible 28432
under section 135.18 of the Revised Code. The securities shall be 28433

security for the repayment of the certificate of deposit. 28434

Immediately upon a deposit of cash, securities, or 28435
certificates of deposit, the chief shall deliver them to the 28436
treasurer of state, who shall hold them in trust for the purposes 28437
for which they have been deposited. The treasurer of state is 28438
responsible for the safekeeping of such deposits. An applicant 28439
making a deposit of cash, securities, or certificates of deposit 28440
may withdraw and receive from the treasurer of state, on the 28441
written order of the chief, all or any portion of the cash, 28442
securities, or certificates of deposit, upon depositing with the 28443
treasurer of state cash, other United States government 28444
securities, or negotiable certificates of deposit issued by any 28445
bank organized or transacting business in this state equal in par 28446
value to the par value of the cash, securities, or certificates of 28447
deposit withdrawn. An applicant may demand and receive from the 28448
treasurer of state all interest or other income from any such 28449
securities or certificates as it becomes due. If securities so 28450
deposited with and in the possession of the treasurer of state 28451
mature or are called for payment by the issuer thereof, the 28452
treasurer of state, at the request of the applicant who deposited 28453
them, shall convert the proceeds of the redemption or payment of 28454
the securities into such other United States government 28455
securities, negotiable certificates of deposit issued by any bank 28456
organized or transacting business in this state, or cash as the 28457
applicant designates. 28458

When the chief finds that a person or governmental agency has 28459
failed to comply with the conditions of the person's or agency's 28460
bond, the chief shall make a finding of that fact and declare the 28461
bond, cash, securities, or certificates of deposit forfeited in 28462
the amount set by rule of the chief. The chief shall thereupon 28463
certify the total forfeiture to the attorney general, who shall 28464
proceed to collect that amount. 28465

In lieu of total forfeiture, the surety, at its option, may 28466
cause the dam or levee to be completed as required by section 28467
1521.06 of the Revised Code and rules of the chief, or otherwise 28468
rendered nonhazardous, or pay to the treasurer of state the cost 28469
thereof. 28470

All moneys collected on account of forfeitures of bonds, 28471
cash, securities, and certificates of deposit under this section 28472
shall be credited to the dam safety fund created in section 28473
1521.06 of the Revised Code. The chief shall make expenditures 28474
from the fund to complete dams and levees for which bonds have 28475
been forfeited or to otherwise render them nonhazardous. 28476

Expenditures from the fund for those purposes shall be made 28477
pursuant to contracts entered into by the chief with persons who 28478
agree to furnish all of the materials, equipment, work, and labor 28479
as specified and provided in the contract. 28480

A surety bond shall not be required for a permit for a dam or 28481
levee that is to be designed and constructed by an agency of the 28482
United States government, if the agency files with the chief 28483
written assurance of the agency's financial responsibility for the 28484
structure during the one-year period following the chief's 28485
approval of the completed construction provided for under division 28486
(E) of section 1521.06 of the Revised Code. 28487

Sec. 1521.062. (A) All dams and levees constructed in this 28488
state and not exempted by this section or by the chief of the 28489
division of ~~soil and~~ water resources under section 1521.06 of the 28490
Revised Code shall be inspected periodically by the chief, except 28491
for classes of dams that, in accordance with rules adopted under 28492
this section, are required to be inspected by registered 28493
professional engineers who have been approved for that purpose by 28494
the chief. The inspection shall ensure that continued operation 28495
and use of the dam or levee does not constitute a hazard to life, 28496

health, or property. Periodic inspections shall not be required of 28497
the following structures: 28498

(1) A dam that is less than ten feet in height and has a 28499
storage capacity of not more than fifty acre-feet at the elevation 28500
of the top of the dam, as determined by the chief. For the 28501
purposes of this section, the height of a dam shall be measured 28502
from the natural stream bed or lowest ground elevation at the 28503
downstream or outside limit of the dam to the elevation of the top 28504
of the dam. 28505

(2) A dam, regardless of height, that has a storage capacity 28506
of not more than fifteen acre-feet at the elevation of the top of 28507
the dam, as determined by the chief; 28508

(3) A dam, regardless of storage capacity, that is six feet 28509
or less in height, as determined by the chief; 28510

(4) A dam or levee belonging to a class exempted by the 28511
chief; 28512

(5) A dam or levee that has been exempted in accordance with 28513
rules adopted under section 1521.064 of the Revised Code. 28514

(B) In accordance with rules adopted under this section, the 28515
owner of a dam that is in a class of dams that is designated in 28516
the rules for inspection by registered professional engineers 28517
shall obtain the services of a registered professional engineer 28518
who has been approved by the chief to conduct the periodic 28519
inspection of dams pursuant to schedules and other standards and 28520
procedures established in the rules. The registered professional 28521
engineer shall prepare a report of the inspection in accordance 28522
with the rules and provide the inspection report to the dam owner 28523
who shall submit it to the chief. A dam that is designated under 28524
the rules for inspection by a registered professional engineer, 28525
but that is not inspected within a five-year period may be 28526
inspected by the chief at the owner's expense. 28527

(C) Intervals between periodic inspections shall be 28528
determined by the chief, but shall not exceed five years. 28529

(D) In the case of a dam or levee that the chief inspects, 28530
the chief shall furnish a report of the inspection to the owner of 28531
the dam or levee. With regard to a dam or levee that has been 28532
inspected, either by the chief or by a registered professional 28533
engineer, and that is the subject of an inspection report prepared 28534
or received by the chief, the chief shall inform the owner of any 28535
required repairs, maintenance, investigations, and other remedial 28536
and operational measures. The chief shall order the owner to 28537
perform such repairs, maintenance, investigations, or other 28538
remedial or operational measures as the chief considers necessary 28539
to safeguard life, health, or property. The order shall permit the 28540
owner a reasonable time in which to perform the needed repairs, 28541
maintenance, investigations, or other remedial measures, and the 28542
cost thereof shall be borne by the owner. All orders of the chief 28543
are subject to appeal as provided in Chapter 119. of the Revised 28544
Code. The attorney general, upon written request of the chief, may 28545
bring an action for an injunction against any person who violates 28546
this section or to enforce an order of the chief made pursuant to 28547
this section. 28548

(E) The owner of a dam or levee shall monitor, maintain, and 28549
operate the structure and its appurtenances safely in accordance 28550
with state rules, terms and conditions of permits, orders, and 28551
other requirements issued pursuant to this section or section 28552
1521.06 of the Revised Code. The owner shall fully and promptly 28553
notify the division of ~~soil and~~ water resources and other 28554
responsible authorities of any condition that threatens the safety 28555
of the structure and shall take all necessary actions to safeguard 28556
life, health, and property. 28557

(F) Before commencing the repair, improvement, alteration, or 28558
removal of a dam or levee, the owner shall file an application 28559

including plans, specifications, and other required information 28560
with the division and shall secure written approval of the 28561
application by the chief. Emergency actions by the owner required 28562
to safeguard life, health, or property are exempt from this 28563
requirement. The chief may, by rule, define maintenance, repairs, 28564
or other remedial measures of a routine nature that are exempt 28565
from this requirement. 28566

(G) The chief may remove or correct, at the expense of the 28567
owner, any unsafe structures found to be constructed or maintained 28568
in violation of this section or section 1521.06 of the Revised 28569
Code. In the case of an owner other than a governmental agency, 28570
the cost of removal or correction of any unsafe structure, 28571
together with a description of the property on which the unsafe 28572
structure is located, shall be certified by the chief to the 28573
county auditor and placed by the county auditor upon the tax 28574
duplicate. This cost is a lien upon the lands from the date of 28575
entry and shall be collected as other taxes and returned to the 28576
division. In the case of an owner that is a governmental agency, 28577
the cost of removal or correction of any unsafe structure shall be 28578
recoverable from the owner by appropriate action in a court of 28579
competent jurisdiction. 28580

(H) If the condition of any dam or levee is found, in the 28581
judgment of the chief, to be so dangerous to the safety of life, 28582
health, or property as not to permit time for the issuance and 28583
enforcement of an order relative to repair, maintenance, or 28584
operation, the chief shall employ any of the following remedial 28585
means necessary to protect life, health, and property: 28586

(1) Lower the water level of the lake or reservoir by 28587
releasing water; 28588

(2) Completely drain the lake or reservoir; 28589

(3) Take such other measures or actions as the chief 28590

considers necessary to safeguard life, health, and property. 28591

The chief shall continue in full charge and control of the 28592
dam or levee until the structure is rendered safe. The cost of the 28593
remedy shall be recoverable from the owner of the structure by 28594
appropriate action in a court of competent jurisdiction. 28595

(I) The chief may accept and expend gifts, bequests, and 28596
grants from the United States government or from any other public 28597
or private source and may contract with the United States 28598
government or any other agency or entity for the purpose of 28599
carrying out the dam safety functions set forth in this section 28600
and section 1521.06 of the Revised Code. 28601

(J) In accordance with Chapter 119. of the Revised Code, the 28602
chief may adopt, and may amend or rescind, rules that do all of 28603
the following: 28604

(1) Designate classes of dams for which dam owners must 28605
obtain the services of a registered professional engineer to 28606
periodically inspect the dams and to prepare reports of the 28607
inspections for submittal to the chief; 28608

(2) Establish standards in accordance with which the chief 28609
must approve or disapprove registered professional engineers to 28610
inspect dams together with procedures governing the approval 28611
process; 28612

(3) Establish schedules, standards, and procedures governing 28613
periodic inspections and standards and procedures governing the 28614
preparation and submittal of inspection reports; 28615

(4) Establish provisions regarding the enforcement of this 28616
section and rules adopted under it. 28617

(K) The owner of a dam or levee shall notify the chief in 28618
writing of a change in ownership of the dam or levee prior to the 28619
exchange of the property. 28620

Sec. 1521.063. (A) Except for the federal government, the owner of a dam, that is classified as a class I, class II, or class III dam under rules adopted under section 1521.06 of the Revised Code and subject to section 1521.062 of the Revised Code shall pay an annual fee, based upon the height of the dam, the linear foot length of the dam, and the per-acre foot of volume of water impounded by the dam. The fee shall be paid to the division of ~~soil and~~ water resources on or before the thirtieth day of June of each year. The annual fee shall be as follows until otherwise provided by rules adopted under this section:

(1) For any dam classified as a class I dam under rules adopted by the chief of the division of ~~soil and~~ water resources under section 1521.06 of the Revised Code, three hundred dollars plus ten dollars per foot of height of dam, five cents per foot of length of the dam and five cents per-acre foot of water impounded by the dam;

(2) For any dam classified as a class II dam under those rules, ninety dollars plus six dollars per foot of height of dam, five cents per foot of length of the dam and five cents per-acre foot of water impounded by the dam;

(3) For any dam classified as a class III dam under those rules, ninety dollars plus four dollars per foot of height of the dam, five cents per foot of length of the dam, and five cents per-acre foot of volume of water impounded by the dam.

For purposes of this section, the height of a dam is the vertical height, to the nearest foot, as determined by the division under section 1521.062 of the Revised Code.

All fees collected under this section shall be deposited in the dam safety fund created in section 1521.06 of the Revised Code. Any owner who fails to pay any annual fee required by this section within sixty days after the due date shall be assessed a

penalty of ten per cent of the annual fee plus interest at the 28652
rate of one-half per cent per month from the due date until the 28653
date of payment. 28654

There is hereby created the compliant dam discount program to 28655
be administered by the chief. Under the program, the chief may 28656
reduce the amount of the annual fee that an owner of a dam is 28657
required to pay under division (A)(1), (2), or (3) of this section 28658
if the owner is in compliance with section 1521.062 of the Revised 28659
Code and has developed an emergency action plan pursuant to 28660
standards established in rules adopted under this section. The 28661
chief shall not discount an annual fee by more than twenty-five 28662
per cent of the total annual fee that is due. In addition, the 28663
chief shall not discount the annual fee that is due from the owner 28664
of a dam who has been assessed a penalty under this section. 28665

(B) The chief shall, in accordance with Chapter 119. of the 28666
Revised Code and subject to the prior approval of the director of 28667
natural resources, adopt, and may amend or rescind, rules for the 28668
collection of fees and the administration, implementation, and 28669
enforcement of this section and for the establishment of an annual 28670
fee schedule in lieu of the schedule established in division (A) 28671
of this section. 28672

(C)(1) No person, political subdivision, or state 28673
governmental agency shall violate or fail to comply with this 28674
section or any rule or order adopted or issued under it. 28675

(2) The attorney general, upon written request of the chief, 28676
may commence an action against any such violator. Any action under 28677
division (C)(2) of this section is a civil action. 28678

(D) As used in this section, "political subdivision" includes 28679
townships, municipal corporations, counties, school districts, 28680
municipal universities, park districts, sanitary districts, and 28681
conservancy districts and subdivisions thereof. 28682

Sec. 1521.064. The chief of the division of ~~soil and~~ water 28683
resources, in accordance with Chapter 119. of the Revised Code, 28684
shall adopt, and may amend and rescind, rules establishing a 28685
program under which dams and levees may be exempted from 28686
inspections under section 1521.062 of the Revised Code if the 28687
continued operation and use of, and any rupturing of or other 28688
structural damage to, the dams and levees will not constitute a 28689
hazard to life, health, or property. The rules shall establish, 28690
without limitation, all of the following: 28691

(A) A procedure by which the owner of such a dam or levee may 28692
apply for an exemption under this section; 28693

(B) The standards that a dam or levee shall meet in order to 28694
be exempted under this section; 28695

(C) A procedure by which the chief shall periodically review 28696
the status of a dam or levee that has been exempted under this 28697
section to determine if the exemption should be rescinded; 28698

(D) A requirement that the owner of any dam or levee exempted 28699
under this section shall agree, in writing, to accept liability 28700
for any injury, death, or loss to persons or property caused by 28701
the rupturing of or other structural damage to the dam or levee. 28702

Sec. 1521.07. The chief of the division of ~~soil and~~ water 28703
resources or any employee in the service of the division may enter 28704
upon lands to make surveys and inspections in accordance with this 28705
chapter, when necessary in the discharge of the duties enumerated 28706
in this chapter. 28707

Sec. 1521.10. In order to be entitled to the compensation 28708
provided for in section 1521.09 of the Revised Code, the landowner 28709
shall have prepared and submit to the division of ~~soil and~~ water 28710
resources complete plans for the dam provided for in such section. 28711

The plans shall have the approval of the chief of the division of 28712
~~soil and~~ water resources and the dam shall be constructed in 28713
accordance with such plans before compensation can be claimed. 28714

Sec. 1521.11. Upon the completion of the dam referred to in 28715
section 1521.09 of the Revised Code to the satisfaction of the 28716
division of ~~soil and~~ water resources, it shall certify the 28717
completion and the capacity thereof to the county auditor who 28718
shall thereupon make such reduction in the assessed valuation of 28719
the contiguous landowner as the contiguous landowner is entitled 28720
to receive under sections 1521.09 to 1521.12 of the Revised Code. 28721

Sec. 1521.12. In the event that any dam is constructed before 28722
plans are submitted to and approved by the division of ~~soil and~~ 28723
water resources as required by section 1521.10 of the Revised 28724
Code, the landowner may submit plans of the dam the landowner has 28725
built, showing the area of the drainage basin above the dam, a 28726
cross section of the dam site, a cross section, plan, and 28727
elevation of the dam, a map of the spillway, a topographic map of 28728
the reservoir basin, and such other data and information as the 28729
division requires. If the plans receive the approval of the 28730
division, and upon examination the dam is found to be 28731
satisfactorily completed in accordance with such plans, the 28732
division shall certify the completion and capacity thereof to the 28733
county auditor. If the plans fail to meet the requirements of the 28734
division, the owner may submit revised plans, and when such 28735
revised plans have been approved and the dam rebuilt to conform to 28736
such plans, the completion of the dam and its capacity shall then 28737
be certified to the auditor who shall thereupon make such 28738
reduction in the assessed valuation of the contiguous land as such 28739
owner is entitled to receive under sections 1521.09 to 1521.12 of 28740
the Revised Code. 28741

Sec. 1521.13. (A) Development in one-hundred-year floodplain areas shall be protected to at least the one-hundred-year flood level, and flood water conveyance shall be maintained, at a minimum, in accordance with standards established under the national flood insurance program. This division does not preclude a state agency or political subdivision from establishing flood protection standards that are more restrictive than this division.

(B) Prior to the expenditure of money for or the construction of buildings, structures, roads, bridges, or other facilities in locations that may be subject to flooding or flood damage, all state agencies and political subdivisions shall notify and consult with the division of ~~soil and~~ water resources and shall furnish information that the division reasonably requires in order to avoid the uneconomic, hazardous, or unnecessary use of floodplains in connection with such facilities.

(C) The chief of the division of ~~soil and~~ water resources shall do all of the following:

(1) Coordinate the floodplain management activities of state agencies and political subdivisions with the floodplain management activities of the United States, including the national flood insurance program;

(2) Collect, prepare, and maintain technical data and information on floods and floodplain management and make the data and information available to the public, state agencies, political subdivisions, and agencies of the United States;

(3) Cooperate and enter into agreements with persons for the preparation of studies and reports on floods and floodplain management;

(4) Assist any county, municipal corporation, or state agency in developing comprehensive floodplain management programs;

(5) Provide technical assistance to any county, municipal corporation, or state agency through engineering assistance, data collection, preparation of model laws, training, and other activities relating to floodplain management;

(6) For the purpose of reducing damages and the threat to life, health, and property in the event of a flood, cooperate with state agencies, political subdivisions, and the United States in the development of flood warning systems, evacuation plans, and flood emergency preparedness plans;

(7) Upon request, assist the emergency management agency established by section 5502.22 of the Revised Code in the preparation of flood hazard mitigation reports required as a condition for receiving federal disaster aid under the "Disaster Relief Act of 1974," 88 Stat. 143, 42 U.S.C.A. 5121, as amended, and regulations adopted under it;

(8) Adopt, and may amend or rescind, rules in accordance with Chapter 119. of the Revised Code for the administration, implementation, and enforcement of this section and sections 1521.14 and 1521.18 of the Revised Code;

(9) Establish, by rule, technical standards for the delineation and mapping of floodplains and for the conduct of engineering studies to determine the vertical and horizontal limits of floodplains and for the assessment of development impacts on flood heights and flood conveyance. The standards established in rules adopted under this division shall be consistent with and no more stringent than the analogous standards established under the national flood insurance program.

(10) On behalf of the director of natural resources, administer section 1506.04 of the Revised Code.

In addition to the duties imposed in divisions (C)(1) to (10) of this section, and with respect to existing publicly owned

facilities that have suffered flood damage or that may be subject 28803
to flood damage, the chief may conspicuously mark past and 28804
probable flood heights in order to assist in creating public 28805
awareness of and knowledge about flood hazards. 28806

(D)(1) Development that is funded, financed, undertaken, or 28807
preempted by state agencies shall comply with division (A) of this 28808
section and with rules adopted under division (C)(9) of this 28809
section. 28810

(2) State agencies shall apply floodproofing measures in 28811
order to reduce potential additional flood damage of existing 28812
publicly owned facilities that have suffered flood damage. 28813

(3) Before awarding funding or financing or granting a 28814
license, permit, or other authorization for a development that is 28815
or is to be located within a one-hundred-year floodplain, a state 28816
agency shall require the applicant to demonstrate to the 28817
satisfaction of the agency that the development will comply with 28818
division (A) of this section, rules adopted under division (C)(9) 28819
of this section, and any applicable local floodplain management 28820
resolution or ordinance. 28821

(4) Prior to the disbursement of any state disaster 28822
assistance money in connection with any incident of flooding to or 28823
within a county or municipal corporation that is not listed by the 28824
chief as being in compliance under division (D)(1) of section 28825
1521.18 of the Revised Code, a state agency that has authority to 28826
disburse such money shall require the county or municipal 28827
corporation to establish or reestablish compliance as provided in 28828
that division. 28829

(E)(1) Subject to section 1521.18 of the Revised Code, a 28830
county or a municipal corporation may do all of the following: 28831

(a) Adopt floodplain maps that reflect the best available 28832
data and that indicate the areas to be regulated under a 28833

floodplain management resolution or ordinance, as applicable;	28834
(b) Develop and adopt a floodplain management resolution or ordinance, as applicable;	28835 28836
(c) Adopt floodplain management standards that exceed the standards that are established under the national flood insurance program.	28837 28838 28839
(2) A county or municipal corporation shall examine and apply, where economically feasible, floodproofing measures in order to reduce potential additional flood damage of existing publicly owned facilities that have suffered flood damage.	28840 28841 28842 28843
(3) A county that adopts a floodplain management resolution shall do so in accordance with the procedures established in section 307.37 of the Revised Code. The county may enforce the resolution by issuing stop work orders, seeking injunctive relief, or pursuing other civil actions that the county considers necessary to ensure compliance with the resolution. In addition, failure to comply with the floodplain management resolution constitutes a violation of division (D) of section 307.37 of the Revised Code.	28844 28845 28846 28847 28848 28849 28850 28851 28852
(4) No action challenging the validity of a floodplain management resolution adopted by a county or a floodplain management ordinance adopted by a municipal corporation, or an amendment to such a resolution or ordinance, because of a procedural error in the adoption of the resolution, ordinance, or amendment shall be brought more than two years after the adoption of the resolution, ordinance, or amendment.	28853 28854 28855 28856 28857 28858 28859
Sec. 1521.14. Upon the written request of the director of natural resources, the attorney general shall bring an action for appropriate relief in a court of competent jurisdiction against any development that is not in compliance with the standards of	28860 28861 28862 28863

the national flood insurance program and that is one of the 28864
following: 28865

(A) Located in a county or municipal corporation that is not 28866
listed by the chief of the division of ~~soil and~~ water resources as 28867
being in compliance under division (D)(1) of section 1521.18 of 28868
the Revised Code; 28869

(B) Funded, financed, undertaken, or preempted by a state 28870
agency. 28871

Sec. 1521.15. (A) The chief of the division of ~~soil and~~ water 28872
resources shall develop and maintain, in cooperation with local, 28873
state, federal, and private agencies and entities, a water 28874
resources inventory for the collection, interpretation, storage, 28875
retrieval, exchange, and dissemination of information concerning 28876
the water resources of this state, including, but not limited to, 28877
information on the location, type, quantity, and use of those 28878
resources and the location, type, and quantity of consumptive use 28879
and diversion of the water resources. The water resources 28880
inventory also shall include, without limitation, information to 28881
assist in determining the reasonableness of water use and sharing 28882
under common law, promoting reasonable use and development of 28883
water resources, and resolving water use conflicts. 28884

All agencies of the state shall cooperate with the chief in 28885
the development and maintenance of the inventory. 28886

(B) The chief shall cooperate with the other great lakes 28887
states and provinces to develop a common base of data regarding 28888
the management of the water resources of the Lake Erie drainage 28889
basin and to establish systematic arrangements for the exchange of 28890
those data. 28891

Sec. 1521.16. (A) Any person who owns a facility that has the 28892
capacity to withdraw waters of the state in an amount greater than 28893

one hundred thousand gallons per day from all sources and whose 28894
construction is completed before January 1, 1990, shall register 28895
the facility by January 1, 1991, with the chief of the division of 28896
~~soil and~~ water resources, and any person who owns a facility that 28897
has the capacity to withdraw waters of the state in such an amount 28898
and whose construction is completed on or after January 1, 1990, 28899
shall register the facility with the chief within three months 28900
after the facility is completed. The person shall register the 28901
facility using a form prescribed by the chief that shall include, 28902
without limitation, the name and address of the registrant and 28903
date of registration; the locations and sources of the facility's 28904
water supply; the facility's withdrawal capacity per day and the 28905
amount withdrawn from each source; the uses made of the water, 28906
places of use, and places of discharge; and such other information 28907
as the chief may require by rule. 28908

The registration date of any facility whose construction was 28909
completed prior to January 1, 1990, and that is registered under 28910
this division prior to January 1, 1991, shall be January 1, 1990. 28911
The registration date of any facility whose construction was 28912
completed prior to January 1, 1990, and that is required to 28913
register under this division prior to January 1, 1991, but that is 28914
not registered prior to that date, and the registration date of 28915
any facility whose construction was completed after January 1, 28916
1990, and that is required to register under this division shall 28917
be the date on which the registration is received by the chief. 28918

(B) In accordance with division (D) of this section, the 28919
chief shall adopt rules establishing standards and criteria for 28920
determining when an area of ground water is a ground water stress 28921
area, the geographic limits of such an area, and a threshold 28922
withdrawal capacity for the area below which registration under 28923
this division shall not be required. At any time following the 28924
adoption of those rules, the chief may by order designate an area 28925

of ground water as a ground water stress area and shall establish 28926
in any such order a threshold withdrawal capacity for the area 28927
below which registration under this division shall not be 28928
required. 28929

Following the designation of a ground water stress area, the 28930
chief immediately shall give notice by publication in a newspaper 28931
of general circulation in the designated area that shall include a 28932
map delineating the designated ground water stress area and a 28933
statement of the threshold withdrawal capacity established for the 28934
area below which registration under this division shall not be 28935
required. The notice shall not appear in the legal notices section 28936
of the newspaper. Any person who owns a facility in the designated 28937
ground water stress area that is not registered under division (A) 28938
of this section and that has the capacity to withdraw waters of 28939
the state in an amount greater than the threshold withdrawal 28940
capacity for the area from all sources shall register the facility 28941
with the chief not later than thirty days after publication of the 28942
notice. A person registering a facility under this division shall 28943
do so using a form prescribed by the chief. The form shall include 28944
the information specified in division (A) of this section. 28945

(C) Any person who owns a facility registered under division 28946
(A) or (B) of this section shall file a report annually with the 28947
chief listing the amount of water withdrawn per day by the 28948
facility, the return flow per day, and any other information the 28949
chief may require by rule. Any person who, under Chapter 6109. of 28950
the Revised Code, provides such information to the Ohio 28951
environmental protection agency is exempt from reporting under 28952
this division. The director of environmental protection shall 28953
provide the chief any such reported information upon request. 28954

(D) The chief shall adopt, and may amend or rescind, rules in 28955
accordance with Chapter 119. of the Revised Code to carry out this 28956
section. 28957

(E)(1) No person knowingly shall fail to register a facility 28958
or file a report as required under this section. 28959

(2) No person shall file a false report under this section. 28960
Violation of division (E)(2) of this section is falsification 28961
under section 2921.13 of the Revised Code. 28962

(F) At the request of the director of natural resources, the 28963
attorney general may commence a civil action to compel compliance 28964
with this section, in a court of common pleas, against any person 28965
who has violated or is violating division (E)(1) of this section. 28966
The court of common pleas in which a civil action is commenced 28967
under this division has jurisdiction to and shall compel 28968
compliance with this section upon a showing that the person 28969
against whom the action is brought has violated or is violating 28970
that division. 28971

Any action under this division is a civil action, governed by 28972
the rules of civil procedure and other rules of practice and 28973
procedure applicable to civil actions. 28974

Sec. 1521.18. (A) For the purposes of this section, a 28975
one-hundred-year floodplain is limited to an area identified as a 28976
one-hundred-year floodplain in accordance with the "National Flood 28977
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as 28978
amended. 28979

(B) Each municipal corporation or county that has within its 28980
boundaries a one-hundred-year floodplain and that adopts a 28981
floodplain management ordinance or resolution or any amendments to 28982
such an ordinance or resolution on or after April 11, 1991, after 28983
adopting the ordinance, resolution, or amendments and before 28984
submitting the ordinance, resolution, or amendments to the federal 28985
emergency management agency for final approval for compliance with 28986
applicable standards adopted under the "National Flood Insurance 28987
Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended, shall 28988

submit the ordinance, resolution, or amendments to the chief of 28989
the division of ~~soil and~~ water resources for the chief's review 28990
for compliance with those standards. Within forty-five days after 28991
receiving any such ordinance, resolution, or amendments, the chief 28992
shall complete the review and notify the municipal corporation or 28993
county as to whether the ordinance, resolution, or amendments 28994
comply with those standards. If the chief finds that the 28995
ordinance, resolution, or amendments comply with those standards, 28996
the chief shall forward it or them to the federal emergency 28997
management agency for final approval. 28998

(C)(1) If the chief determines that a county or municipal 28999
corporation that has adopted a floodplain management resolution or 29000
ordinance fails to administer or enforce the resolution or 29001
ordinance, the chief shall send a written notice by certified mail 29002
to the board of county commissioners of the county or the chief 29003
executive officer of the municipal corporation stating the nature 29004
of the noncompliance. 29005

(2) In order to maintain its compliance status in accordance 29006
with division (D) of this section, a county or municipal 29007
corporation that has received a notice of noncompliance under 29008
division (C)(1) of this section may submit information to the 29009
chief not later than thirty days after receiving the notice that 29010
demonstrates compliance or indicates the actions that the county 29011
or municipal corporation is taking to administer or enforce the 29012
resolution or ordinance. The chief shall review the information 29013
and shall issue a final determination by certified mail to the 29014
county or municipal corporation of the compliance or noncompliance 29015
status of the county or municipal corporation. If the chief issues 29016
a final determination of noncompliance, the chief shall send a 29017
copy of that determination to the federal emergency management 29018
agency concurrently with mailing the notice to the municipal 29019
corporation or county. 29020

(D)(1) A county or municipal corporation is considered to be 29021
in compliance for the purposes of this section if either of the 29022
following applies: 29023

(a) The county or municipal corporation has adopted a 29024
floodplain management resolution or ordinance that the chief has 29025
determined complies with applicable standards adopted under the 29026
"National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 29027
4001, as amended, and is adequately administering and enforcing it 29028
as determined under division (C) of this section. 29029

(b) The county or municipal corporation is participating in 29030
the national flood insurance program and has not received a notice 29031
of noncompliance under division (B) or (C) of this section. 29032

(2) The chief shall maintain a list of all counties and 29033
municipal corporations that have one-hundred-year floodplains 29034
within their boundaries. The list shall indicate whether each such 29035
county or municipal corporation is in compliance or noncompliance 29036
as provided in division (D)(1) of this section and whether each 29037
such county or municipal corporation is participating in the 29038
national flood insurance program. The chief shall provide a copy 29039
of the list to the general assembly and all state agencies 29040
annually and shall notify the general assembly and the agencies of 29041
any changes at least quarterly. 29042

(E) Any county or municipal corporation that is adversely 29043
affected by any determination of the chief under this section may 29044
appeal it in accordance with Chapter 119. of the Revised Code not 29045
later than thirty days after the final determination. 29046

Sec. 1521.19. (A) There is hereby created the Ohio water 29047
resources council consisting of the directors of agriculture, 29048
development services, environmental protection, health, natural 29049
resources, transportation, and the Ohio public works commission, 29050
the chairperson of the public utilities commission of Ohio, the 29051

executive director of the Ohio water development authority, and an 29052
executive assistant in the office of the governor appointed by the 29053
governor. The governor shall appoint one of the members of the 29054
council to serve as its chairperson. The council may adopt bylaws 29055
that are necessary for the implementation of this section. The 29056
council shall provide a forum for policy development, 29057
collaboration and coordination among state agencies, and strategic 29058
direction with respect to state water resource programs. The 29059
council shall be assisted in its functions by a state agency 29060
coordinating group and an advisory group as provided in this 29061
section. 29062

(B) The state agency coordinating group shall consist of the 29063
executive director of the Ohio Lake Erie commission and a member 29064
or members from each state agency, commission, and authority 29065
represented on the council, to be appointed by the applicable 29066
director, chairperson, or executive director. However, the 29067
environmental protection agency shall be represented on the group 29068
by the chiefs of the divisions within that agency having 29069
responsibility for surface water programs and drinking and ground 29070
water programs, and the department of natural resources shall be 29071
represented on the group by the chief of the division of ~~soil and~~ 29072
water resources. The chairperson of the council shall appoint a 29073
leader of the state agency coordinating group. The group shall 29074
provide assistance to and perform duties on behalf of the council 29075
as directed by the council. 29076

(C) The advisory group shall consist of not more than 29077
twenty-four members, each representing an organization or entity 29078
with an interest in water resource issues. The council shall 29079
appoint the members of the advisory group. Of the initial 29080
appointments, not more than ten members shall be appointed for 29081
one-year terms, and not more than ten members shall be appointed 29082
for two-year terms. Of the four initial appointments made after 29083

April 6, 2007, two of the members shall be appointed for one-year 29084
terms, and two of the members shall be appointed for two-year 29085
terms. Thereafter, all advisory group members shall serve two-year 29086
terms. Members may be reappointed. Each member shall hold office 29087
from the date of the member's appointment until the end of the 29088
member's term. A member shall continue in office subsequent to the 29089
expiration date of the member's term until the member's successor 29090
takes office or until a period of sixty days has elapsed, 29091
whichever occurs first. The council may remove a member for 29092
misfeasance, nonfeasance, or malfeasance in office. The council 29093
shall appoint members to fill any vacancies on the group. A member 29094
appointed to fill a vacancy shall hold office for the remainder of 29095
the term for which that member was appointed. 29096

The chairperson of the council shall appoint a chairperson of 29097
the advisory group. The advisory group shall advise the council on 29098
water resources issues addressed by the council. 29099

(D) There is hereby created in the state treasury the Ohio 29100
water resources council fund. The department of natural resources 29101
shall serve as the fiscal agent for the fund. The departments of 29102
agriculture, ~~development, environmental protection~~, health, 29103
natural resources, and transportation, the environmental 29104
protection agency, and the development services agency shall 29105
transfer moneys to the fund in equal amounts via intrastate 29106
transfer voucher. The public utilities commission of Ohio, Ohio 29107
public works commission, and Ohio water development authority may 29108
transfer moneys to the fund. If a voluntary transfer of moneys is 29109
made to the fund, the portion that is required to be transferred 29110
by the departments of agriculture, ~~development, environmental~~ 29111
~~protection~~, health, natural resources, and transportation, the 29112
environmental protection agency, and the development services 29113
agency may be equally reduced. Moneys in the fund shall be used to 29114
pay the operating expenses of the Ohio water resources council, 29115

including those specified in division (E) of this section. 29116

(E) The Ohio water resources council may hire staff to 29117
support its activities. The council may enter into contracts and 29118
agreements with federal agencies, state agencies, political 29119
subdivisions, and private entities to assist in accomplishing its 29120
objectives. Advisory group members shall be reimbursed for 29121
expenses necessarily incurred in the performance of their duties 29122
pursuant to section 126.31 of the Revised Code and any applicable 29123
rules pertaining to travel reimbursement adopted by the office of 29124
budget and management. 29125

Sec. 1522.03. The chief of the division of ~~soil and~~ water 29126
resources shall do all of the following: 29127

(A) Adopt rules in accordance with Chapter 119. of the 29128
Revised Code for the implementation, administration, and 29129
enforcement of the great lakes-st. Lawrence river basin water 29130
resources compact; 29131

(B) Enforce the great lakes-st. Lawrence river basin water 29132
resources compact and take appropriate actions to effectuate its 29133
purposes and intent; 29134

(C) Adopt rules in accordance with Chapter 119. of the 29135
Revised Code for the development, implementation, administration, 29136
and enforcement of any permit program established under this 29137
chapter. 29138

Rules adopted under this section shall be no more stringent 29139
than the great lakes-st. Lawrence river basin water resources 29140
compact. The chief shall convene a working group consisting of 29141
parties with interests in Lake Erie, the Lake Erie watershed, and 29142
the great lakes-st. Lawrence river basin water resources compact. 29143
The working group shall consult with the chief regarding the 29144
adoption of rules under this section. 29145

Sec. 1522.05. Pursuant to Section 9.2 of the great lakes-st. 29146
Lawrence river basin water resources compact, the governor may 29147
take such actions as are necessary for the initial organization 29148
and operation of the great lakes-st. Lawrence river basin water 29149
resources council created in Section 2.1 of the compact. Agencies 29150
of the state are hereby authorized to cooperate with the council. 29151

The chief of the division of ~~soil and~~ water resources shall 29152
adopt voluntary watershedwide goals, objectives, and standards for 29153
water conservation and efficiency consistent with Section 4.2 of 29154
the great lakes-st. Lawrence river basin water resources compact. 29155

Sec. 1522.11. (A) No person shall install or operate a 29156
facility or equipment that results in a new or increased diversion 29157
of any water out of the Lake Erie watershed to another watershed 29158
without first obtaining a permit to do so issued by the chief of 29159
the division of ~~soil and~~ water resources. An application for such 29160
a permit shall be submitted to the chief on a form that the chief 29161
prescribes. An application shall be accompanied by a nonrefundable 29162
fee of one thousand dollars, which shall be credited to the water 29163
management fund created in section 1501.32 of the Revised Code. 29164

(B) The chief shall approve a permit application submitted 29165
under this section only if the chief determines that it meets the 29166
criteria required to qualify as an exception to the prohibition 29167
against diversions established in Section 4.9 of the compact. The 29168
chief shall issue or deny a permit through issuance of an order. 29169

Sec. 1522.12. (A) For purposes of the compact, not later than 29170
one hundred eighty days after ~~the effective date of this section~~ 29171
September 4, 2012, the chief of the division of ~~soil and~~ water 29172
resources shall establish a program for the issuance of permits 29173
for the withdrawal and consumptive use of water from the Lake Erie 29174
watershed. Upon establishment of the program, the owner or 29175

operator of a facility within the Lake Erie watershed that is not 29176
otherwise exempt under section 1522.14 of the Revised Code shall 29177
obtain a withdrawal and consumptive use permit from the chief if 29178
the facility meets any of the following threshold criteria: 29179

29180

(1) The facility has a new or increased capacity for 29181
withdrawals or consumptive uses from Lake Erie or a recognized 29182
navigation channel of at least two and one-half million gallons 29183
per day. 29184

(2) Except as provided in division (A)(3) of this section, 29185
the facility has a new or increased capacity for withdrawals or 29186
consumptive uses from any river or stream or from ground water in 29187
the Lake Erie watershed of at least one million gallons per day. 29188

(3)(a) Except as provided in division (A)(3)(b) of this 29189
section, the facility has a new or increased capacity for 29190
withdrawals or consumptive uses from any river or stream in the 29191
Lake Erie watershed that is a high quality water of at least one 29192
hundred thousand gallons per day. Division (A)(3) of this section 29193
does not apply to withdrawals and consumptive uses from 29194
outstanding state waters that are designated as such by the 29195
environmental protection agency due to their exceptional 29196
recreational values. 29197

(b) If a river or stream or segment thereof is designated as 29198
a high quality water as of ~~the effective date of this section~~ 29199
September 4, 2012, the threshold established in division (A)(3)(a) 29200
of this section applies to the river or stream or segment thereof 29201
and the entire watershed upstream of that river, stream, or 29202
segment. If a river or stream or segment thereof is designated as 29203
a high quality water after ~~the effective date of this section~~ 29204
September 4, 2012, the threshold established in division (A)(3)(a) 29205
of this section applies to the river or stream or segment thereof 29206
and the entire watershed upstream of that river, stream, or 29207

segment, provided that the director of environmental protection 29208
and the director of natural resources, or their designees, jointly 29209
determine that the proposed withdrawal or consumptive use would 29210
cause the high quality water to lose its designation as a high 29211
quality water. If the directors determine that the proposed 29212
withdrawal or consumptive use would not cause the high quality 29213
water to lose that designation, the threshold established in 29214
division (A)(2) of this section applies to the withdrawal or 29215
consumptive use at a point beginning one thousand feet upstream of 29216
the upstream end of the designated high quality water segment or 29217
at a point beginning two times the length of the river, stream, or 29218
segment that has been designated as a high quality water, 29219
whichever is greater. 29220

Upon establishment of the withdrawal and consumptive use 29221
permit program under this division, the owner or operator of a 29222
facility that is not otherwise exempt under section 1522.14 of the 29223
Revised Code and that is subject to a threshold specified in 29224
division (A)(1) or (2) of this section, after submitting an 29225
application for a permit under this section and a determination by 29226
the chief that the application is complete, may commence 29227
installation of the facility or equipment that will result in a 29228
new or increased withdrawal or consumptive use of water in the 29229
Lake Erie watershed prior to issuance of the withdrawal and 29230
consumptive use permit. 29231

Upon establishment of the withdrawal and consumptive use 29232
permit program under this division, the owner or operator of a 29233
facility that is not otherwise exempt under section 1522.14 of the 29234
Revised Code and that is subject to a threshold specified in 29235
division (A)(3) of this section shall not install or operate the 29236
facility or equipment that will result in a new or increased 29237
withdrawal or consumptive use of water in the Lake Erie watershed 29238
without first obtaining a withdrawal and consumptive use permit. 29239

(B) Permits issued under this section shall be issued only 29240
for the amount of withdrawal or consumptive use capacity of a 29241
facility that meets or exceeds threshold amounts established in 29242
division (A) of this section. A permit shall not be required for 29243
the portion of the withdrawal and consumptive use capacity of the 29244
facility below that threshold amount. 29245

(C) An applicant for a permit shall submit an application to 29246
the chief on a form that the chief prescribes. The applicant shall 29247
include with the application all of the following: 29248

(1) The name, address, and telephone number of the applicant 29249
and of a contact person for the applicant; 29250

(2) The names, addresses, and other necessary contact 29251
information of any other owners and operators of the facility; 29252

(3) A description of all of the following: 29253

(a) The facility's current withdrawal capacity per day if the 29254
withdrawal is to occur at a facility already in operation; 29255

(b) The total new or increased daily withdrawal capacity 29256
proposed for the facility; 29257

(c) The locations and sources of water proposed to be 29258
withdrawn; 29259

(d) The locations of proposed discharges or return flows; 29260

(e) The locations and nature of proposed consumptive uses and 29261
the applicable consumptive use coefficient for the facility; 29262

(f) The estimated average annual and monthly volumes and 29263
rates of withdrawal; 29264

(g) The estimated average annual and monthly volumes and 29265
rates of consumptive use; 29266

(h) The environmentally sound and economically feasible water 29267
conservation measures to be undertaken by the applicant; 29268

(i) Other ways the applicant's need for water may be satisfied if the application is denied or modified;	29269 29270
(j) Any other information the chief may require to adequately consider the application.	29271 29272
(4) A nonrefundable application fee of one thousand dollars, the proceeds of which shall be credited to the water management fund created in section 1501.32 of the Revised Code.	29273 29274 29275
(D) Provided that a facility meets all applicable permit conditions, a permit for the facility is valid until the facility is the subject of facility abandonment. Once every five years, the owner or operator of a facility shall certify to the chief that the facility is in compliance with the permit that has been issued for the facility.	29276 29277 29278 29279 29280 29281
(E) No person that is required to do so shall fail to apply for and receive a withdrawal and consumptive use permit.	29282 29283
(F) A permit issued under this section shall include terms and conditions restricting the withdrawal and consumptive use by a facility to amounts not exceeding the capacity of the facility.	29284 29285 29286
(G) The chief shall issue or deny a permit not later than ninety days after receipt of a complete application. If applicable, the chief shall comply with the requirements regarding prior notice established in Section 4.6 of the compact. The chief shall issue or deny a permit through issuance of an order. The chief shall issue a permit if all applicable criteria for receiving the permit are met as provided in sections 1522.10 to 1522.21 of the Revised Code.	29287 29288 29289 29290 29291 29292 29293 29294
Sec. 1522.13. (A) The chief of the division of soil and water resources shall issue a withdrawal and consumptive use permit for a facility if the chief determines that the facility meets all of the criteria established in Section 4.11 of the compact.	29295 29296 29297 29298

29299

(B) In applying the provision of the decision-making standard established in Section 4.11.2 of the compact, the chief shall require that a withdrawal or consumptive use will be implemented so as to ensure that the withdrawal or consumptive use will result in no significant individual or cumulative adverse impacts on the quantity or quality of the waters and water dependent natural resources of the great lakes basin considered as a whole or of the Lake Erie source watershed considered as a whole. As part of the evaluation of a permit application under Section 4.11.2 of the compact, the chief shall do all of the following:

(1) Rely on the best generally accepted scientific methods appropriate for this state derived from professionally accepted resources and practices;

(2) Consider the long-term mean annual inflow and outflow of the Lake Erie source watershed;

(3) Consider the withdrawal and the portion of the withdrawal that is not returned to the Lake Erie source watershed.

(C) Impacts of a withdrawal or consumptive use on the quantity or quality of waters and water dependent natural resources of more localized areas that affect less than the great lakes basin considered as a whole or the Lake Erie source watershed considered as a whole shall be considered as a part of the evaluation of whether a proposed withdrawal or consumptive use is reasonable as provided in Section 4.11.5 of the compact.

(D) The chief shall not submit an application for a withdrawal and consumptive use permit for regional review under Section 4.5.2(c)(ii) of the compact to the regional body as defined in Section 1.2 of the compact unless regional review is agreed to by the applicant.

(E) Nothing in sections 1522.10 to 1522.21 of the Revised

Code shall be construed to affect, limit, diminish, or impair any 29330
rights validly established and existing under the laws of this 29331
state as of December 8, 2008, including, but not limited to, 29332
sections 1506.10 and 1521.17 of the Revised Code, or to limit a 29333
person's right to the reasonable use of ground water, water in a 29334
lake, or any other watercourse in contravention of Section 19b of 29335
Article I, Ohio Constitution. 29336

Sec. 1522.131. (A) To encourage the development of innovative 29337
water use practices and technologies that ensure sustainable water 29338
use for industrial, commercial, residential, agricultural, or 29339
public purposes, including recreational and cultural resources, as 29340
a means to facilitate sustainable economic growth and job 29341
creation, the chief of the division of ~~soil and~~ water resources, 29342
with the approval of the director of natural resources, may issue 29343
experimental use permits. An experimental use permit may be issued 29344
in lieu of a withdrawal and consumptive use permit as determined 29345
appropriate by the chief. 29346

(B) An experimental use permit may be issued if all of the 29347
following apply: 29348

(1) The experimental use is reasonable based on a 29349
consideration of the factors specified in Section 4.11.5 of the 29350
compact. 29351

(2) The experimental use will use no more water than is 29352
necessary to determine the effectiveness and economic feasibility 29353
of the experimental use. 29354

(3) The experimental use does not reduce the protection 29355
afforded the waters and water dependent natural resources of the 29356
source watershed as defined in the compact below what is provided 29357
in this chapter and rules adopted under it. 29358

(C) The chief may refuse to issue an experimental use permit 29359

if the chief determines that the proposed use will result in 29360
significant individual or cumulative adverse impacts on the 29361
quantity or quality of the waters and water dependent natural 29362
resources of the great lakes basin considered as a whole or the 29363
Lake Erie source watershed considered as a whole. 29364

(D) The chief shall issue or deny a permit under this section 29365
through issuance of an order. 29366

(E) The chief shall establish the terms and conditions of an 29367
experimental use permit and may suspend such a permit, at any 29368
time, if the chief finds that its terms or conditions are being 29369
violated or that its terms and conditions are inadequate to avoid 29370
significant individual or cumulative adverse impacts on the 29371
quantity or quality of the waters and water dependent natural 29372
resources of the great lakes basin considered as a whole or the 29373
Lake Erie source watershed considered as a whole. 29374

(F) An experimental use permit issued under this section 29375
shall expire not later than twenty-four months after the date of 29376
issuance of the permit. 29377

Sec. 1522.15. (A)(1) Transfer of a withdrawal and consumptive 29378
use permit upon the sale or transfer of a facility may occur so 29379
long as the location of the facility, the source of water, and the 29380
withdrawal and consumptive use capacities do not change. Transfer 29381
of the baseline withdrawal and consumptive use capacity of a 29382
baseline facility upon the sale or transfer of the baseline 29383
facility may occur so long as the location of the facility, the 29384
source of water, and the withdrawal and consumptive use capacities 29385
do not change. Transferred capacity of a baseline facility does 29386
not require a withdrawal and consumptive use permit. 29387

Notice of a transfer shall be provided to the chief of the 29388
division of ~~soil~~ and water resources in a manner prescribed by the 29389
chief. 29390

(2) If the owner of a facility for which a withdrawal and consumptive use permit has been issued sells or transfers a portion of the facility, transfer of the applicable portion of the withdrawal and consumptive use capacity authorized by the withdrawal and consumptive use permit may occur so long as the location of the facility, the source of water, and the total withdrawal and consumptive use capacities do not change. The permittee shall provide notice of such a transfer to the chief in a manner prescribed by the chief. Upon receipt of the notice and if a permit is required for the transferred portion based on the threshold amounts established in divisions (A)(1) to (3) of section 1522.12 of the Revised Code, the chief shall issue a new permit for the transferred portion of the facility to the transferee and a modified permit for the remaining portion of the facility to the original permittee upon a showing that the transferee will meet the conditions of the original permit and all applicable requirements of this chapter and rules adopted under it. Any new permit shall reflect the portion of the withdrawal and consumptive use capacity that has been transferred.

(3) If the owner of a baseline facility sells or transfers a portion of the baseline facility, transfer of the applicable portion of the withdrawal and consumptive use capacity listed in the baseline report for that facility may occur so long as the location of the facility, the source of water, and the total withdrawal and consumptive use capacities do not change. The owner shall provide notice of such a transfer to the chief in a manner prescribed by the chief. The chief shall not require the owner of the baseline facility or the transferee to obtain a withdrawal and consumptive use permit, but shall update the baseline report to reflect the transfer.

(4) The chief may deny a transfer under this section by issuing an order denying the transfer and sending written notice

to the permittee and the transferee not later than thirty days 29423
after notice of the intended transfer. The chief shall deny the 29424
transfer if the chief determines that the transfer will result in 29425
noncompliance with this chapter, rules adopted under it, or the 29426
terms and conditions of a withdrawal and consumptive use permit. 29427

(5) The chief shall remove a facility from the baseline 29428
report when the facility is subject to baseline facility 29429
abandonment. However, a baseline facility shall not be removed 29430
from the baseline report due to the transfer of the facility's 29431
baseline capacity. 29432

(B) No person shall sell or transfer a withdrawal and 29433
consumptive use permit for purposes of evading the requirements 29434
established in sections 1522.10 to 1522.21 of the Revised Code. 29435

Sec. 1522.16. (A)(1) The owner or operator of a facility may 29436
petition the chief of the division of ~~soil and~~ water resources for 29437
either of the following: 29438

(a) Inclusion in the baseline report if the owner or operator 29439
believes that the facility was erroneously excluded from the 29440
report; 29441

(b) The amendment of the amount of a withdrawal and 29442
consumptive use or other information included in the baseline 29443
report regarding the facility if the owner or operator believes 29444
that the information is incorrect. 29445

(2) The chief shall issue an order either approving or 29446
disapproving a petition submitted under this section. The chief 29447
shall issue the order based on a thorough examination of the 29448
circumstances concerning the petition. 29449

(3) The chief shall adopt rules in accordance with Chapter 29450
119. of the Revised Code that establish procedures for the 29451
submission of petitions under this division. 29452

(B) With regard to the nonuse of a baseline facility's or a 29453
facility's withdrawal and consumptive use capacity, not later than 29454
sixty days after the time period specified in division (B)(1) or 29455
(2) or (I)(1) or (2) of section 1522.10 of the Revised Code, the 29456
owner or operator of the facility may request an extension from 29457
the chief to retain the facility's active status. The request 29458
shall be made in a manner prescribed by the chief. The chief shall 29459
determine the appropriate terms and conditions of the extension, 29460
if approved, based on information submitted by the owner or 29461
operator. The chief shall issue an order approving or disapproving 29462
the request and shall do so in a manner prescribed by the chief. 29463

Sec. 1522.17. (A) The owner or operator of a facility who is 29464
applying for a withdrawal and consumptive use permit shall submit 29465
to the chief of the division of ~~soil and~~ water resources a 29466
facility water conservation plan that incorporates environmentally 29467
sound and economically feasible water conservation measures in 29468
accordance with Section 4.11.3 of the compact. If the plan 29469
reasonably incorporates environmentally sound and economically 29470
feasible water conservation measures applicable to the facility, 29471
it shall be deemed to be in compliance with Section 4.11.3 of the 29472
compact. 29473

(B) The chief shall keep confidential any portions of a 29474
facility water conservation plan that constitute a trade secret as 29475
defined in section 1333.61 of the Revised Code as follows: 29476

(1) During the period of time after confidentiality is 29477
requested under division (C) of this section and until the chief 29478
makes a determination to approve or disapprove the request; 29479

(2) On and after the date on which the chief approves a 29480
request for confidentiality under division (C) of this section. 29481

Any portions of a facility water conservation plan that are 29482
kept confidential as provided in this division are not subject to 29483

section 149.43 of the Revised Code. 29484

(C)(1) The owner or operator of a facility may request that 29485
any portions of a facility water conservation plan be kept 29486
confidential. The request for confidentiality shall be submitted 29487
at the same time that an owner or operator submits a facility 29488
water conservation plan under division (A) of this section. The 29489
owner or operator shall clearly indicate the information that the 29490
owner or operator considers a trade secret and shall label it as 29491
"trade secret." Failure to make such a request shall constitute a 29492
waiver of the right to prevent public disclosure of the 29493
information. A request for confidentiality shall be accompanied by 29494
documents that support the request. The documents shall describe 29495
the measures that the requestor has taken to safeguard the 29496
confidentiality of the information and indicate whether or not 29497
others are bound by a confidentiality agreement related to the 29498
information. 29499

(2) The chief, by order, shall issue a decision regarding the 29500
confidentiality request not later than forty-five days after the 29501
receipt of the request. Until the decision is issued, the 29502
information that is the subject of the request shall be 29503
confidential and maintained by the chief in a separate file 29504
labeled "confidential." The applicant shall be notified by mail of 29505
the decision. 29506

Sec. 1522.18. The chief of the division of ~~soil and~~ water 29507
resources, on the chief's own initiative or upon written complaint 29508
by any person, may investigate or make inquiries into any alleged 29509
failure to comply with this chapter, any rule adopted under it, 29510
any order issued under it, or the terms and conditions of a permit 29511
issued under it. The chief or the chief's duly authorized 29512
representative may enter at reasonable times on any private or 29513
public property to inspect and investigate conditions relating to 29514

any such alleged act of noncompliance and, if necessary, may apply 29515
to the court of common pleas having jurisdiction for a warrant 29516
permitting the entrance and inspection. 29517

Sec. 1522.20. (A)(1) The chief of the division of ~~soil and~~ 29518
water resources may issue an order to a person that the chief 29519
determines has violated, is violating, or is threatening to 29520
violate any provisions of this chapter, rules adopted under it, or 29521
permits or orders issued under it. The order shall be effective 29522
upon issuance and shall identify the facility where the violation 29523
has occurred, is occurring, or is threatened to occur, the 29524
specific violation, and actions that the owner or operator of the 29525
facility must take to comply with the order. The order shall 29526
establish a reasonable date by which the owner or operator must 29527
comply with the order. 29528

(2) An order issued under division (A)(1) of this section 29529
shall be in writing and shall contain a finding of the facts on 29530
which the order is based. Notice of the order shall be given by 29531
certified mail to the applicable owner or operator of a facility. 29532
Notice also shall be provided to a person who initiated a 29533
complaint that resulted in the order and shall be posted on the 29534
web site of the department of natural resources in a manner 29535
prescribed by the chief. 29536

(B)(1) The chief, by order, may propose to suspend or revoke 29537
a permit issued under this chapter if the chief determines that 29538
any term or condition of the permit is being violated. The chief's 29539
order shall identify the facility where the violation allegedly 29540
occurred, describe the nature of the violation, and prescribe what 29541
action the permittee may take to bring the facility into 29542
compliance with the permit. The chief shall fix and specify in the 29543
order a reasonable date or time by which the permittee must 29544
comply. The order shall state that the chief may suspend or revoke 29545

the permit if the permittee fails to comply with the order by that 29546
date or time. If on that date or time the chief finds that the 29547
permittee has not complied with the order, the chief may issue a 29548
new order suspending or revoking the permit. 29549

(2) The chief or the chief's designee may enter on private or 29550
public lands and take action to mitigate, minimize, remove, or 29551
abate the conditions caused by a violation that is the subject of 29552
an order issued under division (B)(1) of this section. 29553

(C) The attorney general, upon written request of the chief, 29554
shall bring an action for an injunction or other appropriate legal 29555
or equitable action against any person who has violated, is 29556
violating, or is threatening to violate any provision of this 29557
chapter, any rule or order adopted or issued under it, or any term 29558
or condition of a permit issued under it. The attorney general 29559
shall bring the action in the court of common pleas of Franklin 29560
county or the county where the applicable facility is located. In 29561
an action for injunction, any factual findings of the chief 29562
presented at a hearing conducted under division (A) of section 29563
1522.21 of the Revised Code is prima-facie evidence of the facts 29564
regarding the order that is the subject of the hearing. 29565

(D) A person who violates any provision of this chapter, any 29566
rule or order adopted or issued under it, or any term or condition 29567
of a permit issued under it is liable to the chief for any costs 29568
incurred by the division of ~~soil and~~ water resources in 29569
investigating, mitigating, minimizing, removing, or abating the 29570
violation and conditions caused by it. Upon the request of the 29571
chief, the attorney general shall bring a civil action against the 29572
responsible person to recover those costs in the court of common 29573
pleas of Franklin county. Moneys recovered under this division 29574
shall be deposited in the state treasury to the credit of the 29575
water management fund created in section 1501.32 of the Revised 29576
Code. 29577

Sec. 1522.21. (A) As used in this section, "person who is or will be aggrieved or adversely affected" means a person with direct economic or property interest that is or will be adversely affected by an order or rule issued or adopted by the chief of the division of ~~soil and~~ water resources under this chapter.

(B)(1) Before issuance of a final order denying the issuance of a permit under section 1522.11, 1522.12, or 1522.131 of the Revised Code, denying a transfer under section 1522.15 of the Revised Code, denying a petition to the chief under section 1522.16 of the Revised Code, or denying a request for confidentiality under section 1522.17 of the Revised Code, or before the issuance of a final order under section 1522.20 of the Revised Code, the chief shall issue a proposed order indicating the chief's intent to issue a final order. If the chief receives a written objection from a person who is or will be aggrieved or adversely affected by the issuance of the final order, the chief shall conduct an adjudication hearing with respect to the proposed order in accordance with Chapter 119. of the Revised Code. A person who is or will be aggrieved or adversely affected by the issuance of the final order and who submitted a written objection under this division may be a party to the adjudication.

(2) Any person who is issued a proposed order or a final order by the chief shall be a party in any administrative or legal proceeding in which the proposed order or final order is at issue. This division is in addition to any other rights that a person may have as a person aggrieved or adversely affected.

(C)(1) After the issuance of a final order, a person who is or will be aggrieved or adversely affected by the issuance of the order may appeal the order to the court of common pleas of Franklin county or the court of common pleas of the county in which the facility that is the subject of the order is located.

Subject to the exceptions specified in section 2506.03 of the Revised Code, the court is confined to the record as certified to it by the chief if an adjudication hearing was conducted by the chief under division (B) of this section. However, the court also may grant a request for the admission of additional evidence when satisfied that the additional evidence is newly discovered and could not with reasonable diligence have been ascertained prior to the hearing before the chief. If no adjudication hearing was conducted under division (B) of this section, the court shall conduct a hearing de novo.

(2) The filing of an appeal under division (C)(1) of this section does not automatically suspend the order that is the subject of the appeal. Upon application by the appellant, the court may suspend or stay the order, pending an immediate hearing on the appeal.

(3) If the court finds that the order was lawful and reasonable, it shall issue a written order affirming the order. If the court finds that the order was unreasonable or unlawful, it shall issue a written order vacating or modifying the order. The judgment of the court is final unless reversed, vacated, or modified on appeal.

(4) Attorney's fees shall not be awarded to any party to an administrative or legal proceeding under this section.

Sec. 1523.01. In addition to all other powers granted to and duties devolving upon the chief of the division of ~~soil and~~ water resources, when in the chief's judgment it is for the public welfare and the best interests of the citizens of the state that the surplus, flood, and other waters of any of the watersheds, rivers, streams, watercourses, or public waters should be conserved, impounded, and stored in order to insure and promote the public health, welfare, and safety and to encourage and

promote agriculture, commerce, manufacturing, and other public 29640
purposes, such chief shall proceed in furtherance of the purposes 29641
of sections 1523.01 to 1523.13 of the Revised Code, and for the 29642
preservation of the use of such waters for navigation, in case 29643
such waters are required for navigation, to construct such 29644
reservoirs, dams, storage basins, dikes, canals, raceways, and 29645
other improvements as are necessary for such purposes, or the 29646
chief may make additions to, enlarge, and make alterations in and 29647
upon such reservoirs, dams, storage basins, dikes, canals, 29648
raceways, and other improvements already in existence and 29649
constituting a part of the public works, as are necessary for such 29650
purposes. Any rights or privileges granted by sections 1523.01 to 29651
1523.13 of the Revised Code, shall not interfere with the control 29652
and maintenance of the state reservoirs or public parks which have 29653
been dedicated to the public for purposes of recreation and 29654
pleasure. 29655

The chief, subject to the written approval of the director of 29656
natural resources and the governor, may acquire by gift, purchase, 29657
or by appropriation proceedings, in the name of and on behalf of 29658
the state, such real and personal property, rights, privileges, 29659
and appurtenances as are necessary in the chief's judgment for the 29660
construction of such reservoirs, dams, storage basins, dikes, 29661
canals, raceways, and other improvements, or for the alteration, 29662
enlargement, or maintenance of existing reservoirs, dams, and 29663
other improvements, together with such rights of way, drives, and 29664
roadways as are necessary for convenient access thereto. The 29665
appropriation proceedings referred to in this section shall be 29666
restricted to private property only. 29667

Before proceeding to purchase or appropriate any such 29668
property or rights, the cost of which, together with the land or 29669
real estate necessary upon which to locate and construct such 29670
improvements, including damages to remaining property, is in 29671

excess of one thousand dollars, the chief shall prepare plans, 29672
specifications, and estimates of such cost, including all material 29673
and labor therefor, together with the cost of such land or real 29674
estate and damages, and shall thereupon submit such plans, 29675
specifications, and estimates to the director, who in turn shall 29676
submit them to the governor for approval. 29677

The governor shall thereupon publish written notice once a 29678
week for two consecutive weeks in a newspaper published in and of 29679
general circulation in the counties where any such improvements 29680
are proposed to be constructed, setting forth the location and 29681
character of the proposed improvements, that the plans, 29682
specifications, and estimates therefor are on file in the 29683
governor's office, and that objections thereto will be heard by 29684
the governor on a day to be named in the notice, which day shall 29685
be not less than ten nor more than twenty days after the first 29686
publication thereof. Within thirty days after the date fixed for 29687
the hearing, the governor shall return such plans, specifications, 29688
and estimates to the director, with the governor's written 29689
approval or rejection thereof indorsed thereon. The director shall 29690
immediately return such plans, specifications, and estimates, 29691
together with the governor's indorsement thereon, to the chief. 29692

Any instrument by which real property is acquired pursuant to 29693
this section shall identify the agency of the state that has the 29694
use and benefit of the real property as specified in section 29695
5301.012 of the Revised Code. 29696

Sec. 1523.02. If the governor approves the plans, 29697
specifications, and estimates authorized by section 1523.01 of the 29698
Revised Code, the chief of the division of ~~soil and~~ water 29699
resources shall thereupon proceed, as provided in sections 1523.02 29700
to 1523.13 of the Revised Code, to construct the improvements or 29701
to make alterations in or to enlarge those already existing, in 29702

such manner and form as is shown by such plans and specifications. 29703
In order to provide the funds for such construction, alteration, 29704
or enlargement, the chief shall issue and sell bonds of the state, 29705
not in excess of the estimated cost of such improvements. The 29706
bonds shall be issued in denominations of not less than one 29707
hundred dollars payable as a whole or in series on or before fifty 29708
years from the date thereof, with interest not to exceed the rate 29709
provided in section 9.95 of the Revised Code, payable either 29710
annually or semiannually. 29711

The bonds shall show on their face the purpose for which 29712
issued and shall create no liability upon or be considered an 29713
indebtedness of the state, but both the principal and interest 29714
shall be paid solely out of the proceeds arising from the 29715
improvements constructed, altered, or enlarged by the chief, or 29716
from the proceeds of the sale or foreclosure of the lien securing 29717
the bonds on such improvement or such part thereof as is 29718
constructed from the money realized from the sale of the bonds. 29719

The form of the bonds shall be approved by the attorney 29720
general, and they shall be signed by the governor and attested by 29721
the director of natural resources and the chief. The bonds may be 29722
issued as coupon bonds, payable to bearer only, or upon demand of 29723
the owner or holder thereof as registered bonds. 29724

Such bonds shall be sold by the chief to the highest bidder 29725
therefor, but for not less than the par value thereof, with 29726
accrued interest thereon, after thirty days' notice in at least 29727
two newspapers of general circulation in the county where such 29728
improvements are to be constructed, altered, or enlarged, setting 29729
forth the nature, amount, rate of interest, and length of time the 29730
bonds have to run, with the time and place of sale. 29731

The treasurer of state shall be the treasurer of the fund 29732
realized from the sale of such bonds, and the auditor of state 29733
shall be the auditor of such fund. The proceeds of such sale shall 29734

be turned over to the treasurer of state and shall be deposited by 29735
the treasurer of state in a solvent bank, located either in 29736
Columbus or in the county in which such improvements are located. 29737
Such proceeds shall be kept by such bank in a fund to be known as 29738
the water conservation improvement fund. Such fund shall be used 29739
to acquire the necessary real estate and to construct such new 29740
improvements and for no other purpose, except that the treasurer 29741
of state may pay the interest on the bonds during the period of 29742
condemnation and the construction, alteration, or enlargement of 29743
such improvements out of the proceeds arising from the sale of the 29744
bonds for a term not exceeding three years from the date on which 29745
the bonds are issued. The bank shall give bond to the state in 29746
such amount as the treasurer of state considers advisable, and 29747
with surety to the satisfaction of the treasurer of state, for the 29748
benefit of the holders of the bonds, and for the benefit of any 29749
contractors performing labor or furnishing material for such 29750
improvements, as provided by law, conditioned that it will safely 29751
keep the money and will make no payments or disbursements 29752
therefrom except as provided in sections 1523.01 to 1523.13 of the 29753
Revised Code. 29754

The treasurer of state shall hold such fund as trustee for 29755
the holders of the bonds and for all persons performing labor or 29756
furnishing material for the construction, alteration, or 29757
enlargement of any improvement made under such sections. Such 29758
funds shall not be turned into the state treasury, but shall be 29759
deposited and disbursed by the treasurer of state as provided in 29760
such sections. The interest coupons attached to such bonds shall 29761
bear the signature of the treasurer of state, executed by the 29762
treasurer of state or printed or lithographed thereon. 29763

Both the interest and principal of such bonds shall be made 29764
payable at the office of the treasurer of state in Columbus, and 29765
shall be paid by the treasurer of state, without warrant or 29766

authority of the director of budget and management, to the owner 29767
or holder of such bonds upon presentation by the owner or holder 29768
of matured interest coupons or bonds. 29769

Sec. 1523.03. Immediately after the sale of the bonds 29770
authorized by section 1523.02 of the Revised Code and the payment 29771
of the proceeds thereof to the treasurer of state as provided in 29772
such section, the chief of the division of ~~soil and~~ water 29773
resources shall make a written contract for the construction of 29774
the improvements or for the making of additions to or alterations 29775
in existing improvements with the lowest responsive and 29776
responsible bidder, in accordance with section 9.312 of the 29777
Revised Code, after advertisements once a week for four 29778
consecutive weeks in one newspaper in each of the cities of 29779
Columbus, Cleveland, and Cincinnati having a general circulation 29780
therein, one trade paper having a circulation among contractors 29781
engaged in the construction of public improvement work of like 29782
character, and two newspapers having a general circulation within 29783
the county in which the dam, reservoir, storage basin, or other 29784
improvement is located or is to be located. 29785

All bids shall be filed with the chief, within the time fixed 29786
for the filing of such bids in the advertisement. The bids shall 29787
be opened and publicly read by the chief at twelve noon on the 29788
last day for filing them. Each bid shall contain the full names of 29789
every person or company interested in it, shall separately state 29790
the price of both the labor and material to be furnished under it, 29791
and shall meet the requirements of section 153.54 of the Revised 29792
Code. 29793

The chief may reject any bids. If the chief rejects all bids, 29794
the chief shall within sixty days thereafter readvertise for bids 29795
for the construction of such improvements, as provided in this 29796
section, and may continue to readvertise for bids every sixty days 29797

until bids are received which are made to the chief's satisfaction 29798
and in conformity to sections 1523.01 to 1523.13 of the Revised 29799
Code. 29800

The chief may award separate contracts to bidders for each 29801
part of the labor to be done or material to be furnished for the 29802
construction of such improvements, provided that the amount of the 29803
contract, if awarded as a whole, or the aggregate of the several 29804
contracts, if awarded separately, shall not, together with the 29805
cost of the land necessary for such improvements and the estimated 29806
damages to remaining property, be in excess of the estimated cost 29807
of the construction thereof, including such land and damages. Such 29808
contracts shall provide that all payments thereunder shall be made 29809
only from the proceeds of the sale of the bonds issued for the 29810
construction of such improvements. No contractor shall receive 29811
payment for any work or labor performed or material furnished for 29812
such improvements unless the contract therefor was, at the time of 29813
its execution, approved by the governor by the governor's written 29814
indorsement on such contract. 29815

Sec. 1523.04. When estimates or statements for either 29816
material theretofore furnished or labor theretofore performed 29817
under a contract entered into as provided in section 1523.03 of 29818
the Revised Code are presented to the chief of the division of 29819
~~soil and~~ water resources by the contractor, certified as to the 29820
correctness thereof under oath by the contractor or the 29821
contractor's authorized agent and approved in writing by the 29822
chief, the chief shall pay the amount of such estimates or 29823
statements from the water conservation improvement fund. 29824

Sec. 1523.05. The chief of the division of ~~soil and~~ water 29825
resources shall by contract in writing sell or lease for 29826
agricultural, commercial, manufacturing, or other lawful purposes, 29827
for any term not exceeding fifty years, the water, or any part 29828

thereof, conserved and stored by the improvements then existing, 29829
or that will be conserved and stored by any improvements 29830
thereafter to be constructed by the chief. The chief may lease the 29831
land surrounding the water for a term not exceeding fifty years, 29832
as shown by the plans and specifications prepared by the chief and 29833
approved by the governor as provided in section 1523.01 of the 29834
Revised Code. Such agreements shall be for a certain price or 29835
rental for the water or lands furnished to or used by the 29836
grantees, lessees, or their assigns, to be paid quarterly, 29837
semiannually, or annually as the chief deems advisable. 29838

The chief may, for a term not exceeding fifty years, sell or 29839
lease power generated by any head of water raised or maintained by 29840
any such improvement, or the chief may sell or lease the right to 29841
use such head of water for generating power or other hydraulic 29842
purposes. 29843

All such contracts of sale or lease, whether for water or 29844
power, shall contain such reservations or restrictions as the 29845
chief deems necessary and proper in furtherance of the purposes of 29846
sections 1523.01 to 1523.13 of the Revised Code, and the 29847
preservation of the use of such waters for navigation in case they 29848
are required therefor. 29849

Such contracts or leases shall be approved by the attorney 29850
general as to their general form and legality and, before becoming 29851
binding obligations on the state, they shall be approved by the 29852
governor by the governor's written indorsement thereon. 29853

Sec. 1523.06. (A) The chief of the division of ~~soil and~~ water 29854
resources before selling bonds as provided in section 1523.02 of 29855
the Revised Code or before receiving bids for the construction of 29856
improvements as authorized by section 1523.03 of the Revised Code 29857
may enter into tentative agreements for the sale or lease of water 29858
or power to: 29859

(1) Ascertain whether the public interest and welfare reasonably require the proposed improvements in the proposed locality;	29860 29861 29862
(2) Determine whether the revenues which the state may derive from the lease of lands and the lease and sale of the waters which are estimated will be conserved, impounded, and stored, or from the sale or lease of the power generated by such improvements, will be sufficient:	29863 29864 29865 29866 29867
(a) To pay the interest on bonds issued under section 1523.02 of the Revised Code;	29868 29869
(b) To create a sinking fund to retire the bonds at their maturity;	29870 29871
(c) To maintain and keep the improvements in repair.	29872
(B) The performance and carrying out of such tentative agreements shall be conditioned upon the ability of such chief to:	29873 29874
(1) Sell the proposed bonds at not less than par and accrued interest;	29875 29876
(2) Secure bids for the furnishing of all the labor and material necessary in the construction of such improvements, including all real estate required and damages incurred, at such a price that the rentals or compensation to be paid will provide during the terms of such contracts or leases a sum sufficient to pay the interest, retire the bonds, and maintain and keep the improvements in repair.	29877 29878 29879 29880 29881 29882 29883
Sec. 1523.07. The treasurer of state shall be treasurer and the auditor of state shall be auditor of all moneys derived from the use of the improvements authorized by sections 1523.01 to 1523.13 of the Revised Code. The treasurer of state shall hold the moneys as trustee for the maintenance of any improvements constructed under such sections, and for the holders of any bonds	29884 29885 29886 29887 29888 29889

issued in accordance with section 1523.02 of the Revised Code. The 29890
moneys shall not be turned into the state treasury, but shall be 29891
deposited and disbursed by the treasurer of state in the manner 29892
provided in this section. All such moneys shall be collected by 29893
the treasurer of state on statements to be furnished by the chief 29894
of the division of ~~soil and~~ water resources and when so collected 29895
shall be deposited in solvent banks in the state upon the same 29896
terms as state funds are now loaned. The funds shall be kept by 29897
such banks in a fund known as the "water conservation fund" and 29898
shall be used, first, to maintain and keep in repair the dams, 29899
reservoirs, storage basins, and other improvements, and, second, 29900
to pay the interest upon and principal of the bonds issued and 29901
sold pursuant to section 1523.02 of the Revised Code, as such 29902
interest falls due or the bonds mature. 29903

The banks in which the treasurer of state deposits any of the 29904
moneys belonging either to the water conservation improvement fund 29905
provided for in section 1523.02 of the Revised Code or the water 29906
conservation fund provided for in this section shall be state 29907
depository banks as provided for in sections 135.01 to 135.21 of 29908
the Revised Code. An amount not to exceed fifty thousand dollars 29909
of the money on deposit at any one time in the water conservation 29910
improvement fund, and an amount not to exceed ten thousand dollars 29911
in the water conservation fund shall be held by any of the banks 29912
as an active deposit, and the banks shall pay the treasurer of 29913
state on such deposits, both active and inactive, the same rate of 29914
interest then being paid by them upon the funds of the state then 29915
deposited with them by the treasurer of state. All such payments 29916
of interest shall be credited to the respective funds upon which 29917
such interest is paid. 29918

Sec. 1523.08. When the cost of any repairs to the 29919
improvements authorized by section 1523.01 of the Revised Code 29920
does not exceed one thousand dollars, the chief of the division of 29921

~~soil and~~ water resources either may make such repairs or may let a 29922
contract therefor without advertising for bids. If the cost of any 29923
such repairs is in excess of one thousand dollars, the chief shall 29924
advertise for bids for the making of such repairs and let a 29925
contract therefor as provided in section 1523.03 of the Revised 29926
Code. 29927

When itemized statements are presented to the chief showing 29928
the amount of labor performed and material furnished in the making 29929
of such repairs, verified by the person making them and approved 29930
in writing by the chief, the chief shall pay the amount of such 29931
statement from the water conservation fund. 29932

Sec. 1523.09. If a reservoir, dam, storage basin, or other 29933
improvement constructed or enlarged by the chief of the division 29934
of ~~soil and~~ water resources as provided in sections 1523.01 to 29935
1523.13 of the Revised Code constitutes a part of the canal system 29936
of the state or is located upon any river, stream, or body of 29937
water formerly used as a feeder for the canal system, no water 29938
shall be sold or leased from the improvement except in accordance 29939
with section 1520.03 of the Revised Code. 29940

Sec. 1523.10. The funds derived from the sale, use, or lease 29941
of the water impounded and conserved or the power generated by the 29942
improvements constructed pursuant to sections 1523.01 to 1523.13 29943
of the Revised Code, or from the lease of the lands and 29944
improvements adjacent thereto are hereby expressly pledged for the 29945
purpose of maintaining and keeping the improvements in repair and 29946
for the payment of the interest on and principal of the bonds 29947
issued under section 1523.02 of the Revised Code, as the same fall 29948
due and mature. The owners of such bonds are hereby given a lien 29949
for the payment of the principal and interest of such bonds upon 29950
any dam, reservoir, storage basin, or other improvements, or any 29951
part thereof, with the appurtenances belonging thereto, 29952

constructed by the chief of the division of ~~soil and~~ water 29953
resources with the funds derived from the sale of such bonds. 29954

If default is made in the payment of the interest on any of 29955
the bonds for three or more successive years, or if bonds, 29956
aggregating in par value not less than ten per cent of the total 29957
amount of such bonds then outstanding are not paid at maturity, 29958
then all of the bonds, both principal and interest, shall become 29959
due and payable, and the owners of any of the bonds, aggregating 29960
in par value not less than ten per cent of the total amount of 29961
such bonds then outstanding, may institute proceedings to 29962
foreclose such lien against the state in the court of common pleas 29963
of the county in which is located any of the improvements, 29964
constructed, altered, or enlarged out of the proceeds of the sale 29965
of such bonds. 29966

The court shall have jurisdiction of such action with full 29967
power to foreclose such lien and to make an order to the sheriff 29968
of the county, acting as a master commissioner, directing the 29969
sheriff to make a sale of such improvements or part thereof at not 29970
less than two-thirds of the appraised value thereof, and upon such 29971
terms and in manner and form as provided for in the order, and to 29972
pay the proceeds of such sale to the clerk of the court of common 29973
pleas. Upon motion of the purchaser of such improvements at such 29974
sale, the court, if such sale is found to be regular in all 29975
respects and according to law, shall confirm the sale and order 29976
the sheriff to execute a deed to such purchaser and the 29977
purchaser's assigns, conveying to the purchaser and the 29978
purchaser's assigns all the right, title, and interest of the 29979
holders of the bonds in and to the improvements, and all the 29980
right, title, and interest of the state, for a period of not more 29981
than fifty years from the date of such conveyance, in the same, 29982
with full right and franchise, for the period of not to exceed 29983
fifty years, to operate the improvements and dispose of the water 29984

conserved or the power generated thereby, with the further right, 29985
for the period of fifty years, to flow, transport, and convey the 29986
water from the improvements, or to conduct and transmit power 29987
generated thereby through, over, and upon any of the lands of the 29988
state or channels or beds of any of its reservoirs, lakes, canals, 29989
races, aqueducts, or watercourses. In the exercise of such rights, 29990
such purchaser or the purchaser's assigns shall at all times 29991
during the term of the grant maintain the improvements so conveyed 29992
to them in a good state of repair and shall not interfere with the 29993
navigation of the canals of the state or with the control and 29994
maintenance thereof or with the sale of water by the state from 29995
its dams, reservoirs, and improvements other than those so 29996
constructed. The state does not incur any liability by reason of 29997
such sale and the rights granted thereunder to continue to 29998
maintain such canals, races, channels, or watercourses, or to 29999
continue the use thereof. Such conveyance or grant by the sheriff 30000
as such master commissioner shall contain a clause giving the 30001
chief such control of waste gates and wickets as to regulate the 30002
flow of water in the state reservoirs or canals, in such manner as 30003
to maintain the proper level therein and to prevent the flowing 30004
into such reservoirs and canals of such quantities of water as 30005
might impair any of the property of the state or its lessees, 30006
except as otherwise provided in section 1520.03 of the Revised 30007
Code. 30008

Upon the foreclosure of the lien and the sale of the 30009
improvements, all contracts or leases for the sale, use, or lease 30010
of water, the lands and improvements adjacent thereto, or power 30011
rights then outstanding shall become void, and the rights of the 30012
state and the several lessees thereunder, shall cease. 30013

Upon the making of an order by the court for the sale of such 30014
improvements, and before they are offered for sale by the sheriff, 30015
the court shall appoint three disinterested appraisers, one of 30016

whom shall be a water-works or hydraulic engineer with at least 30017
five years' experience in the practice of the engineer's 30018
profession, and two of whom shall be freeholders residing in the 30019
county in which any of such improvements are located. The 30020
appraisers shall appraise the improvements and shall, within the 30021
time fixed by the court, file such appraisal in writing with the 30022
clerk. If the lien given by this section as security for the 30023
payment of the bonds covers a part only of the improvements, the 30024
appraisers shall appraise the improvements as an entirety, and 30025
shall also appraise separately the part constructed from the 30026
proceeds of the sale of the bonds, the lien of which is being 30027
foreclosed in such proceeding. 30028

In making such appraisal and fixing the value of the 30029
improvements or of such part thereof, the appraisers shall have 30030
access to all papers and documents on file in the office of the 30031
chief relating to such improvements, including the plans and 30032
specifications therefor, and the bids made and contracts entered 30033
into for the construction thereof, and all leases and contracts 30034
for the sale of water impounded therein and power generated 30035
thereby. The order of the court shall direct the sale only of such 30036
part of the improvements as have been constructed from the 30037
proceeds of the sale of the bonds. The purchaser at such sale, in 30038
the operation of such improvements during the term of the 30039
franchise granted to the purchaser by this section, shall draw 30040
from the dam or reservoir impounding such water only such portion 30041
thereof as the appraised value of that part of such improvements, 30042
constructed from the proceeds of the sale of such bonds and sold 30043
to the purchaser under the order of the court, bears to the entire 30044
appraised value of such improvements. 30045

If at any time during the term of the franchise granted to 30046
the purchaser of such improvements at such foreclosure sale any 30047
controversy arises between the purchaser or the purchaser's 30048

assigns and the chief as to the operation of such improvements, or 30049
as to the amount of water which the purchaser is drawing or is 30050
entitled to draw therefrom, either the purchaser or the chief may 30051
file a petition in the court, setting forth the facts connected 30052
with such controversy. 30053

Notice in writing of the filing of such petition shall be 30054
given to the opposite party to the controversy within thirty days 30055
from the date of the filing thereof, either by service of such 30056
notice personally upon such opposite party by the sheriff of such 30057
county or by service by mail by the clerk. Such notice shall be 30058
mailed to the name and address which the purchaser filed with the 30059
clerk at the time of the delivery to the purchaser by the sheriff 30060
of the deed. Within thirty days from the serving or mailing of 30061
such notice, the opposite party to the controversy shall file an 30062
answer in the court, and thereupon the court shall hear and 30063
determine the controversy and make such order in regard to it as 30064
is just and proper, which order shall be binding upon all the 30065
parties to the controversy. 30066

At the termination of the period of not to exceed fifty 30067
years, all of the rights and privileges conveyed to the purchaser 30068
by the deed and grant of such sheriff as master commissioner shall 30069
cease and the improvements, with all the appurtenances belonging 30070
thereto, shall revert to and become the property of the state, 30071
free and clear of any claims whatever against them. 30072

The clerk shall distribute and pay the money received by the 30073
clerk from the sheriff as such master commissioner from the sale 30074
of such improvements to the holders of the bonds pro rata, and 30075
upon such payment to any of the bondholders, they shall surrender 30076
to the ~~the~~ clerk their bonds, with all unpaid interest coupons 30077
thereon. The clerk shall thereupon cancel the same and deliver 30078
them, so canceled, to the treasurer of the water conservation 30079
improvement fund. 30080

Sec. 1523.11. All appropriations of property made by the 30081
chief of the division of ~~soil and~~ water resources in carrying out 30082
sections 1523.01 to 1523.13 of the Revised Code, shall be made in 30083
accordance with sections 163.01 to 163.22 of the Revised Code, 30084
provided that possession of any property so appropriated shall not 30085
be taken by the state or the chief before the compensation and 30086
damages awarded therefor in the appropriation proceedings have 30087
been paid into court. 30088

Sec. 1523.12. Sections 1523.01 to 1523.13 of the Revised Code 30089
do not authorize any reduction in the quantity or any impairment 30090
in the quality of the water in any watershed, stream, or basin, 30091
developed or undeveloped, from which any political subdivision is, 30092
at the time the chief of the division of ~~soil and~~ water resources 30093
proposes and is proceeding to construct in such watershed, stream, 30094
or basin any of the improvements authorized by such sections, 30095
taking water for the use of itself or its inhabitants, or has 30096
plans under way, or has made or begun appropriation of any 30097
property or rights in such watershed, stream, or basin for the 30098
purpose of acquiring a water supply for itself or its inhabitants 30099
for either domestic, industrial, or other uses. Such sections do 30100
not authorize the chief to sell or lease the right to use water at 30101
any time for any purpose or to such an extent as to prejudice, 30102
abrogate, or supersede any of the water rights granted by the 30103
state to the city of Akron as provided in volume 102, Ohio Laws, 30104
page 175, sections 1 to 3. 30105

Sec. 1523.13. If by reason of severe drought or other causes 30106
the water supply of any political subdivision is, in the judgment 30107
of the chief of the division of ~~soil and~~ water resources, at any 30108
time so reduced or impaired as to endanger the property of such 30109
political subdivision, or the health, safety, or property of the 30110

inhabitants thereof, then the chief, under such regulations as the 30111
chief prescribes, may grant to such political subdivision the 30112
right, during the continuance of such emergency, to draw or take 30113
such quantity of water as is necessary to protect the property of 30114
such political subdivision and the health, safety, or property of 30115
its inhabitants from any improvement constructed under sections 30116
1523.01 to 1523.13 of the Revised Code, before any of the lessees 30117
or grantees of the state using the water for industrial purposes 30118
take water therefrom. Such political subdivision shall pay such 30119
price per thousand gallons for the water so taken by it as is 30120
fixed by the chief and the governor. The price so fixed shall not 30121
exceed the maximum price then being paid for water to the state by 30122
any of its lessees or grantees. Such grant by the chief to such 30123
political subdivision shall not modify the terms or impair the 30124
validity of any leases then existing between the state and other 30125
persons, firms, or corporations, except as expressly provided in 30126
this section. 30127

Sec. 1523.14. The director of transportation in constructing 30128
highways, bridges, and culverts as provided by law; the board of 30129
county commissioners in constructing highways, bridges, and 30130
culverts as provided by law; the board of township trustees of any 30131
township in constructing highways, bridges, and culverts as 30132
provided by law; and any municipal corporation constructing or 30133
improving viaducts, bridges, and culverts under section 717.01 of 30134
the Revised Code, either severally or jointly, upon request of the 30135
chief of the division of ~~soil and~~ water resources and with the 30136
approval of the director of transportation, may construct and 30137
maintain slack-water dams in connection with the highway, highway 30138
bridge, or culvert so as to create reservoirs, ponds, water parks, 30139
basins, lakes, or other incidental works to conserve the water 30140
supply of the state. 30141

Sec. 1523.15. The chief of the division of ~~soil and~~ water 30142
resources may request the public authority having charge of the 30143
construction of state, county, or township highways, highway 30144
bridges, and culverts, or municipal streets, for the construction 30145
of slack-water dams in connection with the construction of any 30146
such highway, street, highway bridge, or culvert whenever, in the 30147
chief's opinion, the construction of such dam is desirable and 30148
feasible for the economical creation and construction of 30149
reservoirs, ponds, water parks, basins, lakes, or other incidental 30150
works for the conservation of the water supply of the state. 30151

The public authority having charge of such construction may 30152
approve such request when, in its opinion, the construction of 30153
such dams will not unnecessarily delay or hinder the construction 30154
of the highway, street, highway bridge, or culvert, or will not 30155
interfere with its value or use for highway purposes. 30156

If such request is approved, the chief, in cooperation with 30157
the department of transportation and the public authority 30158
participating in the project, shall make a survey and prepare 30159
plans, specifications, and estimates for the construction of such 30160
dams and the reservoir, pond, water park, basin, lake, or other 30161
incidental works in connection therewith. 30162

Upon approval of the plans and specifications and 30163
determination to proceed with the project, the chief shall enter 30164
into an agreement with the public authority on the distribution of 30165
the cost and expense of the construction of such dams and 30166
incidental works in connection therewith. The portion of the cost 30167
to be paid by the division of ~~soil and~~ water resources shall be 30168
paid from any funds appropriated for or paid into the division and 30169
available for such purpose. 30170

Such dams shall be constructed under and subject to any laws 30171
governing the construction of state, county, or township highways, 30172

bridges, or culverts. Any public authority undertaking 30173
construction under sections 1523.14 to 1523.20 of the Revised Code 30174
shall proceed in the same manner as provided for the construction 30175
of highway or street improvements. 30176

Sec. 1523.16. Any department or division of the state 30177
government, or any county, township, municipal corporation, park 30178
board, or district, or any organization, club, corporation, or 30179
private person may petition the chief of the division of ~~soil and~~ 30180
water resources for the construction of dams and reservoir 30181
projects in connection with the construction of any highway, 30182
highway bridge, or culvert. 30183

Upon receipt of such a petition and its approval by the 30184
chief, the chief shall proceed as authorized by section 1523.15 of 30185
the Revised Code. If the public authority having charge of the 30186
construction of such highway, street, highway bridge, or culvert 30187
approves the request, then the chief shall enter into an agreement 30188
with the public authority, organization, or person petitioning for 30189
the construction of such dam or reservoir on the apportionment of 30190
the cost and expense of construction. The cost and expense of such 30191
dam project shall include the cost of clearing and grubbing and 30192
the cost of property and damages incidental thereto. Such 30193
agreement shall also contain provisions for the proper maintenance 30194
and repair of such projects after completion, and also apportion 30195
the revenue derived therefrom between the division of ~~soil and~~ 30196
water resources and the petitioner. 30197

Sec. 1523.17. In all cases in which a public authority, 30198
private organization, or person petitions for the construction of 30199
a dam and reservoir project as authorized by sections 1523.14 to 30200
1523.20 of the Revised Code, the chief of the division of ~~soil and~~ 30201
water resources, as a condition precedent to the construction of 30202
such project, shall require the petitioning authority, 30203

organization, or person to pay the petitioning authority's, 30204
organization's, or person's share of the cost and expense of such 30205
project. 30206

Any deficiency shall be made up by the parties bearing the 30207
cost before any further work is done. If the deficiency is not 30208
made up within sixty days after it is known, the amount paid in, 30209
less the expense incurred by the chief and the cooperating public 30210
authorities, shall be refunded to the donor. After completion of 30211
the work, any amount remaining to the credit of the project shall 30212
likewise be refunded. 30213

Sec. 1523.18. In the construction of dams, reservoirs, and 30214
other incidental works under sections 1523.14 to 1523.20 of the 30215
Revised Code, the chief of the division of ~~soil and~~ water 30216
resources shall proceed as provided by law, and shall enter into 30217
contracts therefor as provided in sections 153.01 to 153.29 of the 30218
Revised Code. The director of transportation, the chief of the 30219
division of wildlife with the approval of the director of natural 30220
resources, and any county, township, municipal corporation, and 30221
public park board or district may proceed with the letting of 30222
contracts for the construction of such dams or reservoir projects, 30223
approved by the chief of the division of ~~soil and~~ water resources, 30224
under any laws regulating the letting of contracts applicable to 30225
their respective departments, divisions, districts, or political 30226
subdivisions, and the authority of sections 1523.14 to 1523.20 of 30227
the Revised Code. 30228

Sec. 1523.19. The chief of the division of ~~soil and~~ water 30229
resources shall have the supervision, care, and control of all 30230
dams, reservoirs, ponds, water parks, basins, lakes, or other 30231
incidental works constructed under sections 1523.14 to 1523.20 of 30232
the Revised Code, and shall maintain and keep them in repair. The 30233
cost of such maintenance and repair shall be paid from any funds 30234

appropriated to the division of ~~soil and~~ water resources for that 30235
purpose or paid into the state treasury as agreed upon with the 30236
public or contracting authorities co-operating in the construction 30237
of such projects. 30238

Such projects may also be maintained by any department or 30239
division of state government or other public authorities leasing 30240
or operating the projects, through agreements made with the chief. 30241
All rentals derived from the lessees of such projects shall be 30242
used by the chief in the maintenance or repair of all such 30243
projects constructed under such sections. The costs and expenses 30244
of the reconstruction of any such projects shall be distributed, 30245
unless otherwise agreed, on the same basis and pro-rata share of 30246
the costs and expenses as was paid by the contracting authorities 30247
contributing to the cost of the original project. 30248

Sec. 1523.20. When the chief of the division of ~~soil and~~ 30249
water resources and the owners of the lands, waters, or riparian 30250
rights are unable to agree upon the terms, purchase price, and 30251
sale thereof, the chief may acquire the lands by appropriation 30252
proceedings in the manner provided by sections 163.01 to 163.22 of 30253
the Revised Code. 30254

The title or lease to any such lands, waters, or riparian 30255
rights shall be taken by the chief, subject to the approval of the 30256
governor and the attorney general, in the name of the state. The 30257
lease rentals or purchase price of any such lands, waters, or 30258
riparian rights, as well as all costs and expenses of constructing 30259
any such reservoirs, ponds, water parks, basins, lakes, or other 30260
incidental works on those lands, may be paid for from any funds 30261
appropriated for the use of or paid into the division of ~~soil and~~ 30262
water resources and available for that purpose. The chief may 30263
accept contributions to those funds from individuals, 30264
associations, clubs, organizations, and corporations. 30265

Sec. 1531.35. The wildlife boater angler fund is hereby 30266
created in the state treasury. The fund shall consist of money 30267
credited to the fund pursuant to section 5735.051 of the Revised 30268
Code and other money contributed to the division of wildlife for 30269
the purposes of the fund. The fund shall be used for boating 30270
access construction, improvements, ~~and~~ maintenance and repair of 30271
dams and impoundments, and acquisitions, including lands and 30272
facilities for boating access, and to pay for equipment and 30273
personnel costs involved with those activities, on ~~lakes~~ waters on 30274
which the operation of gasoline-powered watercraft is permissible. 30275
However, not more than ~~two~~ five hundred thousand dollars of the 30276
annual expenditures from the fund may be used to pay for the 30277
equipment and personnel costs. 30278

Sec. 1547.69. (A) As used in this section: 30279

(1) "Firearm," "concealed handgun license," "handgun," and 30280
"valid concealed handgun license" have the same meanings as in 30281
section 2923.11 of the Revised Code. 30282

(2) "Unloaded" has the same meanings as in divisions (K)(5) 30283
and (6) of section 2923.16 of the Revised Code, except that all 30284
references in the definition in division (K)(5) of that section to 30285
"vehicle" shall be construed for purposes of this section to be 30286
references to "vessel." 30287

(B) No person shall knowingly discharge a firearm while in or 30288
on a vessel. 30289

(C) No person shall knowingly transport or have a loaded 30290
firearm in a vessel in a manner that the firearm is accessible to 30291
the operator or any passenger. 30292

(D) No person shall knowingly transport or have a firearm in 30293
a vessel unless it is unloaded and is carried in one of the 30294
following ways: 30295

(1) In a closed package, box, or case;	30296
(2) In plain sight with the action opened or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or that cannot easily be stripped, in plain sight.	30297 30298 30299
(E)(1) The affirmative defenses authorized in divisions (D)(1) and (2) of section 2923.12 of the Revised Code are affirmative defenses to a charge under division (C) or (D) of this section that involves a firearm other than a handgun. It is an affirmative defense to a charge under division (C) or (D) of this section of transporting or having a firearm of any type, including a handgun, in a vessel that the actor transported or had the firearm in the vessel for any lawful purpose and while the vessel was on the actor's own property, provided that this affirmative defense is not available unless the actor, prior to arriving at the vessel on the actor's own property, did not transport or possess the firearm in the vessel or in a motor vehicle in a manner prohibited by this section or division (B) or (C) of section 2923.16 of the Revised Code while the vessel was being operated on a waterway that was not on the actor's own property or while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.	30300 30301 30302 30303 30304 30305 30306 30307 30308 30309 30310 30311 30312 30313 30314 30315 30316 30317
(2) No person who is charged with a violation of division (C) or (D) of this section shall be required to obtain a license or temporary emergency license to carry a concealed handgun under section 2923.125 or 2923.1213 of the Revised Code as a condition for the dismissal of the charge.	30318 30319 30320 30321 30322
(F) Divisions (B), (C), and (D) of this section do not apply to the possession or discharge of a United States coast guard approved signaling device required to be carried aboard a vessel under section 1547.251 of the Revised Code when the signaling device is possessed or used for the purpose of giving a visual	30323 30324 30325 30326 30327

distress signal. No person shall knowingly transport or possess 30328
any signaling device of that nature in or on a vessel in a loaded 30329
condition at any time other than immediately prior to the 30330
discharge of the signaling device for the purpose of giving a 30331
visual distress signal. 30332

(G) No person shall operate or permit to be operated any 30333
vessel on the waters in this state in violation of this section. 30334

(H)(1) This section does not apply to any of the following: 30335

(a) An officer, agent, or employee of this or any other state 30336
or of the United States, or to a law enforcement officer, when 30337
authorized to carry or have loaded or accessible firearms in a 30338
vessel and acting within the scope of the officer's, agent's, or 30339
employee's duties; 30340

(b) Any person who is employed in this state, who is 30341
authorized to carry or have loaded or accessible firearms in a 30342
vessel, and who is subject to and in compliance with the 30343
requirements of section 109.801 of the Revised Code, unless the 30344
appointing authority of the person has expressly specified that 30345
the exemption provided in division (H)(1)(b) of this section does 30346
not apply to the person; 30347

(c) Any person legally engaged in hunting. 30348

(2) Divisions (C) and (D) of this section do not apply to a 30349
person who transports or possesses a handgun in a vessel and who, 30350
at the time of that transportation or possession, either is 30351
carrying a valid concealed handgun license or is eighteen years of 30352
age or older, is an active member of the armed forces of the 30353
United States, and is carrying a valid military identification 30354
card and a certificate issued by the person's applicable service 30355
branch indicating that the person has successfully completed small 30356
arms qualification, unless the person knowingly is in a place on 30357
the vessel described in division (B) of section 2923.126 of the 30358

Revised Code. 30359

(I) If a law enforcement officer stops a vessel for a 30360
violation of this section or any other law enforcement purpose, if 30361
any person on the vessel surrenders a firearm to the officer, 30362
either voluntarily or pursuant to a request or demand of the 30363
officer, and if the officer does not charge the person with a 30364
violation of this section or arrest the person for any offense, 30365
the person is not otherwise prohibited by law from possessing the 30366
firearm, and the firearm is not contraband, the officer shall 30367
return the firearm to the person at the termination of the stop. 30368

(J) Division (L) of section 2923.16 of the Revised Code 30369
applies with respect to division (A)(2) of this section, except 30370
that all references in division (L) of section 2923.16 of the 30371
Revised Code to "vehicle," to "this chapter," or to "division 30372
(K)(5)(a) or (b) of this section" shall be construed for purposes 30373
of this section to be, respectively, references to "vessel," to 30374
"section 1547.69 of the Revised Code," and to divisions (K)(5)(a) 30375
and (b) of section 2923.16 of the Revised Code as incorporated 30376
under the definition of firearm adopted under division (A)(2) of 30377
this section. 30378

Sec. 1548.11. (A) In the event of the transfer of ownership 30379
of a watercraft or outboard motor by operation of law, as upon 30380
inheritance, devise, bequest, order in bankruptcy, insolvency, 30381
replevin, or execution of sale, or whenever the engine of a 30382
watercraft is replaced by another engine, a watercraft or outboard 30383
motor is sold to satisfy storage or repair charges, or 30384
repossession is had upon default in performance of the terms of a 30385
security agreement as provided in Chapter 1309. of the Revised 30386
Code, a clerk of a court of common pleas, upon the surrender of 30387
the prior certificate of title or the manufacturer's or importer's 30388
certificate, or, when that is not possible, upon presentation of 30389

satisfactory proof to the clerk of ownership and rights of 30390
possession to the watercraft or outboard motor, and upon payment 30391
of the fee prescribed in section 1548.10 of the Revised Code and 30392
presentation of an application for certificate of title, may issue 30393
to the applicant a certificate of title to the watercraft or 30394
outboard motor. Only an affidavit by the person or agent of the 30395
person to whom possession of the watercraft or outboard motor has 30396
passed, setting forth the facts entitling the person to possession 30397
and ownership, together with a copy of the journal entry, court 30398
order, or instrument upon which the claim of possession and 30399
ownership is founded, is satisfactory proof of ownership and right 30400
of possession. If the applicant cannot produce such proof of 30401
ownership, the applicant may apply directly to the chief of the 30402
division of watercraft and submit such evidence as the applicant 30403
has, and the chief, if the chief finds the evidence sufficient, 30404
may authorize the clerk to issue a certificate of title. If the 30405
chief finds the evidence insufficient, the applicant may petition 30406
the court of common pleas for a court order ordering the clerk to 30407
issue a certificate of title. The court shall grant or deny the 30408
petition based on the sufficiency of the evidence presented to the 30409
court. If, from the records in the office of the clerk, there 30410
appears to be any lien on the watercraft or outboard motor, the 30411
certificate of title shall contain a statement of the lien unless 30412
the application is accompanied by proper evidence of its 30413
extinction. 30414

(B) Upon the death of one of the persons who have established 30415
joint ownership with right of survivorship under section 2131.12 30416
of the Revised Code in a watercraft or outboard motor and the 30417
presentation to the clerk of the title and the certificate of 30418
death of the deceased person, the clerk shall enter into the 30419
records the transfer of the watercraft or outboard motor to the 30420
surviving person, and the title to the watercraft or outboard 30421
motor immediately passes to the surviving person. The transfer 30422

does not affect any liens on the watercraft or outboard motor. 30423

(C) The clerk shall transfer a decedent's interest in one 30424
watercraft, one watercraft trailer, one outboard motor, or one of 30425
each to the decedent's surviving spouse as provided in section 30426
2106.19 of the Revised Code. 30427

(D) Upon the death of an owner of a watercraft or outboard 30428
motor designated in beneficiary form under section 2131.13 of the 30429
Revised Code, upon application of the transfer-on-death 30430
beneficiary or beneficiaries designated pursuant to that section, 30431
and upon presentation to the clerk of the certificate of title and 30432
the certificate of death of the deceased owner, the clerk shall 30433
transfer the watercraft or outboard motor and issue a certificate 30434
of title to the transfer-on-death beneficiary or beneficiaries. 30435
The transfer does not affect any liens upon any watercraft or 30436
outboard motor so transferred. 30437

Sec. 1561.04. ~~The chief of the division of mineral resources~~ 30438
~~management~~ director of natural resources or the director's 30439
designee shall annually make a report to the governor, which shall 30440
include: 30441

(A) A summary of the activities and of the reports of the 30442
deputy mine inspectors; 30443

(B) A statement of the condition and the operation of the 30444
mines of the state; 30445

(C) A statement of the number of accidents in and about the 30446
mines, the manner in which they occurred, and any other data and 30447
facts bearing upon the prevention of accidents and the 30448
preservation of life, health, and property, and any suggestions 30449
relative to the better preservation of the life, health, and 30450
property of those engaged in the mining industry. 30451

The records of the bureau of workers' compensation shall be 30452

available to the ~~chief~~ director or the director's designee for 30453
information concerning such a report. The ~~chief director or the~~ 30454
director's designee shall send by mail to each coal operator in 30455
the state, to a duly designated representative of the miners at 30456
each mine, and to such other persons as the ~~chief director or the~~ 30457
director's designee deems proper, a copy of such report. The ~~chief~~ 30458
director or the director's designee may have as many copies of 30459
such report printed as are needed to make the distribution thereof 30460
as provided in this section. 30461

The ~~chief~~ director or the director's designee shall also 30462
prepare and publish for public distribution quarterly reports, 30463
including therein information relative to the items enumerated in 30464
this section that is pertinent or available at such times. 30465

Sec. 1707.01. As used in this chapter: 30466

(A) Whenever the context requires it, "division" or "division 30467
of securities" may be read as "director of commerce" or as 30468
"commissioner of securities." 30469

(B) "Security" means any certificate or instrument, or any 30470
oral, written, or electronic agreement, understanding, or 30471
opportunity, that represents title to or interest in, or is 30472
secured by any lien or charge upon, the capital, assets, profits, 30473
property, or credit of any person or of any public or governmental 30474
body, subdivision, or agency. It includes shares of stock, 30475
certificates for shares of stock, an uncertificated security, 30476
membership interests in limited liability companies, voting-trust 30477
certificates, warrants and options to purchase securities, 30478
subscription rights, interim receipts, interim certificates, 30479
promissory notes, all forms of commercial paper, evidences of 30480
indebtedness, bonds, debentures, land trust certificates, fee 30481
certificates, leasehold certificates, syndicate certificates, 30482
endowment certificates, interests in or under profit-sharing or 30483

participation agreements, interests in or under oil, gas, or 30484
mining leases, preorganization or reorganization subscriptions, 30485
preorganization certificates, reorganization certificates, 30486
interests in any trust or pretended trust, any investment 30487
contract, any life settlement interest, any instrument evidencing 30488
a promise or an agreement to pay money, warehouse receipts for 30489
intoxicating liquor, and the currency of any government other than 30490
those of the United States and Canada, but sections 1707.01 to 30491
1707.45 of the Revised Code do not apply to the sale of real 30492
estate. 30493

(C)(1) "Sale" has the full meaning of "sale" as applied by or 30494
accepted in courts of law or equity, and includes every 30495
disposition, or attempt to dispose, of a security or of an 30496
interest in a security. "Sale" also includes a contract to sell, 30497
an exchange, an attempt to sell, an option of sale, a solicitation 30498
of a sale, a solicitation of an offer to buy, a subscription, or 30499
an offer to sell, directly or indirectly, by agent, circular, 30500
pamphlet, advertisement, or otherwise. 30501

(2) "Sell" means any act by which a sale is made. 30502

(3) The use of advertisements, circulars, or pamphlets in 30503
connection with the sale of securities in this state exclusively 30504
to the purchasers specified in division (D) of section 1707.03 of 30505
the Revised Code is not a sale when the advertisements, circulars, 30506
and pamphlets describing and offering those securities bear a 30507
readily legible legend in substance as follows: "This offer is 30508
made on behalf of dealers licensed under sections 1707.01 to 30509
1707.45 of the Revised Code, and is confined in this state 30510
exclusively to institutional investors and licensed dealers." 30511

(4) The offering of securities by any person in conjunction 30512
with a licensed dealer by use of advertisement, circular, or 30513
pamphlet is not a sale if that person does not otherwise attempt 30514
to sell securities in this state. 30515

(5) Any security given with, or as a bonus on account of, any purchase of securities is conclusively presumed to constitute a part of the subject of that purchase and has been "sold."

(6) "Sale" by an owner, pledgee, or mortgagee, or by a person acting in a representative capacity, includes sale on behalf of such party by an agent, including a licensed dealer or salesperson.

(D) "Person," except as otherwise provided in this chapter, means a natural person, firm, partnership, limited partnership, partnership association, syndicate, joint-stock company, unincorporated association, trust or trustee except where the trust was created or the trustee designated by law or judicial authority or by a will, and a corporation or limited liability company organized under the laws of any state, any foreign government, or any political subdivision of a state or foreign government.

(E)(1) "Dealer," except as otherwise provided in this chapter, means every person, other than a salesperson, who engages or professes to engage, in this state, for either all or part of the person's time, directly or indirectly, either in the business of the sale of securities for the person's own account, or in the business of the purchase or sale of securities for the account of others in the reasonable expectation of receiving a commission, fee, or other remuneration as a result of engaging in the purchase and sale of securities. "Dealer" does not mean any of the following:

(a) Any issuer, including any officer, director, employee, or trustee of, or member or manager of, or partner in, or any general partner of, any issuer, that sells, offers for sale, or does any act in furtherance of the sale of a security that represents an economic interest in that issuer, provided no commission, fee, or other similar remuneration is paid to or received by the issuer

for the sale; 30548

(b) Any licensed attorney, public accountant, or firm of such 30549
attorneys or accountants, whose activities are incidental to the 30550
practice of the attorney's, accountant's, or firm's profession; 30551

(c) Any person that, for the account of others, engages in 30552
the purchase or sale of securities that are issued and outstanding 30553
before such purchase and sale, if a majority or more of the equity 30554
interest of an issuer is sold in that transaction, and if, in the 30555
case of a corporation, the securities sold in that transaction 30556
represent a majority or more of the voting power of the 30557
corporation in the election of directors; 30558

(d) Any person that brings an issuer together with a 30559
potential investor and whose compensation is not directly or 30560
indirectly based on the sale of any securities by the issuer to 30561
the investor; 30562

(e) Any bank; 30563

(f) Any person that the division of securities by rule 30564
exempts from the definition of "dealer" under division (E)(1) of 30565
this section. 30566

(2) "Licensed dealer" means a dealer licensed under this 30567
chapter. 30568

(F)(1) "Salesman" or "salesperson" means every natural 30569
person, other than a dealer, who is employed, authorized, or 30570
appointed by a dealer to sell securities within this state. 30571

(2) The general partners of a partnership, and the executive 30572
officers of a corporation or unincorporated association, licensed 30573
as a dealer are not salespersons within the meaning of this 30574
definition, nor are clerical or other employees of an issuer or 30575
dealer that are employed for work to which the sale of securities 30576
is secondary and incidental; but the division of securities may 30577

require a license from any such partner, executive officer, or 30578
employee if it determines that protection of the public 30579
necessitates the licensing. 30580

(3) "Licensed salesperson" means a salesperson licensed under 30581
this chapter. 30582

(G) "Issuer" means every person who has issued, proposes to 30583
issue, or issues any security. 30584

(H) "Director" means each director or trustee of a 30585
corporation, each trustee of a trust, each general partner of a 30586
partnership, except a partnership association, each manager of a 30587
partnership association, and any person vested with managerial or 30588
directory power over an issuer not having a board of directors or 30589
trustees. 30590

(I) "Incorporator" means any incorporator of a corporation 30591
and any organizer of, or any person participating, other than in a 30592
representative or professional capacity, in the organization of an 30593
unincorporated issuer. 30594

(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent 30595
practices," or "fraudulent transactions" means anything recognized 30596
on or after July 22, 1929, as such in courts of law or equity; any 30597
device, scheme, or artifice to defraud or to obtain money or 30598
property by means of any false pretense, representation, or 30599
promise; any fictitious or pretended purchase or sale of 30600
securities; and any act, practice, transaction, or course of 30601
business relating to the purchase or sale of securities that is 30602
fraudulent or that has operated or would operate as a fraud upon 30603
the seller or purchaser. 30604

(K) Except as otherwise specifically provided, whenever any 30605
classification or computation is based upon "par value," as 30606
applied to securities without par value, the average of the 30607
aggregate consideration received or to be received by the issuer 30608

for each class of those securities shall be used as the basis for 30609
that classification or computation. 30610

(L)(1) "Intangible property" means patents, copyrights, 30611
secret processes, formulas, services, good will, promotion and 30612
organization fees and expenses, trademarks, trade brands, trade 30613
names, licenses, franchises, any other assets treated as 30614
intangible according to generally accepted accounting principles, 30615
and securities, accounts receivable, or contract rights having no 30616
readily determinable value. 30617

(2) "Tangible property" means all property other than 30618
intangible property and includes securities, accounts receivable, 30619
and contract rights, when the securities, accounts receivable, or 30620
contract rights have a readily determinable value. 30621

(M) "Public utilities" means those utilities defined in 30622
sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised 30623
Code; in the case of a foreign corporation, it means those 30624
utilities defined as public utilities by the laws of its domicile; 30625
and in the case of any other foreign issuer, it means those 30626
utilities defined as public utilities by the laws of the situs of 30627
its principal place of business. The term always includes 30628
railroads whether or not they are so defined as public utilities. 30629

(N) "State" means any state of the United States, any 30630
territory or possession of the United States, the District of 30631
Columbia, and any province of Canada. 30632

(O) "Bank" means any bank, trust company, savings and loan 30633
association, savings bank, or credit union that is incorporated or 30634
organized under the laws of the United States, any state of the 30635
United States, Canada, or any province of Canada and that is 30636
subject to regulation or supervision by that country, state, or 30637
province. 30638

(P) "Include," when used in a definition, does not exclude 30639

other things or persons otherwise within the meaning of the term 30640
defined. 30641

(Q)(1) "Registration by description" means that the 30642
requirements of section 1707.08 of the Revised Code have been 30643
complied with. 30644

(2) "Registration by qualification" means that the 30645
requirements of sections 1707.09 and 1707.11 of the Revised Code 30646
have been complied with. 30647

(3) "Registration by coordination" means that there has been 30648
compliance with section 1707.091 of the Revised Code. Reference in 30649
this chapter to registration by qualification also includes 30650
registration by coordination unless the context otherwise 30651
indicates. 30652

(R) "Intoxicating liquor" includes all liquids and compounds 30653
that contain more than three and two-tenths per cent of alcohol by 30654
weight and are fit for use for beverage purposes. 30655

(S) "Institutional investor" means ~~any corporation, bank,~~ 30656
~~insurance company, pension fund or pension fund trust, employees'~~ 30657
~~profit sharing fund or employees' profit sharing trust, any~~ 30658
~~association engaged, as a substantial part of its business or~~ 30659
~~operations, in purchasing or holding securities, or any trust in~~ 30660
~~respect of which a bank is trustee or cotrustee. "Institutional~~ 30661
~~investor" does not include any business entity formed for the~~ 30662
~~primary purpose of evading sections 1707.01 to 1707.45 of the~~ 30663
~~Revised Code any of the following, whether acting for itself or~~ 30664
~~for others in a fiduciary capacity:~~ 30665

(1) A bank or international banking institution; 30666

(2) An insurance company; 30667

(3) A separate account of an insurance company; 30668

(4) An investment company as defined in the "Investment 30669

<u>Company Act of 1940," 15 U.S.C. 80a-3;</u>	30670
<u>(5) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended, or licensed by the division of securities as a dealer;</u>	30671 30672 30673
<u>(6) An employee pension, profit-sharing, or benefit plan if the plan has total assets in excess of ten million dollars or its investment decisions are made by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:</u>	30674 30675 30676 30677 30678
<u>(a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended;</u>	30679 30680
<u>(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;</u>	30681 30682 30683
<u>(c) An investment adviser registered under this chapter, a bank, or an insurance company.</u>	30684 30685
<u>(7) A plan established and maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or a political subdivision of a state for the benefit of its employees, if the plan has total assets in excess of ten million dollars or its investment decisions are made by a duly designated public official or by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:</u>	30686 30687 30688 30689 30690 30691 30692 30693
<u>(a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended;</u>	30694 30695
<u>(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;</u>	30696 30697 30698
<u>(c) An investment adviser registered under this chapter, a</u>	30699

bank, or an insurance company. 30700

(8) A trust, if it has total assets in excess of ten million dollars, its trustee is a bank, and its participants are exclusively plans of the types identified in division (S)(6) or (7) of this section, regardless of the size of their assets, except a trust that includes as participants self-directed individual retirement accounts or similar self-directed plans; 30701
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(9) An organization described in section 501(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 1, as amended, corporation, Massachusetts trust or similar business trust, limited liability company, or partnership, not formed for the specific purpose of acquiring the securities offered, with total assets in excess of ten million dollars; 30707
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(10) A small business investment company licensed by the small business administration under section 301(c) of the "Small Business Investment Act of 1958," 15 U.S.C. 681(c), with total assets in excess of ten million dollars; 30713
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(11) A private business development company as defined in section 202(a)(22) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(22), with total assets in excess of ten million dollars; 30717
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(12) A federal covered investment adviser acting for its own account; 30721
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(13) A "qualified institutional buyer" as defined in 17 C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H); 30723
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(14) A "major U.S. institutional investor" as defined in 17 C.F.R. 240.15a-6(b)(4)(i); 30725
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(15) Any other person, other than an individual, of institutional character with total assets in excess of ten million dollars not organized for the specific purpose of evading this 30727
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<u>chapter;</u>	30730
<u>(16) Any other person specified by rule adopted or order</u>	30731
<u>issued under this chapter.</u>	30732
(T) A reference to a statute of the United States or to a	30733
rule, regulation, or form promulgated by the securities and	30734
exchange commission or by another federal agency means the	30735
statute, rule, regulation, or form as it exists at the time of the	30736
act, omission, event, or transaction to which it is applied under	30737
this chapter.	30738
(U) "Securities and exchange commission" means the securities	30739
and exchange commission established by the Securities Exchange Act	30740
of 1934.	30741
(V)(1) "Control bid" means the purchase of or offer to	30742
purchase any equity security of a subject company from a resident	30743
of this state if either of the following applies:	30744
(a) After the purchase of that security, the offeror would be	30745
directly or indirectly the beneficial owner of more than ten per	30746
cent of any class of the issued and outstanding equity securities	30747
of the issuer.	30748
(b) The offeror is the subject company, there is a pending	30749
control bid by a person other than the issuer, and the number of	30750
the issued and outstanding shares of the subject company would be	30751
reduced by more than ten per cent.	30752
(2) For purposes of division (V)(1) of this section, "control	30753
bid" does not include any of the following:	30754
(a) A bid made by a dealer for the dealer's own account in	30755
the ordinary course of business of buying and selling securities;	30756
(b) An offer to acquire any equity security solely in	30757
exchange for any other security, or the acquisition of any equity	30758
security pursuant to an offer, for the sole account of the	30759

offeror, in good faith and not for the purpose of avoiding the 30760
provisions of this chapter, and not involving any public offering 30761
of the other security within the meaning of Section 4 of Title I 30762
of the "Securities Act of 1933," 48 Stat. 77, 15 U.S.C.A. 77d(2), 30763
as amended; 30764

(c) Any other offer to acquire any equity security, or the 30765
acquisition of any equity security pursuant to an offer, for the 30766
sole account of the offeror, from not more than fifty persons, in 30767
good faith and not for the purpose of avoiding the provisions of 30768
this chapter. 30769

(W) "Offeror" means a person who makes, or in any way 30770
participates or aids in making, a control bid and includes persons 30771
acting jointly or in concert, or who intend to exercise jointly or 30772
in concert any voting rights attached to the securities for which 30773
the control bid is made and also includes any subject company 30774
making a control bid for its own securities. 30775

(X)(1) "Investment adviser" means any person who, for 30776
compensation, engages in the business of advising others, either 30777
directly or through publications or writings, as to the value of 30778
securities or as to the advisability of investing in, purchasing, 30779
or selling securities, or who, for compensation and as a part of 30780
regular business, issues or promulgates analyses or reports 30781
concerning securities. 30782

(2) "Investment adviser" does not mean any of the following: 30783

(a) Any attorney, accountant, engineer, or teacher, whose 30784
performance of investment advisory services described in division 30785
(X)(1) of this section is solely incidental to the practice of the 30786
attorney's, accountant's, engineer's, or teacher's profession; 30787

(b) A publisher of any bona fide newspaper, news magazine, or 30788
business or financial publication of general and regular 30789
circulation; 30790

(c) A person who acts solely as an investment adviser representative;	30791 30792
(d) A bank holding company, as defined in the "Bank Holding Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, that is not an investment company;	30793 30794 30795
(e) A bank, or any receiver, conservator, or other liquidating agent of a bank;	30796 30797
(f) Any licensed dealer or licensed salesperson whose performance of investment advisory services described in division (X)(1) of this section is solely incidental to the conduct of the dealer's or salesperson's business as a licensed dealer or licensed salesperson and who receives no special compensation for the services;	30798 30799 30800 30801 30802 30803
(g) Any person, the advice, analyses, or reports of which do not relate to securities other than securities that are direct obligations of, or obligations guaranteed as to principal or interest by, the United States, or securities issued or guaranteed by corporations in which the United States has a direct or indirect interest, and that have been designated by the secretary of the treasury as exempt securities as defined in the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78c;	30804 30805 30806 30807 30808 30809 30810 30811
(h) Any person that is excluded from the definition of investment adviser pursuant to section 202(a)(11)(A) to (E) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), or that has received an order from the securities and exchange commission under section 202(a)(11)(F) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that the person is not within the intent of section 202(a)(11) of the Investment Advisers Act of 1940.	30812 30813 30814 30815 30816 30817 30818 30819
(i) A person who acts solely as a state retirement system investment officer or as a bureau of workers' compensation chief	30820 30821

investment officer; 30822

(j) Any other person that the division designates by rule, if 30823
the division finds that the designation is necessary or 30824
appropriate in the public interest or for the protection of 30825
investors or clients and consistent with the purposes fairly 30826
intended by the policy and provisions of this chapter. 30827

(Y)(1) "Subject company" means an issuer that satisfies both 30828
of the following: 30829

(a) Its principal place of business or its principal 30830
executive office is located in this state, or it owns or controls 30831
assets located within this state that have a fair market value of 30832
at least one million dollars. 30833

(b) More than ten per cent of its beneficial or record equity 30834
security holders are resident in this state, more than ten per 30835
cent of its equity securities are owned beneficially or of record 30836
by residents in this state, or more than one thousand of its 30837
beneficial or record equity security holders are resident in this 30838
state. 30839

(2) The division of securities may adopt rules to establish 30840
more specific application of the provisions set forth in division 30841
(Y)(1) of this section. Notwithstanding the provisions set forth 30842
in division (Y)(1) of this section and any rules adopted under 30843
this division, the division, by rule or in an adjudicatory 30844
proceeding, may make a determination that an issuer does not 30845
constitute a "subject company" under division (Y)(1) of this 30846
section if appropriate review of control bids involving the issuer 30847
is to be made by any regulatory authority of another jurisdiction. 30848

(Z) "Beneficial owner" includes any person who directly or 30849
indirectly through any contract, arrangement, understanding, or 30850
relationship has or shares, or otherwise has or shares, the power 30851
to vote or direct the voting of a security or the power to dispose 30852

of, or direct the disposition of, the security. "Beneficial 30853
ownership" includes the right, exercisable within sixty days, to 30854
acquire any security through the exercise of any option, warrant, 30855
or right, the conversion of any convertible security, or 30856
otherwise. Any security subject to any such option, warrant, 30857
right, or conversion privilege held by any person shall be deemed 30858
to be outstanding for the purpose of computing the percentage of 30859
outstanding securities of the class owned by that person, but 30860
shall not be deemed to be outstanding for the purpose of computing 30861
the percentage of the class owned by any other person. A person 30862
shall be deemed the beneficial owner of any security beneficially 30863
owned by any relative or spouse or relative of the spouse residing 30864
in the home of that person, any trust or estate in which that 30865
person owns ten per cent or more of the total beneficial interest 30866
or serves as trustee or executor, any corporation or entity in 30867
which that person owns ten per cent or more of the equity, and any 30868
affiliate or associate of that person. 30869

(AA) "Offeree" means the beneficial or record owner of any 30870
security that an offeror acquires or offers to acquire in 30871
connection with a control bid. 30872

(BB) "Equity security" means any share or similar security, 30873
or any security convertible into any such security, or carrying 30874
any warrant or right to subscribe to or purchase any such 30875
security, or any such warrant or right, or any other security 30876
that, for the protection of security holders, is treated as an 30877
equity security pursuant to rules of the division of securities. 30878

(CC)(1) "Investment adviser representative" means a 30879
supervised person of an investment adviser, provided that the 30880
supervised person has more than five clients who are natural 30881
persons other than excepted persons defined in division (EE) of 30882
this section, and that more than ten per cent of the supervised 30883
person's clients are natural persons other than excepted persons 30884

defined in division (EE) of this section. "Investment adviser
representative" does not mean any of the following: 30885
30886

(a) A supervised person that does not on a regular basis 30887
solicit, meet with, or otherwise communicate with clients of the 30888
investment adviser; 30889

(b) A supervised person that provides only investment 30890
advisory services described in division (X)(1) of this section by 30891
means of written materials or oral statements that do not purport 30892
to meet the objectives or needs of specific individuals or 30893
accounts; 30894

(c) Any other person that the division designates by rule, if 30895
the division finds that the designation is necessary or 30896
appropriate in the public interest or for the protection of 30897
investors or clients and is consistent with the provisions fairly 30898
intended by the policy and provisions of this chapter. 30899

(2) For the purpose of the calculation of clients in division 30900
(CC)(1) of this section, a natural person and the following 30901
persons are deemed a single client: Any minor child of the natural 30902
person; any relative, spouse, or relative of the spouse of the 30903
natural person who has the same principal residence as the natural 30904
person; all accounts of which the natural person or the persons 30905
referred to in division (CC)(2) of this section are the only 30906
primary beneficiaries; and all trusts of which the natural person 30907
or persons referred to in division (CC)(2) of this section are the 30908
only primary beneficiaries. Persons who are not residents of the 30909
United States need not be included in the calculation of clients 30910
under division (CC)(1) of this section. 30911

(3) If subsequent to March 18, 1999, amendments are enacted 30912
or adopted defining "investment adviser representative" for 30913
purposes of the Investment Advisers Act of 1940 or additional 30914
rules or regulations are promulgated by the securities and 30915

exchange commission regarding the definition of "investment
adviser representative" for purposes of the Investment Advisers
Act of 1940, the division of securities shall, by rule, adopt the
substance of the amendments, rules, or regulations, unless the
division finds that the amendments, rules, or regulations are not
necessary for the protection of investors or in the public
interest.

(DD) "Supervised person" means a natural person who is any of
the following:

(1) A partner, officer, or director of an investment adviser,
or other person occupying a similar status or performing similar
functions with respect to an investment adviser;

(2) An employee of an investment adviser;

(3) A person who provides investment advisory services
described in division (X)(1) of this section on behalf of the
investment adviser and is subject to the supervision and control
of the investment adviser.

(EE) "Excepted person" means a natural person to whom any of
the following applies:

(1) Immediately after entering into the investment advisory
contract with the investment adviser, the person has at least
seven hundred fifty thousand dollars under the management of the
investment adviser.

(2) The investment adviser reasonably believes either of the
following at the time the investment advisory contract is entered
into with the person:

(a) The person has a net worth, together with assets held
jointly with a spouse, of more than one million five hundred
thousand dollars.

(b) The person is a qualified purchaser as defined in

division (FF) of this section. 30946

(3) Immediately prior to entering into an investment advisory 30947
contract with the investment adviser, the person is either of the 30948
following: 30949

(a) An executive officer, director, trustee, general partner, 30950
or person serving in a similar capacity, of the investment 30951
adviser; 30952

(b) An employee of the investment adviser, other than an 30953
employee performing solely clerical, secretarial, or 30954
administrative functions or duties for the investment adviser, 30955
which employee, in connection with the employee's regular 30956
functions or duties, participates in the investment activities of 30957
the investment adviser, provided that, for at least twelve months, 30958
the employee has been performing such nonclerical, nonsecretarial, 30959
or nonadministrative functions or duties for or on behalf of the 30960
investment adviser or performing substantially similar functions 30961
or duties for or on behalf of another company. 30962

If subsequent to March 18, 1999, amendments are enacted or 30963
adopted defining "excepted person" for purposes of the Investment 30964
Advisers Act of 1940 or additional rules or regulations are 30965
promulgated by the securities and exchange commission regarding 30966
the definition of "excepted person" for purposes of the Investment 30967
Advisers Act of 1940, the division of securities shall, by rule, 30968
adopt the substance of the amendments, rules, or regulations, 30969
unless the division finds that the amendments, rules, or 30970
regulations are not necessary for the protection of investors or 30971
in the public interest. 30972

(FF)(1) "Qualified purchaser" means either of the following: 30973

(a) A natural person who owns not less than five million 30974
dollars in investments as defined by rule by the division of 30975
securities; 30976

(b) A natural person, acting for the person's own account or
accounts of other qualified purchasers, who in the aggregate owns
and invests on a discretionary basis, not less than twenty-five
million dollars in investments as defined by rule by the division
of securities.

(2) If subsequent to March 18, 1999, amendments are enacted
or adopted defining "qualified purchaser" for purposes of the
Investment Advisers Act of 1940 or additional rules or regulations
are promulgated by the securities and exchange commission
regarding the definition of "qualified purchaser" for purposes of
the Investment Advisers Act of 1940, the division of securities
shall, by rule, adopt the amendments, rules, or regulations,
unless the division finds that the amendments, rules, or
regulations are not necessary for the protection of investors or
in the public interest.

(GG)(1) "Purchase" has the full meaning of "purchase" as
applied by or accepted in courts of law or equity and includes
every acquisition of, or attempt to acquire, a security or an
interest in a security. "Purchase" also includes a contract to
purchase, an exchange, an attempt to purchase, an option to
purchase, a solicitation of a purchase, a solicitation of an offer
to sell, a subscription, or an offer to purchase, directly or
indirectly, by agent, circular, pamphlet, advertisement, or
otherwise.

(2) "Purchase" means any act by which a purchase is made.

(3) Any security given with, or as a bonus on account of, any
purchase of securities is conclusively presumed to constitute a
part of the subject of that purchase.

(HH) "Life settlement interest" means the entire interest or
any fractional interest in an insurance policy or certificate of
insurance, or in an insurance benefit under such a policy or

certificate, that is the subject of a life settlement contract. 31008

For purposes of this division, "life settlement contract" 31009
means an agreement for the purchase, sale, assignment, transfer, 31010
devise, or bequest of any portion of the death benefit or 31011
ownership of any life insurance policy or contract, in return for 31012
consideration or any other thing of value that is less than the 31013
expected death benefit of the life insurance policy or contract. 31014
"Life settlement contract" includes a viatical settlement contract 31015
as defined in section 3916.01 of the Revised Code, but does not 31016
include any of the following: 31017

(1) A loan by an insurer under the terms of a life insurance 31018
policy, including, but not limited to, a loan secured by the cash 31019
value of the policy; 31020

(2) An agreement with a bank that takes an assignment of a 31021
life insurance policy as collateral for a loan; 31022

(3) The provision of accelerated benefits as defined in 31023
section 3915.21 of the Revised Code; 31024

(4) Any agreement between an insurer and a reinsurer; 31025

(5) An agreement by an individual to purchase an existing 31026
life insurance policy or contract from the original owner of the 31027
policy or contract, if the individual does not enter into more 31028
than one life settlement contract per calendar year; 31029

(6) The initial purchase of an insurance policy or 31030
certificate of insurance from its owner by a viatical settlement 31031
provider, as defined in section 3916.01 of the Revised Code, that 31032
is licensed under Chapter 3916. of the Revised Code. 31033

(II) "State retirement system" means the public employees 31034
retirement system, Ohio police and fire pension fund, state 31035
teachers retirement system, school employees retirement system, 31036
and state highway patrol retirement system. 31037

(JJ) "State retirement system investment officer" means an individual employed by a state retirement system as a chief investment officer, assistant investment officer, or the person in charge of a class of assets or in a position that is substantially equivalent to chief investment officer, assistant investment officer, or person in charge of a class of assets.

(KK) "Bureau of workers' compensation chief investment officer" means an individual employed by the administrator of workers' compensation as a chief investment officer or in a position that is substantially equivalent to a chief investment officer.

Sec. 1707.14. (A)~~(1)~~ No person shall act as a dealer, unless the person is licensed as a dealer by the division of securities, except ~~in~~ when at least one of the following cases applies:

~~(a)~~(1) When the person is transacting business through or with a licensed dealer;

~~(b)~~(2) When the securities are the subject matter of one or more transactions enumerated in divisions (B) to (L), (O) to (R), and (U) to (Y) of section 1707.03, or in section 1707.06 of the Revised Code, except when a commission, discount, or other remuneration is paid or given in consideration with transactions enumerated in divisions (O), (Q), (W), (X), and (Y) of section 1707.03, or in section 1707.06 of the Revised Code;

~~(c)~~(3) When the person is an issuer selling securities issued by it or by its subsidiary, if such securities are specified under division (G) or (I) of section 1707.02, or under section 1707.04 of the Revised Code;

~~(d)~~(4) When the person is participating in transactions exempt, under section 1707.34 of the Revised Code, from this chapter;

(5) When the person has no place of business in this state, 31068
is registered with the securities and exchange commission, and the 31069
only transactions effected in this state are with institutional 31070
investors. 31071

~~(2) Notwithstanding the exceptions to licensure set forth in~~ 31072
~~divisions (A)(1)(a) to (d) of this section, no person other than~~ 31073
~~an issuer selling its own securities shall engage in the business~~ 31074
~~of selling securities to an institutional investor unless the~~ 31075
~~person is licensed as a dealer or the division, by rule, finds~~ 31076
~~that such licensure is not necessary for the protection of~~ 31077
~~investors or in the public interest.~~ 31078

(B) Each dealer that in any twelve-month or shorter period, 31079
alone or with any other dealer with which it is affiliated, has 31080
total revenues of one hundred fifty thousand dollars or more 31081
derived from the business of buying, selling, or otherwise dealing 31082
in securities, and that at any time during such period has one 31083
hundred or more retail securities customers, shall be registered 31084
as a broker or dealer with the securities and exchange commission 31085
under the Securities Exchange Act of 1934, except the following 31086
entities: 31087

(1) A bank; 31088

(2) A dealer that enters into and is in compliance with an 31089
undertaking accepted by the division, in which the dealer agrees 31090
that it will not engage in any transaction involving the buying, 31091
selling, or otherwise dealing in securities with any natural 31092
person in this state, except for transactions involving either of 31093
the following: 31094

(a) Securities of corporations or associations that have 31095
qualified for treatment as nonprofit organizations pursuant to 31096
section 501(c)(3) of the "Internal Revenue Code of 1986," 100 31097
Stat. 2085, 26 U.S.C.A. 501, as amended; 31098

(b) Securities or transactions that are described in 31099
divisions (A)(1)~~(a)~~ to ~~(d)~~(4) of this section. 31100

(C) Every dealer that must be registered as a broker or 31101
dealer with the securities and exchange commission pursuant to 31102
division (B) of this section shall become so registered no later 31103
than ninety days after the date on which the dealer meets the 31104
requirements for such registration. 31105

(D) The division by rule may exempt any dealer from complying 31106
with the licensing or registration requirements of this section, 31107
if the division finds that such licensing or registration is not 31108
necessary for the protection of investors or in the public 31109
interest. 31110

(E) As used in division (B) of this section, "retail 31111
securities customer" means a person that purchases from or through 31112
or sells securities to or through a dealer, and that is not an 31113
officer, a director, a principal, a general partner, or an 31114
employee of, the dealer. Each of the following is deemed to be a 31115
single retail securities customer: 31116

(1) A husband and wife; 31117

(2) A minor child and the minor child's parent or legal 31118
guardian; 31119

(3) A corporation, a partnership, an association or other 31120
unincorporated entity, a joint stock company, or a trust. 31121

Sec. 1711.15. In any county in which there is a duly 31122
organized county agricultural society, the board of county 31123
commissioners or the county agricultural society itself may 31124
purchase or lease, for a term of not less than twenty years, real 31125
estate on which to hold fairs under the management and control of 31126
the county agricultural society, and may erect suitable buildings 31127
on the real estate and otherwise improve it. 31128

In counties in which there is a county agricultural society 31129
that has purchased, or leased, for a term of not less than twenty 31130
years, real estate as a site on which to hold fairs, ~~or in which~~ 31131
if the title to the site is vested in fee in the county, the board 31132
of county commissioners may erect or repair buildings or otherwise 31133
improve the site and pay the rental of it, or contribute to or pay 31134
any other form of indebtedness of the society, if the director of 31135
agriculture has certified to the board that the county 31136
agricultural society is complying with all laws and rules 31137
governing the operation of county agricultural societies. The 31138
board may appropriate from the county's general fund or permanent 31139
improvement fund, and may appropriate revenue from a tax levied 31140
under division (L) of section 5739.09 of the Revised Code, any 31141
amount that it considers necessary for any of those purposes, 31142
provided that an appropriation of revenue from that tax may be 31143
expended only for the purposes provided in the resolution levying 31144
that tax. 31145

Sec. 1711.16. When the control and management of a fairground 31146
is in a county agricultural society, and the board of county 31147
commissioners has appropriated an amount for the aid of the 31148
society as provided in section 1711.15 of the Revised Code, the 31149
society, with the consent of the board, may contract for the 31150
erection or repair of buildings or otherwise improve the 31151
fairground, to the extent that the payment for the improvement is 31152
provided by the board. 31153

When the appropriation is made by the board, the county 31154
auditor shall place the proceeds in a special fund, designated the 31155
"county agricultural society fund," indicating the purpose for 31156
which it is available, provided that an appropriation of revenue 31157
from a tax levied by the board under division (L) of section 31158
5739.09 of the Revised Code may be expended only for the purposes 31159
provided in the resolution levying that tax. On application of the 31160

treasurer of the society, the auditor shall issue an order for the 31161
amount of the appropriation to the treasurer of the society, if 31162
the society has secured the certificate required under section 31163
1711.05 of the Revised Code, on the treasurer's filing with the 31164
auditor a bond in double the amount collected, with good and 31165
sufficient sureties approved by the auditor, conditioned for the 31166
satisfactory paying over and accounting of the funds for the 31167
purposes for which they were provided. The funds shall remain in 31168
the special fund in which they are placed by the auditor until 31169
they are applied ~~or~~ for by the treasurer of the society and the 31170
bond is given, or until they are expended by the board for the 31171
purposes for which the fund was created. If the society ceases to 31172
exist or releases the fund as not required for the purposes for 31173
which the fund was created, the board may by resolution transfer 31174
the fund to the general fund of the county. 31175

Sec. 1713.02. (A) Any institution described in division (A) 31176
of section 1713.01 of the Revised Code may become incorporated 31177
under sections 1702.01 to 1702.58 of the Revised Code. 31178

(B) Except as provided in division (E) of this section, no 31179
nonprofit institution or corporation of the type described in 31180
division (A) of section 1713.01 of the Revised Code that is 31181
established after October 13, 1967, may confer degrees, diplomas, 31182
or other written evidences of proficiency or achievement, until it 31183
has received a certificate of authorization issued by the ~~Ohio~~ 31184
~~board of regents~~ chancellor of higher education, nor shall any 31185
such institution or corporation identify itself as a "college" or 31186
"university" unless it has received a certificate of authorization 31187
from the ~~board~~ chancellor. 31188

(C) Except as provided in division (E) of this section, no 31189
institution of the type described in division (A)(3) or (B) of 31190
section 1713.01 of the Revised Code that intends to offer or 31191

offers a course or courses within this state, but that did not 31192
offer a course or courses within this state on or before October 31193
13, 1967, may confer degrees, diplomas, or other written evidences 31194
of proficiency or achievement or offer any course or courses 31195
within this state until it has received a certificate of 31196
authorization from the ~~Ohio board of regents~~ chancellor, nor shall 31197
the institution identify itself as a "college" or "university" 31198
unless it has received such a certificate from the ~~board~~ 31199
chancellor. 31200

(D) Each certificate of authorization shall specify the 31201
diplomas or degrees authorized to be given, courses authorized to 31202
be offered, and the sites at which courses are to be conducted. A 31203
copy of such certificate shall be filed with the secretary of 31204
state if the institution is incorporated. Any institution or 31205
corporation established or that offered a course or courses of 31206
instruction in this state prior to October 13, 1967, may apply to 31207
the ~~board~~ chancellor for a certificate of authorization, and the 31208
~~board~~ chancellor shall issue a certificate if it finds that such 31209
institution or corporation meets the requirements established 31210
pursuant to sections 1713.01, 1713.02, 1713.03, 1713.04, 1713.06, 31211
1713.09, and 1713.25 of the Revised Code. 31212

(E) An institution that clearly identifies itself in its name 31213
with the phrase "bible college" or "bible institute" and has not 31214
received a certificate of authorization may confer diplomas and 31215
other written evidences of proficiency or achievement other than 31216
associate, baccalaureate, master's, and doctoral degrees or any 31217
other type of degree and may identify itself as a "bible college" 31218
if such institution: 31219

(1) Prominently discloses on any transcripts, diplomas, or 31220
other written evidences of proficiency or achievement, and 31221
includes with any promotional material or other literature 31222
intended for the public, the statement: "this institution is not 31223

certified by the ~~board of regents~~ department of higher education 31224
or the state of Ohio." 31225

(2) Limits its course of instruction to religion, theology, 31226
or preparation for a religious vocation, or is operated by a 31227
church or religious organization and limits its instruction to 31228
preparation for service to churches or other religious 31229
organizations. 31230

(3) Confers only diplomas and other written evidences of 31231
proficiency or achievement that bear titles clearly signifying the 31232
religious nature of the instruction offered by the institution. 31233

(F) Except as otherwise provided in section 3333.046 of the 31234
Revised Code, no school of the type described in division (E) of 31235
section 3332.01 of the Revised Code that intends to offer or 31236
offers a degree program within this state or solicits students 31237
within this state may confer a baccalaureate, master's, or 31238
doctoral degree or solicit students for such degree programs until 31239
it has received both a certificate of authorization from the ~~board~~ 31240
~~of regents~~ chancellor of higher education under this chapter and 31241
program authorization from the state board of career colleges and 31242
schools for such degree program under section 3332.05 of the 31243
Revised Code. 31244

Sec. 1713.03. The ~~Ohio board of regents~~ chancellor of higher 31245
education shall establish standards for certificates of 31246
authorization to be issued to institutions as defined in section 31247
1713.01 of the Revised Code, to private institutions exempt from 31248
regulation under Chapter 3332. of the Revised Code as prescribed 31249
in section 3333.046 of the Revised Code, and to schools holding 31250
certificates of registration issued by the state board of career 31251
colleges and schools pursuant to division (C) of section 3332.05 31252
of the Revised Code. A certificate of authorization may permit an 31253
institution or school to award one or more types of degrees. 31254

The standards for a certificate of authorization may include, 31255
for various types of institutions, schools, or degrees, minimum 31256
qualifications for faculty, library, laboratories, and other 31257
facilities as adopted and published by the ~~Ohio board of regents~~ 31258
chancellor. The standards shall be adopted by the ~~board~~ chancellor 31259
pursuant to Chapter 119. of the Revised Code. 31260

An institution or school shall apply to the ~~board~~ chancellor 31261
for a certificate of authorization on forms containing such 31262
information as is prescribed by the ~~board~~ chancellor. Each 31263
institution or school with a certificate of authorization shall 31264
file an annual report with the ~~board~~ chancellor in such form and 31265
containing such information as the ~~board~~ chancellor prescribes. 31266

The ~~board~~ chancellor shall adopt a rule under Chapter 119. of 31267
the Revised Code establishing fees to pay the cost of reviewing an 31268
application for a certificate of authorization, which the 31269
institution or school shall pay when it applies for a certificate 31270
of authorization, and establishing fees, which an institution or 31271
school shall pay, for any further reviews the ~~board~~ chancellor 31272
determines necessary upon examining an institution's or school's 31273
annual report. 31274

Sec. 1713.031. The ~~Ohio board of regents~~ chancellor of higher 31275
education shall review an application for a certificate of 31276
authorization from a school described in division (E) of section 31277
3332.01 of the Revised Code within twenty-two weeks. 31278

Sec. 1713.04. A certificate of authorization provided for in 31279
section 1713.02 of the Revised Code is subject to revocation by 31280
the ~~Ohio board of regents~~ chancellor of higher education for cause 31281
pursuant to Chapter 119. of the Revised Code. 31282

Sec. 1713.05. (A) As used in this section: 31283

(1) "College or university" means a nonprofit educational institution qualifying under division (A)(2) of section 1713.01 and holding a certificate of authorization issued under section 1713.02 of the Revised Code.

(2) "Controlled entity" means a wholly owned subsidiary of a college or a university or a partnership in which a college or a university, or its wholly owned subsidiary, is the sole general partner.

(3) "Student" means a person attending a college or university who borrows money or obtains credit from such college or university, or from a controlled entity of such college or university, to finance the costs of attending such college or university, and includes the parents, guardians, and spouse of the student.

(B) Notwithstanding section 1343.01 of the Revised Code, a college or university, or a controlled entity of such college or university, may charge interest or finance charges on loans made or credit granted to a student for the student's costs of attending such college or university at any rate or rates agreed upon or consented to by the student in any open accounts receivable, loan agreement, or promissory note, but not to exceed the maximum interest rate applicable to the federal Stafford loan program under 34 C.F.R. 682.202(a)(1). The ~~Ohio board of regents~~ chancellor of higher education shall adopt rules specifying a schedule for the certification of such maximum interest rate.

(C) A college or university, or a controlled entity of such college or university, may charge students for the late payment of any costs of attending such college or university, including any payment under an agreement or note pursuant to division (B) of this section, at a rate not exceeding five per cent of any unpaid amount due and not paid per month for two months and not exceeding two per cent of such amount for subsequent months. A charge for a

full month may be made for payments more than ten days late. 31316

Sec. 1713.06. If any institution, school, or person confers 31317
degrees, diplomas, or other written evidences of proficiency or 31318
achievement or offers or intends to offer a course or courses in 31319
this state applicable to requirements for a diploma or degree 31320
without the certificate of authorization required by section 31321
1713.02 of the Revised Code, the ~~Ohio board of regents~~ chancellor 31322
of higher education may, through the office of the attorney 31323
general, apply to the court of common pleas in the county in which 31324
such institution, school, or person is operating to restrain such 31325
institution, school, or person from the exercise of its franchise, 31326
if the institution, school, or person is a corporation, from the 31327
awarding of the degrees or diplomas the institution, school, or 31328
person is not authorized to award, and from offering any course or 31329
courses or enrolling any student in any course or courses it is 31330
not authorized to conduct. 31331

The ~~board~~ chancellor may, through the office of the attorney 31332
general, petition the court of common pleas in the county in which 31333
the institution, school, or person is operating for an order 31334
enjoining the awarding of diplomas or degrees, the offering of 31335
courses, and the enrolling of students. The court may grant such 31336
injunctive relief upon a showing that the institution, school, or 31337
person named in the petition is awarding degrees or diplomas, 31338
offering courses applicable to requirements for such degrees or 31339
diplomas, or enrolling students in such courses to be offered in 31340
the state without receiving the appropriate certificate of 31341
authorization issued by the ~~board of regents~~ chancellor. 31342

Sec. 1713.09. A college, university, or other institution of 31343
learning, existing by virtue of an act of incorporation, or that 31344
becomes incorporated for any of the purposes specified in sections 31345
1713.01 to 1713.39, inclusive, of the Revised Code, if 31346

three-fourths of the trustees or directors thereof deem it proper, 31347
or if the institution is owned in shares, or by stock subscribed 31348
or taken, by a vote of the holders of three-fourths of the stock 31349
or shares, may change the location of such institution, convey its 31350
real estate, and transfer the effects thereof, and invest them at 31351
the place to which such institution is removed. Any institution 31352
which has a certificate of authorization from the ~~Ohio board of~~ 31353
~~regents~~ chancellor of higher education shall give written notice 31354
to the ~~board~~ chancellor before such institution changes its 31355
location. No such removal shall be ordered, and no vote taken 31356
thereon, until after publication in the manner provided by law in 31357
case of a sale and distribution of the property of such an 31358
institution. Such publication shall fully set forth the place to 31359
which it is proposed to remove the institution. In case of 31360
removal, a copy of the proceedings of such meeting shall be filed 31361
with the secretary of state. 31362

Sec. 1713.25. The board of trustees of an institution of 31363
learning incorporated under the authority of this state for the 31364
sole purpose of promoting education, religion and morality, or the 31365
fine arts, at a regular or special meeting of such board called 31366
for that purpose, after thirty days' actual notice to each 31367
trustee, may change the name and enlarge the purposes and objects 31368
of such institution of learning, by amendment to its charter, 31369
approved by a majority of the board. 31370

No institution as defined in section 1713.01 of the Revised 31371
Code or school that holds a certificate of registration issued by 31372
the state board of career colleges and schools pursuant to 31373
division (C) of section 3332.05 of the Revised Code, that has been 31374
issued a certificate of authorization by the ~~Ohio board of regents~~ 31375
chancellor of higher education shall change the purposes of the 31376
institution without giving written notice to the ~~Ohio board of~~ 31377
~~regents, which~~ chancellor, who shall issue an amended certificate 31378

of authorization to the institution or school upon receipt of such 31379
notice. 31380

Sec. 1724.04. A county ~~having a population of more than sixty~~ 31381
~~thousand as of the most recent decennial census~~ that elects under 31382
section 5722.02 of the Revised Code to adopt and implement the 31383
procedures set forth in sections 5722.02 to 5722.15 of the Revised 31384
Code may organize a county land reutilization corporation under 31385
this chapter and Chapter 1702. of the Revised Code for the purpose 31386
of exercising the powers granted to a county under Chapter 5722. 31387
of the Revised Code. The county treasurer of the county for the 31388
benefit of which the corporation is being organized shall be the 31389
incorporator of the county land reutilization corporation. The 31390
form of the articles of incorporation of the corporation shall be 31391
approved by resolution of the board of county commissioners of the 31392
county. 31393

When the articles of incorporation of any community 31394
improvement corporation, or any amendment, amended articles, 31395
merger, or consolidation which provides for the creation of such a 31396
corporation, are deposited for filing and recording in the office 31397
of the secretary of state, the secretary of state shall submit 31398
them to the attorney general for examination. If such articles, 31399
amendment, amended articles, merger, or consolidation, are found 31400
by the attorney general to be in accordance with Chapter 1724. of 31401
the Revised Code, and not inconsistent with the constitution and 31402
laws of the United States and of this state, the attorney general 31403
shall endorse thereon the attorney general's approval and deliver 31404
them to the secretary of state, who shall file and record them 31405
pursuant to section 1702.07 of the Revised Code. 31406

Sec. 1739.02. (A) ~~A trade association, industry association,~~ 31407
~~or professional association~~ The following groups that ~~has~~ have 31408
been organized and maintained in good faith for a continuous 31409

period of ~~one year~~ five years or more for purposes other than 31410
obtaining insurance may establish, maintain, or operate a group 31411
self-insurance program under a multiple employer welfare 31412
arrangement that is chartered and created in this state under 31413
sections 1739.01 to 1739.22 of the Revised Code: 31414

(1) A chamber of commerce; 31415

(2) A trade association; 31416

(3) An industry association; 31417

(4) A professional association; 31418

(5) A voluntary employee beneficiary association that is 31419
exempt from taxation by the internal revenue service under section 31420
501(c)(9) of the Internal Revenue Code of 1986, as amended; 31421

(6) A business league that is exempt from taxation by the 31422
internal revenue service under section 501(c)(6) of the Internal 31423
Revenue Code of 1986, as amended; 31424

(7) Any other association that the superintendent of 31425
insurance may define by rule. 31426

(B) Except as provided in section 9.833 and sections 1739.01 31427
to 1739.22 of the Revised Code, no multiple employer welfare 31428
arrangement or other entity by which two or more employers jointly 31429
participate in a common employee welfare benefit plan shall 31430
operate a group self-insurance program in this state after four 31431
months after ~~the effective date of this section~~ April 9, 1993. 31432

(C) Sections 1739.01 to 1739.22 of the Revised Code do not 31433
apply to any entity that establishes, maintains, or operates a 31434
~~fully insured~~ fully insured program. 31435

(D) No person shall establish, operate, or maintain a 31436
multiple employer welfare arrangement providing benefits through a 31437
group self-insurance program in this state unless the multiple 31438
employer welfare arrangement has a valid certificate of authority 31439

from the superintendent of insurance. 31440

Sec. 1739.03. (A) No employer shall enter into an agreement 31441
to participate in a group self-insurance program unless the 31442
multiple employer welfare arrangement has been issued a 31443
certificate of authority by the superintendent of insurance. 31444
Employers or other organizers that propose to create an 31445
arrangement or arrangements and provide benefits through a group 31446
self-insurance program or group self-insurance programs shall 31447
apply to the superintendent for a certificate of authority. 31448

If a ~~trade association, industry association, or professional~~ 31449
~~association~~ group listed under division (A) of section 1739.02 of 31450
the Revised Code establishes, maintains, or operates more than one 31451
multiple employer welfare arrangement subject to sections 1739.01 31452
to 1739.22 of the Revised Code, the ~~trade association, industry~~ 31453
~~association, or professional association~~ group shall apply to the 31454
superintendent for only one certificate of authority which shall 31455
cover all such arrangements. 31456

(B) When applying for a certificate of authority, a proposed 31457
multiple employer welfare arrangement or arrangements shall file 31458
with the superintendent a nonrefundable filing fee of one thousand 31459
dollars and an application setting forth all of the following: 31460

(1) The name of each arrangement; 31461

(2) The address of each arrangement's principal place of 31462
business; 31463

(3) The name and address of a resident of this state 31464
designated and appointed as the registered agent of each proposed 31465
arrangement for service of process in this state in accordance 31466
with division ~~(B)~~(C) of section 1739.15 of the Revised Code. The 31467
person so designated and appointed shall be an officer of the 31468
arrangement. 31469

(4) The names and addresses of the officers, directors, and trustees of each proposed arrangement and a statement of whether any of such officers, directors, and trustees have been convicted of any felony or misdemeanor within ten years prior to the date of the application;	31470 31471 31472 31473 31474
(5) The powers of the officers, directors, and trustees;	31475
(6) The term of office of each officer, director, and trustee;	31476 31477
(7) A brief outline of the method by which the administrative obligations of each arrangement will be met;	31478 31479
(8) A business plan describing the arrangement's anticipated method of operations for two years from its commencement of activities.	31480 31481 31482
(9) A copy of the articles and bylaws of each arrangement;	31483
(10) A copy of the agreement;	31484
(11) The name and address of all third-party administrators;	31485
(12) A copy of each agreement between each arrangement and all third-party administrators;	31486 31487
(13) A statement certified by an independent certified public accountant regarding the financial condition of each arrangement listing, on a form as may be prescribed by the superintendent, all of its assets and liabilities for the last month ending forty-five days prior to the application date;	31488 31489 31490 31491 31492
(14) A copy of each contract, certificate, endorsement, and application form each proposed arrangement intends to issue or use;	31493 31494 31495
(15) The names of any co-sponsors, promoters, trustees, or other facilitators involved with the establishment of each arrangement;	31496 31497 31498

(16) Other information, documents, or statements as the superintendent requires.	31499 31500
(C) All fees collected under division (B) of this section shall be paid into the state treasury to the credit of the department of insurance operating fund created under section 3901.021 of the Revised Code.	31501 31502 31503 31504
Sec. 1739.05. (A) A multiple employer welfare arrangement that is created pursuant to sections 1739.01 to 1739.22 of the Revised Code and that operates a group self-insurance program may be established only if any of the following applies:	31505 31506 31507 31508
(1) The arrangement has and maintains a minimum enrollment of three hundred employees of two or more employers.	31509 31510
(2) The arrangement has and maintains a minimum enrollment of three hundred self-employed individuals.	31511 31512
(3) The arrangement has and maintains a minimum enrollment of three hundred employees or self-employed individuals in any combination of divisions (A)(1) and (2) of this section.	31513 31514 31515
(B) A multiple employer welfare arrangement that is created pursuant to sections 1739.01 to 1739.22 of the Revised Code and that operates a group self-insurance program shall comply with all laws applicable to self-funded programs in this state, including sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 to 3901.3814, 3901.40, 3901.45, 3901.46, 3902.01 to 3902.14, 3923.24, 3923.282, 3923.30, 3923.301, 3923.38, 3923.581, 3923.63, 3923.80, 3923.85, 3924.031, 3924.032, and 3924.27 of the Revised Code.	31516 31517 31518 31519 31520 31521 31522 31523 31524
(C) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code shall solicit enrollments only through agents or solicitors licensed pursuant to Chapter 3905. of the Revised Code to sell or solicit sickness and	31525 31526 31527 31528

accident insurance. 31529

(D) A multiple employer welfare arrangement created pursuant 31530
to sections 1739.01 to 1739.22 of the Revised Code shall provide 31531
benefits only to individuals who are members, employees of 31532
members, or the dependents of members or employees, or are 31533
eligible for continuation of coverage under section 1751.53 or 31534
3923.38 of the Revised Code or under Title X of the "Consolidated 31535
Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29 31536
U.S.C.A. 1161, as amended. 31537

(E) A multiple employer welfare arrangement created pursuant 31538
to sections 1739.01 to 1739.22 of the Revised Code is subject to, 31539
and shall comply with, sections 3903.81 to 3903.93 of the Revised 31540
Code in the same manner as other life or health insurers, as 31541
defined in section 3903.81 of the Revised Code. 31542

Sec. 1739.07. (A)(1) ~~Except as provided in division (B) of 31543
section 1739.15 of the Revised Code, unless~~ Unless otherwise 31544
stated in the agreement, a member may elect to terminate 31545
voluntarily its participation in a multiple employer welfare 31546
arrangement operating a group self-insurance program by giving no 31547
less than thirty days' written notice to the arrangement. Except 31548
as provided in division (A)(2) of this section, the voluntary 31549
termination shall be approved by the board of the arrangement upon 31550
a finding that the member is in good standing, that both the 31551
member and the arrangement have met all the requirements of 31552
sections 1739.01 to 1739.22 of the Revised Code and any rules 31553
adopted by the superintendent of insurance pursuant to such 31554
sections, and that the member has complied with all the 31555
requirements of the agreement as of the proposed effective date of 31556
termination. 31557

(2) If a member voluntarily terminates its participation in a 31558
multiple employer welfare arrangement at a time when the total 31559

number of covered employees employed by the member represents less 31560
than five per cent of the total number of covered employees 31561
employed by all members of the arrangement, the member's voluntary 31562
termination of its participation, unless otherwise stated in the 31563
agreement, does not require approval by the board of the 31564
arrangement. 31565

(B)(1) A multiple employer welfare arrangement operating a 31566
group self-insurance program may involuntarily terminate a member 31567
upon a finding by the board of the arrangement, after notice is 31568
given in accordance with division (B)(2) of this section, that the 31569
member has done any of the following: 31570

(a) Failed to comply with the requirements of sections 31571
1739.01 to 1739.22 of the Revised Code; 31572

(b) Failed to comply with the articles and bylaws of the 31573
arrangement or the applicable agreement; 31574

(c) Failed to pay its proportionate share of any premiums or 31575
installments thereof due the arrangement; 31576

(d) Otherwise failed to discharge its obligations to the 31577
arrangement when due. 31578

(2) A multiple employer welfare arrangement operating a group 31579
self-insurance program shall give the member written notice 31580
stating the time when the termination is effective, which time 31581
shall not be less than fifteen days from the date of the notice or 31582
any longer period as may be specified by rule of the 31583
superintendent or the agreement. Notice may be delivered in 31584
person, or sent by ~~certified mail to the last address of record of~~ 31585
~~the member~~ any manner permitted in the agreement. The notice may 31586
or may not be accompanied by a tender of the unearned premium paid 31587
by the member, calculated on a pro rata basis. If the tender is 31588
not made simultaneously with the notice, it shall be made within 31589
fifteen days after notice of termination unless an audit or rate 31590

investigation is required, in which case the tender shall be made 31591
as soon as practicable after completion of the audit or 31592
investigation. 31593

(C) Any member that terminates its membership or is 31594
involuntarily terminated from membership in a multiple employer 31595
welfare arrangement pursuant to division (A) or (B) of this 31596
section shall remain liable for all obligations of the arrangement 31597
incurred during its membership in proportion to the ratio of the 31598
total number of covered employees employed by the member at the 31599
time of termination to the total number of covered employees 31600
employed by all members of the arrangement at the time of 31601
termination. 31602

Sec. 1739.12. (A) The excess loss funding program of a 31603
multiple employer welfare arrangement operating a group 31604
self-insurance program shall be filed with the superintendent of 31605
insurance. 31606

(B) As a condition to the issuance and maintenance of a 31607
certificate of authority, a multiple employer welfare arrangement 31608
operating a group self-insurance program shall purchase individual 31609
stop-loss insurance from insurers authorized to transact business 31610
in this state with a deductible retention of no more than five per 31611
cent of the arrangement's annual aggregate premium up to one 31612
million dollars and no more than two and one-half per cent of the 31613
arrangement's annual aggregate premium above that amount. ~~If the~~ 31614
~~superintendent determines that aggregate stop-loss insurance is~~ 31615
~~available for arrangements, the~~ The arrangement also shall 31616
purchase, as a condition to the issuance and maintenance of a 31617
certificate of authority, aggregate stop-loss insurance from 31618
insurers authorized to transact business in this state with a 31619
deductible retention of no more than one hundred twenty-five per 31620
cent of its projected claims for the succeeding fiscal year. 31621

(C) Any excess or stop-loss insurance policy purchased by a multiple employer welfare arrangement shall provide that the superintendent must be notified by the arrangement of the cancellation of the policy for any reason, including the failure of the arrangement to pay any applicable premium.

(D) No excess or stop-loss insurance policy purchased by a multiple employer welfare arrangement shall do any of the following on the basis of actual or expected claims for an individual or an individual's given diagnosis:

(1) Assign a different attachment point for that individual;

(2) Assign a deductible to that individual that must be met before excess or stop-loss insurance applies;

(3) Deny excess or stop-loss insurance coverage to that individual.

Sec. 1739.13. (A) A multiple employer welfare arrangement operating a group self-insurance program shall maintain a minimum surplus of not less than ~~one~~ five hundred ~~fifty~~ thousand dollars or such higher amounts of surplus as the superintendent of insurance may establish by rule for the protection of the members and their employees.

(B) Except as otherwise provided for in sections 1739.01 to 1739.21 of the Revised Code, the assets of a multiple employer welfare arrangement operating a group self-insurance program shall be invested only in securities or other investments permitted by the laws of this state for the investment of assets of domestic insurance companies other than life.

(C) A multiple employer welfare arrangement operating a group self-insurance program shall maintain assets in cash, receivables, or securities authorized by the laws of this state for the investment of assets of domestic insurance companies other than

life in an amount that is equivalent to or higher than the 31652
unearned premiums and minimum surplus required under sections 31653
1739.01 to 1739.22 of the Revised Code, the reserves for losses 31654
outstanding and unpaid, and any other liabilities of the 31655
arrangement. 31656

Sec. 1739.141. (A) Each multiple employer welfare arrangement 31657
operating a group self-insurance program shall file annually with 31658
the superintendent of insurance an actuarial certification 31659
including a statement that the underwriting and rating methods of 31660
the carrier do all of the following: 31661

(1) Comply with accepted actuarial practices; 31662

(2) Are uniformly applied to arrangement members, employees 31663
of members, and the dependents of members or employees; 31664

(3) Comply with the provisions of section 1739.06 of the 31665
Revised Code. 31666

(B) The certification shall be filed with the superintendent 31667
not later than the thirty-first day of March. 31668

Sec. 1739.20. (A) No multiple employer welfare arrangement 31669
operating a group self-insurance program shall do any of the 31670
following: 31671

(1) Refuse, without just cause, to pay proper claims arising 31672
under coverage provided by the arrangement; 31673

(2) Compel, without just cause, employee claimants of members 31674
or other persons entitled to the proceeds of the coverage to 31675
accept less than the amount due them; 31676

(3) Compel, without just cause, employee claimants of members 31677
or other persons entitled to the proceeds of the coverage to bring 31678
an action against the arrangement to secure full payment or 31679
settlement thereof; 31680

(4) Enroll a member into the group self-insurance program 31681
until the arrangement has provided to the member written 31682
notification stating that the member may be required to make 31683
additional payments in the event the program has insufficient 31684
funds to cover its liabilities. The arrangement shall maintain a 31685
copy of the notification in its program files to evidence 31686
compliance with this requirement. 31687

(B) No officer, director, trustee, third-party administrator, 31688
member of any board or committee, or employee of a multiple 31689
employer welfare arrangement operating a group self-insurance 31690
program who is charged with the duty of investing or handling the 31691
arrangement's assets shall do any of the following: 31692

(1) Deposit or invest the assets except in the name of the 31693
arrangement; 31694

(2) Borrow the assets of the arrangement; 31695

(3) Have a pecuniary interest in any loan, pledge of deposit, 31696
security, investment, sale, purchase, exchange, reinsurance, or 31697
other similar transaction or property of the arrangement; 31698

(4) Take or receive for ~~his own~~ personal use any fee, 31699
brokerage, commission, gift, or other consideration for, or use 31700
any fee, brokerage, commission, gift, or other consideration for, 31701
or on account of any transaction made by or on behalf of the 31702
arrangement. Division (B)(4) of this section does not prevent 31703
either of the following: 31704

(a) The reimbursement of a third-party administrator for 31705
administrative services related to the adjustment and settlement 31706
of claims pursuant to a contract with an arrangement; 31707

(b) The payment of reasonable compensation to a corporation 31708
or firm, which is affiliated with ~~a trade association, industry~~ 31709
~~association, or professional association~~ any of the groups listed 31710
in division (A) of section 1739.02 of the Revised Code that 31711

establishes, maintains, or operates the arrangement, for necessary 31712
services performed or sales or purchases made to or for the 31713
arrangement in the ordinary course of the arrangement's business. 31714

(C) No multiple employer welfare arrangement operating a 31715
group self-insurance program shall guarantee any financial 31716
obligation of any of its officers, directors, trustees, board or 31717
committee members, or third-party administrators. 31718

(D) This section does not prohibit a trustee, officer, 31719
director, member of a board or committee, or employee of a 31720
multiple employer welfare arrangement operating a group 31721
self-insurance program from being covered by the arrangement as a 31722
member or an employee of a member. 31723

(E) The superintendent of insurance may allow, by rule, 31724
exceptions to division (B) of this section to allow the payment of 31725
reasonable compensation to a trustee or third-party administrator 31726
who is not an officer or employee of the multiple employer welfare 31727
arrangement operating a group self-insurance program or to a 31728
corporation or firm with which a trustee or third-party 31729
administrator is affiliated, for necessary services performed or 31730
sales or purchases made to or for the arrangement in the ordinary 31731
course of the arrangement's business and in the usual, private, 31732
professional or business capacity of the trustee, third-party 31733
administrator, corporation, or firm. 31734

Sec. 1739.21. (A) The superintendent of insurance, after 31735
notice and opportunity for hearing in accordance with Chapter 119. 31736
of the Revised Code, may impose a fine upon a multiple employer 31737
welfare arrangement operating a group self-insurance program, a 31738
third-party administrator, or other entity ~~if he finds~~ after 31739
finding either of the following: 31740

(1) The arrangement, third-party administrator, or other 31741
entity, through the acts of its officers, directors, board or 31742

committee members, employees, agents, or representatives, has 31743
engaged in an act in violation of any applicable provision of 31744
division (B) of section 1739.02, division (F) of section 1739.09, 31745
or division (A), (B), or (C) of section 1739.20 of the Revised 31746
Code or of any rule or order adopted or issued by the 31747
superintendent to enforce or carry out the purposes of such 31748
sections; 31749

(2) Division (C)(2), (3), or (4), ~~or (6)~~ of section 1739.04 31750
of the Revised Code, or any rule or order adopted or issued by the 31751
superintendent to enforce or carry out the purposes of such 31752
section, applies to the arrangement, third-party administrator, or 31753
other entity. 31754

(B) The fine imposed for any violation described in division 31755
(A) of this section shall not exceed one thousand dollars for each 31756
violation, except that a fine of not more than five thousand 31757
dollars may be imposed for each act of willful misconduct 31758
constituting a violation described in division (A) of this 31759
section. 31760

(C) In addition to any penalty provided under this section, 31761
the superintendent, in lieu of an order of suspension or 31762
revocation under section 1739.04 of the Revised Code, may place 31763
any multiple employer welfare arrangement on probation for a 31764
period not to exceed one year for each violation described in 31765
division (A) of this section, and may subject the arrangement to a 31766
fine of up to one thousand dollars for each such violation. If the 31767
arrangement or its third-party administrator knew or reasonably 31768
should have known that the arrangement was engaged in a violation 31769
described in division (A) of this section, the fine provided in 31770
this division may be increased to an amount up to five thousand 31771
dollars for each such violation. 31772

(D)(1) If the superintendent places an arrangement on 31773
probation under division (C) of this section, the superintendent 31774

may appoint a supervisor to supervise the arrangement and may	31775
prohibit the arrangement from doing any of the following, during	31776
the period of probation, without the prior approval of the	31777
superintendent <u>superintendent</u> or the supervisor:	31778
(a) Dispose of, convey, or encumber any of its assets or its	31779
business in force;	31780
(b) Withdraw from any of its bank accounts;	31781
(c) Lend any of its funds;	31782
(d) Invest any of its funds;	31783
(e) Transfer any of its property;	31784
(f) Incur any debt, obligation, or liability;	31785
(g) Merge or consolidate with another company;	31786
(h) Enter into any new reinsurance contract or treaty.	31787
(2) All expenses incurred as a result of probation shall be	31788
borne by the arrangement.	31789
(E) All fines collected under this section shall be paid into	31790
the state treasury to the credit of the department of insurance	31791
operating fund created under section 3901.021 of the Revised Code.	31792
Sec. 1901.31. The clerk and deputy clerks of a municipal	31793
court shall be selected, be compensated, give bond, and have	31794
powers and duties as follows:	31795
(A) There shall be a clerk of the court who is appointed or	31796
elected as follows:	31797
(1)(a) Except in the Akron, Barberton, Toledo, Hamilton	31798
county, Miami county, Montgomery county, Portage county, and Wayne	31799
county municipal courts and through December 31, 2008, the	31800
Cuyahoga Falls municipal court, if the population of the territory	31801
equals or exceeds one hundred thousand at the regular municipal	31802

election immediately preceding the expiration of the term of the 31803
present clerk, the clerk shall be nominated and elected by the 31804
qualified electors of the territory in the manner that is provided 31805
for the nomination and election of judges in section 1901.07 of 31806
the Revised Code. 31807

The clerk so elected shall hold office for a term of six 31808
years, which term shall commence on the first day of January 31809
following the clerk's election and continue until the clerk's 31810
successor is elected and qualified. 31811

(b) In the Hamilton county municipal court, the clerk of 31812
courts of Hamilton county shall be the clerk of the municipal 31813
court and may appoint an assistant clerk who shall receive the 31814
compensation, payable out of the treasury of Hamilton county in 31815
semimonthly installments, that the board of county commissioners 31816
prescribes. The clerk of courts of Hamilton county, acting as the 31817
clerk of the Hamilton county municipal court and assuming the 31818
duties of that office, shall receive compensation at one-fourth 31819
the rate that is prescribed for the clerks of courts of common 31820
pleas as determined in accordance with the population of the 31821
county and the rates set forth in sections 325.08 and 325.18 of 31822
the Revised Code. This compensation shall be paid from the county 31823
treasury in semimonthly installments and is in addition to the 31824
annual compensation that is received for the performance of the 31825
duties of the clerk of courts of Hamilton county, as provided in 31826
sections 325.08 and 325.18 of the Revised Code. 31827

(c) In the Portage county and Wayne county municipal courts, 31828
the clerks of courts of Portage county and Wayne county shall be 31829
the clerks, respectively, of the Portage county and Wayne county 31830
municipal courts and may appoint a chief deputy clerk for each 31831
branch that is established pursuant to section 1901.311 of the 31832
Revised Code and assistant clerks as the judges of the municipal 31833
court determine are necessary, all of whom shall receive the 31834

compensation that the legislative authority prescribes. The clerks 31835
of courts of Portage county and Wayne county, acting as the clerks 31836
of the Portage county and Wayne county municipal courts and 31837
assuming the duties of these offices, shall receive compensation 31838
payable from the county treasury in semimonthly installments at 31839
one-fourth the rate that is prescribed for the clerks of courts of 31840
common pleas as determined in accordance with the population of 31841
the county and the rates set forth in sections 325.08 and 325.18 31842
of the Revised Code. 31843

(d) In the Montgomery county and Miami county municipal 31844
courts, the clerks of courts of Montgomery county and Miami county 31845
shall be the clerks, respectively, of the Montgomery county and 31846
Miami county municipal courts. The clerks of courts of Montgomery 31847
county and Miami county, acting as the clerks of the Montgomery 31848
county and Miami county municipal courts and assuming the duties 31849
of these offices, shall receive compensation at one-fourth the 31850
rate that is prescribed for the clerks of courts of common pleas 31851
as determined in accordance with the population of the county and 31852
the rates set forth in sections 325.08 and 325.18 of the Revised 31853
Code. This compensation shall be paid from the county treasury in 31854
semimonthly installments and is in addition to the annual 31855
compensation that is received for the performance of the duties of 31856
the clerks of courts of Montgomery county and Miami county, as 31857
provided in sections 325.08 and 325.18 of the Revised Code. 31858

(e) Except as otherwise provided in division (A)(1)(e) of 31859
this section, in the Akron municipal court, candidates for 31860
election to the office of clerk of the court shall be nominated by 31861
primary election. The primary election shall be held on the day 31862
specified in the charter of the city of Akron for the nomination 31863
of municipal officers. Notwithstanding any contrary provision of 31864
section 3513.05 or 3513.257 of the Revised Code, the declarations 31865
of candidacy and petitions of partisan candidates and the 31866

nominating petitions of independent candidates for the office of 31867
clerk of the Akron municipal court shall be signed by at least 31868
fifty qualified electors of the territory of the court. 31869

The candidates shall file a declaration of candidacy and 31870
petition, or a nominating petition, whichever is applicable, not 31871
later than four p.m. of the ninetieth day before the day of the 31872
primary election, in the form prescribed by section 3513.07 or 31873
3513.261 of the Revised Code. The declaration of candidacy and 31874
petition, or the nominating petition, shall conform to the 31875
applicable requirements of section 3513.05 or 3513.257 of the 31876
Revised Code. 31877

If no valid declaration of candidacy and petition is filed by 31878
any person for nomination as a candidate of a particular political 31879
party for election to the office of clerk of the Akron municipal 31880
court, a primary election shall not be held for the purpose of 31881
nominating a candidate of that party for election to that office. 31882
If only one person files a valid declaration of candidacy and 31883
petition for nomination as a candidate of a particular political 31884
party for election to that office, a primary election shall not be 31885
held for the purpose of nominating a candidate of that party for 31886
election to that office, and the candidate shall be issued a 31887
certificate of nomination in the manner set forth in section 31888
3513.02 of the Revised Code. 31889

Declarations of candidacy and petitions, nominating 31890
petitions, and certificates of nomination for the office of clerk 31891
of the Akron municipal court shall contain a designation of the 31892
term for which the candidate seeks election. At the following 31893
regular municipal election, all candidates for the office shall be 31894
submitted to the qualified electors of the territory of the court 31895
in the manner that is provided in section 1901.07 of the Revised 31896
Code for the election of the judges of the court. The clerk so 31897
elected shall hold office for a term of six years, which term 31898

shall commence on the first day of January following the clerk's 31899
election and continue until the clerk's successor is elected and 31900
qualified. 31901

(f) Except as otherwise provided in division (A)(1)(f) of 31902
this section, in the Barberton municipal court, candidates for 31903
election to the office of clerk of the court shall be nominated by 31904
primary election. The primary election shall be held on the day 31905
specified in the charter of the city of Barberton for the 31906
nomination of municipal officers. Notwithstanding any contrary 31907
provision of section 3513.05 or 3513.257 of the Revised Code, the 31908
declarations of candidacy and petitions of partisan candidates and 31909
the nominating petitions of independent candidates for the office 31910
of clerk of the Barberton municipal court shall be signed by at 31911
least fifty qualified electors of the territory of the court. 31912

The candidates shall file a declaration of candidacy and 31913
petition, or a nominating petition, whichever is applicable, not 31914
later than four p.m. of the ninetieth day before the day of the 31915
primary election, in the form prescribed by section 3513.07 or 31916
3513.261 of the Revised Code. The declaration of candidacy and 31917
petition, or the nominating petition, shall conform to the 31918
applicable requirements of section 3513.05 or 3513.257 of the 31919
Revised Code. 31920

If no valid declaration of candidacy and petition is filed by 31921
any person for nomination as a candidate of a particular political 31922
party for election to the office of clerk of the Barberton 31923
municipal court, a primary election shall not be held for the 31924
purpose of nominating a candidate of that party for election to 31925
that office. If only one person files a valid declaration of 31926
candidacy and petition for nomination as a candidate of a 31927
particular political party for election to that office, a primary 31928
election shall not be held for the purpose of nominating a 31929
candidate of that party for election to that office, and the 31930

candidate shall be issued a certificate of nomination in the 31931
manner set forth in section 3513.02 of the Revised Code. 31932

Declarations of candidacy and petitions, nominating 31933
petitions, and certificates of nomination for the office of clerk 31934
of the Barberton municipal court shall contain a designation of 31935
the term for which the candidate seeks election. At the following 31936
regular municipal election, all candidates for the office shall be 31937
submitted to the qualified electors of the territory of the court 31938
in the manner that is provided in section 1901.07 of the Revised 31939
Code for the election of the judges of the court. The clerk so 31940
elected shall hold office for a term of six years, which term 31941
shall commence on the first day of January following the clerk's 31942
election and continue until the clerk's successor is elected and 31943
qualified. 31944

(g)(i) Through December 31, 2008, except as otherwise 31945
provided in division (A)(1)(g)(i) of this section, in the Cuyahoga 31946
Falls municipal court, candidates for election to the office of 31947
clerk of the court shall be nominated by primary election. The 31948
primary election shall be held on the day specified in the charter 31949
of the city of Cuyahoga Falls for the nomination of municipal 31950
officers. Notwithstanding any contrary provision of section 31951
3513.05 or 3513.257 of the Revised Code, the declarations of 31952
candidacy and petitions of partisan candidates and the nominating 31953
petitions of independent candidates for the office of clerk of the 31954
Cuyahoga Falls municipal court shall be signed by at least fifty 31955
qualified electors of the territory of the court. 31956

The candidates shall file a declaration of candidacy and 31957
petition, or a nominating petition, whichever is applicable, not 31958
later than four p.m. of the ninetieth day before the day of the 31959
primary election, in the form prescribed by section 3513.07 or 31960
3513.261 of the Revised Code. The declaration of candidacy and 31961
petition, or the nominating petition, shall conform to the 31962

applicable requirements of section 3513.05 or 3513.257 of the Revised Code. 31963
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If no valid declaration of candidacy and petition is filed by any person for nomination as a candidate of a particular political party for election to the office of clerk of the Cuyahoga Falls municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code. 31965
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Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Cuyahoga Falls municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified. 31977
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(ii) Division (A)(1)(g)(i) of this section shall have no effect after December 31, 2008. 31989
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(h) Except as otherwise provided in division (A)(1)(h) of this section, in the Toledo municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day 31991
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specified in the charter of the city of Toledo for the nomination 31995
of municipal officers. Notwithstanding any contrary provision of 31996
section 3513.05 or 3513.257 of the Revised Code, the declarations 31997
of candidacy and petitions of partisan candidates and the 31998
nominating petitions of independent candidates for the office of 31999
clerk of the Toledo municipal court shall be signed by at least 32000
fifty qualified electors of the territory of the court. 32001

The candidates shall file a declaration of candidacy and 32002
petition, or a nominating petition, whichever is applicable, not 32003
later than four p.m. of the ninetieth day before the day of the 32004
primary election, in the form prescribed by section 3513.07 or 32005
3513.261 of the Revised Code. The declaration of candidacy and 32006
petition, or the nominating petition, shall conform to the 32007
applicable requirements of section 3513.05 or 3513.257 of the 32008
Revised Code. 32009

If no valid declaration of candidacy and petition is filed by 32010
any person for nomination as a candidate of a particular political 32011
party for election to the office of clerk of the Toledo municipal 32012
court, a primary election shall not be held for the purpose of 32013
nominating a candidate of that party for election to that office. 32014
If only one person files a valid declaration of candidacy and 32015
petition for nomination as a candidate of a particular political 32016
party for election to that office, a primary election shall not be 32017
held for the purpose of nominating a candidate of that party for 32018
election to that office, and the candidate shall be issued a 32019
certificate of nomination in the manner set forth in section 32020
3513.02 of the Revised Code. 32021

Declarations of candidacy and petitions, nominating 32022
petitions, and certificates of nomination for the office of clerk 32023
of the Toledo municipal court shall contain a designation of the 32024
term for which the candidate seeks election. At the following 32025
regular municipal election, all candidates for the office shall be 32026

submitted to the qualified electors of the territory of the court 32027
in the manner that is provided in section 1901.07 of the Revised 32028
Code for the election of the judges of the court. The clerk so 32029
elected shall hold office for a term of six years, which term 32030
shall commence on the first day of January following the clerk's 32031
election and continue until the clerk's successor is elected and 32032
qualified. 32033

(2)(a) Except for the Alliance, Auglaize county, Brown 32034
county, Columbiana county, Holmes county, Putnam county, Sandusky 32035
county, Lorain, Massillon, and Youngstown municipal courts, in a 32036
municipal court for which the population of the territory is less 32037
than one hundred thousand, the clerk shall be appointed by the 32038
court, and the clerk shall hold office until the clerk's successor 32039
is appointed and qualified. 32040

(b) In the Alliance, Lorain, Massillon, and Youngstown 32041
municipal courts, the clerk shall be elected for a term of office 32042
as described in division (A)(1)(a) of this section. 32043

(c) In the Auglaize county, Brown county, Holmes county, 32044
Putnam county, and Sandusky county municipal courts, the clerks of 32045
courts of Auglaize county, Brown county, Holmes county, Putnam 32046
county, and Sandusky county shall be the clerks, respectively, of 32047
the Auglaize county, Brown county, Holmes county, Putnam county, 32048
and Sandusky county municipal courts and may appoint a chief 32049
deputy clerk for each branch office that is established pursuant 32050
to section 1901.311 of the Revised Code, and assistant clerks as 32051
the judge of the court determines are necessary, all of whom shall 32052
receive the compensation that the legislative authority 32053
prescribes. The clerks of courts of Auglaize county, Brown county, 32054
Holmes county, Putnam county, and Sandusky county, acting as the 32055
clerks of the Auglaize county, Brown county, Holmes county, Putnam 32056
county, and Sandusky county municipal courts and assuming the 32057
duties of these offices, shall receive compensation payable from 32058

the county treasury in semimonthly installments at one-fourth the 32059
rate that is prescribed for the clerks of courts of common pleas 32060
as determined in accordance with the population of the county and 32061
the rates set forth in sections 325.08 and 325.18 of the Revised 32062
Code. 32063

(d) In the Columbiana county municipal court, the clerk of 32064
courts of Columbiana county shall be the clerk of the municipal 32065
court, may appoint a chief deputy clerk for each branch office 32066
that is established pursuant to section 1901.311 of the Revised 32067
Code, and may appoint any assistant clerks that the judges of the 32068
court determine are necessary. All of the chief deputy clerks and 32069
assistant clerks shall receive the compensation that the 32070
legislative authority prescribes. The clerk of courts of 32071
Columbiana county, acting as the clerk of the Columbiana county 32072
municipal court and assuming the duties of that office, shall 32073
receive in either biweekly installments or semimonthly 32074
installments, as determined by the payroll administrator, 32075
compensation payable from the county treasury at one-fourth the 32076
rate that is prescribed for the clerks of courts of common pleas 32077
as determined in accordance with the population of the county and 32078
the rates set forth in sections 325.08 and 325.18 of the Revised 32079
Code. 32080

(3) During the temporary absence of the clerk due to illness, 32081
vacation, or other proper cause, the court may appoint a temporary 32082
clerk, who shall be paid the same compensation, have the same 32083
authority, and perform the same duties as the clerk. 32084

(B) Except in the Hamilton county, Montgomery county, Miami 32085
county, Portage county, and Wayne county municipal courts, if a 32086
vacancy occurs in the office of the clerk of the Alliance, Lorain, 32087
Massillon, or Youngstown municipal court or occurs in the office 32088
of the clerk of a municipal court for which the population of the 32089
territory equals or exceeds one hundred thousand because the clerk 32090

ceases to hold the office before the end of the clerk's term or 32091
because a clerk-elect fails to take office, the vacancy shall be 32092
filled, until a successor is elected and qualified, by a person 32093
chosen by the residents of the territory of the court who are 32094
members of the county central committee of the political party by 32095
which the last occupant of that office or the clerk-elect was 32096
nominated. Not less than five nor more than fifteen days after a 32097
vacancy occurs, those members of that county central committee 32098
shall meet to make an appointment to fill the vacancy. At least 32099
four days before the date of the meeting, the chairperson or a 32100
secretary of the county central committee shall notify each such 32101
member of that county central committee by first class mail of the 32102
date, time, and place of the meeting and its purpose. A majority 32103
of all such members of that county central committee constitutes a 32104
quorum, and a majority of the quorum is required to make the 32105
appointment. If the office so vacated was occupied or was to be 32106
occupied by a person not nominated at a primary election, or if 32107
the appointment was not made by the committee members in 32108
accordance with this division, the court shall make an appointment 32109
to fill the vacancy. A successor shall be elected to fill the 32110
office for the unexpired term at the first municipal election that 32111
is held more than one hundred thirty-five days after the vacancy 32112
occurred. 32113

(C)(1) In a municipal court, other than the Auglaize county, 32114
the Brown county, the Columbiana county, the Holmes county, the 32115
Putnam county, the Sandusky county, and the Lorain municipal 32116
courts, for which the population of the territory is less than one 32117
hundred thousand, the clerk of the municipal court shall receive 32118
the annual compensation that the presiding judge of the court 32119
prescribes, if the revenue of the court for the preceding calendar 32120
year, as certified by the auditor or chief fiscal officer of the 32121
municipal corporation in which the court is located or, in the 32122
case of a county-operated municipal court, the county auditor, is 32123

equal to or greater than the expenditures, including any debt 32124
charges, for the operation of the court payable under this chapter 32125
from the city treasury or, in the case of a county-operated 32126
municipal court, the county treasury for that calendar year, as 32127
also certified by the auditor or chief fiscal officer. If the 32128
revenue of a municipal court, other than the Auglaize county, the 32129
Brown county, the Columbiana county, the Putnam county, the 32130
Sandusky county, and the Lorain municipal courts, for which the 32131
population of the territory is less than one hundred thousand for 32132
the preceding calendar year as so certified is not equal to or 32133
greater than those expenditures for the operation of the court for 32134
that calendar year as so certified, the clerk of a municipal court 32135
shall receive the annual compensation that the legislative 32136
authority prescribes. As used in this division, "revenue" means 32137
the total of all costs and fees that are collected and paid to the 32138
city treasury or, in a county-operated municipal court, the county 32139
treasury by the clerk of the municipal court under division (F) of 32140
this section and all interest received and paid to the city 32141
treasury or, in a county-operated municipal court, the county 32142
treasury in relation to the costs and fees under division (G) of 32143
this section. 32144

(2) In a municipal court, other than the Hamilton county, 32145
Montgomery county, Miami county, Portage county, and Wayne county 32146
municipal courts, for which the population of the territory is one 32147
hundred thousand or more, and in the Lorain municipal court, the 32148
clerk of the municipal court shall receive annual compensation in 32149
a sum equal to eighty-five per cent of the salary ~~of that~~ a judge 32150
of the court received in calendar year 2014. 32151

(3) The compensation of a clerk described in division (C)(1) 32152
or (2) of this section and of the clerk of the Columbiana county 32153
municipal court is payable in either semimonthly installments or 32154
biweekly installments, as determined by the payroll administrator, 32155

from the same sources and in the same manner as provided in 32156
section 1901.11 of the Revised Code, except that the compensation 32157
of the clerk of the Carroll county municipal court is payable in 32158
biweekly installments. 32159

(D) Before entering upon the duties of the clerk's office, 32160
the clerk of a municipal court shall give bond of not less than 32161
six thousand dollars to be determined by the judges of the court, 32162
conditioned upon the faithful performance of the clerk's duties. 32163

(E) The clerk of a municipal court may do all of the 32164
following: administer oaths, take affidavits, and issue executions 32165
upon any judgment rendered in the court, including a judgment for 32166
unpaid costs; issue, sign, and attach the seal of the court to all 32167
writs, process, subpoenas, and papers issuing out of the court; 32168
and approve all bonds, sureties, recognizances, and undertakings 32169
fixed by any judge of the court or by law. The clerk may refuse to 32170
accept for filing any pleading or paper submitted for filing by a 32171
person who has been found to be a vexatious litigator under 32172
section 2323.52 of the Revised Code and who has failed to obtain 32173
leave to proceed under that section. The clerk shall do all of the 32174
following: file and safely keep all journals, records, books, and 32175
papers belonging or appertaining to the court; record the 32176
proceedings of the court; perform all other duties that the judges 32177
of the court may prescribe; and keep a book showing all receipts 32178
and disbursements, which book shall be open for public inspection 32179
at all times. 32180

The clerk shall prepare and maintain a general index, a 32181
docket, and other records that the court, by rule, requires, all 32182
of which shall be the public records of the court. In the docket, 32183
the clerk shall enter, at the time of the commencement of an 32184
action, the names of the parties in full, the names of the 32185
counsel, and the nature of the proceedings. Under proper dates, 32186
the clerk shall note the filing of the complaint, issuing of 32187

summons or other process, returns, and any subsequent pleadings. 32188
The clerk also shall enter all reports, verdicts, orders, 32189
judgments, and proceedings of the court, clearly specifying the 32190
relief granted or orders made in each action. The court may order 32191
an extended record of any of the above to be made and entered, 32192
under the proper action heading, upon the docket at the request of 32193
any party to the case, the expense of which record may be taxed as 32194
costs in the case or may be required to be prepaid by the party 32195
demanding the record, upon order of the court. 32196

(F) The clerk of a municipal court shall receive, collect, 32197
and issue receipts for all costs, fees, fines, bail, and other 32198
moneys payable to the office or to any officer of the court. The 32199
clerk shall on or before the twentieth day of the month following 32200
the month in which they are collected disburse to the proper 32201
persons or officers, and take receipts for, all costs, fees, 32202
fines, bail, and other moneys that the clerk collects. Subject to 32203
sections 307.515 and 4511.193 of the Revised Code and to any other 32204
section of the Revised Code that requires a specific manner of 32205
disbursement of any moneys received by a municipal court and 32206
except for the Hamilton county, Lawrence county, and Ottawa county 32207
municipal courts, the clerk shall pay all fines received for 32208
violation of municipal ordinances into the treasury of the 32209
municipal corporation the ordinance of which was violated and 32210
shall pay all fines received for violation of township resolutions 32211
adopted pursuant to section 503.52 or 503.53 or Chapter 504. of 32212
the Revised Code into the treasury of the township the resolution 32213
of which was violated. Subject to sections 1901.024 and 4511.193 32214
of the Revised Code, in the Hamilton county, Lawrence county, and 32215
Ottawa county municipal courts, the clerk shall pay fifty per cent 32216
of the fines received for violation of municipal ordinances and 32217
fifty per cent of the fines received for violation of township 32218
resolutions adopted pursuant to section 503.52 or 503.53 or 32219
Chapter 504. of the Revised Code into the treasury of the county. 32220

Subject to sections 307.515, 4511.19, and 5503.04 of the Revised Code and to any other section of the Revised Code that requires a specific manner of disbursement of any moneys received by a municipal court, the clerk shall pay all fines collected for the violation of state laws into the county treasury. Except in a county-operated municipal court, the clerk shall pay all costs and fees the disbursement of which is not otherwise provided for in the Revised Code into the city treasury. The clerk of a county-operated municipal court shall pay the costs and fees the disbursement of which is not otherwise provided for in the Revised Code into the county treasury. Moneys deposited as security for costs shall be retained pending the litigation. The clerk shall keep a separate account of all receipts and disbursements in civil and criminal cases, which shall be a permanent public record of the office. On the expiration of the term of the clerk, the clerk shall deliver the records to the clerk's successor. The clerk shall have other powers and duties as are prescribed by rule or order of the court.

(G) All moneys paid into a municipal court shall be noted on the record of the case in which they are paid and shall be deposited in a state or national bank, or a domestic savings and loan association, as defined in section 1151.01 of the Revised Code, that is selected by the clerk. Any interest received upon the deposits shall be paid into the city treasury, except that, in a county-operated municipal court, the interest shall be paid into the treasury of the county in which the court is located.

On the first Monday in January of each year, the clerk shall make a list of the titles of all cases in the court that were finally determined more than one year past in which there remains unclaimed in the possession of the clerk any funds, or any part of a deposit for security of costs not consumed by the costs in the case. The clerk shall give notice of the moneys to the parties who

are entitled to the moneys or to their attorneys of record. All 32253
the moneys remaining unclaimed on the first day of April of each 32254
year shall be paid by the clerk to the city treasurer, except 32255
that, in a county-operated municipal court, the moneys shall be 32256
paid to the treasurer of the county in which the court is located. 32257
The treasurer shall pay any part of the moneys at any time to the 32258
person who has the right to the moneys upon proper certification 32259
of the clerk. 32260

(H) Deputy clerks of a municipal court other than the Carroll 32261
county municipal court may be appointed by the clerk and shall 32262
receive the compensation, payable in either biweekly installments 32263
or semimonthly installments, as determined by the payroll 32264
administrator, out of the city treasury, that the clerk may 32265
prescribe, except that the compensation of any deputy clerk of a 32266
county-operated municipal court shall be paid out of the treasury 32267
of the county in which the court is located. The judge of the 32268
Carroll county municipal court may appoint deputy clerks for the 32269
court, and the deputy clerks shall receive the compensation, 32270
payable in biweekly installments out of the county treasury, that 32271
the judge may prescribe. Each deputy clerk shall take an oath of 32272
office before entering upon the duties of the deputy clerk's 32273
office and, when so qualified, may perform the duties appertaining 32274
to the office of the clerk. The clerk may require any of the 32275
deputy clerks to give bond of not less than three thousand 32276
dollars, conditioned for the faithful performance of the deputy 32277
clerk's duties. 32278

(I) For the purposes of this section, whenever the population 32279
of the territory of a municipal court falls below one hundred 32280
thousand but not below ninety thousand, and the population of the 32281
territory prior to the most recent regular federal census exceeded 32282
one hundred thousand, the legislative authority of the municipal 32283
corporation may declare, by resolution, that the territory shall 32284

be considered to have a population of at least one hundred thousand. 32285
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(J) The clerk or a deputy clerk shall be in attendance at all sessions of the municipal court, although not necessarily in the courtroom, and may administer oaths to witnesses and jurors and receive verdicts. 32287
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Sec. 2106.19. (A) Upon the death of a married resident who owned at least one watercraft, one watercraft trailer, one outboard motor, or one of each at the time of death, the interest of the deceased spouse in one watercraft, one watercraft trailer, one outboard motor, or one of each that is not otherwise specifically disposed of by testamentary disposition and that is selected by the surviving spouse immediately shall pass to the surviving spouse upon receipt by the clerk of the court of common pleas, or in the case of an untitled but registered watercraft trailer, upon receipt by the bureau of motor vehicles, of both of the following: 32291
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(1) The title executed by the surviving spouse, if titled; 32302

(2) An affidavit sworn by the surviving spouse stating the date of the decedent's death, a description of the watercraft, watercraft trailer, or outboard motor, ~~or both, its or their the~~ approximate value, and that the watercraft, watercraft trailer, or outboard motor, ~~or both are~~ is not disposed of by testamentary disposition. 32303
32304
32305
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The watercraft, watercraft trailer, or outboard motor, ~~or both~~ shall not be considered an estate asset and shall not be included and stated in the estate inventory. 32309
32310
32311

Transfer of a decedent's interest under this division does not affect the existence of any lien against a watercraft, watercraft trailer, or outboard motor so transferred. 32312
32313
32314

(B) Except for a watercraft, watercraft trailer, or outboard 32315
motor, ~~or both~~ transferred as provided in division (A) of this 32316
section, the executor or administrator may transfer title to a 32317
watercraft, watercraft trailer, or outboard motor in the manner 32318
provided for transfer of an automobile under divisions (B) and (C) 32319
of section 2106.18 of the Revised Code. 32320

(C) A watercraft trailer under this section only refers to 32321
one trailer used to transport the watercraft transferred under 32322
this section. 32323

Sec. 2109.301. (A) An administrator or executor shall render 32324
an account at any time other than a time otherwise mentioned in 32325
this section upon an order of the probate court issued for good 32326
cause shown either at its own instance or upon the motion of any 32327
person interested in the estate. Except as otherwise provided in 32328
division (B)(2) of this section, an administrator or executor 32329
shall render a final account within thirty days after completing 32330
the administration of the estate or within any other period of 32331
time that the court may order. 32332

Every account shall include an itemized statement of all 32333
receipts of the administrator or executor during the accounting 32334
period and of all disbursements and distributions made by the 32335
executor or administrator during the accounting period. In 32336
addition, the account shall include an itemized statement of all 32337
funds, assets, and investments of the estate known to or in the 32338
possession of the administrator or executor at the end of the 32339
accounting period and shall show any changes in investments since 32340
the last previous account. 32341

Every account shall be upon the signature of the 32342
administrator or executor. When two or more administrators or 32343
executors render an account, the court may allow the account upon 32344
the signature of one of them. The court may examine the 32345

administrator or executor under oath concerning the account. 32346

When an administrator or executor is authorized by law or by 32347
the instrument governing distribution to distribute the assets of 32348
the estate, in whole or in part, the administrator or executor may 32349
do so and include a report of the distribution in the 32350
administrator's or executor's succeeding account. 32351

In estates of decedents in which none of the legatees, 32352
devisees, or heirs is under a legal disability, each partial 32353
accounting of an executor or administrator may be waived by the 32354
written consent of all the legatees, devisees, or heirs filed in 32355
lieu of a partial accounting otherwise required. 32356

(B)(1) Every administrator and executor, within six months 32357
after appointment, shall render a final and distributive account 32358
of the administrator's or executor's administration of the estate 32359
unless one or more of the following circumstances apply: 32360

(a) An Ohio estate tax return must be filed for the estate. 32361

(b) A proceeding contesting the validity of the decedent's 32362
will pursuant to section 2107.71 of the Revised Code has been 32363
commenced. 32364

(c) The surviving spouse has filed an election to take 32365
against the will. 32366

(d) The administrator or executor is a party in a civil 32367
action. 32368

(e) The estate is insolvent. 32369

(f) For other reasons set forth by the administrator or 32370
executor, subject to court approval, it would be detrimental to 32371
the estate and its beneficiaries or heirs to file a final and 32372
distributive account. 32373

(2) In estates of decedents in which the sole legatee, 32374
devisee, or heir is also the administrator or executor of the 32375

estate, no partial accountings are required. The administrator or 32376
executor of an estate of that type shall file a final account or 32377
final and distributive account or, in lieu of filing a final 32378
account, the administrator or executor may file with the court 32379
within thirty days after completing the administration of the 32380
estate a certificate of termination of an estate that states all 32381
of the following: 32382

(a) All debts and claims presented to the estate have been 32383
paid in full or settled finally. 32384

(b) An estate tax return, if required under the provisions of 32385
the Internal Revenue Code or Chapter 5731. of the Revised Code, 32386
has been filed, and any estate tax has been paid. 32387

(c) All attorney's fees have been waived by or paid to 32388
counsel of record of the estate, and all executor or administrator 32389
fees have been waived or paid. 32390

(d) The amount of attorney's fees and the amount of 32391
administrator or executor fees that have been paid. 32392

(e) All assets remaining after completion of the activities 32393
described in divisions (B)(2)(a) to (d) of this section have been 32394
distributed to the sole legatee, devisee, or heir. 32395

(3) In an estate of the type described in division (B)(2) of 32396
this section, a sole legatee, devisee, or heir of a decedent may 32397
be liable to creditors for debts of and claims against the estate 32398
that are presented after the filing of the certificate of 32399
termination described in that division and within the time allowed 32400
by section 2117.06 of the Revised Code for presentation of the 32401
creditors' claims. 32402

(4) Not later than thirteen months after appointment, every 32403
administrator and executor shall render an account of the 32404
administrator's or executor's administration, unless a partial 32405
account is waived under division (A) of this section or a 32406

certificate of termination is filed under division (B)(2) of this 32407
section. ~~Except as provided in divisions (B)(1) and (2) of this~~ 32408
~~section, after~~ After the initial account is rendered or a waiver 32409
of a partial account is filed, every administrator and executor 32410
shall ~~render further accounts~~, at least once each year, render 32411
further accounts or file waivers of partial accounts until the 32412
estate is closed, unless a certificate of termination is filed 32413
under division (B)(2) of this section. 32414

Sec. 2113.35. (A) Executors and administrators shall be 32415
allowed fees upon the amount of all the personal property, 32416
including the income from the personal property, that is received 32417
and accounted for by them and upon the proceeds of real property 32418
that is sold, as follows: 32419

(1) For the first one hundred thousand dollars, at the rate 32420
of four per cent; 32421

(2) All above one hundred thousand dollars and not exceeding 32422
four hundred thousand dollars, at the rate of three per cent; 32423

(3) All above four hundred thousand dollars, at the rate of 32424
two per cent. 32425

(B) Executors and administrators shall be allowed a fee of 32426
one per cent on the value of real property that is not sold. 32427
Executors and administrators also shall be allowed a fee of one 32428
per cent on the value of all property that is not subject to 32429
administration and that ~~is~~ would have been includable for purposes 32430
of computing the Ohio estate tax, except joint and survivorship 32431
property, had the decedent died on December 31, 2012, so that 32432
section 5731.02 of the Revised Code applied to the estate. 32433

(C) The basis of valuation for the allowance of the fees on 32434
real property sold shall be the gross proceeds of sale, and for 32435
all other property the fair market value of the other property as 32436

of the date of death of the decedent. The fees allowed to 32437
executors and administrators in this section shall be received in 32438
full compensation for all their ordinary services. 32439

(D) If the probate court finds, after a hearing, that an 32440
executor or administrator, in any respect, has not faithfully 32441
discharged the duties as executor or administrator, the court may 32442
deny the executor or administrator any compensation whatsoever or 32443
may allow the executor or administrator the reduced compensation 32444
that the court thinks proper. 32445

Sec. 2151.3514. (A) As used in this section: 32446

(1) "Community addiction services provider" has the same 32447
meaning as in section 5119.01 of the Revised Code; 32448

(2) "Chemical dependency" means either of the following: 32449

(a) The chronic and habitual use of alcoholic beverages to 32450
the extent that the user no longer can control the use of alcohol 32451
or endangers the user's health, safety, or welfare or that of 32452
others; 32453

(b) The use of a drug of abuse to the extent that the user 32454
becomes physically or psychologically dependent on the drug or 32455
endangers the user's health, safety, or welfare or that of others. 32456

(3) "Drug of abuse" has the same meaning as in section 32457
3719.011 of the Revised Code. 32458

(B) If the juvenile court issues an order of temporary 32459
custody or protective supervision under division (A) of section 32460
2151.353 of the Revised Code with respect to a child adjudicated 32461
to be an abused, neglected, or dependent child and the alcohol or 32462
other drug addiction of a parent or other caregiver of the child 32463
was the basis for the adjudication of abuse, neglect, or 32464
dependency, the court shall issue an order requiring the parent or 32465
other caregiver to submit to an assessment and, if needed, 32466

treatment from a community addiction services provider ~~certified~~ 32467
~~by the department of mental health and addiction services.~~ The 32468
court may order the parent or other caregiver to submit to alcohol 32469
or other drug testing during, after, or both during and after, the 32470
treatment. The court shall send any order issued pursuant to this 32471
division to the public children services agency that serves the 32472
county in which the court is located for use as described in 32473
section 340.15 of the Revised Code. 32474

(C) Any order requiring alcohol or other drug testing that is 32475
issued pursuant to division (B) of this section shall require one 32476
alcohol or other drug test to be conducted each month during a 32477
period of twelve consecutive months beginning the month 32478
immediately following the month in which the order for alcohol or 32479
other drug testing is issued. Arrangements for administering the 32480
alcohol or other drug tests, as well as funding the costs of the 32481
tests, shall be locally determined in accordance with sections 32482
340.03 and 340.15 of the Revised Code. If a parent or other 32483
caregiver required to submit to alcohol or other drug tests under 32484
this section is not a recipient of medicaid, the agency that 32485
refers the parent or caregiver for the tests may require the 32486
parent or caregiver to reimburse the agency for the cost of 32487
conducting the tests. 32488

(D) The ~~certified~~ community addiction services provider that 32489
conducts any alcohol or other drug tests ordered in accordance 32490
with divisions (B) and (C) of this section shall send the results 32491
of the tests, along with the provider's recommendations as to the 32492
benefits of continued treatment, to the court and to the public 32493
children services agency providing services to the involved 32494
family, according to federal regulations set forth in 42 C.F.R. 32495
Part 2, and division (B) of section 340.15 of the Revised Code. 32496
The court shall consider the results and the recommendations sent 32497
to it under this division in any adjudication or review by the 32498

court, according to section 2151.353, 2151.414, or 2151.419 of the Revised Code. 32499
32500

Sec. 2151.421. (A)(1)(a) No person described in division 32501
(A)(1)(b) of this section who is acting in an official or 32502
professional capacity and knows, or has reasonable cause to 32503
suspect based on facts that would cause a reasonable person in a 32504
similar position to suspect, that a child under eighteen years of 32505
age or a mentally retarded, developmentally disabled, or 32506
physically impaired child under twenty-one years of age has 32507
suffered or faces a threat of suffering any physical or mental 32508
wound, injury, disability, or condition of a nature that 32509
reasonably indicates abuse or neglect of the child shall fail to 32510
immediately report that knowledge or reasonable cause to suspect 32511
to the entity or persons specified in this division. Except as 32512
provided in section 5120.173 of the Revised Code, the person 32513
making the report shall make it to the public children services 32514
agency or a municipal or county peace officer in the county in 32515
which the child resides or in which the abuse or neglect is 32516
occurring or has occurred. In the circumstances described in 32517
section 5120.173 of the Revised Code, the person making the report 32518
shall make it to the entity specified in that section. 32519

(b) Division (A)(1)(a) of this section applies to any person 32520
who is an attorney; physician, including a hospital intern or 32521
resident; dentist; podiatrist; practitioner of a limited branch of 32522
medicine as specified in section 4731.15 of the Revised Code; 32523
registered nurse; licensed practical nurse; visiting nurse; other 32524
health care professional; licensed psychologist; licensed school 32525
psychologist; certified Ohio behavior analyst; independent 32526
marriage and family therapist or marriage and family therapist; 32527
speech pathologist or audiologist; coroner; administrator or 32528
employee of a child day-care center; administrator or employee of 32529
a residential camp or child day camp; administrator or employee of 32530

a certified child care agency or other public or private children services agency; school teacher; school employee; school authority; person engaged in social work or the practice of professional counseling; agent of a county humane society; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; employee of a county department of job and family services who is a professional and who works with children and families; superintendent or regional administrator employed by the department of youth services; superintendent, board member, or employee of a county board of developmental disabilities; investigative agent contracted with by a county board of developmental disabilities; employee of the department of developmental disabilities; employee of a facility or home that provides respite care in accordance with section 5123.171 of the Revised Code; employee of a home health agency; employee of an entity that provides homemaker services; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; third party employed by a public children services agency to assist in providing child or family related services; court appointed special advocate; or guardian ad litem.

(2) Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding.

(3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege

under division (A) or (B) of section 2317.02 of the Revised Code 32563
with respect to any communication the attorney or physician 32564
receives from the client or patient in that attorney-client or 32565
physician-patient relationship, and the attorney or physician 32566
shall make a report pursuant to division (A)(1) of this section 32567
with respect to that communication, if all of the following apply: 32568

(a) The client or patient, at the time of the communication, 32569
is either a child under eighteen years of age or a mentally 32570
retarded, developmentally disabled, or physically impaired person 32571
under twenty-one years of age. 32572

(b) The attorney or physician knows, or has reasonable cause 32573
to suspect based on facts that would cause a reasonable person in 32574
similar position to suspect, as a result of the communication or 32575
any observations made during that communication, that the client 32576
or patient has suffered or faces a threat of suffering any 32577
physical or mental wound, injury, disability, or condition of a 32578
nature that reasonably indicates abuse or neglect of the client or 32579
patient. 32580

(c) The abuse or neglect does not arise out of the client's 32581
or patient's attempt to have an abortion without the notification 32582
of her parents, guardian, or custodian in accordance with section 32583
2151.85 of the Revised Code. 32584

(4)(a) No cleric and no person, other than a volunteer, 32585
designated by any church, religious society, or faith acting as a 32586
leader, official, or delegate on behalf of the church, religious 32587
society, or faith who is acting in an official or professional 32588
capacity, who knows, or has reasonable cause to believe based on 32589
facts that would cause a reasonable person in a similar position 32590
to believe, that a child under eighteen years of age or a mentally 32591
retarded, developmentally disabled, or physically impaired child 32592
under twenty-one years of age has suffered or faces a threat of 32593
suffering any physical or mental wound, injury, disability, or 32594

condition of a nature that reasonably indicates abuse or neglect 32595
of the child, and who knows, or has reasonable cause to believe 32596
based on facts that would cause a reasonable person in a similar 32597
position to believe, that another cleric or another person, other 32598
than a volunteer, designated by a church, religious society, or 32599
faith acting as a leader, official, or delegate on behalf of the 32600
church, religious society, or faith caused, or poses the threat of 32601
causing, the wound, injury, disability, or condition that 32602
reasonably indicates abuse or neglect shall fail to immediately 32603
report that knowledge or reasonable cause to believe to the entity 32604
or persons specified in this division. Except as provided in 32605
section 5120.173 of the Revised Code, the person making the report 32606
shall make it to the public children services agency or a 32607
municipal or county peace officer in the county in which the child 32608
resides or in which the abuse or neglect is occurring or has 32609
occurred. In the circumstances described in section 5120.173 of 32610
the Revised Code, the person making the report shall make it to 32611
the entity specified in that section. 32612

(b) Except as provided in division (A)(4)(c) of this section, 32613
a cleric is not required to make a report pursuant to division 32614
(A)(4)(a) of this section concerning any communication the cleric 32615
receives from a penitent in a cleric-penitent relationship, if, in 32616
accordance with division (C) of section 2317.02 of the Revised 32617
Code, the cleric could not testify with respect to that 32618
communication in a civil or criminal proceeding. 32619

(c) The penitent in a cleric-penitent relationship described 32620
in division (A)(4)(b) of this section is deemed to have waived any 32621
testimonial privilege under division (C) of section 2317.02 of the 32622
Revised Code with respect to any communication the cleric receives 32623
from the penitent in that cleric-penitent relationship, and the 32624
cleric shall make a report pursuant to division (A)(4)(a) of this 32625
section with respect to that communication, if all of the 32626

following apply: 32627

(i) The penitent, at the time of the communication, is either 32628
a child under eighteen years of age or a mentally retarded, 32629
developmentally disabled, or physically impaired person under 32630
twenty-one years of age. 32631

(ii) The cleric knows, or has reasonable cause to believe 32632
based on facts that would cause a reasonable person in a similar 32633
position to believe, as a result of the communication or any 32634
observations made during that communication, the penitent has 32635
suffered or faces a threat of suffering any physical or mental 32636
wound, injury, disability, or condition of a nature that 32637
reasonably indicates abuse or neglect of the penitent. 32638

(iii) The abuse or neglect does not arise out of the 32639
penitent's attempt to have an abortion performed upon a child 32640
under eighteen years of age or upon a mentally retarded, 32641
developmentally disabled, or physically impaired person under 32642
twenty-one years of age without the notification of her parents, 32643
guardian, or custodian in accordance with section 2151.85 of the 32644
Revised Code. 32645

(d) Divisions (A)(4)(a) and (c) of this section do not apply 32646
in a cleric-penitent relationship when the disclosure of any 32647
communication the cleric receives from the penitent is in 32648
violation of the sacred trust. 32649

(e) As used in divisions (A)(1) and (4) of this section, 32650
"cleric" and "sacred trust" have the same meanings as in section 32651
2317.02 of the Revised Code. 32652

(B) Anyone who knows, or has reasonable cause to suspect 32653
based on facts that would cause a reasonable person in similar 32654
circumstances to suspect, that a child under eighteen years of age 32655
or a mentally retarded, developmentally disabled, or physically 32656
impaired person under twenty-one years of age has suffered or 32657

faces a threat of suffering any physical or mental wound, injury, 32658
disability, or other condition of a nature that reasonably 32659
indicates abuse or neglect of the child may report or cause 32660
reports to be made of that knowledge or reasonable cause to 32661
suspect to the entity or persons specified in this division. 32662
Except as provided in section 5120.173 of the Revised Code, a 32663
person making a report or causing a report to be made under this 32664
division shall make it or cause it to be made to the public 32665
children services agency or to a municipal or county peace 32666
officer. In the circumstances described in section 5120.173 of the 32667
Revised Code, a person making a report or causing a report to be 32668
made under this division shall make it or cause it to be made to 32669
the entity specified in that section. 32670

(C) Any report made pursuant to division (A) or (B) of this 32671
section shall be made forthwith either by telephone or in person 32672
and shall be followed by a written report, if requested by the 32673
receiving agency or officer. The written report shall contain: 32674

(1) The names and addresses of the child and the child's 32675
parents or the person or persons having custody of the child, if 32676
known; 32677

(2) The child's age and the nature and extent of the child's 32678
injuries, abuse, or neglect that is known or reasonably suspected 32679
or believed, as applicable, to have occurred or of the threat of 32680
injury, abuse, or neglect that is known or reasonably suspected or 32681
believed, as applicable, to exist, including any evidence of 32682
previous injuries, abuse, or neglect; 32683

(3) Any other information that might be helpful in 32684
establishing the cause of the injury, abuse, or neglect that is 32685
known or reasonably suspected or believed, as applicable, to have 32686
occurred or of the threat of injury, abuse, or neglect that is 32687
known or reasonably suspected or believed, as applicable, to 32688
exist. 32689

Any person, who is required by division (A) of this section 32690
to report child abuse or child neglect that is known or reasonably 32691
suspected or believed to have occurred, may take or cause to be 32692
taken color photographs of areas of trauma visible on a child and, 32693
if medically indicated, cause to be performed radiological 32694
examinations of the child. 32695

(D) As used in this division, "children's advocacy center" 32696
and "sexual abuse of a child" have the same meanings as in section 32697
2151.425 of the Revised Code. 32698

(1) When a municipal or county peace officer receives a 32699
report concerning the possible abuse or neglect of a child or the 32700
possible threat of abuse or neglect of a child, upon receipt of 32701
the report, the municipal or county peace officer who receives the 32702
report shall refer the report to the appropriate public children 32703
services agency. 32704

(2) When a public children services agency receives a report 32705
pursuant to this division or division (A) or (B) of this section, 32706
upon receipt of the report, the public children services agency 32707
shall do both of the following: 32708

(a) Comply with section 2151.422 of the Revised Code; 32709

(b) If the county served by the agency is also served by a 32710
children's advocacy center and the report alleges sexual abuse of 32711
a child or another type of abuse of a child that is specified in 32712
the memorandum of understanding that creates the center as being 32713
within the center's jurisdiction, comply regarding the report with 32714
the protocol and procedures for referrals and investigations, with 32715
the coordinating activities, and with the authority or 32716
responsibility for performing or providing functions, activities, 32717
and services stipulated in the interagency agreement entered into 32718
under section 2151.428 of the Revised Code relative to that 32719
center. 32720

(E) No township, municipal, or county peace officer shall 32721
remove a child about whom a report is made pursuant to this 32722
section from the child's parents, stepparents, or guardian or any 32723
other persons having custody of the child without consultation 32724
with the public children services agency, unless, in the judgment 32725
of the officer, and, if the report was made by physician, the 32726
physician, immediate removal is considered essential to protect 32727
the child from further abuse or neglect. The agency that must be 32728
consulted shall be the agency conducting the investigation of the 32729
report as determined pursuant to section 2151.422 of the Revised 32730
Code. 32731

(F)(1) Except as provided in section 2151.422 of the Revised 32732
Code or in an interagency agreement entered into under section 32733
2151.428 of the Revised Code that applies to the particular 32734
report, the public children services agency shall investigate, 32735
within twenty-four hours, each report of child abuse or child 32736
neglect that is known or reasonably suspected or believed to have 32737
occurred and of a threat of child abuse or child neglect that is 32738
known or reasonably suspected or believed to exist that is 32739
referred to it under this section to determine the circumstances 32740
surrounding the injuries, abuse, or neglect or the threat of 32741
injury, abuse, or neglect, the cause of the injuries, abuse, 32742
neglect, or threat, and the person or persons responsible. The 32743
investigation shall be made in cooperation with the law 32744
enforcement agency and in accordance with the memorandum of 32745
understanding prepared under division (J) of this section. A 32746
representative of the public children services agency shall, at 32747
the time of initial contact with the person subject to the 32748
investigation, inform the person of the specific complaints or 32749
allegations made against the person. The information shall be 32750
given in a manner that is consistent with division (H)(1) of this 32751
section and protects the rights of the person making the report 32752
under this section. 32753

A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. The public children services agency shall report each case to the uniform statewide automated child welfare information system that the department of job and family services shall maintain in accordance with section 5101.13 of the Revised Code. The public children services agency shall submit a report of its investigation, in writing, to the law enforcement agency.

(2) The public children services agency shall make any recommendations to the county prosecuting attorney or city director of law that it considers necessary to protect any children that are brought to its attention.

(G)(1)(a) Except as provided in division (H)(3) of this section, anyone or any hospital, institution, school, health department, or agency participating in the making of reports under division (A) of this section, anyone or any hospital, institution, school, health department, or agency participating in good faith in the making of reports under division (B) of this section, and anyone participating in good faith in a judicial proceeding resulting from the reports, shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of the making of the reports or the participation in the judicial proceeding.

(b) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial

proceeding resulting from a report submitted pursuant to this 32786
section. 32787

(2) In any civil or criminal action or proceeding in which it 32788
is alleged and proved that participation in the making of a report 32789
under this section was not in good faith or participation in a 32790
judicial proceeding resulting from a report made under this 32791
section was not in good faith, the court shall award the 32792
prevailing party reasonable attorney's fees and costs and, if a 32793
civil action or proceeding is voluntarily dismissed, may award 32794
reasonable attorney's fees and costs to the party against whom the 32795
civil action or proceeding is brought. 32796

(H)(1) Except as provided in divisions (H)(4) and (N) of this 32797
section, a report made under this section is confidential. The 32798
information provided in a report made pursuant to this section and 32799
the name of the person who made the report shall not be released 32800
for use, and shall not be used, as evidence in any civil action or 32801
proceeding brought against the person who made the report. Nothing 32802
in this division shall preclude the use of reports of other 32803
incidents of known or suspected abuse or neglect in a civil action 32804
or proceeding brought pursuant to division (M) of this section 32805
against a person who is alleged to have violated division (A)(1) 32806
of this section, provided that any information in a report that 32807
would identify the child who is the subject of the report or the 32808
maker of the report, if the maker of the report is not the 32809
defendant or an agent or employee of the defendant, has been 32810
redacted. In a criminal proceeding, the report is admissible in 32811
evidence in accordance with the Rules of Evidence and is subject 32812
to discovery in accordance with the Rules of Criminal Procedure. 32813

(2) No person shall permit or encourage the unauthorized 32814
dissemination of the contents of any report made under this 32815
section. 32816

(3) A person who knowingly makes or causes another person to 32817

make a false report under division (B) of this section that 32818
alleges that any person has committed an act or omission that 32819
resulted in a child being an abused child or a neglected child is 32820
guilty of a violation of section 2921.14 of the Revised Code. 32821

(4) If a report is made pursuant to division (A) or (B) of 32822
this section and the child who is the subject of the report dies 32823
for any reason at any time after the report is made, but before 32824
the child attains eighteen years of age, the public children 32825
services agency or municipal or county peace officer to which the 32826
report was made or referred, on the request of the child fatality 32827
review board or the director of health pursuant to guidelines 32828
established under section 3701.70 of the Revised Code, shall 32829
submit a summary sheet of information providing a summary of the 32830
report to the review board of the county in which the deceased 32831
child resided at the time of death or to the director. On the 32832
request of the review board or director, the agency or peace 32833
officer may, at its discretion, make the report available to the 32834
review board or director. If the county served by the public 32835
children services agency is also served by a children's advocacy 32836
center and the report of alleged sexual abuse of a child or 32837
another type of abuse of a child is specified in the memorandum of 32838
understanding that creates the center as being within the center's 32839
jurisdiction, the agency or center shall perform the duties and 32840
functions specified in this division in accordance with the 32841
interagency agreement entered into under section 2151.428 of the 32842
Revised Code relative to that advocacy center. 32843

(5) A public children services agency shall advise a person 32844
alleged to have inflicted abuse or neglect on a child who is the 32845
subject of a report made pursuant to this section, including a 32846
report alleging sexual abuse of a child or another type of abuse 32847
of a child referred to a children's advocacy center pursuant to an 32848
interagency agreement entered into under section 2151.428 of the 32849

Revised Code, in writing of the disposition of the investigation. 32850
The agency shall not provide to the person any information that 32851
identifies the person who made the report, statements of 32852
witnesses, or police or other investigative reports. 32853

(I) Any report that is required by this section, other than a 32854
report that is made to the state highway patrol as described in 32855
section 5120.173 of the Revised Code, shall result in protective 32856
services and emergency supportive services being made available by 32857
the public children services agency on behalf of the children 32858
about whom the report is made, in an effort to prevent further 32859
neglect or abuse, to enhance their welfare, and, whenever 32860
possible, to preserve the family unit intact. The agency required 32861
to provide the services shall be the agency conducting the 32862
investigation of the report pursuant to section 2151.422 of the 32863
Revised Code. 32864

(J)(1) Each public children services agency shall prepare a 32865
memorandum of understanding that is signed by all of the 32866
following: 32867

(a) If there is only one juvenile judge in the county, the 32868
juvenile judge of the county or the juvenile judge's 32869
representative; 32870

(b) If there is more than one juvenile judge in the county, a 32871
juvenile judge or the juvenile judges' representative selected by 32872
the juvenile judges or, if they are unable to do so for any 32873
reason, the juvenile judge who is senior in point of service or 32874
the senior juvenile judge's representative; 32875

(c) The county peace officer; 32876

(d) All chief municipal peace officers within the county; 32877

(e) Other law enforcement officers handling child abuse and 32878
neglect cases in the county; 32879

(f) The prosecuting attorney of the county;	32880
(g) If the public children services agency is not the county department of job and family services, the county department of job and family services;	32881 32882 32883
(h) The county humane society;	32884
(i) If the public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum.	32885 32886 32887 32888 32889
(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or child neglect and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person.	32890 32891 32892 32893 32894 32895 32896 32897 32898 32899 32900 32901 32902 32903 32904 32905 32906 32907 32908
(3) A memorandum of understanding shall include all of the following:	32909 32910

(a) The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect; 32911
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(b) Standards and procedures to be used in handling and coordinating investigations of reported cases of child abuse and reported cases of child neglect, methods to be used in interviewing the child who is the subject of the report and who allegedly was abused or neglected, and standards and procedures addressing the categories of persons who may interview the child who is the subject of the report and who allegedly was abused or neglected. 32913
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(4) If a public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, the agency shall incorporate the contents of that memorandum in the memorandum prepared pursuant to this section. 32921
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(5) The clerk of the court of common pleas in the county may sign the memorandum of understanding prepared under division (J)(1) of this section. If the clerk signs the memorandum of understanding, the clerk shall execute all relevant responsibilities as required of officials specified in the memorandum. 32926
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(K)(1) Except as provided in division (K)(4) of this section, a person who is required to make a report pursuant to division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information: 32932
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(a) Whether the agency or center has initiated an 32941

investigation of the report;	32942
(b) Whether the agency or center is continuing to investigate the report;	32943 32944
(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;	32945 32946
(d) The general status of the health and safety of the child who is the subject of the report;	32947 32948
(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.	32949 32950 32951
(2) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.	32952 32953 32954 32955
When a municipal or county peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.	32956 32957 32958 32959 32960 32961 32962 32963 32964
Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (K)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those divisions.	32965 32966 32967 32968 32969 32970 32971 32972

(3) A request made pursuant to division (K)(1) of this section is not a substitute for any report required to be made pursuant to division (A) of this section.

(4) If an agency other than the agency that received or was referred the report is conducting the investigation of the report pursuant to section 2151.422 of the Revised Code, the agency conducting the investigation shall comply with the requirements of division (K) of this section.

(L) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The department of job and family services may enter into a plan of cooperation with any other governmental entity to aid in ensuring that children are protected from abuse and neglect. The department shall make recommendations to the attorney general that the department determines are necessary to protect children from child abuse and child neglect.

(M) Whoever violates division (A) of this section is liable for compensatory and exemplary damages to the child who would have been the subject of the report that was not made. A person who brings a civil action or proceeding pursuant to this division against a person who is alleged to have violated division (A)(1) of this section may use in the action or proceeding reports of other incidents of known or suspected abuse or neglect, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker is not the defendant or an agent or employee of the defendant, has been redacted.

(N)(1) As used in this division:

(a) "Out-of-home care" includes a nonchartered nonpublic school if the alleged child abuse or child neglect, or alleged threat of child abuse or child neglect, described in a report

received by a public children services agency allegedly occurred 33004
in or involved the nonchartered nonpublic school and the alleged 33005
perpetrator named in the report holds a certificate, permit, or 33006
license issued by the state board of education under section 33007
3301.071 or Chapter 3319. of the Revised Code. 33008

(b) "Administrator, director, or other chief administrative 33009
officer" means the superintendent of the school district if the 33010
out-of-home care entity subject to a report made pursuant to this 33011
section is a school operated by the district. 33012

(2) No later than the end of the day following the day on 33013
which a public children services agency receives a report of 33014
alleged child abuse or child neglect, or a report of an alleged 33015
threat of child abuse or child neglect, that allegedly occurred in 33016
or involved an out-of-home care entity, the agency shall provide 33017
written notice of the allegations contained in and the person 33018
named as the alleged perpetrator in the report to the 33019
administrator, director, or other chief administrative officer of 33020
the out-of-home care entity that is the subject of the report 33021
unless the administrator, director, or other chief administrative 33022
officer is named as an alleged perpetrator in the report. If the 33023
administrator, director, or other chief administrative officer of 33024
an out-of-home care entity is named as an alleged perpetrator in a 33025
report of alleged child abuse or child neglect, or a report of an 33026
alleged threat of child abuse or child neglect, that allegedly 33027
occurred in or involved the out-of-home care entity, the agency 33028
shall provide the written notice to the owner or governing board 33029
of the out-of-home care entity that is the subject of the report. 33030
The agency shall not provide witness statements or police or other 33031
investigative reports. 33032

(3) No later than three days after the day on which a public 33033
children services agency that conducted the investigation as 33034
determined pursuant to section 2151.422 of the Revised Code makes 33035

a disposition of an investigation involving a report of alleged 33036
child abuse or child neglect, or a report of an alleged threat of 33037
child abuse or child neglect, that allegedly occurred in or 33038
involved an out-of-home care entity, the agency shall send written 33039
notice of the disposition of the investigation to the 33040
administrator, director, or other chief administrative officer and 33041
the owner or governing board of the out-of-home care entity. The 33042
agency shall not provide witness statements or police or other 33043
investigative reports. 33044

(O) As used in this section, "investigation" means the public 33045
children services agency's response to an accepted report of child 33046
abuse or neglect through either an alternative response or a 33047
traditional response. 33048

Sec. 2301.03. (A) In Franklin county, the judges of the court 33049
of common pleas whose terms begin on January 1, 1953, January 2, 33050
1953, January 5, 1969, January 5, 1977, and January 2, 1997, and 33051
successors, shall have the same qualifications, exercise the same 33052
powers and jurisdiction, and receive the same compensation as 33053
other judges of the court of common pleas of Franklin county and 33054
shall be elected and designated as judges of the court of common 33055
pleas, division of domestic relations. They shall have all the 33056
powers relating to juvenile courts, and all cases under Chapters 33057
2151. and 2152. of the Revised Code, all parentage proceedings 33058
under Chapter 3111. of the Revised Code over which the juvenile 33059
court has jurisdiction, and all divorce, dissolution of marriage, 33060
legal separation, and annulment cases shall be assigned to them. 33061
In addition to the judge's regular duties, the judge who is senior 33062
in point of service shall serve on the children services board and 33063
the county advisory board and shall be the administrator of the 33064
domestic relations division and its subdivisions and departments. 33065
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(B) In Hamilton county: 33067

(1) The judge of the court of common pleas, whose term begins 33068
on January 1, 1957, and successors, and the judge of the court of 33069
common pleas, whose term begins on February 14, 1967, and 33070
successors, shall be the juvenile judges as provided in Chapters 33071
2151. and 2152. of the Revised Code, with the powers and 33072
jurisdiction conferred by those chapters. 33073

(2) The judges of the court of common pleas whose terms begin 33074
on January 5, 1957, January 16, 1981, and July 1, 1991, and 33075
successors, shall be elected and designated as judges of the court 33076
of common pleas, division of domestic relations, and shall have 33077
assigned to them all divorce, dissolution of marriage, legal 33078
separation, and annulment cases coming before the court. On or 33079
after the first day of July and before the first day of August of 33080
1991 and each year thereafter, a majority of the judges of the 33081
division of domestic relations shall elect one of the judges of 33082
the division as administrative judge of that division. If a 33083
majority of the judges of the division of domestic relations are 33084
unable for any reason to elect an administrative judge for the 33085
division before the first day of August, a majority of the judges 33086
of the Hamilton county court of common pleas, as soon as possible 33087
after that date, shall elect one of the judges of the division of 33088
domestic relations as administrative judge of that division. The 33089
term of the administrative judge shall begin on the earlier of the 33090
first day of August of the year in which the administrative judge 33091
is elected or the date on which the administrative judge is 33092
elected by a majority of the judges of the Hamilton county court 33093
of common pleas and shall terminate on the date on which the 33094
administrative judge's successor is elected in the following year. 33095

In addition to the judge's regular duties, the administrative 33096
judge of the division of domestic relations shall be the 33097
administrator of the domestic relations division and its 33098

subdivisions and departments and shall have charge of the 33099
employment, assignment, and supervision of the personnel of the 33100
division engaged in handling, servicing, or investigating divorce, 33101
dissolution of marriage, legal separation, and annulment cases, 33102
including any referees considered necessary by the judges in the 33103
discharge of their various duties. 33104

The administrative judge of the division of domestic 33105
relations also shall designate the title, compensation, expense 33106
allowances, hours, leaves of absence, and vacations of the 33107
personnel of the division, and shall fix the duties of its 33108
personnel. The duties of the personnel, in addition to those 33109
provided for in other sections of the Revised Code, shall include 33110
the handling, servicing, and investigation of divorce, dissolution 33111
of marriage, legal separation, and annulment cases and counseling 33112
and conciliation services that may be made available to persons 33113
requesting them, whether or not the persons are parties to an 33114
action pending in the division. 33115

The board of county commissioners shall appropriate the sum 33116
of money each year as will meet all the administrative expenses of 33117
the division of domestic relations, including reasonable expenses 33118
of the domestic relations judges and the division counselors and 33119
other employees designated to conduct the handling, servicing, and 33120
investigation of divorce, dissolution of marriage, legal 33121
separation, and annulment cases, conciliation and counseling, and 33122
all matters relating to those cases and counseling, and the 33123
expenses involved in the attendance of division personnel at 33124
domestic relations and welfare conferences designated by the 33125
division, and the further sum each year as will provide for the 33126
adequate operation of the division of domestic relations. 33127

The compensation and expenses of all employees and the salary 33128
and expenses of the judges shall be paid by the county treasurer 33129
from the money appropriated for the operation of the division, 33130

upon the warrant of the county auditor, certified to by the 33131
administrative judge of the division of domestic relations. 33132

The summonses, warrants, citations, subpoenas, and other 33133
writs of the division may issue to a bailiff, constable, or staff 33134
investigator of the division or to the sheriff of any county or 33135
any marshal, constable, or police officer, and the provisions of 33136
law relating to the subpoenaing of witnesses in other cases shall 33137
apply insofar as they are applicable. When a summons, warrant, 33138
citation, subpoena, or other writ is issued to an officer, other 33139
than a bailiff, constable, or staff investigator of the division, 33140
the expense of serving it shall be assessed as a part of the costs 33141
in the case involved. 33142

(3) The judge of the court of common pleas of Hamilton county 33143
whose term begins on January 3, 1997, and the successors to that 33144
judge shall each be elected and designated as the drug court judge 33145
of the court of common pleas of Hamilton county. The drug court 33146
judge may accept or reject any case referred to the drug court 33147
judge under division (B)(3) of this section. After the drug court 33148
judge accepts a referred case, the drug court judge has full 33149
authority over the case, including the authority to conduct 33150
arraignment, accept pleas, enter findings and dispositions, 33151
conduct trials, order treatment, and if treatment is not 33152
successfully completed pronounce and enter sentence. 33153

A judge of the general division of the court of common pleas 33154
of Hamilton county and a judge of the Hamilton county municipal 33155
court may refer to the drug court judge any case, and any 33156
companion cases, the judge determines meet the criteria described 33157
under divisions (B)(3)(a) and (b) of this section. If the drug 33158
court judge accepts referral of a referred case, the case, and any 33159
companion cases, shall be transferred to the drug court judge. A 33160
judge may refer a case meeting the criteria described in divisions 33161
(B)(3)(a) and (b) of this section that involves a violation of a 33162

condition of a community control sanction to the drug court judge, 33163
and, if the drug court judge accepts the referral, the referring 33164
judge and the drug court judge have concurrent jurisdiction over 33165
the case. 33166

A judge of the general division of the court of common pleas 33167
of Hamilton county and a judge of the Hamilton county municipal 33168
court may refer a case to the drug court judge under division 33169
(B)(3) of this section if the judge determines that both of the 33170
following apply: 33171

(a) One of the following applies: 33172

(i) The case involves a drug abuse offense, as defined in 33173
section 2925.01 of the Revised Code, that is a felony of the third 33174
or fourth degree if the offense is committed prior to July 1, 33175
1996, a felony of the third, fourth, or fifth degree if the 33176
offense is committed on or after July 1, 1996, or a misdemeanor. 33177

(ii) The case involves a theft offense, as defined in section 33178
2913.01 of the Revised Code, that is a felony of the third or 33179
fourth degree if the offense is committed prior to July 1, 1996, a 33180
felony of the third, fourth, or fifth degree if the offense is 33181
committed on or after July 1, 1996, or a misdemeanor, and the 33182
defendant is drug or alcohol dependent or in danger of becoming 33183
drug or alcohol dependent and would benefit from treatment. 33184

(b) All of the following apply: 33185

(i) The case involves an offense for which a community 33186
control sanction may be imposed or is a case in which a mandatory 33187
prison term or a mandatory jail term is not required to be 33188
imposed. 33189

(ii) The defendant has no history of violent behavior. 33190

(iii) The defendant has no history of mental illness. 33191

(iv) The defendant's current or past behavior, or both, is 33192

drug or alcohol driven.	33193
(v) The defendant demonstrates a sincere willingness to participate in a fifteen-month treatment process.	33194 33195
(vi) The defendant has no acute health condition.	33196
(vii) If the defendant is incarcerated, the county prosecutor approves of the referral.	33197 33198
(4) If the administrative judge of the court of common pleas of Hamilton county determines that the volume of cases pending before the drug court judge does not constitute a sufficient caseload for the drug court judge, the administrative judge, in accordance with the Rules of Superintendence for Courts of Common Pleas, shall assign individual cases to the drug court judge from the general docket of the court. If the assignments so occur, the administrative judge shall cease the assignments when the administrative judge determines that the volume of cases pending before the drug court judge constitutes a sufficient caseload for the drug court judge.	33199 33200 33201 33202 33203 33204 33205 33206 33207 33208 33209
(5) As used in division (B) of this section, "community control sanction," "mandatory prison term," and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised Code.	33210 33211 33212 33213
(C)(1) In Lorain county:	33214
(a) The judges of the court of common pleas whose terms begin on January 3, 1959, January 4, 1989, and January 2, 1999, and successors, and the judge of the court of common pleas whose term begins on February 9, 2009, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Lorain county and shall be elected and designated as the judges of the court of common pleas, division of domestic relations. The judges of the court of common pleas whose terms begin on January	33215 33216 33217 33218 33219 33220 33221 33222 33223

3, 1959, January 4, 1989, and January 2, 1999, and successors, 33224
shall have all of the powers relating to juvenile courts, and all 33225
cases under Chapters 2151. and 2152. of the Revised Code, all 33226
parentage proceedings over which the juvenile court has 33227
jurisdiction, and all divorce, dissolution of marriage, legal 33228
separation, and annulment cases shall be assigned to them, except 33229
cases that for some special reason are assigned to some other 33230
judge of the court of common pleas. From February 9, 2009, through 33231
September 28, 2009, the judge of the court of common pleas whose 33232
term begins on February 9, 2009, shall have all the powers 33233
relating to juvenile courts, and cases under Chapters 2151. and 33234
2152. of the Revised Code, parentage proceedings over which the 33235
juvenile court has jurisdiction, and divorce, dissolution of 33236
marriage, legal separation, and annulment cases shall be assigned 33237
to that judge, except cases that for some special reason are 33238
assigned to some other judge of the court of common pleas. 33239

(b) From January 1, 2006, through September 28, 2009, the 33240
judges of the court of common pleas, division of domestic 33241
relations, in addition to the powers and jurisdiction set forth in 33242
division (C)(1)(a) of this section, shall have jurisdiction over 33243
matters that are within the jurisdiction of the probate court 33244
under Chapter 2101. and other provisions of the Revised Code. 33245

(c) The judge of the court of common pleas, division of 33246
domestic relations, whose term begins on February 9, 2009, is the 33247
successor to the probate judge who was elected in 2002 for a term 33248
that began on February 9, 2003. After September 28, 2009, the 33249
judge of the court of common pleas, division of domestic 33250
relations, whose term begins on February 9, 2009, shall be the 33251
probate judge. 33252

(2)(a) From February 9, 2009, through September 28, 2009, 33253
with respect to Lorain county, all references in law to the 33254
probate court shall be construed as references to the court of 33255

common pleas, division of domestic relations, and all references 33256
to the probate judge shall be construed as references to the 33257
judges of the court of common pleas, division of domestic 33258
relations. 33259

(b) From February 9, 2009, through September 28, 2009, with 33260
respect to Lorain county, all references in law to the clerk of 33261
the probate court shall be construed as references to the judge 33262
who is serving pursuant to Rule 4 of the Rules of Superintendence 33263
for the Courts of Ohio as the administrative judge of the court of 33264
common pleas, division of domestic relations. 33265

(D) In Lucas county: 33266

(1) The judges of the court of common pleas whose terms begin 33267
on January 1, 1955, and January 3, 1965, and successors, shall 33268
have the same qualifications, exercise the same powers and 33269
jurisdiction, and receive the same compensation as other judges of 33270
the court of common pleas of Lucas county and shall be elected and 33271
designated as judges of the court of common pleas, division of 33272
domestic relations. All divorce, dissolution of marriage, legal 33273
separation, and annulment cases shall be assigned to them. 33274

The judge of the division of domestic relations, senior in 33275
point of service, shall be considered as the presiding judge of 33276
the court of common pleas, division of domestic relations, and 33277
shall be charged exclusively with the assignment and division of 33278
the work of the division and the employment and supervision of all 33279
other personnel of the domestic relations division. 33280

(2) The judges of the court of common pleas whose terms begin 33281
on January 5, 1977, and January 2, 1991, and successors shall have 33282
the same qualifications, exercise the same powers and 33283
jurisdiction, and receive the same compensation as other judges of 33284
the court of common pleas of Lucas county, shall be elected and 33285
designated as judges of the court of common pleas, juvenile 33286

division, and shall be the juvenile judges as provided in Chapters 33287
2151. and 2152. of the Revised Code with the powers and 33288
jurisdictions conferred by those chapters. In addition to the 33289
judge's regular duties, the judge of the court of common pleas, 33290
juvenile division, senior in point of service, shall be the 33291
administrator of the juvenile division and its subdivisions and 33292
departments and shall have charge of the employment, assignment, 33293
and supervision of the personnel of the division engaged in 33294
handling, servicing, or investigating juvenile cases, including 33295
any referees considered necessary by the judges of the division in 33296
the discharge of their various duties. 33297

The judge of the court of common pleas, juvenile division, 33298
senior in point of service, also shall designate the title, 33299
compensation, expense allowance, hours, leaves of absence, and 33300
vacation of the personnel of the division and shall fix the duties 33301
of the personnel of the division. The duties of the personnel, in 33302
addition to other statutory duties include the handling, 33303
servicing, and investigation of juvenile cases and counseling and 33304
conciliation services that may be made available to persons 33305
requesting them, whether or not the persons are parties to an 33306
action pending in the division. 33307

(3) If one of the judges of the court of common pleas, 33308
division of domestic relations, or one of the judges of the 33309
juvenile division is sick, absent, or unable to perform that 33310
judge's judicial duties or the volume of cases pending in that 33311
judge's division necessitates it, the duties shall be performed by 33312
the judges of the other of those divisions. 33313

(E) In Mahoning county: 33314

(1) The judge of the court of common pleas whose term began 33315
on January 1, 1955, and successors, shall have the same 33316
qualifications, exercise the same powers and jurisdiction, and 33317
receive the same compensation as other judges of the court of 33318

common pleas of Mahoning county, shall be elected and designated 33319
as judge of the court of common pleas, division of domestic 33320
relations, and shall be assigned all the divorce, dissolution of 33321
marriage, legal separation, and annulment cases coming before the 33322
court. In addition to the judge's regular duties, the judge of the 33323
court of common pleas, division of domestic relations, shall be 33324
the administrator of the domestic relations division and its 33325
subdivisions and departments and shall have charge of the 33326
employment, assignment, and supervision of the personnel of the 33327
division engaged in handling, servicing, or investigating divorce, 33328
dissolution of marriage, legal separation, and annulment cases, 33329
including any referees considered necessary in the discharge of 33330
the various duties of the judge's office. 33331

The judge also shall designate the title, compensation, 33332
expense allowances, hours, leaves of absence, and vacations of the 33333
personnel of the division and shall fix the duties of the 33334
personnel of the division. The duties of the personnel, in 33335
addition to other statutory duties, include the handling, 33336
servicing, and investigation of divorce, dissolution of marriage, 33337
legal separation, and annulment cases and counseling and 33338
conciliation services that may be made available to persons 33339
requesting them, whether or not the persons are parties to an 33340
action pending in the division. 33341

(2) The judge of the court of common pleas whose term began 33342
on January 2, 1969, and successors, shall have the same 33343
qualifications, exercise the same powers and jurisdiction, and 33344
receive the same compensation as other judges of the court of 33345
common pleas of Mahoning county, shall be elected and designated 33346
as judge of the court of common pleas, juvenile division, and 33347
shall be the juvenile judge as provided in Chapters 2151. and 33348
2152. of the Revised Code, with the powers and jurisdictions 33349
conferred by those chapters. In addition to the judge's regular 33350

duties, the judge of the court of common pleas, juvenile division, 33351
shall be the administrator of the juvenile division and its 33352
subdivisions and departments and shall have charge of the 33353
employment, assignment, and supervision of the personnel of the 33354
division engaged in handling, servicing, or investigating juvenile 33355
cases, including any referees considered necessary by the judge in 33356
the discharge of the judge's various duties. 33357

The judge also shall designate the title, compensation, 33358
expense allowances, hours, leaves of absence, and vacation of the 33359
personnel of the division and shall fix the duties of the 33360
personnel of the division. The duties of the personnel, in 33361
addition to other statutory duties, include the handling, 33362
servicing, and investigation of juvenile cases and counseling and 33363
conciliation services that may be made available to persons 33364
requesting them, whether or not the persons are parties to an 33365
action pending in the division. 33366

(3) If a judge of the court of common pleas, division of 33367
domestic relations or juvenile division, is sick, absent, or 33368
unable to perform that judge's judicial duties, or the volume of 33369
cases pending in that judge's division necessitates it, that 33370
judge's duties shall be performed by another judge of the court of 33371
common pleas. 33372

(F) In Montgomery county: 33373

(1) The judges of the court of common pleas whose terms begin 33374
on January 2, 1953, and January 4, 1977, and successors, shall 33375
have the same qualifications, exercise the same powers and 33376
jurisdiction, and receive the same compensation as other judges of 33377
the court of common pleas of Montgomery county and shall be 33378
elected and designated as judges of the court of common pleas, 33379
division of domestic relations. These judges shall have assigned 33380
to them all divorce, dissolution of marriage, legal separation, 33381
and annulment cases. 33382

The judge of the division of domestic relations, senior in point of service, shall be charged exclusively with the assignment and division of the work of the division and shall have charge of the employment and supervision of the personnel of the division engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases, including any necessary referees, except those employees who may be appointed by the judge, junior in point of service, under this section and sections 2301.12 and 2301.18 of the Revised Code. The judge of the division of domestic relations, senior in point of service, also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties.

(2) The judges of the court of common pleas whose terms begin on January 1, 1953, and January 1, 1993, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Montgomery county, shall be elected and designated as judges of the court of common pleas, juvenile division, and shall be, and have the powers and jurisdiction of, the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code.

In addition to the judge's regular duties, the judge of the court of common pleas, juvenile division, senior in point of service, shall be the administrator of the juvenile division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division, including any necessary referees, who are engaged in handling, servicing, or investigating juvenile cases. The judge, senior in point of service, also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their

duties. The duties of the personnel, in addition to other 33415
statutory duties, shall include the handling, servicing, and 33416
investigation of juvenile cases and of any counseling and 33417
conciliation services that are available upon request to persons, 33418
whether or not they are parties to an action pending in the 33419
division. 33420

If one of the judges of the court of common pleas, division 33421
of domestic relations, or one of the judges of the court of common 33422
pleas, juvenile division, is sick, absent, or unable to perform 33423
that judge's duties or the volume of cases pending in that judge's 33424
division necessitates it, the duties of that judge may be 33425
performed by the judge or judges of the other of those divisions. 33426

(G) In Richland county: 33427

(1) The judge of the court of common pleas whose term begins 33428
on January 1, 1957, and successors, shall have the same 33429
qualifications, exercise the same powers and jurisdiction, and 33430
receive the same compensation as the other judges of the court of 33431
common pleas of Richland county and shall be elected and 33432
designated as judge of the court of common pleas, division of 33433
domestic relations. That judge shall be assigned and hear all 33434
divorce, dissolution of marriage, legal separation, and annulment 33435
cases, all domestic violence cases arising under section 3113.31 33436
of the Revised Code, and all post-decree proceedings arising from 33437
any case pertaining to any of those matters. The division of 33438
domestic relations has concurrent jurisdiction with the juvenile 33439
division of the court of common pleas of Richland county to 33440
determine the care, custody, or control of any child not a ward of 33441
another court of this state, and to hear and determine a request 33442
for an order for the support of any child if the request is not 33443
ancillary to an action for divorce, dissolution of marriage, 33444
annulment, or legal separation, a criminal or civil action 33445
involving an allegation of domestic violence, or an action for 33446

support brought under Chapter 3115. of the Revised Code. Except in 33447
cases that are subject to the exclusive original jurisdiction of 33448
the juvenile court, the judge of the division of domestic 33449
relations shall be assigned and hear all cases pertaining to 33450
paternity or parentage, the care, custody, or control of children, 33451
parenting time or visitation, child support, or the allocation of 33452
parental rights and responsibilities for the care of children, all 33453
proceedings arising under Chapter 3111. of the Revised Code, all 33454
proceedings arising under the uniform interstate family support 33455
act contained in Chapter 3115. of the Revised Code, and all 33456
post-decree proceedings arising from any case pertaining to any of 33457
those matters. 33458

In addition to the judge's regular duties, the judge of the 33459
court of common pleas, division of domestic relations, shall be 33460
the administrator of the domestic relations division and its 33461
subdivisions and departments. The judge shall have charge of the 33462
employment, assignment, and supervision of the personnel of the 33463
domestic relations division, including any magistrates the judge 33464
considers necessary for the discharge of the judge's duties. The 33465
judge shall also designate the title, compensation, expense 33466
allowances, hours, leaves of absence, vacation, and other 33467
employment-related matters of the personnel of the division and 33468
shall fix their duties. 33469

(2) The judge of the court of common pleas whose term begins 33470
on January 3, 2005, and successors, shall have the same 33471
qualifications, exercise the same powers and jurisdiction, and 33472
receive the same compensation as other judges of the court of 33473
common pleas of Richland county, shall be elected and designated 33474
as judge of the court of common pleas, juvenile division, and 33475
shall be, and have the powers and jurisdiction of, the juvenile 33476
judge as provided in Chapters 2151. and 2152. of the Revised Code. 33477
Except in cases that are subject to the exclusive original 33478

jurisdiction of the juvenile court, the judge of the juvenile 33479
division shall not have jurisdiction or the power to hear, and 33480
shall not be assigned, any case pertaining to paternity or 33481
parentage, the care, custody, or control of children, parenting 33482
time or visitation, child support, or the allocation of parental 33483
rights and responsibilities for the care of children or any 33484
post-decree proceeding arising from any case pertaining to any of 33485
those matters. The judge of the juvenile division shall not have 33486
jurisdiction or the power to hear, and shall not be assigned, any 33487
proceeding under the uniform interstate family support act 33488
contained in Chapter 3115. of the Revised Code. 33489

In addition to the judge's regular duties, the judge of the 33490
juvenile division shall be the administrator of the juvenile 33491
division and its subdivisions and departments. The judge shall 33492
have charge of the employment, assignment, and supervision of the 33493
personnel of the juvenile division who are engaged in handling, 33494
servicing, or investigating juvenile cases, including any 33495
magistrates whom the judge considers necessary for the discharge 33496
of the judge's various duties. 33497

The judge of the juvenile division also shall designate the 33498
title, compensation, expense allowances, hours, leaves of absence, 33499
and vacation of the personnel of the division and shall fix their 33500
duties. The duties of the personnel, in addition to other 33501
statutory duties, include the handling, servicing, and 33502
investigation of juvenile cases and providing any counseling, 33503
conciliation, and mediation services that the court makes 33504
available to persons, whether or not the persons are parties to an 33505
action pending in the court, who request the services. 33506

(H)(1) In Stark county, the judges of the court of common 33507
pleas whose terms begin on January 1, 1953, January 2, 1959, and 33508
January 1, 1993, and successors, shall have the same 33509
qualifications, exercise the same powers and jurisdiction, and 33510

receive the same compensation as other judges of the court of 33511
common pleas of Stark county and shall be elected and designated 33512
as judges of the court of common pleas, family court division ~~of~~ 33513
~~domestic relations~~. They shall have all the powers relating to 33514
juvenile courts, and all cases under Chapters 2151. and 2152. of 33515
the Revised Code, all parentage proceedings over which the 33516
juvenile court has jurisdiction, and all divorce, dissolution of 33517
marriage, legal separation, and annulment cases, except cases that 33518
are assigned to some other judge of the court of common pleas for 33519
some special reason, shall be assigned to the judges. 33520

(2) The judge of the family court division ~~of domestic~~ 33521
~~relations~~, second most senior in point of service, shall have 33522
charge of the employment and supervision of the personnel of the 33523
division engaged in handling, servicing, or investigating divorce, 33524
dissolution of marriage, legal separation, and annulment cases, 33525
and necessary referees required for the judge's respective court. 33526

(3) The judge of the family court division ~~of domestic~~ 33527
~~relations~~, senior in point of service, shall be charged 33528
exclusively with the administration of sections 2151.13, 2151.16, 33529
2151.17, and 2152.71 of the Revised Code and with the assignment 33530
and division of the work of the division and the employment and 33531
supervision of all other personnel of the division, including, but 33532
not limited to, that judge's necessary referees, but excepting 33533
those employees who may be appointed by the judge second most 33534
senior in point of service. The senior judge further shall serve 33535
in every other position in which the statutes permit or require a 33536
juvenile judge to serve. 33537

(4) On and after the effective date of this amendment, all 33538
references in law to "the division of domestic relations," "the 33539
domestic relations division," "the domestic relations court," "the 33540
judge of the division of domestic relations," or "the judge of the 33541
domestic relations division" shall be construed, with respect to 33542

Stark county, as being references to "the family court division" 33543
or "the judge of the family court division." 33544

(I) In Summit county: 33545

(1) The judges of the court of common pleas whose terms begin 33546
on January 4, 1967, and January 6, 1993, and successors, shall 33547
have the same qualifications, exercise the same powers and 33548
jurisdiction, and receive the same compensation as other judges of 33549
the court of common pleas of Summit county and shall be elected 33550
and designated as judges of the court of common pleas, division of 33551
domestic relations. The judges of the division of domestic 33552
relations shall have assigned to them and hear all divorce, 33553
dissolution of marriage, legal separation, and annulment cases 33554
that come before the court. Except in cases that are subject to 33555
the exclusive original jurisdiction of the juvenile court, the 33556
judges of the division of domestic relations shall have assigned 33557
to them and hear all cases pertaining to paternity, custody, 33558
visitation, child support, or the allocation of parental rights 33559
and responsibilities for the care of children and all post-decree 33560
proceedings arising from any case pertaining to any of those 33561
matters. The judges of the division of domestic relations shall 33562
have assigned to them and hear all proceedings under the uniform 33563
interstate family support act contained in Chapter 3115. of the 33564
Revised Code. 33565

The judge of the division of domestic relations, senior in 33566
point of service, shall be the administrator of the domestic 33567
relations division and its subdivisions and departments and shall 33568
have charge of the employment, assignment, and supervision of the 33569
personnel of the division, including any necessary referees, who 33570
are engaged in handling, servicing, or investigating divorce, 33571
dissolution of marriage, legal separation, and annulment cases. 33572
That judge also shall designate the title, compensation, expense 33573
allowances, hours, leaves of absence, and vacations of the 33574

personnel of the division and shall fix their duties. The duties 33575
of the personnel, in addition to other statutory duties, shall 33576
include the handling, servicing, and investigation of divorce, 33577
dissolution of marriage, legal separation, and annulment cases and 33578
of any counseling and conciliation services that are available 33579
upon request to all persons, whether or not they are parties to an 33580
action pending in the division. 33581

(2) The judge of the court of common pleas whose term begins 33582
on January 1, 1955, and successors, shall have the same 33583
qualifications, exercise the same powers and jurisdiction, and 33584
receive the same compensation as other judges of the court of 33585
common pleas of Summit county, shall be elected and designated as 33586
judge of the court of common pleas, juvenile division, and shall 33587
be, and have the powers and jurisdiction of, the juvenile judge as 33588
provided in Chapters 2151. and 2152. of the Revised Code. Except 33589
in cases that are subject to the exclusive original jurisdiction 33590
of the juvenile court, the judge of the juvenile division shall 33591
not have jurisdiction or the power to hear, and shall not be 33592
assigned, any case pertaining to paternity, custody, visitation, 33593
child support, or the allocation of parental rights and 33594
responsibilities for the care of children or any post-decree 33595
proceeding arising from any case pertaining to any of those 33596
matters. The judge of the juvenile division shall not have 33597
jurisdiction or the power to hear, and shall not be assigned, any 33598
proceeding under the uniform interstate family support act 33599
contained in Chapter 3115. of the Revised Code. 33600

The juvenile judge shall be the administrator of the juvenile 33601
division and its subdivisions and departments and shall have 33602
charge of the employment, assignment, and supervision of the 33603
personnel of the juvenile division, including any necessary 33604
referees, who are engaged in handling, servicing, or investigating 33605
juvenile cases. The judge also shall designate the title, 33606

compensation, expense allowances, hours, leaves of absence, and 33607
vacation of the personnel of the division and shall fix their 33608
duties. The duties of the personnel, in addition to other 33609
statutory duties, shall include the handling, servicing, and 33610
investigation of juvenile cases and of any counseling and 33611
conciliation services that are available upon request to persons, 33612
whether or not they are parties to an action pending in the 33613
division. 33614

(J) In Trumbull county, the judges of the court of common 33615
pleas whose terms begin on January 1, 1953, and January 2, 1977, 33616
and successors, shall have the same qualifications, exercise the 33617
same powers and jurisdiction, and receive the same compensation as 33618
other judges of the court of common pleas of Trumbull county and 33619
shall be elected and designated as judges of the court of common 33620
pleas, division of domestic relations. They shall have all the 33621
powers relating to juvenile courts, and all cases under Chapters 33622
2151. and 2152. of the Revised Code, all parentage proceedings 33623
over which the juvenile court has jurisdiction, and all divorce, 33624
dissolution of marriage, legal separation, and annulment cases 33625
shall be assigned to them, except cases that for some special 33626
reason are assigned to some other judge of the court of common 33627
pleas. 33628

(K) In Butler county: 33629

(1) The judges of the court of common pleas whose terms begin 33630
on January 1, 1957, and January 4, 1993, and successors, shall 33631
have the same qualifications, exercise the same powers and 33632
jurisdiction, and receive the same compensation as other judges of 33633
the court of common pleas of Butler county and shall be elected 33634
and designated as judges of the court of common pleas, division of 33635
domestic relations. The judges of the division of domestic 33636
relations shall have assigned to them all divorce, dissolution of 33637
marriage, legal separation, and annulment cases coming before the 33638

court, except in cases that for some special reason are assigned 33639
to some other judge of the court of common pleas. The judges of 33640
the division of domestic relations also have concurrent 33641
jurisdiction with judges of the juvenile division of the court of 33642
common pleas of Butler county with respect to and may hear cases 33643
to determine the custody, support, or custody and support of a 33644
child who is born of issue of a marriage and who is not the ward 33645
of another court of this state, cases commenced by a party of the 33646
marriage to obtain an order requiring support of any child when 33647
the request for that order is not ancillary to an action for 33648
divorce, dissolution of marriage, annulment, or legal separation, 33649
a criminal or civil action involving an allegation of domestic 33650
violence, an action for support under Chapter 3115. of the Revised 33651
Code, or an action that is within the exclusive original 33652
jurisdiction of the juvenile division of the court of common pleas 33653
of Butler county and that involves an allegation that the child is 33654
an abused, neglected, or dependent child, and post-decree 33655
proceedings and matters arising from those types of cases. The 33656
judge senior in point of service shall be charged with the 33657
assignment and division of the work of the division and with the 33658
employment and supervision of all other personnel of the domestic 33659
relations division. 33660

The judge senior in point of service also shall designate the 33661
title, compensation, expense allowances, hours, leaves of absence, 33662
and vacations of the personnel of the division and shall fix their 33663
duties. The duties of the personnel, in addition to other 33664
statutory duties, shall include the handling, servicing, and 33665
investigation of divorce, dissolution of marriage, legal 33666
separation, and annulment cases and providing any counseling and 33667
conciliation services that the division makes available to 33668
persons, whether or not the persons are parties to an action 33669
pending in the division, who request the services. 33670

(2) The judges of the court of common pleas whose terms begin 33671
on January 3, 1987, and January 2, 2003, and successors, shall 33672
have the same qualifications, exercise the same powers and 33673
jurisdiction, and receive the same compensation as other judges of 33674
the court of common pleas of Butler county, shall be elected and 33675
designated as judges of the court of common pleas, juvenile 33676
division, and shall be the juvenile judges as provided in Chapters 33677
2151. and 2152. of the Revised Code, with the powers and 33678
jurisdictions conferred by those chapters. Except in cases that 33679
are subject to the exclusive original jurisdiction of the juvenile 33680
court, the judges of the juvenile division shall not have 33681
jurisdiction or the power to hear and shall not be assigned, but 33682
shall have the limited ability and authority to certify, any case 33683
commenced by a party of a marriage to determine the custody, 33684
support, or custody and support of a child who is born of issue of 33685
the marriage and who is not the ward of another court of this 33686
state when the request for the order in the case is not ancillary 33687
to an action for divorce, dissolution of marriage, annulment, or 33688
legal separation. The judge of the court of common pleas, juvenile 33689
division, who is senior in point of service, shall be the 33690
administrator of the juvenile division and its subdivisions and 33691
departments. The judge, senior in point of service, shall have 33692
charge of the employment, assignment, and supervision of the 33693
personnel of the juvenile division who are engaged in handling, 33694
servicing, or investigating juvenile cases, including any referees 33695
whom the judge considers necessary for the discharge of the 33696
judge's various duties. 33697

The judge, senior in point of service, also shall designate 33698
the title, compensation, expense allowances, hours, leaves of 33699
absence, and vacation of the personnel of the division and shall 33700
fix their duties. The duties of the personnel, in addition to 33701
other statutory duties, include the handling, servicing, and 33702
investigation of juvenile cases and providing any counseling and 33703

conciliation services that the division makes available to 33704
persons, whether or not the persons are parties to an action 33705
pending in the division, who request the services. 33706

(3) If a judge of the court of common pleas, division of 33707
domestic relations or juvenile division, is sick, absent, or 33708
unable to perform that judge's judicial duties or the volume of 33709
cases pending in the judge's division necessitates it, the duties 33710
of that judge shall be performed by the other judges of the 33711
domestic relations and juvenile divisions. 33712

(L)(1) In Cuyahoga county, the judges of the court of common 33713
pleas whose terms begin on January 8, 1961, January 9, 1961, 33714
January 18, 1975, January 19, 1975, and January 13, 1987, and 33715
successors, shall have the same qualifications, exercise the same 33716
powers and jurisdiction, and receive the same compensation as 33717
other judges of the court of common pleas of Cuyahoga county and 33718
shall be elected and designated as judges of the court of common 33719
pleas, division of domestic relations. They shall have all the 33720
powers relating to all divorce, dissolution of marriage, legal 33721
separation, and annulment cases, except in cases that are assigned 33722
to some other judge of the court of common pleas for some special 33723
reason. 33724

(2) The administrative judge is administrator of the domestic 33725
relations division and its subdivisions and departments and has 33726
the following powers concerning division personnel: 33727

(a) Full charge of the employment, assignment, and 33728
supervision; 33729

(b) Sole determination of compensation, duties, expenses, 33730
allowances, hours, leaves, and vacations. 33731

(3) "Division personnel" include persons employed or referees 33732
engaged in hearing, servicing, investigating, counseling, or 33733
conciliating divorce, dissolution of marriage, legal separation 33734

and annulment matters. 33735

(M) In Lake county: 33736

(1) The judge of the court of common pleas whose term begins 33737
on January 2, 1961, and successors, shall have the same 33738
qualifications, exercise the same powers and jurisdiction, and 33739
receive the same compensation as the other judges of the court of 33740
common pleas of Lake county and shall be elected and designated as 33741
judge of the court of common pleas, division of domestic 33742
relations. The judge shall be assigned all the divorce, 33743
dissolution of marriage, legal separation, and annulment cases 33744
coming before the court, except in cases that for some special 33745
reason are assigned to some other judge of the court of common 33746
pleas. The judge shall be charged with the assignment and division 33747
of the work of the division and with the employment and 33748
supervision of all other personnel of the domestic relations 33749
division. 33750

The judge also shall designate the title, compensation, 33751
expense allowances, hours, leaves of absence, and vacations of the 33752
personnel of the division and shall fix their duties. The duties 33753
of the personnel, in addition to other statutory duties, shall 33754
include the handling, servicing, and investigation of divorce, 33755
dissolution of marriage, legal separation, and annulment cases and 33756
providing any counseling and conciliation services that the 33757
division makes available to persons, whether or not the persons 33758
are parties to an action pending in the division, who request the 33759
services. 33760

(2) The judge of the court of common pleas whose term begins 33761
on January 4, 1979, and successors, shall have the same 33762
qualifications, exercise the same powers and jurisdiction, and 33763
receive the same compensation as other judges of the court of 33764
common pleas of Lake county, shall be elected and designated as 33765
judge of the court of common pleas, juvenile division, and shall 33766

be the juvenile judge as provided in Chapters 2151. and 2152. of 33767
the Revised Code, with the powers and jurisdictions conferred by 33768
those chapters. The judge of the court of common pleas, juvenile 33769
division, shall be the administrator of the juvenile division and 33770
its subdivisions and departments. The judge shall have charge of 33771
the employment, assignment, and supervision of the personnel of 33772
the juvenile division who are engaged in handling, servicing, or 33773
investigating juvenile cases, including any referees whom the 33774
judge considers necessary for the discharge of the judge's various 33775
duties. 33776

The judge also shall designate the title, compensation, 33777
expense allowances, hours, leaves of absence, and vacation of the 33778
personnel of the division and shall fix their duties. The duties 33779
of the personnel, in addition to other statutory duties, include 33780
the handling, servicing, and investigation of juvenile cases and 33781
providing any counseling and conciliation services that the 33782
division makes available to persons, whether or not the persons 33783
are parties to an action pending in the division, who request the 33784
services. 33785

(3) If a judge of the court of common pleas, division of 33786
domestic relations or juvenile division, is sick, absent, or 33787
unable to perform that judge's judicial duties or the volume of 33788
cases pending in the judge's division necessitates it, the duties 33789
of that judge shall be performed by the other judges of the 33790
domestic relations and juvenile divisions. 33791

(N) In Erie county: 33792

(1) The judge of the court of common pleas whose term begins 33793
on January 2, 1971, and the successors to that judge whose terms 33794
begin before January 2, 2007, shall have the same qualifications, 33795
exercise the same powers and jurisdiction, and receive the same 33796
compensation as the other judge of the court of common pleas of 33797
Erie county and shall be elected and designated as judge of the 33798

court of common pleas, division of domestic relations. The judge 33799
shall have all the powers relating to juvenile courts, and shall 33800
be assigned all cases under Chapters 2151. and 2152. of the 33801
Revised Code, parentage proceedings over which the juvenile court 33802
has jurisdiction, and divorce, dissolution of marriage, legal 33803
separation, and annulment cases, except cases that for some 33804
special reason are assigned to some other judge. 33805

On or after January 2, 2007, the judge of the court of common 33806
pleas who is elected in 2006 shall be the successor to the judge 33807
of the domestic relations division whose term expires on January 33808
1, 2007, shall be designated as judge of the court of common 33809
pleas, juvenile division, and shall be the juvenile judge as 33810
provided in Chapters 2151. and 2152. of the Revised Code with the 33811
powers and jurisdictions conferred by those chapters. 33812

(2) The judge of the court of common pleas, general division, 33813
whose term begins on January 1, 2005, and successors, the judge of 33814
the court of common pleas, general division whose term begins on 33815
January 2, 2005, and successors, and the judge of the court of 33816
common pleas, general division, whose term begins February 9, 33817
2009, and successors, shall have assigned to them, in addition to 33818
all matters that are within the jurisdiction of the general 33819
division of the court of common pleas, all divorce, dissolution of 33820
marriage, legal separation, and annulment cases coming before the 33821
court, and all matters that are within the jurisdiction of the 33822
probate court under Chapter 2101., and other provisions, of the 33823
Revised Code. 33824

(0) In Greene county: 33825

(1) The judge of the court of common pleas whose term begins 33826
on January 1, 1961, and successors, shall have the same 33827
qualifications, exercise the same powers and jurisdiction, and 33828
receive the same compensation as the other judges of the court of 33829
common pleas of Greene county and shall be elected and designated 33830

as the judge of the court of common pleas, division of domestic 33831
relations. The judge shall be assigned all divorce, dissolution of 33832
marriage, legal separation, annulment, uniform reciprocal support 33833
enforcement, and domestic violence cases and all other cases 33834
related to domestic relations, except cases that for some special 33835
reason are assigned to some other judge of the court of common 33836
pleas. 33837

The judge shall be charged with the assignment and division 33838
of the work of the division and with the employment and 33839
supervision of all other personnel of the division. The judge also 33840
shall designate the title, compensation, hours, leaves of absence, 33841
and vacations of the personnel of the division and shall fix their 33842
duties. The duties of the personnel of the division, in addition 33843
to other statutory duties, shall include the handling, servicing, 33844
and investigation of divorce, dissolution of marriage, legal 33845
separation, and annulment cases and the provision of counseling 33846
and conciliation services that the division considers necessary 33847
and makes available to persons who request the services, whether 33848
or not the persons are parties in an action pending in the 33849
division. The compensation for the personnel shall be paid from 33850
the overall court budget and shall be included in the 33851
appropriations for the existing judges of the general division of 33852
the court of common pleas. 33853

(2) The judge of the court of common pleas whose term begins 33854
on January 1, 1995, and successors, shall have the same 33855
qualifications, exercise the same powers and jurisdiction, and 33856
receive the same compensation as the other judges of the court of 33857
common pleas of Greene county, shall be elected and designated as 33858
judge of the court of common pleas, juvenile division, and, on or 33859
after January 1, 1995, shall be the juvenile judge as provided in 33860
Chapters 2151. and 2152. of the Revised Code with the powers and 33861
jurisdiction conferred by those chapters. The judge of the court 33862

of common pleas, juvenile division, shall be the administrator of 33863
the juvenile division and its subdivisions and departments. The 33864
judge shall have charge of the employment, assignment, and 33865
supervision of the personnel of the juvenile division who are 33866
engaged in handling, servicing, or investigating juvenile cases, 33867
including any referees whom the judge considers necessary for the 33868
discharge of the judge's various duties. 33869

The judge also shall designate the title, compensation, 33870
expense allowances, hours, leaves of absence, and vacation of the 33871
personnel of the division and shall fix their duties. The duties 33872
of the personnel, in addition to other statutory duties, include 33873
the handling, servicing, and investigation of juvenile cases and 33874
providing any counseling and conciliation services that the court 33875
makes available to persons, whether or not the persons are parties 33876
to an action pending in the court, who request the services. 33877

(3) If one of the judges of the court of common pleas, 33878
general division, is sick, absent, or unable to perform that 33879
judge's judicial duties or the volume of cases pending in the 33880
general division necessitates it, the duties of that judge of the 33881
general division shall be performed by the judge of the division 33882
of domestic relations and the judge of the juvenile division. 33883

(P) In Portage county, the judge of the court of common 33884
pleas, whose term begins January 2, 1987, and successors, shall 33885
have the same qualifications, exercise the same powers and 33886
jurisdiction, and receive the same compensation as the other 33887
judges of the court of common pleas of Portage county and shall be 33888
elected and designated as judge of the court of common pleas, 33889
division of domestic relations. The judge shall be assigned all 33890
divorce, dissolution of marriage, legal separation, and annulment 33891
cases coming before the court, except in cases that for some 33892
special reason are assigned to some other judge of the court of 33893
common pleas. The judge shall be charged with the assignment and 33894

division of the work of the division and with the employment and 33895
supervision of all other personnel of the domestic relations 33896
division. 33897

The judge also shall designate the title, compensation, 33898
expense allowances, hours, leaves of absence, and vacations of the 33899
personnel of the division and shall fix their duties. The duties 33900
of the personnel, in addition to other statutory duties, shall 33901
include the handling, servicing, and investigation of divorce, 33902
dissolution of marriage, legal separation, and annulment cases and 33903
providing any counseling and conciliation services that the 33904
division makes available to persons, whether or not the persons 33905
are parties to an action pending in the division, who request the 33906
services. 33907

(Q) In Clermont county, the judge of the court of common 33908
pleas, whose term begins January 2, 1987, and successors, shall 33909
have the same qualifications, exercise the same powers and 33910
jurisdiction, and receive the same compensation as the other 33911
judges of the court of common pleas of Clermont county and shall 33912
be elected and designated as judge of the court of common pleas, 33913
division of domestic relations. The judge shall be assigned all 33914
divorce, dissolution of marriage, legal separation, and annulment 33915
cases coming before the court, except in cases that for some 33916
special reason are assigned to some other judge of the court of 33917
common pleas. The judge shall be charged with the assignment and 33918
division of the work of the division and with the employment and 33919
supervision of all other personnel of the domestic relations 33920
division. 33921

The judge also shall designate the title, compensation, 33922
expense allowances, hours, leaves of absence, and vacations of the 33923
personnel of the division and shall fix their duties. The duties 33924
of the personnel, in addition to other statutory duties, shall 33925
include the handling, servicing, and investigation of divorce, 33926

dissolution of marriage, legal separation, and annulment cases and 33927
providing any counseling and conciliation services that the 33928
division makes available to persons, whether or not the persons 33929
are parties to an action pending in the division, who request the 33930
services. 33931

(R) In Warren county, the judge of the court of common pleas, 33932
whose term begins January 1, 1987, and successors, shall have the 33933
same qualifications, exercise the same powers and jurisdiction, 33934
and receive the same compensation as the other judges of the court 33935
of common pleas of Warren county and shall be elected and 33936
designated as judge of the court of common pleas, division of 33937
domestic relations. The judge shall be assigned all divorce, 33938
dissolution of marriage, legal separation, and annulment cases 33939
coming before the court, except in cases that for some special 33940
reason are assigned to some other judge of the court of common 33941
pleas. The judge shall be charged with the assignment and division 33942
of the work of the division and with the employment and 33943
supervision of all other personnel of the domestic relations 33944
division. 33945

The judge also shall designate the title, compensation, 33946
expense allowances, hours, leaves of absence, and vacations of the 33947
personnel of the division and shall fix their duties. The duties 33948
of the personnel, in addition to other statutory duties, shall 33949
include the handling, servicing, and investigation of divorce, 33950
dissolution of marriage, legal separation, and annulment cases and 33951
providing any counseling and conciliation services that the 33952
division makes available to persons, whether or not the persons 33953
are parties to an action pending in the division, who request the 33954
services. 33955

(S) In Licking county, the judges of the court of common 33956
pleas, whose terms begin on January 1, 1991, and January 1, 2005, 33957
and successors, shall have the same qualifications, exercise the 33958

same powers and jurisdiction, and receive the same compensation as 33959
the other judges of the court of common pleas of Licking county 33960
and shall be elected and designated as judges of the court of 33961
common pleas, division of domestic relations. The judges shall be 33962
assigned all divorce, dissolution of marriage, legal separation, 33963
and annulment cases, all cases arising under Chapter 3111. of the 33964
Revised Code, all proceedings involving child support, the 33965
allocation of parental rights and responsibilities for the care of 33966
children and the designation for the children of a place of 33967
residence and legal custodian, parenting time, and visitation, and 33968
all post-decree proceedings and matters arising from those cases 33969
and proceedings, except in cases that for some special reason are 33970
assigned to another judge of the court of common pleas. The 33971
administrative judge of the division of domestic relations shall 33972
be charged with the assignment and division of the work of the 33973
division and with the employment and supervision of the personnel 33974
of the division. 33975

The administrative judge of the division of domestic 33976
relations shall designate the title, compensation, expense 33977
allowances, hours, leaves of absence, and vacations of the 33978
personnel of the division and shall fix the duties of the 33979
personnel of the division. The duties of the personnel of the 33980
division, in addition to other statutory duties, shall include the 33981
handling, servicing, and investigation of divorce, dissolution of 33982
marriage, legal separation, and annulment cases, cases arising 33983
under Chapter 3111. of the Revised Code, and proceedings involving 33984
child support, the allocation of parental rights and 33985
responsibilities for the care of children and the designation for 33986
the children of a place of residence and legal custodian, 33987
parenting time, and visitation and providing any counseling and 33988
conciliation services that the division makes available to 33989
persons, whether or not the persons are parties to an action 33990
pending in the division, who request the services. 33991

(T) In Allen county, the judge of the court of common pleas, 33992
whose term begins January 1, 1993, and successors, shall have the 33993
same qualifications, exercise the same powers and jurisdiction, 33994
and receive the same compensation as the other judges of the court 33995
of common pleas of Allen county and shall be elected and 33996
designated as judge of the court of common pleas, division of 33997
domestic relations. The judge shall be assigned all divorce, 33998
dissolution of marriage, legal separation, and annulment cases, 33999
all cases arising under Chapter 3111. of the Revised Code, all 34000
proceedings involving child support, the allocation of parental 34001
rights and responsibilities for the care of children and the 34002
designation for the children of a place of residence and legal 34003
custodian, parenting time, and visitation, and all post-decree 34004
proceedings and matters arising from those cases and proceedings, 34005
except in cases that for some special reason are assigned to 34006
another judge of the court of common pleas. The judge shall be 34007
charged with the assignment and division of the work of the 34008
division and with the employment and supervision of the personnel 34009
of the division. 34010

The judge shall designate the title, compensation, expense 34011
allowances, hours, leaves of absence, and vacations of the 34012
personnel of the division and shall fix the duties of the 34013
personnel of the division. The duties of the personnel of the 34014
division, in addition to other statutory duties, shall include the 34015
handling, servicing, and investigation of divorce, dissolution of 34016
marriage, legal separation, and annulment cases, cases arising 34017
under Chapter 3111. of the Revised Code, and proceedings involving 34018
child support, the allocation of parental rights and 34019
responsibilities for the care of children and the designation for 34020
the children of a place of residence and legal custodian, 34021
parenting time, and visitation, and providing any counseling and 34022
conciliation services that the division makes available to 34023
persons, whether or not the persons are parties to an action 34024

pending in the division, who request the services. 34025

(U) In Medina county, the judge of the court of common pleas 34026
whose term begins January 1, 1995, and successors, shall have the 34027
same qualifications, exercise the same powers and jurisdiction, 34028
and receive the same compensation as other judges of the court of 34029
common pleas of Medina county and shall be elected and designated 34030
as judge of the court of common pleas, division of domestic 34031
relations. The judge shall be assigned all divorce, dissolution of 34032
marriage, legal separation, and annulment cases, all cases arising 34033
under Chapter 3111. of the Revised Code, all proceedings involving 34034
child support, the allocation of parental rights and 34035
responsibilities for the care of children and the designation for 34036
the children of a place of residence and legal custodian, 34037
parenting time, and visitation, and all post-decree proceedings 34038
and matters arising from those cases and proceedings, except in 34039
cases that for some special reason are assigned to another judge 34040
of the court of common pleas. The judge shall be charged with the 34041
assignment and division of the work of the division and with the 34042
employment and supervision of the personnel of the division. 34043

The judge shall designate the title, compensation, expense 34044
allowances, hours, leaves of absence, and vacations of the 34045
personnel of the division and shall fix the duties of the 34046
personnel of the division. The duties of the personnel, in 34047
addition to other statutory duties, include the handling, 34048
servicing, and investigation of divorce, dissolution of marriage, 34049
legal separation, and annulment cases, cases arising under Chapter 34050
3111. of the Revised Code, and proceedings involving child 34051
support, the allocation of parental rights and responsibilities 34052
for the care of children and the designation for the children of a 34053
place of residence and legal custodian, parenting time, and 34054
visitation, and providing counseling and conciliation services 34055
that the division makes available to persons, whether or not the 34056

persons are parties to an action pending in the division, who 34057
request the services. 34058

(V) In Fairfield county, the judge of the court of common 34059
pleas whose term begins January 2, 1995, and successors, shall 34060
have the same qualifications, exercise the same powers and 34061
jurisdiction, and receive the same compensation as the other 34062
judges of the court of common pleas of Fairfield county and shall 34063
be elected and designated as judge of the court of common pleas, 34064
division of domestic relations. The judge shall be assigned all 34065
divorce, dissolution of marriage, legal separation, and annulment 34066
cases, all cases arising under Chapter 3111. of the Revised Code, 34067
all proceedings involving child support, the allocation of 34068
parental rights and responsibilities for the care of children and 34069
the designation for the children of a place of residence and legal 34070
custodian, parenting time, and visitation, and all post-decree 34071
proceedings and matters arising from those cases and proceedings, 34072
except in cases that for some special reason are assigned to 34073
another judge of the court of common pleas. The judge also has 34074
concurrent jurisdiction with the probate-juvenile division of the 34075
court of common pleas of Fairfield county with respect to and may 34076
hear cases to determine the custody of a child, as defined in 34077
section 2151.011 of the Revised Code, who is not the ward of 34078
another court of this state, cases that are commenced by a parent, 34079
guardian, or custodian of a child, as defined in section 2151.011 34080
of the Revised Code, to obtain an order requiring a parent of the 34081
child to pay child support for that child when the request for 34082
that order is not ancillary to an action for divorce, dissolution 34083
of marriage, annulment, or legal separation, a criminal or civil 34084
action involving an allegation of domestic violence, an action for 34085
support under Chapter 3115. of the Revised Code, or an action that 34086
is within the exclusive original jurisdiction of the 34087
probate-juvenile division of the court of common pleas of 34088
Fairfield county and that involves an allegation that the child is 34089

an abused, neglected, or dependent child, and post-decree 34090
proceedings and matters arising from those types of cases. 34091

The judge of the domestic relations division shall be charged 34092
with the assignment and division of the work of the division and 34093
with the employment and supervision of the personnel of the 34094
division. 34095

The judge shall designate the title, compensation, expense 34096
allowances, hours, leaves of absence, and vacations of the 34097
personnel of the division and shall fix the duties of the 34098
personnel of the division. The duties of the personnel of the 34099
division, in addition to other statutory duties, shall include the 34100
handling, servicing, and investigation of divorce, dissolution of 34101
marriage, legal separation, and annulment cases, cases arising 34102
under Chapter 3111. of the Revised Code, and proceedings involving 34103
child support, the allocation of parental rights and 34104
responsibilities for the care of children and the designation for 34105
the children of a place of residence and legal custodian, 34106
parenting time, and visitation, and providing any counseling and 34107
conciliation services that the division makes available to 34108
persons, regardless of whether the persons are parties to an 34109
action pending in the division, who request the services. When the 34110
judge hears a case to determine the custody of a child, as defined 34111
in section 2151.011 of the Revised Code, who is not the ward of 34112
another court of this state or a case that is commenced by a 34113
parent, guardian, or custodian of a child, as defined in section 34114
2151.011 of the Revised Code, to obtain an order requiring a 34115
parent of the child to pay child support for that child when the 34116
request for that order is not ancillary to an action for divorce, 34117
dissolution of marriage, annulment, or legal separation, a 34118
criminal or civil action involving an allegation of domestic 34119
violence, an action for support under Chapter 3115. of the Revised 34120
Code, or an action that is within the exclusive original 34121

jurisdiction of the probate-juvenile division of the court of 34122
common pleas of Fairfield county and that involves an allegation 34123
that the child is an abused, neglected, or dependent child, the 34124
duties of the personnel of the domestic relations division also 34125
include the handling, servicing, and investigation of those types 34126
of cases. 34127

(W)(1) In Clark county, the judge of the court of common 34128
pleas whose term begins on January 2, 1995, and successors, shall 34129
have the same qualifications, exercise the same powers and 34130
jurisdiction, and receive the same compensation as other judges of 34131
the court of common pleas of Clark county and shall be elected and 34132
designated as judge of the court of common pleas, domestic 34133
relations division. The judge shall have all the powers relating 34134
to juvenile courts, and all cases under Chapters 2151. and 2152. 34135
of the Revised Code and all parentage proceedings under Chapter 34136
3111. of the Revised Code over which the juvenile court has 34137
jurisdiction shall be assigned to the judge of the division of 34138
domestic relations. All divorce, dissolution of marriage, legal 34139
separation, annulment, uniform reciprocal support enforcement, and 34140
other cases related to domestic relations shall be assigned to the 34141
domestic relations division, and the presiding judge of the court 34142
of common pleas shall assign the cases to the judge of the 34143
domestic relations division and the judges of the general 34144
division. 34145

(2) In addition to the judge's regular duties, the judge of 34146
the division of domestic relations shall serve on the children 34147
services board and the county advisory board. 34148

(3) If the judge of the court of common pleas of Clark 34149
county, division of domestic relations, is sick, absent, or unable 34150
to perform that judge's judicial duties or if the presiding judge 34151
of the court of common pleas of Clark county determines that the 34152
volume of cases pending in the division of domestic relations 34153

necessitates it, the duties of the judge of the division of 34154
domestic relations shall be performed by the judges of the general 34155
division or probate division of the court of common pleas of Clark 34156
county, as assigned for that purpose by the presiding judge of 34157
that court, and the judges so assigned shall act in conjunction 34158
with the judge of the division of domestic relations of that 34159
court. 34160

(X) In Scioto county, the judge of the court of common pleas 34161
whose term begins January 2, 1995, and successors, shall have the 34162
same qualifications, exercise the same powers and jurisdiction, 34163
and receive the same compensation as other judges of the court of 34164
common pleas of Scioto county and shall be elected and designated 34165
as judge of the court of common pleas, division of domestic 34166
relations. The judge shall be assigned all divorce, dissolution of 34167
marriage, legal separation, and annulment cases, all cases arising 34168
under Chapter 3111. of the Revised Code, all proceedings involving 34169
child support, the allocation of parental rights and 34170
responsibilities for the care of children and the designation for 34171
the children of a place of residence and legal custodian, 34172
parenting time, visitation, and all post-decree proceedings and 34173
matters arising from those cases and proceedings, except in cases 34174
that for some special reason are assigned to another judge of the 34175
court of common pleas. The judge shall be charged with the 34176
assignment and division of the work of the division and with the 34177
employment and supervision of the personnel of the division. 34178

The judge shall designate the title, compensation, expense 34179
allowances, hours, leaves of absence, and vacations of the 34180
personnel of the division and shall fix the duties of the 34181
personnel of the division. The duties of the personnel, in 34182
addition to other statutory duties, include the handling, 34183
servicing, and investigation of divorce, dissolution of marriage, 34184
legal separation, and annulment cases, cases arising under Chapter 34185

3111. of the Revised Code, and proceedings involving child 34186
support, the allocation of parental rights and responsibilities 34187
for the care of children and the designation for the children of a 34188
place of residence and legal custodian, parenting time, and 34189
visitation, and providing counseling and conciliation services 34190
that the division makes available to persons, whether or not the 34191
persons are parties to an action pending in the division, who 34192
request the services. 34193

(Y) In Auglaize county, the judge of the probate and juvenile 34194
divisions of the Auglaize county court of common pleas also shall 34195
be the administrative judge of the domestic relations division of 34196
the court and shall be assigned all divorce, dissolution of 34197
marriage, legal separation, and annulment cases coming before the 34198
court. The judge shall have all powers as administrator of the 34199
domestic relations division and shall have charge of the personnel 34200
engaged in handling, servicing, or investigating divorce, 34201
dissolution of marriage, legal separation, and annulment cases, 34202
including any referees considered necessary for the discharge of 34203
the judge's various duties. 34204

(Z)(1) In Marion county, the judge of the court of common 34205
pleas whose term begins on February 9, 1999, and the successors to 34206
that judge, shall have the same qualifications, exercise the same 34207
powers and jurisdiction, and receive the same compensation as the 34208
other judges of the court of common pleas of Marion county and 34209
shall be elected and designated as judge of the court of common 34210
pleas, domestic relations-juvenile-probate division. Except as 34211
otherwise specified in this division, that judge, and the 34212
successors to that judge, shall have all the powers relating to 34213
juvenile courts, and all cases under Chapters 2151. and 2152. of 34214
the Revised Code, all cases arising under Chapter 3111. of the 34215
Revised Code, all divorce, dissolution of marriage, legal 34216
separation, and annulment cases, all proceedings involving child 34217

support, the allocation of parental rights and responsibilities 34218
for the care of children and the designation for the children of a 34219
place of residence and legal custodian, parenting time, and 34220
visitation, and all post-decree proceedings and matters arising 34221
from those cases and proceedings shall be assigned to that judge 34222
and the successors to that judge. Except as provided in division 34223
(Z)(2) of this section and notwithstanding any other provision of 34224
any section of the Revised Code, on and after February 9, 2003, 34225
the judge of the court of common pleas of Marion county whose term 34226
begins on February 9, 1999, and the successors to that judge, 34227
shall have all the powers relating to the probate division of the 34228
court of common pleas of Marion county in addition to the powers 34229
previously specified in this division, and shall exercise 34230
concurrent jurisdiction with the judge of the probate division of 34231
that court over all matters that are within the jurisdiction of 34232
the probate division of that court under Chapter 2101., and other 34233
provisions, of the Revised Code in addition to the jurisdiction of 34234
the domestic relations-juvenile-probate division of that court 34235
otherwise specified in division (Z)(1) of this section. 34236

(2) The judge of the domestic relations-juvenile-probate 34237
division of the court of common pleas of Marion county or the 34238
judge of the probate division of the court of common pleas of 34239
Marion county, whichever of those judges is senior in total length 34240
of service on the court of common pleas of Marion county, 34241
regardless of the division or divisions of service, shall serve as 34242
the clerk of the probate division of the court of common pleas of 34243
Marion county. 34244

(3) On and after February 9, 2003, all references in law to 34245
"the probate court," "the probate judge," "the juvenile court," or 34246
"the judge of the juvenile court" shall be construed, with respect 34247
to Marion county, as being references to both "the probate 34248
division" and "the domestic relations-juvenile-probate division" 34249

and as being references to both "the judge of the probate 34250
division" and "the judge of the domestic relations- 34251
juvenile-probate division." On and after February 9, 2003, all 34252
references in law to "the clerk of the probate court" shall be 34253
construed, with respect to Marion county, as being references to 34254
the judge who is serving pursuant to division (Z)(2) of this 34255
section as the clerk of the probate division of the court of 34256
common pleas of Marion county. 34257

(AA) In Muskingum county, the judge of the court of common 34258
pleas whose term begins on January 2, 2003, and successors, shall 34259
have the same qualifications, exercise the same powers and 34260
jurisdiction, and receive the same compensation as the other 34261
judges of the court of common pleas of Muskingum county and shall 34262
be elected and designated as the judge of the court of common 34263
pleas, division of domestic relations. The judge shall be assigned 34264
all divorce, dissolution of marriage, legal separation, and 34265
annulment cases, all cases arising under Chapter 3111. of the 34266
Revised Code, all proceedings involving child support, the 34267
allocation of parental rights and responsibilities for the care of 34268
children and the designation for the children of a place of 34269
residence and legal custodian, parenting time, and visitation, and 34270
all post-decree proceedings and matters arising from those cases 34271
and proceedings, except in cases that for some special reason are 34272
assigned to another judge of the court of common pleas. The judge 34273
shall be charged with the assignment and division of the work of 34274
the division and with the employment and supervision of the 34275
personnel of the division. 34276

The judge shall designate the title, compensation, expense 34277
allowances, hours, leaves of absence, and vacations of the 34278
personnel of the division and shall fix the duties of the 34279
personnel of the division. The duties of the personnel of the 34280
division, in addition to other statutory duties, shall include the 34281

handling, servicing, and investigation of divorce, dissolution of 34282
marriage, legal separation, and annulment cases, cases arising 34283
under Chapter 3111. of the Revised Code, and proceedings involving 34284
child support, the allocation of parental rights and 34285
responsibilities for the care of children and the designation for 34286
the children of a place of residence and legal custodian, 34287
parenting time, and visitation and providing any counseling and 34288
conciliation services that the division makes available to 34289
persons, whether or not the persons are parties to an action 34290
pending in the division, who request the services. 34291

(BB) In Henry county, the judge of the court of common pleas 34292
whose term begins on January 1, 2005, and successors, shall have 34293
the same qualifications, exercise the same powers and 34294
jurisdiction, and receive the same compensation as the other judge 34295
of the court of common pleas of Henry county and shall be elected 34296
and designated as the judge of the court of common pleas, division 34297
of domestic relations. The judge shall have all of the powers 34298
relating to juvenile courts, and all cases under Chapter 2151. or 34299
2152. of the Revised Code, all parentage proceedings arising under 34300
Chapter 3111. of the Revised Code over which the juvenile court 34301
has jurisdiction, all divorce, dissolution of marriage, legal 34302
separation, and annulment cases, all proceedings involving child 34303
support, the allocation of parental rights and responsibilities 34304
for the care of children and the designation for the children of a 34305
place of residence and legal custodian, parenting time, and 34306
visitation, and all post-decree proceedings and matters arising 34307
from those cases and proceedings shall be assigned to that judge, 34308
except in cases that for some special reason are assigned to the 34309
other judge of the court of common pleas. 34310

(CC)(1) In Logan county, the judge of the court of common 34311
pleas whose term begins January 2, 2005, and the successors to 34312
that judge, shall have the same qualifications, exercise the same 34313

powers and jurisdiction, and receive the same compensation as the 34314
other judges of the court of common pleas of Logan county and 34315
shall be elected and designated as judge of the court of common 34316
pleas, domestic relations-juvenile-probate division. Except as 34317
otherwise specified in this division, that judge, and the 34318
successors to that judge, shall have all the powers relating to 34319
juvenile courts, and all cases under Chapters 2151. and 2152. of 34320
the Revised Code, all cases arising under Chapter 3111. of the 34321
Revised Code, all divorce, dissolution of marriage, legal 34322
separation, and annulment cases, all proceedings involving child 34323
support, the allocation of parental rights and responsibilities 34324
for the care of children and designation for the children of a 34325
place of residence and legal custodian, parenting time, and 34326
visitation, and all post-decree proceedings and matters arising 34327
from those cases and proceedings shall be assigned to that judge 34328
and the successors to that judge. Notwithstanding any other 34329
provision of any section of the Revised Code, on and after January 34330
2, 2005, the judge of the court of common pleas of Logan county 34331
whose term begins on January 2, 2005, and the successors to that 34332
judge, shall have all the powers relating to the probate division 34333
of the court of common pleas of Logan county in addition to the 34334
powers previously specified in this division and shall exercise 34335
concurrent jurisdiction with the judge of the probate division of 34336
that court over all matters that are within the jurisdiction of 34337
the probate division of that court under Chapter 2101., and other 34338
provisions, of the Revised Code in addition to the jurisdiction of 34339
the domestic relations-juvenile-probate division of that court 34340
otherwise specified in division (CC)(1) of this section. 34341

(2) The judge of the domestic relations-juvenile-probate 34342
division of the court of common pleas of Logan county or the 34343
probate judge of the court of common pleas of Logan county who is 34344
elected as the administrative judge of the probate division of the 34345
court of common pleas of Logan county pursuant to Rule 4 of the 34346

Rules of Superintendence shall be the clerk of the probate 34347
division and juvenile division of the court of common pleas of 34348
Logan county. The clerk of the court of common pleas who is 34349
elected pursuant to section 2303.01 of the Revised Code shall keep 34350
all of the journals, records, books, papers, and files pertaining 34351
to the domestic relations cases. 34352

(3) On and after January 2, 2005, all references in law to 34353
"the probate court," "the probate judge," "the juvenile court," or 34354
"the judge of the juvenile court" shall be construed, with respect 34355
to Logan county, as being references to both "the probate 34356
division" and the "domestic relations-juvenile-probate division" 34357
and as being references to both "the judge of the probate 34358
division" and the "judge of the domestic 34359
relations-juvenile-probate division." On and after January 2, 34360
2005, all references in law to "the clerk of the probate court" 34361
shall be construed, with respect to Logan county, as being 34362
references to the judge who is serving pursuant to division 34363
(CC)(2) of this section as the clerk of the probate division of 34364
the court of common pleas of Logan county. 34365

(DD)(1) In Champaign county, the judge of the court of common 34366
pleas whose term begins February 9, 2003, and the judge of the 34367
court of common pleas whose term begins February 10, 2009, and the 34368
successors to those judges, shall have the same qualifications, 34369
exercise the same powers and jurisdiction, and receive the same 34370
compensation as the other judges of the court of common pleas of 34371
Champaign county and shall be elected and designated as judges of 34372
the court of common pleas, domestic relations-juvenile-probate 34373
division. Except as otherwise specified in this division, those 34374
judges, and the successors to those judges, shall have all the 34375
powers relating to juvenile courts, and all cases under Chapters 34376
2151. and 2152. of the Revised Code, all cases arising under 34377
Chapter 3111. of the Revised Code, all divorce, dissolution of 34378

marriage, legal separation, and annulment cases, all proceedings 34379
involving child support, the allocation of parental rights and 34380
responsibilities for the care of children and the designation for 34381
the children of a place of residence and legal custodian, 34382
parenting time, and visitation, and all post-decree proceedings 34383
and matters arising from those cases and proceedings shall be 34384
assigned to those judges and the successors to those judges. 34385
Notwithstanding any other provision of any section of the Revised 34386
Code, on and after February 9, 2009, the judges designated by this 34387
division as judges of the court of common pleas of Champaign 34388
county, domestic relations-juvenile-probate division, and the 34389
successors to those judges, shall have all the powers relating to 34390
probate courts in addition to the powers previously specified in 34391
this division and shall exercise jurisdiction over all matters 34392
that are within the jurisdiction of probate courts under Chapter 34393
2101., and other provisions, of the Revised Code in addition to 34394
the jurisdiction of the domestic relations-juvenile-probate 34395
division otherwise specified in division (DD)(1) of this section. 34396

(2) On and after February 9, 2009, all references in law to 34397
"the probate court," "the probate judge," "the juvenile court," or 34398
"the judge of the juvenile court" shall be construed with respect 34399
to Champaign county as being references to the "domestic 34400
relations-juvenile-probate division" and as being references to 34401
the "judge of the domestic relations-juvenile-probate division." 34402
On and after February 9, 2009, all references in law to "the clerk 34403
of the probate court" shall be construed with respect to Champaign 34404
county as being references to the judge who is serving pursuant to 34405
Rule 4 of the Rules of Superintendence for the Courts of Ohio as 34406
the administrative judge of the court of common pleas, domestic 34407
relations-juvenile-probate division. 34408

(EE) If a judge of the court of common pleas, division of 34409
domestic relations, or juvenile judge, of any of the counties 34410

mentioned in this section is sick, absent, or unable to perform 34411
that judge's judicial duties or the volume of cases pending in the 34412
judge's division necessitates it, the duties of that judge shall 34413
be performed by another judge of the court of common pleas of that 34414
county, assigned for that purpose by the presiding judge of the 34415
court of common pleas of that county to act in place of or in 34416
conjunction with that judge, as the case may require. 34417

Sec. 2305.231. (A) As used in this section: 34418

(1) "Dentist" means a person who is licensed under Chapter 34419
4715. of the Revised Code to practice dentistry. 34420

(2) "Physician" means a person who holds a certificate issued 34421
by the state medical board to practice medicine and surgery, 34422
osteopathic medicine and surgery, or podiatric medicine and 34423
surgery. 34424

(3) "Registered nurse" means a nurse who is licensed as a 34425
registered nurse under Chapter 4723. of the Revised Code. 34426

(4) "Therapeutic recreation" means adoptive recreation 34427
services to persons with illnesses or disabling conditions in 34428
order to do any of the following: 34429

(a) Restore, remediate, or rehabilitate; 34430

(b) Improve functioning and independence; 34431

(c) Reduce or eliminate the effects of illness or disability. 34432

(B) No physician who volunteers the physician's services as a 34433
team physician or team podiatrist to a school's athletics program, 34434
no dentist who volunteers the dentist's services as a team dentist 34435
to a school's athletics program, and no registered nurse who 34436
volunteers the registered nurse's services as a team nurse to a 34437
school's athletics program is liable in damages in a civil action 34438
for administering emergency medical care, emergency dental care, 34439
other emergency professional care, or first aid treatment to a 34440

participant in an athletic event involving the school, at the 34441
scene of the event or while the participant is being transported 34442
to a hospital, physician's or dentist's office, or other medical 34443
or dental facility, or for acts performed in administering the 34444
care or treatment, unless the acts of the physician, dentist, or 34445
registered nurse constitute willful or wanton misconduct. 34446

(C)(1) No physician who volunteers the physician's services 34447
as a camp physician at a camp that specializes in therapeutic 34448
recreation, and no registered nurse who volunteers the registered 34449
nurse's services at such a camp, is liable in damages in a civil 34450
action for either of the following: 34451

(a) Administering medical care, or emergency professional 34452
care, or first aid treatment to a participant in the camp or while 34453
the participant is being transported to a hospital, physician's or 34454
dentist's office, or other medical or dental facility; 34455

(b) Acts performed in administering that care or treatment. 34456

(2) Division (C)(1) of this section does not apply if the 34457
acts of the physician or registered nurse constitute willful or 34458
wanton misconduct. 34459

(D) This section does not apply if the administration of 34460
emergency medical care, emergency dental care, other emergency 34461
professional care, or first aid treatment is rendered for 34462
remuneration, or with the expectation of remuneration, from the 34463
recipient of the care or treatment or from someone on the 34464
recipient's behalf. 34465

Sec. 2923.12. (A) No person shall knowingly carry or have, 34466
concealed on the person's person or concealed ready at hand, any 34467
of the following: 34468

(1) A deadly weapon other than a handgun; 34469

(2) A handgun other than a dangerous ordnance; 34470

(3) A dangerous ordnance.	34471
(B) No person who has been issued a concealed handgun license shall do any of the following:	34472 34473
(1) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, fail to promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a concealed handgun license and that the person then is carrying a concealed handgun;	34474 34475 34476 34477 34478 34479
(2) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;	34480 34481 34482 34483 34484 34485 34486
(3) If the person is stopped for a law enforcement purpose, if the person is carrying a concealed handgun, and if the person is approached by any law enforcement officer while stopped, knowingly remove or attempt to remove the loaded handgun from the holster, pocket, or other place in which the person is carrying it, knowingly grasp or hold the loaded handgun, or knowingly have contact with the loaded handgun by touching it with the person's hands or fingers at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person removes, attempts to remove, grasps, holds, or has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer;	34487 34488 34489 34490 34491 34492 34493 34494 34495 34496 34497 34498
(4) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly disregard or fail to comply with any lawful order of any law enforcement officer	34499 34500 34501

given while the person is stopped, including, but not limited to, 34502
a specific order to the person to keep the person's hands in plain 34503
sight. 34504

(C)(1) This section does not apply to any of the following: 34505

(a) An officer, agent, or employee of this or any other state 34506
or the United States, or to a law enforcement officer, who is 34507
authorized to carry concealed weapons or dangerous ordnance or is 34508
authorized to carry handguns and is acting within the scope of the 34509
officer's, agent's, or employee's duties; 34510

(b) Any person who is employed in this state, who is 34511
authorized to carry concealed weapons or dangerous ordnance or is 34512
authorized to carry handguns, and who is subject to and in 34513
compliance with the requirements of section 109.801 of the Revised 34514
Code, unless the appointing authority of the person has expressly 34515
specified that the exemption provided in division (C)(1)(b) of 34516
this section does not apply to the person; 34517

(c) A person's transportation or storage of a firearm, other 34518
than a firearm described in divisions (G) to (M) of section 34519
2923.11 of the Revised Code, in a motor vehicle for any lawful 34520
purpose if the firearm is not on the actor's person; 34521

(d) A person's storage or possession of a firearm, other than 34522
a firearm described in divisions (G) to (M) of section 2923.11 of 34523
the Revised Code, in the actor's own home for any lawful purpose. 34524

(2) Division (A)(2) of this section does not apply to any 34525
person who, at the time of the alleged carrying or possession of a 34526
handgun, either is carrying a valid concealed handgun license or 34527
is a person who is eighteen years of age or older, is an active 34528
member of the armed forces of the United States, and is carrying a 34529
valid military identification card and a certificate issued by the 34530
person's applicable service branch indicating that the person has 34531
successfully completed small arms qualification, unless the person 34532

knowingly is in a place described in division (B) of section 34533
2923.126 of the Revised Code. 34534

(D) It is an affirmative defense to a charge under division 34535
(A)(1) of this section of carrying or having control of a weapon 34536
other than a handgun and other than a dangerous ordnance that the 34537
actor was not otherwise prohibited by law from having the weapon 34538
and that any of the following applies: 34539

(1) The weapon was carried or kept ready at hand by the actor 34540
for defensive purposes while the actor was engaged in or was going 34541
to or from the actor's lawful business or occupation, which 34542
business or occupation was of a character or was necessarily 34543
carried on in a manner or at a time or place as to render the 34544
actor particularly susceptible to criminal attack, such as would 34545
justify a prudent person in going armed. 34546

(2) The weapon was carried or kept ready at hand by the actor 34547
for defensive purposes while the actor was engaged in a lawful 34548
activity and had reasonable cause to fear a criminal attack upon 34549
the actor, a member of the actor's family, or the actor's home, 34550
such as would justify a prudent person in going armed. 34551

(3) The weapon was carried or kept ready at hand by the actor 34552
for any lawful purpose and while in the actor's own home. 34553

(E) No person who is charged with a violation of this section 34554
shall be required to obtain a concealed handgun license as a 34555
condition for the dismissal of the charge. 34556

(F)(1) Whoever violates this section is guilty of carrying 34557
concealed weapons. Except as otherwise provided in this division 34558
or division (F)(2) of this section, carrying concealed weapons in 34559
violation of division (A) of this section is a misdemeanor of the 34560
first degree. Except as otherwise provided in this division or 34561
division (F)(2) of this section, if the offender previously has 34562
been convicted of a violation of this section or of any offense of 34563

violence, if the weapon involved is a firearm that is either 34564
loaded or for which the offender has ammunition ready at hand, or 34565
if the weapon involved is dangerous ordnance, carrying concealed 34566
weapons in violation of division (A) of this section is a felony 34567
of the fourth degree. Except as otherwise provided in division 34568
(F)(2) of this section, if the offense is committed aboard an 34569
aircraft, or with purpose to carry a concealed weapon aboard an 34570
aircraft, regardless of the weapon involved, carrying concealed 34571
weapons in violation of division (A) of this section is a felony 34572
of the third degree. 34573

(2) If a person being arrested for a violation of division 34574
(A)(2) of this section promptly produces a valid concealed handgun 34575
license or promptly produces a valid military identification card 34576
and a certificate issued by the person's applicable service branch 34577
indicating that the person has successfully completed small arms 34578
qualification and the person is eighteen years of age or older and 34579
an active member of the armed forces of the United States, and if 34580
at the time of the violation the person was not knowingly in a 34581
place described in division (B) of section 2923.126 of the Revised 34582
Code, the officer shall not arrest the person for a violation of 34583
that division. If the person is not able to promptly produce any 34584
concealed handgun license or a combination of a valid military 34585
identification card and a certificate issued by the person's 34586
applicable service branch indicating that the person has 34587
successfully completed small arms qualification and if the person 34588
is not in a place described in that section, the officer may 34589
arrest the person for a violation of that division, and the 34590
offender shall be punished as follows: 34591

(a) The offender shall be guilty of a minor misdemeanor if 34592
both of the following apply: 34593

(i) Within ten days after the arrest, the offender presents a 34594
concealed handgun license or a combination of a military 34595

identification card and a certificate issued by the person's 34596
applicable service branch indicating that the person has 34597
successfully completed small arms qualification, which license or 34598
card and certificate was valid at the time of the arrest to the 34599
law enforcement agency that employs the arresting officer. 34600

(ii) At the time of the arrest, the offender was not 34601
knowingly in a place described in division (B) of section 2923.126 34602
of the Revised Code. 34603

(b) The offender shall be guilty of a misdemeanor and shall 34604
be fined five hundred dollars if all of the following apply: 34605

(i) The offender previously had been issued a concealed 34606
handgun license, and that license expired within the two years 34607
immediately preceding the arrest. 34608

(ii) Within forty-five days after the arrest, the offender 34609
presents a concealed handgun license to the law enforcement agency 34610
that employed the arresting officer, and the offender waives in 34611
writing the offender's right to a speedy trial on the charge of 34612
the violation that is provided in section 2945.71 of the Revised 34613
Code. 34614

(iii) At the time of the commission of the offense, the 34615
offender was not knowingly in a place described in division (B) of 34616
section 2923.126 of the Revised Code. 34617

(iv) The offender did not present a valid military 34618
identification card and a certificate issued by the person's 34619
applicable service branch indicating that the person has 34620
successfully completed small arms qualification within ten days 34621
after the arrest. 34622

(c) If neither division (F)(2)(a) nor (b) of this section 34623
applies, the offender shall be punished under division (F)(1) of 34624
this section. 34625

(3) Except as otherwise provided in this division, carrying 34626
concealed weapons in violation of division (B)(1) of this section 34627
is a misdemeanor of the first degree, and, in addition to any 34628
other penalty or sanction imposed for a violation of division 34629
(B)(1) of this section, the offender's concealed handgun license 34630
shall be suspended pursuant to division (A)(2) of section 2923.128 34631
of the Revised Code. If, at the time of the stop of the offender 34632
for a law enforcement purpose that was the basis of the violation, 34633
any law enforcement officer involved with the stop had actual 34634
knowledge that the offender has been issued a concealed handgun 34635
license, carrying concealed weapons in violation of division 34636
(B)(1) of this section is a minor misdemeanor, and the offender's 34637
concealed handgun license shall not be suspended pursuant to 34638
division (A)(2) of section 2923.128 of the Revised Code. 34639

(4) Carrying concealed weapons in violation of division 34640
(B)(2) or (4) of this section is a misdemeanor of the first degree 34641
or, if the offender previously has been convicted of or pleaded 34642
guilty to a violation of division (B)(2) or (4) of this section, a 34643
felony of the fifth degree. In addition to any other penalty or 34644
sanction imposed for a misdemeanor violation of division (B)(2) or 34645
(4) of this section, the offender's concealed handgun license 34646
shall be suspended pursuant to division (A)(2) of section 2923.128 34647
of the Revised Code. 34648

(5) Carrying concealed weapons in violation of division 34649
(B)(3) of this section is a felony of the fifth degree. 34650

(G) If a law enforcement officer stops a person to question 34651
the person regarding a possible violation of this section, for a 34652
traffic stop, or for any other law enforcement purpose, if the 34653
person surrenders a firearm to the officer, either voluntarily or 34654
pursuant to a request or demand of the officer, and if the officer 34655
does not charge the person with a violation of this section or 34656
arrest the person for any offense, the person is not otherwise 34657

prohibited by law from possessing the firearm, and the firearm is 34658
not contraband, the officer shall return the firearm to the person 34659
at the termination of the stop. If a court orders a law 34660
enforcement officer to return a firearm to a person pursuant to 34661
the requirement set forth in this division, division (B) of 34662
section 2923.163 of the Revised Code applies. 34663

Sec. 2923.121. (A) No person shall possess a firearm in any 34664
room in which any person is consuming beer or intoxicating liquor 34665
in a premises for which a D permit has been issued under Chapter 34666
4303. of the Revised Code or in an open air arena for which a 34667
permit of that nature has been issued. 34668

(B)(1) This section does not apply to any of the following: 34669

(a) An officer, agent, or employee of this or any other state 34670
or the United States, or to a law enforcement officer, who is 34671
authorized to carry firearms and is acting within the scope of the 34672
officer's, agent's, or employee's duties; 34673

(b) Any person who is employed in this state, who is 34674
authorized to carry firearms, and who is subject to and in 34675
compliance with the requirements of section 109.801 of the Revised 34676
Code, unless the appointing authority of the person has expressly 34677
specified that the exemption provided in division (B)(1)(b) of 34678
this section does not apply to the person; 34679

(c) Any room used for the accommodation of guests of a hotel, 34680
as defined in section 4301.01 of the Revised Code; 34681

(d) The principal holder of a D permit issued for a premises 34682
or an open air arena under Chapter 4303. of the Revised Code while 34683
in the premises or open air arena for which the permit was issued 34684
if the principal holder of the D permit also possesses a valid 34685
concealed handgun license and as long as the principal holder is 34686
not consuming beer or intoxicating liquor or under the influence 34687

of alcohol or a drug of abuse, or any agent or employee of that holder who also is a peace officer, as defined in section 2151.3515 of the Revised Code, who is off duty, and who otherwise is authorized to carry firearms while in the course of the officer's official duties and while in the premises or open air arena for which the permit was issued and as long as the agent or employee of that holder is not consuming beer or intoxicating liquor or under the influence of alcohol or a drug of abuse.

(e) Any person who is carrying a valid concealed handgun license or any person who is eighteen years of age or older, is an active member of the armed forces of the United States, and is carrying a valid military identification card and a certificate issued by the person's applicable service branch indicating that the person has successfully completed small arms qualification, as long as the person is not consuming beer or intoxicating liquor or under the influence of alcohol or a drug of abuse.

(2) This section does not prohibit any person who is a member of a veteran's organization, as defined in section 2915.01 of the Revised Code, from possessing a rifle in any room in any premises owned, leased, or otherwise under the control of the veteran's organization, if the rifle is not loaded with live ammunition and if the person otherwise is not prohibited by law from having the rifle.

(3) This section does not apply to any person possessing or displaying firearms in any room used to exhibit unloaded firearms for sale or trade in a soldiers' memorial established pursuant to Chapter 345. of the Revised Code, in a convention center, or in any other public meeting place, if the person is an exhibitor, trader, purchaser, or seller of firearms and is not otherwise prohibited by law from possessing, trading, purchasing, or selling the firearms.

(C) It is an affirmative defense to a charge under this

section of illegal possession of a firearm in a liquor permit 34720
premises that involves the possession of a firearm other than a 34721
handgun, that the actor was not otherwise prohibited by law from 34722
having the firearm, and that any of the following apply: 34723

(1) The firearm was carried or kept ready at hand by the 34724
actor for defensive purposes, while the actor was engaged in or 34725
was going to or from the actor's lawful business or occupation, 34726
which business or occupation was of such character or was 34727
necessarily carried on in such manner or at such a time or place 34728
as to render the actor particularly susceptible to criminal 34729
attack, such as would justify a prudent person in going armed. 34730

(2) The firearm was carried or kept ready at hand by the 34731
actor for defensive purposes, while the actor was engaged in a 34732
lawful activity, and had reasonable cause to fear a criminal 34733
attack upon the actor or a member of the actor's family, or upon 34734
the actor's home, such as would justify a prudent person in going 34735
armed. 34736

(D) No person who is charged with a violation of this section 34737
shall be required to obtain a concealed handgun license as a 34738
condition for the dismissal of the charge. 34739

(E) Whoever violates this section is guilty of illegal 34740
possession of a firearm in a liquor permit premises. Except as 34741
otherwise provided in this division, illegal possession of a 34742
firearm in a liquor permit premises is a felony of the fifth 34743
degree. If the offender commits the violation of this section by 34744
knowingly carrying or having the firearm concealed on the 34745
offender's person or concealed ready at hand, illegal possession 34746
of a firearm in a liquor permit premises is a felony of the third 34747
degree. 34748

(F) As used in this section, "beer" and "intoxicating liquor" 34749
have the same meanings as in section 4301.01 of the Revised Code. 34750

Sec. 2923.122. (A) No person shall knowingly convey, or 34751
attempt to convey, a deadly weapon or dangerous ordnance into a 34752
school safety zone. 34753

(B) No person shall knowingly possess a deadly weapon or 34754
dangerous ordnance in a school safety zone. 34755

(C) No person shall knowingly possess an object in a school 34756
safety zone if both of the following apply: 34757

(1) The object is indistinguishable from a firearm, whether 34758
or not the object is capable of being fired. 34759

(2) The person indicates that the person possesses the object 34760
and that it is a firearm, or the person knowingly displays or 34761
brandishes the object and indicates that it is a firearm. 34762

(D)(1) This section does not apply to any of the following: 34763

(a) An officer, agent, or employee of this or any other state 34764
or the United States, or a law enforcement officer, who is 34765
authorized to carry deadly weapons or dangerous ordnance and is 34766
acting within the scope of the officer's, agent's, or employee's 34767
duties, a security officer employed by a board of education or 34768
governing body of a school during the time that the security 34769
officer is on duty pursuant to that contract of employment, or any 34770
other person who has written authorization from the board of 34771
education or governing body of a school to convey deadly weapons 34772
or dangerous ordnance into a school safety zone or to possess a 34773
deadly weapon or dangerous ordnance in a school safety zone and 34774
who conveys or possesses the deadly weapon or dangerous ordnance 34775
in accordance with that authorization; 34776

(b) Any person who is employed in this state, who is 34777
authorized to carry deadly weapons or dangerous ordnance, and who 34778
is subject to and in compliance with the requirements of section 34779
109.801 of the Revised Code, unless the appointing authority of 34780

the person has expressly specified that the exemption provided in 34781
division (D)(1)(b) of this section does not apply to the person. 34782

(2) Division (C) of this section does not apply to premises 34783
upon which home schooling is conducted. Division (C) of this 34784
section also does not apply to a school administrator, teacher, or 34785
employee who possesses an object that is indistinguishable from a 34786
firearm for legitimate school purposes during the course of 34787
employment, a student who uses an object that is indistinguishable 34788
from a firearm under the direction of a school administrator, 34789
teacher, or employee, or any other person who with the express 34790
prior approval of a school administrator possesses an object that 34791
is indistinguishable from a firearm for a legitimate purpose, 34792
including the use of the object in a ceremonial activity, a play, 34793
reenactment, or other dramatic presentation, or a ROTC activity or 34794
another similar use of the object. 34795

(3) This section does not apply to a person who conveys or 34796
attempts to convey a handgun into, or possesses a handgun in, a 34797
school safety zone if, at the time of that conveyance, attempted 34798
conveyance, or possession of the handgun, all of the following 34799
apply: 34800

(a) The person does not enter into a school building or onto 34801
school premises and is not at a school activity. 34802

(b) The person is carrying a valid concealed handgun license 34803
or the person is eighteen years of age or older, is an active 34804
member of the armed forces of the United States, and is carrying a 34805
valid military identification card and a certificate issued by the 34806
person's applicable service branch indicating that the person has 34807
successfully completed small arms qualification. 34808

(c) The person is in the school safety zone in accordance 34809
with 18 U.S.C. 922(q)(2)(B). 34810

(d) The person is not knowingly in a place described in 34811

division (B)(1) or (B)(3) to (10) of section 2923.126 of the Revised Code. 34812
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(4) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if at the time of that conveyance, attempted conveyance, or possession of the handgun all of the following apply: 34814
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(a) The person is carrying a valid concealed handgun license or the person is eighteen years of age or older, is an active member of the armed forces of the United States, and is carrying a valid military identification card and a certificate issued by the person's applicable service branch indicating that the person has successfully completed small arms qualification. 34819
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(b) The person is the driver or passenger in a motor vehicle and is in the school safety zone while immediately in the process of picking up or dropping off a child. 34825
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(c) The person is not in violation of section 2923.16 of the Revised Code. 34828
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(E)(1) Whoever violates division (A) or (B) of this section is guilty of illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone. Except as otherwise provided in this division, illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone is a felony of the fifth degree. If the offender previously has been convicted of a violation of this section, illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone is a felony of the fourth degree. 34830
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(2) Whoever violates division (C) of this section is guilty of illegal possession of an object indistinguishable from a firearm in a school safety zone. Except as otherwise provided in this division, illegal possession of an object indistinguishable 34839
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from a firearm in a school safety zone is a misdemeanor of the 34843
first degree. If the offender previously has been convicted of a 34844
violation of this section, illegal possession of an object 34845
indistinguishable from a firearm in a school safety zone is a 34846
felony of the fifth degree. 34847

(F)(1) In addition to any other penalty imposed upon a person 34848
who is convicted of or pleads guilty to a violation of this 34849
section and subject to division (F)(2) of this section, if the 34850
offender has not attained nineteen years of age, regardless of 34851
whether the offender is attending or is enrolled in a school 34852
operated by a board of education or for which the state board of 34853
education prescribes minimum standards under section 3301.07 of 34854
the Revised Code, the court shall impose upon the offender a class 34855
four suspension of the offender's probationary driver's license, 34856
restricted license, driver's license, commercial driver's license, 34857
temporary instruction permit, or probationary commercial driver's 34858
license that then is in effect from the range specified in 34859
division (A)(4) of section 4510.02 of the Revised Code and shall 34860
deny the offender the issuance of any permit or license of that 34861
type during the period of the suspension. 34862

If the offender is not a resident of this state, the court 34863
shall impose a class four suspension of the nonresident operating 34864
privilege of the offender from the range specified in division 34865
(A)(4) of section 4510.02 of the Revised Code. 34866

(2) If the offender shows good cause why the court should not 34867
suspend one of the types of licenses, permits, or privileges 34868
specified in division (F)(1) of this section or deny the issuance 34869
of one of the temporary instruction permits specified in that 34870
division, the court in its discretion may choose not to impose the 34871
suspension, revocation, or denial required in that division, but 34872
the court, in its discretion, instead may require the offender to 34873
perform community service for a number of hours determined by the 34874

court. 34875

(G) As used in this section, "object that is 34876
indistinguishable from a firearm" means an object made, 34877
constructed, or altered so that, to a reasonable person without 34878
specialized training in firearms, the object appears to be a 34879
firearm. 34880

Sec. 2923.123. (A) No person shall knowingly convey or 34881
attempt to convey a deadly weapon or dangerous ordnance into a 34882
courthouse or into another building or structure in which a 34883
courtroom is located. 34884

(B) No person shall knowingly possess or have under the 34885
person's control a deadly weapon or dangerous ordnance in a 34886
courthouse or in another building or structure in which a 34887
courtroom is located. 34888

(C) This section does not apply to any of the following: 34889

(1) Except as provided in division (E) of this section, a 34890
judge of a court of record of this state or a magistrate; 34891

(2) A peace officer, officer of a law enforcement agency, or 34892
person who is in either of the following categories: 34893

(a) Except as provided in division (E) of this section, a 34894
peace officer, or an officer of a law enforcement agency of 34895
another state, a political subdivision of another state, or the 34896
United States, who is authorized to carry a deadly weapon or 34897
dangerous ordnance, who possesses or has under that individual's 34898
control a deadly weapon or dangerous ordnance as a requirement of 34899
that individual's duties, and who is acting within the scope of 34900
that individual's duties at the time of that possession or 34901
control; 34902

(b) Except as provided in division (E) of this section, a 34903
person who is employed in this state, who is authorized to carry a 34904

deadly weapon or dangerous ordnance, who possesses or has under 34905
that individual's control a deadly weapon or dangerous ordnance as 34906
a requirement of that person's duties, and who is subject to and 34907
in compliance with the requirements of section 109.801 of the 34908
Revised Code, unless the appointing authority of the person has 34909
expressly specified that the exemption provided in division 34910
(C)(2)(b) of this section does not apply to the person. 34911

(3) A person who conveys, attempts to convey, possesses, or 34912
has under the person's control a deadly weapon or dangerous 34913
ordnance that is to be used as evidence in a pending criminal or 34914
civil action or proceeding; 34915

(4) Except as provided in division (E) of this section, a 34916
bailiff or deputy bailiff of a court of record of this state who 34917
is authorized to carry a firearm pursuant to section 109.77 of the 34918
Revised Code, who possesses or has under that individual's control 34919
a firearm as a requirement of that individual's duties, and who is 34920
acting within the scope of that individual's duties at the time of 34921
that possession or control; 34922

(5) Except as provided in division (E) of this section, a 34923
prosecutor, or a secret service officer appointed by a county 34924
prosecuting attorney, who is authorized to carry a deadly weapon 34925
or dangerous ordnance in the performance of the individual's 34926
duties, who possesses or has under that individual's control a 34927
deadly weapon or dangerous ordnance as a requirement of that 34928
individual's duties, and who is acting within the scope of that 34929
individual's duties at the time of that possession or control; 34930

(6) Except as provided in division (E) of this section, a 34931
person who conveys or attempts to convey a handgun into a 34932
courthouse or into another building or structure in which a 34933
courtroom is located, who, at the time of the conveyance or 34934
attempt, either is carrying a valid concealed handgun license or 34935
is eighteen years of age or older, is an active member of the 34936

armed forces of the United States, and is carrying a valid 34937
military identification card and a certificate issued by the 34938
person's applicable service branch indicating that the person has 34939
successfully completed small arms qualification, and who transfers 34940
possession of the handgun to the officer or officer's designee who 34941
has charge of the courthouse or building. The officer shall secure 34942
the handgun until the licensee is prepared to leave the premises. 34943
The exemption described in this division applies only if the 34944
officer who has charge of the courthouse or building provides 34945
services of the nature described in this division. An officer who 34946
has charge of the courthouse or building is not required to offer 34947
services of the nature described in this division. 34948

(D)(1) Whoever violates division (A) of this section is 34949
guilty of illegal conveyance of a deadly weapon or dangerous 34950
ordnance into a courthouse. Except as otherwise provided in this 34951
division, illegal conveyance of a deadly weapon or dangerous 34952
ordnance into a courthouse is a felony of the fifth degree. If the 34953
offender previously has been convicted of a violation of division 34954
(A) or (B) of this section, illegal conveyance of a deadly weapon 34955
or dangerous ordnance into a courthouse is a felony of the fourth 34956
degree. 34957

(2) Whoever violates division (B) of this section is guilty 34958
of illegal possession or control of a deadly weapon or dangerous 34959
ordnance in a courthouse. Except as otherwise provided in this 34960
division, illegal possession or control of a deadly weapon or 34961
dangerous ordnance in a courthouse is a felony of the fifth 34962
degree. If the offender previously has been convicted of a 34963
violation of division (A) or (B) of this section, illegal 34964
possession or control of a deadly weapon or dangerous ordnance in 34965
a courthouse is a felony of the fourth degree. 34966

(E) The exemptions described in divisions (C)(1), (2)(a), 34967
(2)(b), (4), (5), and (6) of this section do not apply to any 34968

judge, magistrate, peace officer, officer of a law enforcement 34969
agency, bailiff, deputy bailiff, prosecutor, secret service 34970
officer, or other person described in any of those divisions if a 34971
rule of superintendence or another type of rule adopted by the 34972
supreme court pursuant to Article IV, Ohio Constitution, or an 34973
applicable local rule of court prohibits all persons from 34974
conveying or attempting to convey a deadly weapon or dangerous 34975
ordnance into a courthouse or into another building or structure 34976
in which a courtroom is located or from possessing or having under 34977
one's control a deadly weapon or dangerous ordnance in a 34978
courthouse or in another building or structure in which a 34979
courtroom is located. 34980

(F) As used in this section: 34981

(1) "Magistrate" means an individual who is appointed by a 34982
court of record of this state and who has the powers and may 34983
perform the functions specified in Civil Rule 53, Criminal Rule 34984
19, or Juvenile Rule 40. 34985

(2) "Peace officer" and "prosecutor" have the same meanings 34986
as in section 2935.01 of the Revised Code. 34987

Sec. 2923.126. (A) A concealed handgun license that is issued 34988
under section 2923.125 of the Revised Code shall expire five years 34989
after the date of issuance. A licensee who has been issued a 34990
license under that section shall be granted a grace period of 34991
thirty days after the licensee's license expires during which the 34992
licensee's license remains valid. Except as provided in divisions 34993
(B) and (C) of this section, a licensee who has been issued a 34994
concealed handgun license under section 2923.125 or 2923.1213 of 34995
the Revised Code may carry a concealed handgun anywhere in this 34996
state if the licensee also carries a valid license and valid 34997
identification when the licensee is in actual possession of a 34998
concealed handgun. The licensee shall give notice of any change in 34999

the licensee's residence address to the sheriff who issued the 35000
license within forty-five days after that change. 35001

If a licensee is the driver or an occupant of a motor vehicle 35002
that is stopped as the result of a traffic stop or a stop for 35003
another law enforcement purpose and if the licensee is 35004
transporting or has a loaded handgun in the motor vehicle at that 35005
time, the licensee shall promptly inform any law enforcement 35006
officer who approaches the vehicle while stopped that the licensee 35007
has been issued a concealed handgun license and that the licensee 35008
currently possesses or has a loaded handgun; the licensee shall 35009
not knowingly disregard or fail to comply with lawful orders of a 35010
law enforcement officer given while the motor vehicle is stopped, 35011
knowingly fail to remain in the motor vehicle while stopped, or 35012
knowingly fail to keep the licensee's hands in plain sight after 35013
any law enforcement officer begins approaching the licensee while 35014
stopped and before the officer leaves, unless directed otherwise 35015
by a law enforcement officer; and the licensee shall not knowingly 35016
have contact with the loaded handgun by touching it with the 35017
licensee's hands or fingers, in any manner in violation of 35018
division (E) of section 2923.16 of the Revised Code, after any law 35019
enforcement officer begins approaching the licensee while stopped 35020
and before the officer leaves. Additionally, if a licensee is the 35021
driver or an occupant of a commercial motor vehicle that is 35022
stopped by an employee of the motor carrier enforcement unit for 35023
the purposes defined in section ~~5503.04~~ 5503.34 of the Revised 35024
Code and if the licensee is transporting or has a loaded handgun 35025
in the commercial motor vehicle at that time, the licensee shall 35026
promptly inform the employee of the unit who approaches the 35027
vehicle while stopped that the licensee has been issued a 35028
concealed handgun license and that the licensee currently 35029
possesses or has a loaded handgun. 35030

If a licensee is stopped for a law enforcement purpose and if 35031

the licensee is carrying a concealed handgun at the time the 35032
officer approaches, the licensee shall promptly inform any law 35033
enforcement officer who approaches the licensee while stopped that 35034
the licensee has been issued a concealed handgun license and that 35035
the licensee currently is carrying a concealed handgun; the 35036
licensee shall not knowingly disregard or fail to comply with 35037
lawful orders of a law enforcement officer given while the 35038
licensee is stopped or knowingly fail to keep the licensee's hands 35039
in plain sight after any law enforcement officer begins 35040
approaching the licensee while stopped and before the officer 35041
leaves, unless directed otherwise by a law enforcement officer; 35042
and the licensee shall not knowingly remove, attempt to remove, 35043
grasp, or hold the loaded handgun or knowingly have contact with 35044
the loaded handgun by touching it with the licensee's hands or 35045
fingers, in any manner in violation of division (B) of section 35046
2923.12 of the Revised Code, after any law enforcement officer 35047
begins approaching the licensee while stopped and before the 35048
officer leaves. 35049

(B) A valid concealed handgun license does not authorize the 35050
licensee to carry a concealed handgun in any manner prohibited 35051
under division (B) of section 2923.12 of the Revised Code or in 35052
any manner prohibited under section 2923.16 of the Revised Code. A 35053
valid license does not authorize the licensee to carry a concealed 35054
handgun into any of the following places: 35055

(1) A police station, sheriff's office, or state highway 35056
patrol station, premises controlled by the bureau of criminal 35057
identification and investigation, a state correctional 35058
institution, jail, workhouse, or other detention facility, an 35059
airport passenger terminal, or an institution that is maintained, 35060
operated, managed, and governed pursuant to division (A) of 35061
section 5119.14 of the Revised Code or division (A)(1) of section 35062
5123.03 of the Revised Code; 35063

(2) A school safety zone if the licensee's carrying the	35064
concealed handgun is in violation of section 2923.122 of the	35065
Revised Code;	35066
(3) A courthouse or another building or structure in which a	35067
courtroom is located, in violation of section 2923.123 of the	35068
Revised Code;	35069
(4) Any premises or open air arena for which a D permit has	35070
been issued under Chapter 4303. of the Revised Code if the	35071
licensee's carrying the concealed handgun is in violation of	35072
section 2923.121 of the Revised Code;	35073
(5) Any premises owned or leased by any public or private	35074
college, university, or other institution of higher education,	35075
unless the handgun is in a locked motor vehicle or the licensee is	35076
in the immediate process of placing the handgun in a locked motor	35077
vehicle;	35078
(6) Any church, synagogue, mosque, or other place of worship,	35079
unless the church, synagogue, mosque, or other place of worship	35080
posts or permits otherwise;	35081
(7) A child day-care center, a type A family day-care home,	35082
or a type B family day-care home, except that this division does	35083
not prohibit a licensee who resides in a type A family day-care	35084
home or a type B family day-care home from carrying a concealed	35085
handgun at any time in any part of the home that is not dedicated	35086
or used for day-care purposes, or from carrying a concealed	35087
handgun in a part of the home that is dedicated or used for	35088
day-care purposes at any time during which no children, other than	35089
children of that licensee, are in the home;	35090
(8) An aircraft that is in, or intended for operation in,	35091
foreign air transportation, interstate air transportation,	35092
intrastate air transportation, or the transportation of mail by	35093
aircraft;	35094

(9) Any building that is a government facility of this state 35095
or a political subdivision of this state and that is not a 35096
building that is used primarily as a shelter, restroom, parking 35097
facility for motor vehicles, or rest facility and is not a 35098
courthouse or other building or structure in which a courtroom is 35099
located that is subject to division (B)(3) of this section; 35100

(10) A place in which federal law prohibits the carrying of 35101
handguns. 35102

(C)(1) Nothing in this section shall negate or restrict a 35103
rule, policy, or practice of a private employer that is not a 35104
private college, university, or other institution of higher 35105
education concerning or prohibiting the presence of firearms on 35106
the private employer's premises or property, including motor 35107
vehicles owned by the private employer. Nothing in this section 35108
shall require a private employer of that nature to adopt a rule, 35109
policy, or practice concerning or prohibiting the presence of 35110
firearms on the private employer's premises or property, including 35111
motor vehicles owned by the private employer. 35112

(2)(a) A private employer shall be immune from liability in a 35113
civil action for any injury, death, or loss to person or property 35114
that allegedly was caused by or related to a licensee bringing a 35115
handgun onto the premises or property of the private employer, 35116
including motor vehicles owned by the private employer, unless the 35117
private employer acted with malicious purpose. A private employer 35118
is immune from liability in a civil action for any injury, death, 35119
or loss to person or property that allegedly was caused by or 35120
related to the private employer's decision to permit a licensee to 35121
bring, or prohibit a licensee from bringing, a handgun onto the 35122
premises or property of the private employer. As used in this 35123
division, "private employer" includes a private college, 35124
university, or other institution of higher education. 35125

(b) A political subdivision shall be immune from liability in 35126

a civil action, to the extent and in the manner provided in 35127
Chapter 2744. of the Revised Code, for any injury, death, or loss 35128
to person or property that allegedly was caused by or related to a 35129
licensee bringing a handgun onto any premises or property owned, 35130
leased, or otherwise under the control of the political 35131
subdivision. As used in this division, "political subdivision" has 35132
the same meaning as in section 2744.01 of the Revised Code. 35133

(3)(a) Except as provided in division (C)(3)(b) of this 35134
section, the owner or person in control of private land or 35135
premises, and a private person or entity leasing land or premises 35136
owned by the state, the United States, or a political subdivision 35137
of the state or the United States, may post a sign in a 35138
conspicuous location on that land or on those premises prohibiting 35139
persons from carrying firearms or concealed firearms on or onto 35140
that land or those premises. Except as otherwise provided in this 35141
division, a person who knowingly violates a posted prohibition of 35142
that nature is guilty of criminal trespass in violation of 35143
division (A)(4) of section 2911.21 of the Revised Code and is 35144
guilty of a misdemeanor of the fourth degree. If a person 35145
knowingly violates a posted prohibition of that nature and the 35146
posted land or premises primarily was a parking lot or other 35147
parking facility, the person is not guilty of criminal trespass 35148
under section 2911.21 of the Revised Code or under any other 35149
criminal law of this state or criminal law, ordinance, or 35150
resolution of a political subdivision of this state, and instead 35151
is subject only to a civil cause of action for trespass based on 35152
the violation. 35153

(b) A landlord may not prohibit or restrict a tenant who is a 35154
licensee and who on or after September 9, 2008, enters into a 35155
rental agreement with the landlord for the use of residential 35156
premises, and the tenant's guest while the tenant is present, from 35157
lawfully carrying or possessing a handgun on those residential 35158

premises. 35159

(c) As used in division (C)(3) of this section: 35160

(i) "Residential premises" has the same meaning as in section 35161
5321.01 of the Revised Code, except "residential premises" does 35162
not include a dwelling unit that is owned or operated by a college 35163
or university. 35164

(ii) "Landlord," "tenant," and "rental agreement" have the 35165
same meanings as in section 5321.01 of the Revised Code. 35166

(D) A person who holds a valid concealed handgun license 35167
issued by another state that is recognized by the attorney general 35168
pursuant to a reciprocity agreement entered into pursuant to 35169
section 109.69 of the Revised Code or a person who holds a valid 35170
concealed handgun license under the circumstances described in 35171
division (B) of section 109.69 of the Revised Code has the same 35172
right to carry a concealed handgun in this state as a person who 35173
was issued a concealed handgun license under section 2923.125 of 35174
the Revised Code and is subject to the same restrictions that 35175
apply to a person who carries a license issued under that section. 35176

(E)(1) A peace officer has the same right to carry a 35177
concealed handgun in this state as a person who was issued a 35178
concealed handgun license under section 2923.125 of the Revised 35179
Code. For purposes of reciprocity with other states, a peace 35180
officer shall be considered to be a licensee in this state. 35181

(2) An active member of the armed forces of the United States 35182
who is eighteen years of age or older and who is carrying a valid 35183
military identification card and a certificate issued by the 35184
person's applicable service branch indicating that the person has 35185
successfully completed small arms qualification has the same right 35186
to carry a concealed handgun in this state as a person who was 35187
issued a concealed handgun license under section 2923.125 of the 35188
Revised Code and is subject to the same restrictions as specified 35189

in this section. 35190

(F)(1) A qualified retired peace officer who possesses a 35191
retired peace officer identification card issued pursuant to 35192
division (F)(2) of this section and a valid firearms 35193
requalification certification issued pursuant to division (F)(3) 35194
of this section has the same right to carry a concealed handgun in 35195
this state as a person who was issued a concealed handgun license 35196
under section 2923.125 of the Revised Code and is subject to the 35197
same restrictions that apply to a person who carries a license 35198
issued under that section. For purposes of reciprocity with other 35199
states, a qualified retired peace officer who possesses a retired 35200
peace officer identification card issued pursuant to division 35201
(F)(2) of this section and a valid firearms requalification 35202
certification issued pursuant to division (F)(3) of this section 35203
shall be considered to be a licensee in this state. 35204

(2)(a) Each public agency of this state or of a political 35205
subdivision of this state that is served by one or more peace 35206
officers shall issue a retired peace officer identification card 35207
to any person who retired from service as a peace officer with 35208
that agency, if the issuance is in accordance with the agency's 35209
policies and procedures and if the person, with respect to the 35210
person's service with that agency, satisfies all of the following: 35211

(i) The person retired in good standing from service as a 35212
peace officer with the public agency, and the retirement was not 35213
for reasons of mental instability. 35214

(ii) Before retiring from service as a peace officer with 35215
that agency, the person was authorized to engage in or supervise 35216
the prevention, detection, investigation, or prosecution of, or 35217
the incarceration of any person for, any violation of law and the 35218
person had statutory powers of arrest. 35219

(iii) At the time of the person's retirement as a peace 35220

officer with that agency, the person was trained and qualified to 35221
carry firearms in the performance of the peace officer's duties. 35222

(iv) Before retiring from service as a peace officer with 35223
that agency, the person was regularly employed as a peace officer 35224
for an aggregate of fifteen years or more, or, in the alternative, 35225
the person retired from service as a peace officer with that 35226
agency, after completing any applicable probationary period of 35227
that service, due to a service-connected disability, as determined 35228
by the agency. 35229

(b) A retired peace officer identification card issued to a 35230
person under division (F)(2)(a) of this section shall identify the 35231
person by name, contain a photograph of the person, identify the 35232
public agency of this state or of the political subdivision of 35233
this state from which the person retired as a peace officer and 35234
that is issuing the identification card, and specify that the 35235
person retired in good standing from service as a peace officer 35236
with the issuing public agency and satisfies the criteria set 35237
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 35238
addition to the required content specified in this division, a 35239
retired peace officer identification card issued to a person under 35240
division (F)(2)(a) of this section may include the firearms 35241
requalification certification described in division (F)(3) of this 35242
section, and if the identification card includes that 35243
certification, the identification card shall serve as the firearms 35244
requalification certification for the retired peace officer. If 35245
the issuing public agency issues credentials to active law 35246
enforcement officers who serve the agency, the agency may comply 35247
with division (F)(2)(a) of this section by issuing the same 35248
credentials to persons who retired from service as a peace officer 35249
with the agency and who satisfy the criteria set forth in 35250
divisions (F)(2)(a)(i) to (iv) of this section, provided that the 35251
credentials so issued to retired peace officers are stamped with 35252

the word "RETIRED." 35253

(c) A public agency of this state or of a political 35254
subdivision of this state may charge persons who retired from 35255
service as a peace officer with the agency a reasonable fee for 35256
issuing to the person a retired peace officer identification card 35257
pursuant to division (F)(2)(a) of this section. 35258

(3) If a person retired from service as a peace officer with 35259
a public agency of this state or of a political subdivision of 35260
this state and the person satisfies the criteria set forth in 35261
divisions (F)(2)(a)(i) to (iv) of this section, the public agency 35262
may provide the retired peace officer with the opportunity to 35263
attend a firearms requalification program that is approved for 35264
purposes of firearms requalification required under section 35265
109.801 of the Revised Code. The retired peace officer may be 35266
required to pay the cost of the course. 35267

If a retired peace officer who satisfies the criteria set 35268
forth in divisions (F)(2)(a)(i) to (iv) of this section attends a 35269
firearms requalification program that is approved for purposes of 35270
firearms requalification required under section 109.801 of the 35271
Revised Code, the retired peace officer's successful completion of 35272
the firearms requalification program requalifies the retired peace 35273
officer for purposes of division (F) of this section for five 35274
years from the date on which the program was successfully 35275
completed, and the requalification is valid during that five-year 35276
period. If a retired peace officer who satisfies the criteria set 35277
forth in divisions (F)(2)(a)(i) to (iv) of this section 35278
satisfactorily completes such a firearms requalification program, 35279
the retired peace officer shall be issued a firearms 35280
requalification certification that identifies the retired peace 35281
officer by name, identifies the entity that taught the program, 35282
specifies that the retired peace officer successfully completed 35283
the program, specifies the date on which the course was 35284

successfully completed, and specifies that the requalification is 35285
valid for five years from that date of successful completion. The 35286
firearms requalification certification for a retired peace officer 35287
may be included in the retired peace officer identification card 35288
issued to the retired peace officer under division (F)(2) of this 35289
section. 35290

A retired peace officer who attends a firearms 35291
requalification program that is approved for purposes of firearms 35292
requalification required under section 109.801 of the Revised Code 35293
may be required to pay the cost of the program. 35294

(G) As used in this section: 35295

(1) "Qualified retired peace officer" means a person who 35296
satisfies all of the following: 35297

(a) The person satisfies the criteria set forth in divisions 35298
(F)(2)(a)(i) to (v) of this section. 35299

(b) The person is not under the influence of alcohol or 35300
another intoxicating or hallucinatory drug or substance. 35301

(c) The person is not prohibited by federal law from 35302
receiving firearms. 35303

(2) "Retired peace officer identification card" means an 35304
identification card that is issued pursuant to division (F)(2) of 35305
this section to a person who is a retired peace officer. 35306

(3) "Government facility of this state or a political 35307
subdivision of this state" means any of the following: 35308

(a) A building or part of a building that is owned or leased 35309
by the government of this state or a political subdivision of this 35310
state and where employees of the government of this state or the 35311
political subdivision regularly are present for the purpose of 35312
performing their official duties as employees of the state or 35313
political subdivision; 35314

(b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions.

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Sec. 2923.129. (A)(1) If a sheriff, the superintendent of the bureau of criminal identification and investigation, the employees of the bureau, the Ohio peace officer training commission, or the employees of the commission make a good faith effort in performing the duties imposed upon the sheriff, the superintendent, the bureau's employees, the commission, or the commission's employees by sections 109.731, 311.41, and 2923.124 to 2923.1213 of the Revised Code, in addition to the personal immunity provided by section 9.86 of the Revised Code or division (A)(6) of section 2744.03 of the Revised Code and the governmental immunity of sections 2744.02 and 2744.03 of the Revised Code and in addition to any other immunity possessed by the bureau, the commission, and their employees, the sheriff, the sheriff's office, the county in which the sheriff has jurisdiction, the bureau, the superintendent of the bureau, the bureau's employees, the commission, and the commission's employees are immune from liability in a civil action for injury, death, or loss to person or property that allegedly was caused by or related to any of the following:

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(a) The issuance, renewal, suspension, or revocation of a concealed handgun license;

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(b) The failure to issue, renew, suspend, or revoke a concealed handgun license;

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(c) Any action or misconduct with a handgun committed by a licensee.

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(2) Any action of a sheriff relating to the issuance, renewal, suspension, or revocation of a concealed handgun license shall be considered to be a governmental function for purposes of Chapter 2744. of the Revised Code.

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(3) An entity that or instructor who provides a competency certification of a type described in division (B)(3) of section 2923.125 of the Revised Code is immune from civil liability that might otherwise be incurred or imposed for any death or any injury or loss to person or property that is caused by or related to a person to whom the entity or instructor has issued the competency certificate if all of the following apply:

(a) The alleged liability of the entity or instructor relates to the training provided in the course, class, or program covered by the competency certificate.

(b) The entity or instructor makes a good faith effort in determining whether the person has satisfactorily completed the course, class, or program and makes a good faith effort in assessing the person in the competency examination conducted pursuant to division (G)(2) of section 2923.125 of the Revised Code.

(c) The entity or instructor did not issue the competency certificate with malicious purpose, in bad faith, or in a wanton or reckless manner.

(4) An entity that or instructor who, prior to ~~the effective date of this amendment~~ March 27, 2013, provides a renewed competency certification of a type described in division (G)(4) of section 2923.125 of the Revised Code as it existed prior to ~~the effective date of this amendment~~ March 27, 2013, is immune from civil liability that might otherwise be incurred or imposed for any death or any injury or loss to person or property that is caused by or related to a person to whom the entity or instructor has issued the renewed competency certificate if all of the following apply:

(a) The entity or instructor makes a good faith effort in assessing the person in the physical demonstrations or the

competency examination conducted pursuant to division (G)(4) of 35377
section 2923.125 of the Revised Code as it existed prior to the 35378
~~effective date of this amendment~~ March 27, 2013. 35379

(b) The entity or instructor did not issue the renewed 35380
competency certificate with malicious purpose, in bad faith, or in 35381
a wanton or reckless manner. 35382

(5) A law enforcement agency that employs a peace officer is 35383
immune from liability in a civil action to recover damages for 35384
injury, death, or loss to person or property allegedly caused by 35385
any act of that peace officer if the act occurred while the peace 35386
officer carried a concealed handgun and was off duty and if the 35387
act allegedly involved the peace officer's use of the concealed 35388
handgun. Sections 9.86 and 9.87, and Chapter 2744., of the Revised 35389
Code apply to any civil action involving a peace officer's use of 35390
a concealed handgun in the performance of the peace officer's 35391
official duties while the peace officer is off duty. 35392

~~(B)(1)~~ Notwithstanding section 149.43 of the Revised Code, 35393
~~except as provided in division (B)(2) of this section,~~ the records 35394
that a sheriff keeps relative to the issuance, renewal, 35395
suspension, or revocation of a concealed handgun license, 35396
including, but not limited to, completed applications for the 35397
issuance or renewal of a license, completed affidavits submitted 35398
regarding an application for a license on a temporary emergency 35399
basis, reports of criminal records checks and incompetency records 35400
checks under section 311.41 of the Revised Code, and applicants' 35401
social security numbers and fingerprints that are obtained under 35402
division (A) of section 311.41 of the Revised Code, are 35403
confidential and are not public records. ~~Except as provided in~~ 35404
~~division (B)(2) of this section, no~~ No person shall release or 35405
otherwise disseminate records that are confidential under this 35406
division unless required to do so pursuant to a court order. 35407

~~(2)(a) A journalist, on or after April 8, 2004, may submit to~~ 35408

~~a sheriff a signed, written request to view the name, county of residence, and date of birth of each person to whom the sheriff has issued, renewed, or issued a replacement for a concealed handgun license, or a signed, written request to view the name, county of residence, and date of birth of each person for whom the sheriff has suspended or revoked a concealed handgun license. The request shall include the journalist's name and title, shall include the name and address of the journalist's employer, and shall state that disclosure of the information sought would be in the public interest. If a journalist submits a signed, written request to the sheriff to view the information described in this division, the sheriff shall grant the journalist's request. The journalist shall not copy the name, county of residence, or date of birth of each person to or for whom the sheriff has issued, suspended, or revoked a license described in this division.~~

~~(b) As used in division (B)(2) of this section, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.~~

(C) Each sheriff shall report to the Ohio peace officer training commission the number of concealed handgun licenses that the sheriff issued, renewed, suspended, revoked, or denied under section 2923.125 of the Revised Code during the previous quarter of the calendar year, the number of applications for those licenses for which processing was suspended in accordance with division (D)(3) of section 2923.125 of the Revised Code during the previous quarter of the calendar year, and the number of concealed handgun licenses on a temporary emergency basis that the sheriff issued, suspended, revoked, or denied under section 2923.1213 of

the Revised Code during the previous quarter of the calendar year. 35441
The sheriff shall not include in the report the name or any other 35442
identifying information of an applicant or licensee. The sheriff 35443
shall report that information in a manner that permits the 35444
commission to maintain the statistics described in division (C) of 35445
section 109.731 of the Revised Code and to timely prepare the 35446
statistical report described in that division. The information 35447
that is received by the commission under this division is a public 35448
record kept by the commission for the purposes of section 149.43 35449
of the Revised Code. 35450

(D) Law enforcement agencies may use the information a 35451
sheriff makes available through the use of the law enforcement 35452
automated data system pursuant to division (H) of section 2923.125 35453
or division (B)(2) or (D) of section 2923.1213 of the Revised Code 35454
for law enforcement purposes only. The information is confidential 35455
and is not a public record. A person who releases or otherwise 35456
disseminates this information obtained through the law enforcement 35457
automated data system in a manner not described in this division 35458
is guilty of a violation of section 2913.04 of the Revised Code. 35459

(E) Whoever violates division (B) of this section is guilty 35460
of illegal release of confidential concealed handgun license 35461
records, a felony of the fifth degree. In addition to any 35462
penalties imposed under Chapter 2929. of the Revised Code for a 35463
violation of division (B) of this section or a violation of 35464
section 2913.04 of the Revised Code described in division (D) of 35465
this section, if the offender is a sheriff, an employee of a 35466
sheriff, or any other public officer or employee, and if the 35467
violation was willful and deliberate, the offender shall be 35468
subject to a civil fine of one thousand dollars. Any person who is 35469
harmed by a violation of division (B) or (C) of this section or a 35470
violation of section 2913.04 of the Revised Code described in 35471
division (D) of this section has a private cause of action against 35472

the offender for any injury, death, or loss to person or property 35473
that is a proximate result of the violation and may recover court 35474
costs and attorney's fees related to the action. 35475

Sec. 2923.16. (A) No person shall knowingly discharge a 35476
firearm while in or on a motor vehicle. 35477

(B) No person shall knowingly transport or have a loaded 35478
firearm in a motor vehicle in such a manner that the firearm is 35479
accessible to the operator or any passenger without leaving the 35480
vehicle. 35481

(C) No person shall knowingly transport or have a firearm in 35482
a motor vehicle, unless the person may lawfully possess that 35483
firearm under applicable law of this state or the United States, 35484
the firearm is unloaded, and the firearm is carried in one of the 35485
following ways: 35486

(1) In a closed package, box, or case; 35487

(2) In a compartment that can be reached only by leaving the 35488
vehicle; 35489

(3) In plain sight and secured in a rack or holder made for 35490
the purpose; 35491

(4) If the firearm is at least twenty-four inches in overall 35492
length as measured from the muzzle to the part of the stock 35493
furthest from the muzzle and if the barrel is at least eighteen 35494
inches in length, either in plain sight with the action open or 35495
the weapon stripped, or, if the firearm is of a type on which the 35496
action will not stay open or which cannot easily be stripped, in 35497
plain sight. 35498

(D) No person shall knowingly transport or have a loaded 35499
handgun in a motor vehicle if, at the time of that transportation 35500
or possession, any of the following applies: 35501

(1) The person is under the influence of alcohol, a drug of 35502

abuse, or a combination of them. 35503

(2) The person's whole blood, blood serum or plasma, breath, 35504
or urine contains a concentration of alcohol, a listed controlled 35505
substance, or a listed metabolite of a controlled substance 35506
prohibited for persons operating a vehicle, as specified in 35507
division (A) of section 4511.19 of the Revised Code, regardless of 35508
whether the person at the time of the transportation or possession 35509
as described in this division is the operator of or a passenger in 35510
the motor vehicle. 35511

(E) No person who has been issued a concealed handgun license 35512
or who is eighteen years of age or older, is an active member of 35513
the armed forces of the United States, and is carrying a valid 35514
military identification card and a certificate issued by the 35515
person's applicable service branch indicating that the person has 35516
successfully completed small arms qualification, who is the driver 35517
or an occupant of a motor vehicle that is stopped as a result of a 35518
traffic stop or a stop for another law enforcement purpose or is 35519
the driver or an occupant of a commercial motor vehicle that is 35520
stopped by an employee of the motor carrier enforcement unit for 35521
the purposes defined in section 5503.34 of the Revised Code, and 35522
who is transporting or has a loaded handgun in the motor vehicle 35523
or commercial motor vehicle in any manner, shall do any of the 35524
following: 35525

(1) Fail to promptly inform any law enforcement officer who 35526
approaches the vehicle while stopped that the person has been 35527
issued a concealed handgun license and that the person then 35528
possesses or has a loaded handgun in the motor vehicle; 35529

(2) Fail to promptly inform the employee of the unit who 35530
approaches the vehicle while stopped that the person has been 35531
issued a concealed handgun license and that the person then 35532
possesses or has a loaded handgun in the commercial motor vehicle; 35533

(3) Knowingly fail to remain in the motor vehicle while 35534
stopped or knowingly fail to keep the person's hands in plain 35535
sight at any time after any law enforcement officer begins 35536
approaching the person while stopped and before the law 35537
enforcement officer leaves, unless the failure is pursuant to and 35538
in accordance with directions given by a law enforcement officer; 35539

(4) Knowingly have contact with the loaded handgun by 35540
touching it with the person's hands or fingers in the motor 35541
vehicle at any time after the law enforcement officer begins 35542
approaching and before the law enforcement officer leaves, unless 35543
the person has contact with the loaded handgun pursuant to and in 35544
accordance with directions given by the law enforcement officer; 35545

(5) Knowingly disregard or fail to comply with any lawful 35546
order of any law enforcement officer given while the motor vehicle 35547
is stopped, including, but not limited to, a specific order to the 35548
person to keep the person's hands in plain sight. 35549

(F)(1) Divisions (A), (B), (C), and (E) of this section do 35550
not apply to any of the following: 35551

(a) An officer, agent, or employee of this or any other state 35552
or the United States, or a law enforcement officer, when 35553
authorized to carry or have loaded or accessible firearms in motor 35554
vehicles and acting within the scope of the officer's, agent's, or 35555
employee's duties; 35556

(b) Any person who is employed in this state, who is 35557
authorized to carry or have loaded or accessible firearms in motor 35558
vehicles, and who is subject to and in compliance with the 35559
requirements of section 109.801 of the Revised Code, unless the 35560
appointing authority of the person has expressly specified that 35561
the exemption provided in division (F)(1)(b) of this section does 35562
not apply to the person. 35563

(2) Division (A) of this section does not apply to a person 35564

if all of the following circumstances apply: 35565

(a) The person discharges a firearm from a motor vehicle at a 35566
coyote or groundhog, the discharge is not during the deer gun 35567
hunting season as set by the chief of the division of wildlife of 35568
the department of natural resources, and the discharge at the 35569
coyote or groundhog, but for the operation of this section, is 35570
lawful. 35571

(b) The motor vehicle from which the person discharges the 35572
firearm is on real property that is located in an unincorporated 35573
area of a township and that either is zoned for agriculture or is 35574
used for agriculture. 35575

(c) The person owns the real property described in division 35576
(F)(2)(b) of this section, is the spouse or a child of another 35577
person who owns that real property, is a tenant of another person 35578
who owns that real property, or is the spouse or a child of a 35579
tenant of another person who owns that real property. 35580

(d) The person does not discharge the firearm in any of the 35581
following manners: 35582

(i) While under the influence of alcohol, a drug of abuse, or 35583
alcohol and a drug of abuse; 35584

(ii) In the direction of a street, highway, or other public 35585
or private property used by the public for vehicular traffic or 35586
parking; 35587

(iii) At or into an occupied structure that is a permanent or 35588
temporary habitation; 35589

(iv) In the commission of any violation of law, including, 35590
but not limited to, a felony that includes, as an essential 35591
element, purposely or knowingly causing or attempting to cause the 35592
death of or physical harm to another and that was committed by 35593
discharging a firearm from a motor vehicle. 35594

(3) Division (A) of this section does not apply to a person	35595
if all of the following apply:	35596
(a) The person possesses a valid electric-powered all-purpose	35597
vehicle permit issued under section 1533.103 of the Revised Code	35598
by the chief of the division of wildlife.	35599
(b) The person discharges a firearm at a wild quadruped or	35600
game bird as defined in section 1531.01 of the Revised Code during	35601
the open hunting season for the applicable wild quadruped or game	35602
bird.	35603
(c) The person discharges a firearm from a stationary	35604
electric-powered all-purpose vehicle as defined in section 1531.01	35605
of the Revised Code or a motor vehicle that is parked on a road	35606
that is owned or administered by the division of wildlife,	35607
provided that the road is identified by an electric-powered	35608
all-purpose vehicle sign.	35609
(d) The person does not discharge the firearm in any of the	35610
following manners:	35611
(i) While under the influence of alcohol, a drug of abuse, or	35612
alcohol and a drug of abuse;	35613
(ii) In the direction of a street, a highway, or other public	35614
or private property that is used by the public for vehicular	35615
traffic or parking;	35616
(iii) At or into an occupied structure that is a permanent or	35617
temporary habitation;	35618
(iv) In the commission of any violation of law, including,	35619
but not limited to, a felony that includes, as an essential	35620
element, purposely or knowingly causing or attempting to cause the	35621
death of or physical harm to another and that was committed by	35622
discharging a firearm from a motor vehicle.	35623
(4) Divisions (B) and (C) of this section do not apply to a	35624

person if all of the following circumstances apply: 35625

(a) At the time of the alleged violation of either of those 35626
divisions, the person is the operator of or a passenger in a motor 35627
vehicle. 35628

(b) The motor vehicle is on real property that is located in 35629
an unincorporated area of a township and that either is zoned for 35630
agriculture or is used for agriculture. 35631

(c) The person owns the real property described in division 35632
(D)(4)(b) of this section, is the spouse or a child of another 35633
person who owns that real property, is a tenant of another person 35634
who owns that real property, or is the spouse or a child of a 35635
tenant of another person who owns that real property. 35636

(d) The person, prior to arriving at the real property 35637
described in division (D)(4)(b) of this section, did not transport 35638
or possess a firearm in the motor vehicle in a manner prohibited 35639
by division (B) or (C) of this section while the motor vehicle was 35640
being operated on a street, highway, or other public or private 35641
property used by the public for vehicular traffic or parking. 35642

(5) Divisions (B) and (C) of this section do not apply to a 35643
person who transports or possesses a handgun in a motor vehicle 35644
if, at the time of that transportation or possession, both of the 35645
following apply: 35646

(a) The person transporting or possessing the handgun is 35647
either carrying a valid concealed handgun license or is eighteen 35648
years of age or older, is an active member of the armed forces of 35649
the United States, and is carrying a valid military identification 35650
card and a certificate issued by the person's applicable service 35651
branch indicating that the person has successfully completed small 35652
arms qualification. 35653

(b) The person transporting or possessing the handgun is not 35654
knowingly in a place described in division (B) of section 2923.126 35655

of the Revised Code. 35656

(6) Divisions (B) and (C) of this section do not apply to a 35657
person if all of the following apply: 35658

(a) The person possesses a valid electric-powered all-purpose 35659
vehicle permit issued under section 1533.103 of the Revised Code 35660
by the chief of the division of wildlife. 35661

(b) The person is on or in an electric-powered all-purpose 35662
vehicle as defined in section 1531.01 of the Revised Code or a 35663
motor vehicle during the open hunting season for a wild quadruped 35664
or game bird. 35665

(c) The person is on or in an electric-powered all-purpose 35666
vehicle as defined in section 1531.01 of the Revised Code or a 35667
motor vehicle that is parked on a road that is owned or 35668
administered by the division of wildlife, provided that the road 35669
is identified by an electric-powered all-purpose vehicle sign. 35670

(7) Nothing in this section prohibits or restricts a person 35671
from possessing, storing, or leaving a firearm in a locked motor 35672
vehicle that is parked in the state underground parking garage at 35673
the state capitol building or in the parking garage at the Riffe 35674
center for government and the arts in Columbus, if the person's 35675
transportation and possession of the firearm in the motor vehicle 35676
while traveling to the premises or facility was not in violation 35677
of division (A), (B), (C), (D), or (E) of this section or any 35678
other provision of the Revised Code. 35679

(G)(1) The affirmative defenses authorized in divisions 35680
(D)(1) and (2) of section 2923.12 of the Revised Code are 35681
affirmative defenses to a charge under division (B) or (C) of this 35682
section that involves a firearm other than a handgun. 35683

(2) It is an affirmative defense to a charge under division 35684
(B) or (C) of this section of improperly handling firearms in a 35685
motor vehicle that the actor transported or had the firearm in the 35686

motor vehicle for any lawful purpose and while the motor vehicle 35687
was on the actor's own property, provided that this affirmative 35688
defense is not available unless the person, immediately prior to 35689
arriving at the actor's own property, did not transport or possess 35690
the firearm in a motor vehicle in a manner prohibited by division 35691
(B) or (C) of this section while the motor vehicle was being 35692
operated on a street, highway, or other public or private property 35693
used by the public for vehicular traffic. 35694

(H)(1) No person who is charged with a violation of division 35695
(B), (C), or (D) of this section shall be required to obtain a 35696
concealed handgun license as a condition for the dismissal of the 35697
charge. 35698

(2)(a) If a person is convicted of, was convicted of, pleads 35699
guilty to, or has pleaded guilty to a violation of division (E) of 35700
this section as it existed prior to September 30, 2011, and if the 35701
conduct that was the basis of the violation no longer would be a 35702
violation of division (E) of this section on or after September 35703
30, 2011, the person may file an application under section 2953.37 35704
of the Revised Code requesting the expungement of the record of 35705
conviction. 35706

If a person is convicted of, was convicted of, pleads guilty 35707
to, or has pleaded guilty to a violation of division (B) or (C) of 35708
this section as the division existed prior to September 30, 2011, 35709
and if the conduct that was the basis of the violation no longer 35710
would be a violation of division (B) or (C) of this section on or 35711
after September 30, 2011, due to the application of division 35712
(F)(5) of this section as it exists on and after September 30, 35713
2011, the person may file an application under section 2953.37 of 35714
the Revised Code requesting the expungement of the record of 35715
conviction. 35716

(b) The attorney general shall develop a public media 35717
advisory that summarizes the expungement procedure established 35718

under section 2953.37 of the Revised Code and the offenders 35719
identified in division (H)(2)(a) of this section who are 35720
authorized to apply for the expungement. Within thirty days after 35721
September 30, 2011, the attorney general shall provide a copy of 35722
the advisory to each daily newspaper published in this state and 35723
each television station that broadcasts in this state. The 35724
attorney general may provide the advisory in a tangible form, an 35725
electronic form, or in both tangible and electronic forms. 35726

(I) Whoever violates this section is guilty of improperly 35727
handling firearms in a motor vehicle. Violation of division (A) of 35728
this section is a felony of the fourth degree. Violation of 35729
division (C) of this section is a misdemeanor of the fourth 35730
degree. A violation of division (D) of this section is a felony of 35731
the fifth degree or, if the loaded handgun is concealed on the 35732
person's person, a felony of the fourth degree. Except as 35733
otherwise provided in this division, a violation of division 35734
(E)(1) or (2) of this section is a misdemeanor of the first 35735
degree, and, in addition to any other penalty or sanction imposed 35736
for the violation, the offender's concealed handgun license shall 35737
be suspended pursuant to division (A)(2) of section 2923.128 of 35738
the Revised Code. If at the time of the stop of the offender for a 35739
traffic stop, for another law enforcement purpose, or for a 35740
purpose defined in section 5503.34 of the Revised Code that was 35741
the basis of the violation any law enforcement officer involved 35742
with the stop or the employee of the motor carrier enforcement 35743
unit who made the stop had actual knowledge of the offender's 35744
status as a licensee, a violation of division (E)(1) or (2) of 35745
this section is a minor misdemeanor, and the offender's concealed 35746
handgun license shall not be suspended pursuant to division (A)(2) 35747
of section 2923.128 of the Revised Code. A violation of division 35748
(E)(4) of this section is a felony of the fifth degree. A 35749
violation of division (E)(3) or (5) of this section is a 35750
misdemeanor of the first degree or, if the offender previously has 35751

been convicted of or pleaded guilty to a violation of division 35752
(E)(3) or (5) of this section, a felony of the fifth degree. In 35753
addition to any other penalty or sanction imposed for a 35754
misdemeanor violation of division (E)(3) or (5) of this section, 35755
the offender's concealed handgun license shall be suspended 35756
pursuant to division (A)(2) of section 2923.128 of the Revised 35757
Code. A violation of division (B) of this section is a felony of 35758
the fourth degree. 35759

(J) If a law enforcement officer stops a motor vehicle for a 35760
traffic stop or any other purpose, if any person in the motor 35761
vehicle surrenders a firearm to the officer, either voluntarily or 35762
pursuant to a request or demand of the officer, and if the officer 35763
does not charge the person with a violation of this section or 35764
arrest the person for any offense, the person is not otherwise 35765
prohibited by law from possessing the firearm, and the firearm is 35766
not contraband, the officer shall return the firearm to the person 35767
at the termination of the stop. If a court orders a law 35768
enforcement officer to return a firearm to a person pursuant to 35769
the requirement set forth in this division, division (B) of 35770
section 2923.163 of the Revised Code applies. 35771

(K) As used in this section: 35772

(1) "Motor vehicle," "street," and "highway" have the same 35773
meanings as in section 4511.01 of the Revised Code. 35774

(2) "Occupied structure" has the same meaning as in section 35775
2909.01 of the Revised Code. 35776

(3) "Agriculture" has the same meaning as in section 519.01 35777
of the Revised Code. 35778

(4) "Tenant" has the same meaning as in section 1531.01 of 35779
the Revised Code. 35780

(5)(a) "Unloaded" means, with respect to a firearm other than 35781
a firearm described in division (K)(6) of this section, that no 35782

ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm in question, and one of the following applies:

(i) There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question.

(ii) Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure.

(b) For the purposes of division (K)(5)(a)(ii) of this section, a "container that provides complete and separate enclosure" includes, but is not limited to, any of the following:

(i) A package, box, or case with multiple compartments, as long as the loaded magazine or speed loader and the firearm in question either are in separate compartments within the package, box, or case, or, if they are in the same compartment, the magazine or speed loader is contained within a separate enclosure in that compartment that does not contain the firearm and that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents or the firearm is contained within a separate enclosure of that nature in that compartment that does not contain the magazine or speed loader;

(ii) A pocket or other enclosure on the person of the person in question that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents.

(c) For the purposes of divisions (K)(5)(a) and (b) of this section, ammunition held in stripper-clips or in en-bloc clips is

not considered ammunition that is loaded into a magazine or speed loader. 35814
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(6) "Unloaded" means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan. 35816
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(7) "Commercial motor vehicle" has the same meaning as in division (A) of section 4506.25 of the Revised Code. 35820
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(8) "Motor carrier enforcement unit" means the motor carrier enforcement unit in the department of public safety, division of state highway patrol, that is created by section 5503.34 of the Revised Code. 35822
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(L) Divisions (K)(5)(a) and (b) of this section do not affect the authority of a person who is carrying a valid concealed handgun license to have one or more magazines or speed loaders containing ammunition anywhere in a vehicle, without being transported as described in those divisions, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any other provision of this chapter. A person who is carrying a valid concealed handgun license may have one or more magazines or speed loaders containing ammunition anywhere in a vehicle without further restriction, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any provision of this chapter. 35826
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Sec. 2923.21. (A) No person shall do any of the following: 35838

(1) Sell any firearm to a person who is under eighteen years of age; 35839
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(2) Subject to division (B) of this section, sell any handgun to a person who is under twenty-one years of age; 35841
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(3) Furnish any firearm to a person who is under eighteen 35843

years of age or, subject to division (B) of this section, furnish 35844
any handgun to a person who is under twenty-one years of age, 35845
except for lawful hunting, sporting, or educational purposes, 35846
including, but not limited to, instruction in firearms or handgun 35847
safety, care, handling, or marksmanship under the supervision or 35848
control of a responsible adult; 35849

(4) Sell or furnish a firearm to a person who is eighteen 35850
years of age or older if the seller or furnisher knows, or has 35851
reason to know, that the person is purchasing or receiving the 35852
firearm for the purpose of selling the firearm in violation of 35853
division (A)(1) of this section to a person who is under eighteen 35854
years of age or for the purpose of furnishing the firearm in 35855
violation of division (A)(3) of this section to a person who is 35856
under eighteen years of age; 35857

(5) Sell or furnish a handgun to a person who is twenty-one 35858
years of age or older if the seller or furnisher knows, or has 35859
reason to know, that the person is purchasing or receiving the 35860
handgun for the purpose of selling the handgun in violation of 35861
division (A)(2) of this section to a person who is under 35862
twenty-one years of age or for the purpose of furnishing the 35863
handgun in violation of division (A)(3) of this section to a 35864
person who is under twenty-one years of age; 35865

(6) Purchase or attempt to purchase any firearm with the 35866
intent to sell the firearm in violation of division (A)(1) of this 35867
section to a person who is under eighteen years of age or with the 35868
intent to furnish the firearm in violation of division (A)(3) of 35869
this section to a person who is under eighteen years of age; 35870

(7) Purchase or attempt to purchase any handgun with the 35871
intent to sell the handgun in violation of division (A)(2) of this 35872
section to a person who is under twenty-one years of age or with 35873
the intent to furnish the handgun in violation of division (A)(3) 35874
of this section to a person who is under twenty-one years of age. 35875

(B) Divisions (A)(1) and (2) of this section do not apply to 35876
the sale or furnishing of a handgun to a person eighteen years of 35877
age or older and under twenty-one years of age if the person 35878
eighteen years of age or older and under twenty-one years of age 35879
is either a law enforcement officer who is properly appointed or 35880
employed as a law enforcement officer and has received firearms 35881
training approved by the Ohio peace officer training council or 35882
equivalent firearms training or is an active member of the armed 35883
forces of the United States and the person has received small arms 35884
training from the armed forces or the equivalent small arms 35885
training. 35886

(C) Whoever violates this section is guilty of improperly 35887
furnishing firearms to a minor, a felony of the fifth degree. 35888

Sec. 2925.03. (A) No person shall knowingly do any of the 35889
following: 35890

(1) Sell or offer to sell a controlled substance or a 35891
controlled substance analog; 35892

(2) Prepare for shipment, ship, transport, deliver, prepare 35893
for distribution, or distribute a controlled substance or a 35894
controlled substance analog, when the offender knows or has 35895
reasonable cause to believe that the controlled substance or a 35896
controlled substance analog is intended for sale or resale by the 35897
offender or another person. 35898

(B) This section does not apply to any of the following: 35899

(1) Manufacturers, licensed health professionals authorized 35900
to prescribe drugs, pharmacists, owners of pharmacies, and other 35901
persons whose conduct is in accordance with Chapters 3719., 4715., 35902
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 35903

(2) If the offense involves an anabolic steroid, any person 35904
who is conducting or participating in a research project involving 35905

the use of an anabolic steroid if the project has been approved by 35906
the United States food and drug administration; 35907

(3) Any person who sells, offers for sale, prescribes, 35908
dispenses, or administers for livestock or other nonhuman species 35909
an anabolic steroid that is expressly intended for administration 35910
through implants to livestock or other nonhuman species and 35911
approved for that purpose under the "Federal Food, Drug, and 35912
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 35913
and is sold, offered for sale, prescribed, dispensed, or 35914
administered for that purpose in accordance with that act. 35915

(C) Whoever violates division (A) of this section is guilty 35916
of one of the following: 35917

(1) If the drug involved in the violation is any compound, 35918
mixture, preparation, or substance included in schedule I or 35919
schedule II, with the exception of marihuana, cocaine, L.S.D., 35920
heroin, hashish, and controlled substance analogs, whoever 35921
violates division (A) of this section is guilty of aggravated 35922
trafficking in drugs. The penalty for the offense shall be 35923
determined as follows: 35924

(a) Except as otherwise provided in division (C)(1)(b), (c), 35925
(d), (e), or (f) of this section, aggravated trafficking in drugs 35926
is a felony of the fourth degree, and division (C) of section 35927
2929.13 of the Revised Code applies in determining whether to 35928
impose a prison term on the offender. 35929

(b) Except as otherwise provided in division (C)(1)(c), (d), 35930
(e), or (f) of this section, if the offense was committed in the 35931
vicinity of a school or in the vicinity of a juvenile, aggravated 35932
trafficking in drugs is a felony of the third degree, and division 35933
(C) of section 2929.13 of the Revised Code applies in determining 35934
whether to impose a prison term on the offender. 35935

(c) Except as otherwise provided in this division, if the 35936

amount of the drug involved equals or exceeds the bulk amount but 35937
is less than five times the bulk amount, aggravated trafficking in 35938
drugs is a felony of the third degree, and, except as otherwise 35939
provided in this division, there is a presumption for a prison 35940
term for the offense. If aggravated trafficking in drugs is a 35941
felony of the third degree under this division and if the offender 35942
two or more times previously has been convicted of or pleaded 35943
guilty to a felony drug abuse offense, the court shall impose as a 35944
mandatory prison term one of the prison terms prescribed for a 35945
felony of the third degree. If the amount of the drug involved is 35946
within that range and if the offense was committed in the vicinity 35947
of a school or in the vicinity of a juvenile, aggravated 35948
trafficking in drugs is a felony of the second degree, and the 35949
court shall impose as a mandatory prison term one of the prison 35950
terms prescribed for a felony of the second degree. 35951

(d) Except as otherwise provided in this division, if the 35952
amount of the drug involved equals or exceeds five times the bulk 35953
amount but is less than fifty times the bulk amount, aggravated 35954
trafficking in drugs is a felony of the second degree, and the 35955
court shall impose as a mandatory prison term one of the prison 35956
terms prescribed for a felony of the second degree. If the amount 35957
of the drug involved is within that range and if the offense was 35958
committed in the vicinity of a school or in the vicinity of a 35959
juvenile, aggravated trafficking in drugs is a felony of the first 35960
degree, and the court shall impose as a mandatory prison term one 35961
of the prison terms prescribed for a felony of the first degree. 35962

(e) If the amount of the drug involved equals or exceeds 35963
fifty times the bulk amount but is less than one hundred times the 35964
bulk amount and regardless of whether the offense was committed in 35965
the vicinity of a school or in the vicinity of a juvenile, 35966
aggravated trafficking in drugs is a felony of the first degree, 35967
and the court shall impose as a mandatory prison term one of the 35968

prison terms prescribed for a felony of the first degree. 35969

(f) If the amount of the drug involved equals or exceeds one 35970
hundred times the bulk amount and regardless of whether the 35971
offense was committed in the vicinity of a school or in the 35972
vicinity of a juvenile, aggravated trafficking in drugs is a 35973
felony of the first degree, the offender is a major drug offender, 35974
and the court shall impose as a mandatory prison term the maximum 35975
prison term prescribed for a felony of the first degree. 35976

(2) If the drug involved in the violation is any compound, 35977
mixture, preparation, or substance included in schedule III, IV, 35978
or V, whoever violates division (A) of this section is guilty of 35979
trafficking in drugs. The penalty for the offense shall be 35980
determined as follows: 35981

(a) Except as otherwise provided in division (C)(2)(b), (c), 35982
(d), or (e) of this section, trafficking in drugs is a felony of 35983
the fifth degree, and division (B) of section 2929.13 of the 35984
Revised Code applies in determining whether to impose a prison 35985
term on the offender. 35986

(b) Except as otherwise provided in division (C)(2)(c), (d), 35987
or (e) of this section, if the offense was committed in the 35988
vicinity of a school or in the vicinity of a juvenile, trafficking 35989
in drugs is a felony of the fourth degree, and division (C) of 35990
section 2929.13 of the Revised Code applies in determining whether 35991
to impose a prison term on the offender. 35992

(c) Except as otherwise provided in this division, if the 35993
amount of the drug involved equals or exceeds the bulk amount but 35994
is less than five times the bulk amount, trafficking in drugs is a 35995
felony of the fourth degree, and division (B) of section 2929.13 35996
of the Revised Code applies in determining whether to impose a 35997
prison term for the offense. If the amount of the drug involved is 35998
within that range and if the offense was committed in the vicinity 35999

of a school or in the vicinity of a juvenile, trafficking in drugs 36000
is a felony of the third degree, and there is a presumption for a 36001
prison term for the offense. 36002

(d) Except as otherwise provided in this division, if the 36003
amount of the drug involved equals or exceeds five times the bulk 36004
amount but is less than fifty times the bulk amount, trafficking 36005
in drugs is a felony of the third degree, and there is a 36006
presumption for a prison term for the offense. If the amount of 36007
the drug involved is within that range and if the offense was 36008
committed in the vicinity of a school or in the vicinity of a 36009
juvenile, trafficking in drugs is a felony of the second degree, 36010
and there is a presumption for a prison term for the offense. 36011

(e) Except as otherwise provided in this division, if the 36012
amount of the drug involved equals or exceeds fifty times the bulk 36013
amount, trafficking in drugs is a felony of the second degree, and 36014
the court shall impose as a mandatory prison term one of the 36015
prison terms prescribed for a felony of the second degree. If the 36016
amount of the drug involved equals or exceeds fifty times the bulk 36017
amount and if the offense was committed in the vicinity of a 36018
school or in the vicinity of a juvenile, trafficking in drugs is a 36019
felony of the first degree, and the court shall impose as a 36020
mandatory prison term one of the prison terms prescribed for a 36021
felony of the first degree. 36022

(3) If the drug involved in the violation is marihuana or a 36023
compound, mixture, preparation, or substance containing marihuana 36024
other than hashish, whoever violates division (A) of this section 36025
is guilty of trafficking in marihuana. The penalty for the offense 36026
shall be determined as follows: 36027

(a) Except as otherwise provided in division (C)(3)(b), (c), 36028
(d), (e), (f), (g), or (h) of this section, trafficking in 36029
marihuana is a felony of the fifth degree, and division (B) of 36030
section 2929.13 of the Revised Code applies in determining whether 36031

to impose a prison term on the offender. 36032

(b) Except as otherwise provided in division (C)(3)(c), (d), 36033
(e), (f), (g), or (h) of this section, if the offense was 36034
committed in the vicinity of a school or in the vicinity of a 36035
juvenile, trafficking in marihuana is a felony of the fourth 36036
degree, and division (B) of section 2929.13 of the Revised Code 36037
applies in determining whether to impose a prison term on the 36038
offender. 36039

(c) Except as otherwise provided in this division, if the 36040
amount of the drug involved equals or exceeds two hundred grams 36041
but is less than one thousand grams, trafficking in marihuana is a 36042
felony of the fourth degree, and division (B) of section 2929.13 36043
of the Revised Code applies in determining whether to impose a 36044
prison term on the offender. If the amount of the drug involved is 36045
within that range and if the offense was committed in the vicinity 36046
of a school or in the vicinity of a juvenile, trafficking in 36047
marihuana is a felony of the third degree, and division (C) of 36048
section 2929.13 of the Revised Code applies in determining whether 36049
to impose a prison term on the offender. 36050

(d) Except as otherwise provided in this division, if the 36051
amount of the drug involved equals or exceeds one thousand grams 36052
but is less than five thousand grams, trafficking in marihuana is 36053
a felony of the third degree, and division (C) of section 2929.13 36054
of the Revised Code applies in determining whether to impose a 36055
prison term on the offender. If the amount of the drug involved is 36056
within that range and if the offense was committed in the vicinity 36057
of a school or in the vicinity of a juvenile, trafficking in 36058
marihuana is a felony of the second degree, and there is a 36059
presumption that a prison term shall be imposed for the offense. 36060

(e) Except as otherwise provided in this division, if the 36061
amount of the drug involved equals or exceeds five thousand grams 36062
but is less than twenty thousand grams, trafficking in marihuana 36063

is a felony of the third degree, and there is a presumption that a 36064
prison term shall be imposed for the offense. If the amount of the 36065
drug involved is within that range and if the offense was 36066
committed in the vicinity of a school or in the vicinity of a 36067
juvenile, trafficking in marihuana is a felony of the second 36068
degree, and there is a presumption that a prison term shall be 36069
imposed for the offense. 36070

(f) Except as otherwise provided in this division, if the 36071
amount of the drug involved equals or exceeds twenty thousand 36072
grams but is less than forty thousand grams, trafficking in 36073
marihuana is a felony of the second degree, and the court shall 36074
impose a mandatory prison term of five, six, seven, or eight 36075
years. If the amount of the drug involved is within that range and 36076
if the offense was committed in the vicinity of a school or in the 36077
vicinity of a juvenile, trafficking in marihuana is a felony of 36078
the first degree, and the court shall impose as a mandatory prison 36079
term the maximum prison term prescribed for a felony of the first 36080
degree. 36081

(g) Except as otherwise provided in this division, if the 36082
amount of the drug involved equals or exceeds forty thousand 36083
grams, trafficking in marihuana is a felony of the second degree, 36084
and the court shall impose as a mandatory prison term the maximum 36085
prison term prescribed for a felony of the second degree. If the 36086
amount of the drug involved equals or exceeds forty thousand grams 36087
and if the offense was committed in the vicinity of a school or in 36088
the vicinity of a juvenile, trafficking in marihuana is a felony 36089
of the first degree, and the court shall impose as a mandatory 36090
prison term the maximum prison term prescribed for a felony of the 36091
first degree. 36092

(h) Except as otherwise provided in this division, if the 36093
offense involves a gift of twenty grams or less of marihuana, 36094
trafficking in marihuana is a minor misdemeanor upon a first 36095

offense and a misdemeanor of the third degree upon a subsequent 36096
offense. If the offense involves a gift of twenty grams or less of 36097
marihuana and if the offense was committed in the vicinity of a 36098
school or in the vicinity of a juvenile, trafficking in marihuana 36099
is a misdemeanor of the third degree. 36100

(4) If the drug involved in the violation is cocaine or a 36101
compound, mixture, preparation, or substance containing cocaine, 36102
whoever violates division (A) of this section is guilty of 36103
trafficking in cocaine. The penalty for the offense shall be 36104
determined as follows: 36105

(a) Except as otherwise provided in division (C)(4)(b), (c), 36106
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 36107
felony of the fifth degree, and division (B) of section 2929.13 of 36108
the Revised Code applies in determining whether to impose a prison 36109
term on the offender. 36110

(b) Except as otherwise provided in division (C)(4)(c), (d), 36111
(e), (f), or (g) of this section, if the offense was committed in 36112
the vicinity of a school or in the vicinity of a juvenile, 36113
trafficking in cocaine is a felony of the fourth degree, and 36114
division (C) of section 2929.13 of the Revised Code applies in 36115
determining whether to impose a prison term on the offender. 36116

(c) Except as otherwise provided in this division, if the 36117
amount of the drug involved equals or exceeds five grams but is 36118
less than ten grams of cocaine, trafficking in cocaine is a felony 36119
of the fourth degree, and division (B) of section 2929.13 of the 36120
Revised Code applies in determining whether to impose a prison 36121
term for the offense. If the amount of the drug involved is within 36122
that range and if the offense was committed in the vicinity of a 36123
school or in the vicinity of a juvenile, trafficking in cocaine is 36124
a felony of the third degree, and there is a presumption for a 36125
prison term for the offense. 36126

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than twenty grams of cocaine, trafficking in cocaine is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If trafficking in cocaine is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than twenty-seven grams of cocaine, trafficking in cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds twenty-seven grams but is less than one hundred grams of cocaine and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, and the court shall

impose as a mandatory prison term one of the prison terms 36159
prescribed for a felony of the first degree. 36160

(g) If the amount of the drug involved equals or exceeds one 36161
hundred grams of cocaine and regardless of whether the offense was 36162
committed in the vicinity of a school or in the vicinity of a 36163
juvenile, trafficking in cocaine is a felony of the first degree, 36164
the offender is a major drug offender, and the court shall impose 36165
as a mandatory prison term the maximum prison term prescribed for 36166
a felony of the first degree. 36167

(5) If the drug involved in the violation is L.S.D. or a 36168
compound, mixture, preparation, or substance containing L.S.D., 36169
whoever violates division (A) of this section is guilty of 36170
trafficking in L.S.D. The penalty for the offense shall be 36171
determined as follows: 36172

(a) Except as otherwise provided in division (C)(5)(b), (c), 36173
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 36174
felony of the fifth degree, and division (B) of section 2929.13 of 36175
the Revised Code applies in determining whether to impose a prison 36176
term on the offender. 36177

(b) Except as otherwise provided in division (C)(5)(c), (d), 36178
(e), (f), or (g) of this section, if the offense was committed in 36179
the vicinity of a school or in the vicinity of a juvenile, 36180
trafficking in L.S.D. is a felony of the fourth degree, and 36181
division (C) of section 2929.13 of the Revised Code applies in 36182
determining whether to impose a prison term on the offender. 36183

(c) Except as otherwise provided in this division, if the 36184
amount of the drug involved equals or exceeds ten unit doses but 36185
is less than fifty unit doses of L.S.D. in a solid form or equals 36186
or exceeds one gram but is less than five grams of L.S.D. in a 36187
liquid concentrate, liquid extract, or liquid distillate form, 36188
trafficking in L.S.D. is a felony of the fourth degree, and 36189

division (B) of section 2929.13 of the Revised Code applies in 36190
determining whether to impose a prison term for the offense. If 36191
the amount of the drug involved is within that range and if the 36192
offense was committed in the vicinity of a school or in the 36193
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 36194
third degree, and there is a presumption for a prison term for the 36195
offense. 36196

(d) Except as otherwise provided in this division, if the 36197
amount of the drug involved equals or exceeds fifty unit doses but 36198
is less than two hundred fifty unit doses of L.S.D. in a solid 36199
form or equals or exceeds five grams but is less than twenty-five 36200
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 36201
distillate form, trafficking in L.S.D. is a felony of the third 36202
degree, and, except as otherwise provided in this division, there 36203
is a presumption for a prison term for the offense. If trafficking 36204
in L.S.D. is a felony of the third degree under this division and 36205
if the offender two or more times previously has been convicted of 36206
or pleaded guilty to a felony drug abuse offense, the court shall 36207
impose as a mandatory prison term one of the prison terms 36208
prescribed for a felony of the third degree. If the amount of the 36209
drug involved is within that range and if the offense was 36210
committed in the vicinity of a school or in the vicinity of a 36211
juvenile, trafficking in L.S.D. is a felony of the second degree, 36212
and the court shall impose as a mandatory prison term one of the 36213
prison terms prescribed for a felony of the second degree. 36214

(e) Except as otherwise provided in this division, if the 36215
amount of the drug involved equals or exceeds two hundred fifty 36216
unit doses but is less than one thousand unit doses of L.S.D. in a 36217
solid form or equals or exceeds twenty-five grams but is less than 36218
one hundred grams of L.S.D. in a liquid concentrate, liquid 36219
extract, or liquid distillate form, trafficking in L.S.D. is a 36220
felony of the second degree, and the court shall impose as a 36221

mandatory prison term one of the prison terms prescribed for a 36222
felony of the second degree. If the amount of the drug involved is 36223
within that range and if the offense was committed in the vicinity 36224
of a school or in the vicinity of a juvenile, trafficking in 36225
L.S.D. is a felony of the first degree, and the court shall impose 36226
as a mandatory prison term one of the prison terms prescribed for 36227
a felony of the first degree. 36228

(f) If the amount of the drug involved equals or exceeds one 36229
thousand unit doses but is less than five thousand unit doses of 36230
L.S.D. in a solid form or equals or exceeds one hundred grams but 36231
is less than five hundred grams of L.S.D. in a liquid concentrate, 36232
liquid extract, or liquid distillate form and regardless of 36233
whether the offense was committed in the vicinity of a school or 36234
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 36235
of the first degree, and the court shall impose as a mandatory 36236
prison term one of the prison terms prescribed for a felony of the 36237
first degree. 36238

(g) If the amount of the drug involved equals or exceeds five 36239
thousand unit doses of L.S.D. in a solid form or equals or exceeds 36240
five hundred grams of L.S.D. in a liquid concentrate, liquid 36241
extract, or liquid distillate form and regardless of whether the 36242
offense was committed in the vicinity of a school or in the 36243
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 36244
first degree, the offender is a major drug offender, and the court 36245
shall impose as a mandatory prison term the maximum prison term 36246
prescribed for a felony of the first degree. 36247

(6) If the drug involved in the violation is heroin or a 36248
compound, mixture, preparation, or substance containing heroin, 36249
whoever violates division (A) of this section is guilty of 36250
trafficking in heroin. The penalty for the offense shall be 36251
determined as follows: 36252

(a) Except as otherwise provided in division (C)(6)(b), (c), 36253

(d), (e), (f), or (g) of this section, trafficking in heroin is a 36254
felony of the fifth degree, and division (B) of section 2929.13 of 36255
the Revised Code applies in determining whether to impose a prison 36256
term on the offender. 36257

(b) Except as otherwise provided in division (C)(6)(c), (d), 36258
(e), (f), or (g) of this section, if the offense was committed in 36259
the vicinity of a school or in the vicinity of a juvenile, 36260
trafficking in heroin is a felony of the fourth degree, and 36261
division (C) of section 2929.13 of the Revised Code applies in 36262
determining whether to impose a prison term on the offender. 36263

(c) Except as otherwise provided in this division, if the 36264
amount of the drug involved equals or exceeds ten unit doses but 36265
is less than fifty unit doses or equals or exceeds one gram but is 36266
less than five grams, trafficking in heroin is a felony of the 36267
fourth degree, and division (B) of section 2929.13 of the Revised 36268
Code applies in determining whether to impose a prison term for 36269
the offense. If the amount of the drug involved is within that 36270
range and if the offense was committed in the vicinity of a school 36271
or in the vicinity of a juvenile, trafficking in heroin is a 36272
felony of the third degree, and there is a presumption for a 36273
prison term for the offense. 36274

(d) Except as otherwise provided in this division, if the 36275
amount of the drug involved equals or exceeds fifty unit doses but 36276
is less than one hundred unit doses or equals or exceeds five 36277
grams but is less than ten grams, trafficking in heroin is a 36278
felony of the third degree, and there is a presumption for a 36279
prison term for the offense. If the amount of the drug involved is 36280
within that range and if the offense was committed in the vicinity 36281
of a school or in the vicinity of a juvenile, trafficking in 36282
heroin is a felony of the second degree, and there is a 36283
presumption for a prison term for the offense. 36284

(e) Except as otherwise provided in this division, if the 36285

amount of the drug involved equals or exceeds one hundred unit 36286
doses but is less than five hundred unit doses or equals or 36287
exceeds ten grams but is less than fifty grams, trafficking in 36288
heroin is a felony of the second degree, and the court shall 36289
impose as a mandatory prison term one of the prison terms 36290
prescribed for a felony of the second degree. If the amount of the 36291
drug involved is within that range and if the offense was 36292
committed in the vicinity of a school or in the vicinity of a 36293
juvenile, trafficking in heroin is a felony of the first degree, 36294
and the court shall impose as a mandatory prison term one of the 36295
prison terms prescribed for a felony of the first degree. 36296

(f) If the amount of the drug involved equals or exceeds five 36297
hundred unit doses but is less than two thousand five hundred unit 36298
doses or equals or exceeds fifty grams but is less than two 36299
hundred fifty grams and regardless of whether the offense was 36300
committed in the vicinity of a school or in the vicinity of a 36301
juvenile, trafficking in heroin is a felony of the first degree, 36302
and the court shall impose as a mandatory prison term one of the 36303
prison terms prescribed for a felony of the first degree. 36304

(g) If the amount of the drug involved equals or exceeds two 36305
thousand five hundred unit doses or equals or exceeds two hundred 36306
fifty grams and regardless of whether the offense was committed in 36307
the vicinity of a school or in the vicinity of a juvenile, 36308
trafficking in heroin is a felony of the first degree, the 36309
offender is a major drug offender, and the court shall impose as a 36310
mandatory prison term the maximum prison term prescribed for a 36311
felony of the first degree. 36312

(7) If the drug involved in the violation is hashish or a 36313
compound, mixture, preparation, or substance containing hashish, 36314
whoever violates division (A) of this section is guilty of 36315
trafficking in hashish. The penalty for the offense shall be 36316
determined as follows: 36317

(a) Except as otherwise provided in division (C)(7)(b), (c), 36318
(d), (e), (f), or (g) of this section, trafficking in hashish is a 36319
felony of the fifth degree, and division (B) of section 2929.13 of 36320
the Revised Code applies in determining whether to impose a prison 36321
term on the offender. 36322

(b) Except as otherwise provided in division (C)(7)(c), (d), 36323
(e), (f), or (g) of this section, if the offense was committed in 36324
the vicinity of a school or in the vicinity of a juvenile, 36325
trafficking in hashish is a felony of the fourth degree, and 36326
division (B) of section 2929.13 of the Revised Code applies in 36327
determining whether to impose a prison term on the offender. 36328

(c) Except as otherwise provided in this division, if the 36329
amount of the drug involved equals or exceeds ten grams but is 36330
less than fifty grams of hashish in a solid form or equals or 36331
exceeds two grams but is less than ten grams of hashish in a 36332
liquid concentrate, liquid extract, or liquid distillate form, 36333
trafficking in hashish is a felony of the fourth degree, and 36334
division (B) of section 2929.13 of the Revised Code applies in 36335
determining whether to impose a prison term on the offender. If 36336
the amount of the drug involved is within that range and if the 36337
offense was committed in the vicinity of a school or in the 36338
vicinity of a juvenile, trafficking in hashish is a felony of the 36339
third degree, and division (C) of section 2929.13 of the Revised 36340
Code applies in determining whether to impose a prison term on the 36341
offender. 36342

(d) Except as otherwise provided in this division, if the 36343
amount of the drug involved equals or exceeds fifty grams but is 36344
less than two hundred fifty grams of hashish in a solid form or 36345
equals or exceeds ten grams but is less than fifty grams of 36346
hashish in a liquid concentrate, liquid extract, or liquid 36347
distillate form, trafficking in hashish is a felony of the third 36348
degree, and division (C) of section 2929.13 of the Revised Code 36349

applies in determining whether to impose a prison term on the 36350
offender. If the amount of the drug involved is within that range 36351
and if the offense was committed in the vicinity of a school or in 36352
the vicinity of a juvenile, trafficking in hashish is a felony of 36353
the second degree, and there is a presumption that a prison term 36354
shall be imposed for the offense. 36355

(e) Except as otherwise provided in this division, if the 36356
amount of the drug involved equals or exceeds two hundred fifty 36357
grams but is less than one thousand grams of hashish in a solid 36358
form or equals or exceeds fifty grams but is less than two hundred 36359
grams of hashish in a liquid concentrate, liquid extract, or 36360
liquid distillate form, trafficking in hashish is a felony of the 36361
third degree, and there is a presumption that a prison term shall 36362
be imposed for the offense. If the amount of the drug involved is 36363
within that range and if the offense was committed in the vicinity 36364
of a school or in the vicinity of a juvenile, trafficking in 36365
hashish is a felony of the second degree, and there is a 36366
presumption that a prison term shall be imposed for the offense. 36367

(f) Except as otherwise provided in this division, if the 36368
amount of the drug involved equals or exceeds one thousand grams 36369
but is less than two thousand grams of hashish in a solid form or 36370
equals or exceeds two hundred grams but is less than four hundred 36371
grams of hashish in a liquid concentrate, liquid extract, or 36372
liquid distillate form, trafficking in hashish is a felony of the 36373
second degree, and the court shall impose a mandatory prison term 36374
of five, six, seven, or eight years. If the amount of the drug 36375
involved is within that range and if the offense was committed in 36376
the vicinity of a school or in the vicinity of a juvenile, 36377
trafficking in hashish is a felony of the first degree, and the 36378
court shall impose as a mandatory prison term the maximum prison 36379
term prescribed for a felony of the first degree. 36380

(g) Except as otherwise provided in this division, if the 36381

amount of the drug involved equals or exceeds two thousand grams 36382
of hashish in a solid form or equals or exceeds four hundred grams 36383
of hashish in a liquid concentrate, liquid extract, or liquid 36384
distillate form, trafficking in hashish is a felony of the second 36385
degree, and the court shall impose as a mandatory prison term the 36386
maximum prison term prescribed for a felony of the second degree. 36387
If the amount of the drug involved equals or exceeds two thousand 36388
grams of hashish in a solid form or equals or exceeds four hundred 36389
grams of hashish in a liquid concentrate, liquid extract, or 36390
liquid distillate form and if the offense was committed in the 36391
vicinity of a school or in the vicinity of a juvenile, trafficking 36392
in hashish is a felony of the first degree, and the court shall 36393
impose as a mandatory prison term the maximum prison term 36394
prescribed for a felony of the first degree. 36395

(8) If the drug involved in the violation is a controlled 36396
substance analog or compound, mixture, preparation, or substance 36397
that contains a controlled substance analog, whoever violates 36398
division (A) of this section is guilty of trafficking in a 36399
controlled substance analog. The penalty for the offense shall be 36400
determined as follows: 36401

(a) Except as otherwise provided in division (C)(8)(b), (c), 36402
(d), (e), (f), or (g) of this section, trafficking in a controlled 36403
substance analog is a felony of the fifth degree, and division (C) 36404
of section 2929.13 of the Revised Code applies in determining 36405
whether to impose a prison term on the offender. 36406

(b) Except as otherwise provided in division (C)(8)(c), (d), 36407
(e), (f), or (g) of this section, if the offense was committed in 36408
the vicinity of a school or in the vicinity of a juvenile, 36409
trafficking in a controlled substance analog is a felony of the 36410
fourth degree, and division (C) of section 2929.13 of the Revised 36411
Code applies in determining whether to impose a prison term on the 36412
offender. 36413

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than twenty grams, trafficking in a controlled substance analog is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than thirty grams, trafficking in a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, trafficking in a controlled substance analog is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the

first degree. 36446

(f) If the amount of the drug involved equals or exceeds 36447
forty grams but is less than fifty grams and regardless of whether 36448
the offense was committed in the vicinity of a school or in the 36449
vicinity of a juvenile, trafficking in a controlled substance 36450
analog is a felony of the first degree, and the court shall impose 36451
as a mandatory prison term one of the prison terms prescribed for 36452
a felony of the first degree. 36453

(g) If the amount of the drug involved equals or exceeds 36454
fifty grams and regardless of whether the offense was committed in 36455
the vicinity of a school or in the vicinity of a juvenile, 36456
trafficking in a controlled substance analog is a felony of the 36457
first degree, the offender is a major drug offender, and the court 36458
shall impose as a mandatory prison term the maximum prison term 36459
prescribed for a felony of the first degree. 36460

(D) In addition to any prison term authorized or required by 36461
division (C) of this section and sections 2929.13 and 2929.14 of 36462
the Revised Code, and in addition to any other sanction imposed 36463
for the offense under this section or sections 2929.11 to 2929.18 36464
of the Revised Code, the court that sentences an offender who is 36465
convicted of or pleads guilty to a violation of division (A) of 36466
this section shall do all of the following that are applicable 36467
regarding the offender: 36468

(1) If the violation of division (A) of this section is a 36469
felony of the first, second, or third degree, the court shall 36470
impose upon the offender the mandatory fine specified for the 36471
offense under division (B)(1) of section 2929.18 of the Revised 36472
Code unless, as specified in that division, the court determines 36473
that the offender is indigent. Except as otherwise provided in 36474
division (H)(1) of this section, a mandatory fine or any other 36475
fine imposed for a violation of this section is subject to 36476
division (F) of this section. If a person is charged with a 36477

violation of this section that is a felony of the first, second, 36478
or third degree, posts bail, and forfeits the bail, the clerk of 36479
the court shall pay the forfeited bail pursuant to divisions 36480
(D)(1) and (F) of this section, as if the forfeited bail was a 36481
fine imposed for a violation of this section. If any amount of the 36482
forfeited bail remains after that payment and if a fine is imposed 36483
under division (H)(1) of this section, the clerk of the court 36484
shall pay the remaining amount of the forfeited bail pursuant to 36485
divisions (H)(2) and (3) of this section, as if that remaining 36486
amount was a fine imposed under division (H)(1) of this section. 36487

(2) The court shall suspend the driver's or commercial 36488
driver's license or permit of the offender in accordance with 36489
division (G) of this section. 36490

(3) If the offender is a professionally licensed person, the 36491
court immediately shall comply with section 2925.38 of the Revised 36492
Code. 36493

(E) When a person is charged with the sale of or offer to 36494
sell a bulk amount or a multiple of a bulk amount of a controlled 36495
substance, the jury, or the court trying the accused, shall 36496
determine the amount of the controlled substance involved at the 36497
time of the offense and, if a guilty verdict is returned, shall 36498
return the findings as part of the verdict. In any such case, it 36499
is unnecessary to find and return the exact amount of the 36500
controlled substance involved, and it is sufficient if the finding 36501
and return is to the effect that the amount of the controlled 36502
substance involved is the requisite amount, or that the amount of 36503
the controlled substance involved is less than the requisite 36504
amount. 36505

(F)(1) Notwithstanding any contrary provision of section 36506
3719.21 of the Revised Code and except as provided in division (H) 36507
of this section, the clerk of the court shall pay any mandatory 36508
fine imposed pursuant to division (D)(1) of this section and any 36509

fine other than a mandatory fine that is imposed for a violation 36510
of this section pursuant to division (A) or (B)(5) of section 36511
2929.18 of the Revised Code to the county, township, municipal 36512
corporation, park district, as created pursuant to section 511.18 36513
or 1545.04 of the Revised Code, or state law enforcement agencies 36514
in this state that primarily were responsible for or involved in 36515
making the arrest of, and in prosecuting, the offender. However, 36516
the clerk shall not pay a mandatory fine so imposed to a law 36517
enforcement agency unless the agency has adopted a written 36518
internal control policy under division (F)(2) of this section that 36519
addresses the use of the fine moneys that it receives. Each agency 36520
shall use the mandatory fines so paid to subsidize the agency's 36521
law enforcement efforts that pertain to drug offenses, in 36522
accordance with the written internal control policy adopted by the 36523
recipient agency under division (F)(2) of this section. 36524

(2) Prior to receiving any fine moneys under division (F)(1) 36525
of this section or division (B) of section 2925.42 of the Revised 36526
Code, a law enforcement agency shall adopt a written internal 36527
control policy that addresses the agency's use and disposition of 36528
all fine moneys so received and that provides for the keeping of 36529
detailed financial records of the receipts of those fine moneys, 36530
the general types of expenditures made out of those fine moneys, 36531
and the specific amount of each general type of expenditure. The 36532
policy shall not provide for or permit the identification of any 36533
specific expenditure that is made in an ongoing investigation. All 36534
financial records of the receipts of those fine moneys, the 36535
general types of expenditures made out of those fine moneys, and 36536
the specific amount of each general type of expenditure by an 36537
agency are public records open for inspection under section 149.43 36538
of the Revised Code. Additionally, a written internal control 36539
policy adopted under this division is such a public record, and 36540
the agency that adopted it shall comply with it. 36541

(3) As used in division (F) of this section: 36542

(a) "Law enforcement agencies" includes, but is not limited 36543
to, the state board of pharmacy and the office of a prosecutor. 36544

(b) "Prosecutor" has the same meaning as in section 2935.01 36545
of the Revised Code. 36546

(G) When required under division (D)(2) of this section or 36547
any other provision of this chapter, the court shall suspend for 36548
not less than six months or more than five years the driver's or 36549
commercial driver's license or permit of any person who is 36550
convicted of or pleads guilty to any violation of this section or 36551
any other specified provision of this chapter. If an offender's 36552
driver's or commercial driver's license or permit is suspended 36553
pursuant to this division, the offender, at any time after the 36554
expiration of two years from the day on which the offender's 36555
sentence was imposed or from the day on which the offender finally 36556
was released from a prison term under the sentence, whichever is 36557
later, may file a motion with the sentencing court requesting 36558
termination of the suspension; upon the filing of such a motion 36559
and the court's finding of good cause for the termination, the 36560
court may terminate the suspension. 36561

(H)(1) In addition to any prison term authorized or required 36562
by division (C) of this section and sections 2929.13 and 2929.14 36563
of the Revised Code, in addition to any other penalty or sanction 36564
imposed for the offense under this section or sections 2929.11 to 36565
2929.18 of the Revised Code, and in addition to the forfeiture of 36566
property in connection with the offense as prescribed in Chapter 36567
2981. of the Revised Code, the court that sentences an offender 36568
who is convicted of or pleads guilty to a violation of division 36569
(A) of this section may impose upon the offender an additional 36570
fine specified for the offense in division (B)(4) of section 36571
2929.18 of the Revised Code. A fine imposed under division (H)(1) 36572
of this section is not subject to division (F) of this section and 36573

shall be used solely for the support of one or more eligible 36574
community addiction services ~~provider~~ providers in accordance with 36575
divisions (H)(2) and (3) of this section. 36576

(2) The court that imposes a fine under division (H)(1) of 36577
this section shall specify in the judgment that imposes the fine 36578
one or more eligible community addiction services ~~provider~~ 36579
providers for the support of which the fine money is to be used. 36580
No community addiction services provider shall receive or use 36581
money paid or collected in satisfaction of a fine imposed under 36582
division (H)(1) of this section unless the services provider is 36583
specified in the judgment that imposes the fine. No community 36584
addiction services provider shall be specified in the judgment 36585
unless the services provider is an eligible community addiction 36586
services provider and, except as otherwise provided in division 36587
(H)(2) of this section, unless the services provider is located in 36588
the county in which the court that imposes the fine is located or 36589
in a county that is immediately contiguous to the county in which 36590
that court is located. If no eligible community addiction services 36591
provider is located in any of those counties, the judgment may 36592
specify an eligible community addiction services provider that is 36593
located anywhere within this state. 36594

(3) Notwithstanding any contrary provision of section 3719.21 36595
of the Revised Code, the clerk of the court shall pay any fine 36596
imposed under division (H)(1) of this section to the eligible 36597
community addiction services provider specified pursuant to 36598
division (H)(2) of this section in the judgment. The eligible 36599
community addiction services provider that receives the fine 36600
moneys shall use the moneys only for the alcohol and drug 36601
addiction services identified in the application for certification 36602
of services under section 5119.36 of the Revised Code or in the 36603
application for a license under section 5119.391 of the Revised 36604
Code filed with the department of mental health and addiction 36605

services by the community addiction services provider specified in 36606
the judgment. 36607

(4) Each community addiction services provider that receives 36608
in a calendar year any fine moneys under division (H)(3) of this 36609
section shall file an annual report covering that calendar year 36610
with the court of common pleas and the board of county 36611
commissioners of the county in which the services provider is 36612
located, with the court of common pleas and the board of county 36613
commissioners of each county from which the services provider 36614
received the moneys if that county is different from the county in 36615
which the services provider is located, and with the attorney 36616
general. The community addiction services provider shall file the 36617
report no later than the first day of March in the calendar year 36618
following the calendar year in which the services provider 36619
received the fine moneys. The report shall include statistics on 36620
the number of persons served by the community addiction services 36621
provider, identify the types of alcohol and drug addiction 36622
services provided to those persons, and include a specific 36623
accounting of the purposes for which the fine moneys received were 36624
used. No information contained in the report shall identify, or 36625
enable a person to determine the identity of, any person served by 36626
the community addiction services provider. Each report received by 36627
a court of common pleas, a board of county commissioners, or the 36628
attorney general is a public record open for inspection under 36629
section 149.43 of the Revised Code. 36630

(5) As used in divisions (H)(1) to (5) of this section: 36631

(a) "Community addiction services provider" and "alcohol and 36632
drug addiction services" have the same meanings as in section 36633
5119.01 of the Revised Code. 36634

(b) "Eligible community addiction services provider" means a 36635
community addiction services provider ~~that is certified under~~ 36636
~~section 5119.36, as defined in section 5119.01~~ of the Revised 36637

Code, or a community addiction services provider that maintains a 36638
methadone treatment program licensed under section 5119.391 of the 36639
Revised Code ~~by the department of mental health and addiction~~ 36640
~~services.~~ 36641

(I) As used in this section, "drug" includes any substance 36642
that is represented to be a drug. 36643

(J) It is an affirmative defense to a charge of trafficking 36644
in a controlled substance analog under division (C)(8) of this 36645
section that the person charged with violating that offense sold 36646
or offered to sell, or prepared for shipment, shipped, 36647
transported, delivered, prepared for distribution, or distributed 36648
an item described in division (HH)(2)(a), (b), or (c) of section 36649
3719.01 of the Revised Code. 36650

Sec. 2929.13. (A) Except as provided in division (E), (F), or 36651
(G) of this section and unless a specific sanction is required to 36652
be imposed or is precluded from being imposed pursuant to law, a 36653
court that imposes a sentence upon an offender for a felony may 36654
impose any sanction or combination of sanctions on the offender 36655
that are provided in sections 2929.14 to 2929.18 of the Revised 36656
Code. 36657

If the offender is eligible to be sentenced to community 36658
control sanctions, the court shall consider the appropriateness of 36659
imposing a financial sanction pursuant to section 2929.18 of the 36660
Revised Code or a sanction of community service pursuant to 36661
section 2929.17 of the Revised Code as the sole sanction for the 36662
offense. Except as otherwise provided in this division, if the 36663
court is required to impose a mandatory prison term for the 36664
offense for which sentence is being imposed, the court also shall 36665
impose any financial sanction pursuant to section 2929.18 of the 36666
Revised Code that is required for the offense and may impose any 36667
other financial sanction pursuant to that section but may not 36668

impose any additional sanction or combination of sanctions under 36669
section 2929.16 or 2929.17 of the Revised Code. 36670

If the offender is being sentenced for a fourth degree felony 36671
OVI offense or for a third degree felony OVI offense, in addition 36672
to the mandatory term of local incarceration or the mandatory 36673
prison term required for the offense by division (G)(1) or (2) of 36674
this section, the court shall impose upon the offender a mandatory 36675
fine in accordance with division (B)(3) of section 2929.18 of the 36676
Revised Code and may impose whichever of the following is 36677
applicable: 36678

(1) For a fourth degree felony OVI offense for which sentence 36679
is imposed under division (G)(1) of this section, an additional 36680
community control sanction or combination of community control 36681
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 36682
the court imposes upon the offender a community control sanction 36683
and the offender violates any condition of the community control 36684
sanction, the court may take any action prescribed in division (B) 36685
of section 2929.15 of the Revised Code relative to the offender, 36686
including imposing a prison term on the offender pursuant to that 36687
division. 36688

(2) For a third or fourth degree felony OVI offense for which 36689
sentence is imposed under division (G)(2) of this section, an 36690
additional prison term as described in division (B)(4) of section 36691
2929.14 of the Revised Code or a community control sanction as 36692
described in division (G)(2) of this section. 36693

(B)(1)(a) Except as provided in division (B)(1)(b) of this 36694
section, if an offender is convicted of or pleads guilty to a 36695
felony of the fourth or fifth degree that is not an offense of 36696
violence or that is a qualifying assault offense, the court shall 36697
sentence the offender to a community control sanction of at least 36698
one year's duration if all of the following apply: 36699

(i) The offender previously has not been convicted of or
pleaded guilty to a felony offense. 36700
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(ii) The most serious charge against the offender at the time
of sentencing is a felony of the fourth or fifth degree. 36702
36703

(iii) If the court made a request of the department of
rehabilitation and correction pursuant to division (B)(1)(c) of
this section, the department, within the forty-five-day period
specified in that division, provided the court with the names of,
contact information for, and program details of one or more
community control sanctions of at least one year's duration that
are available for persons sentenced by the court. 36704
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(iv) The offender previously has not been convicted of or
pleaded guilty to a misdemeanor offense of violence that the
offender committed within two years prior to the offense for which
sentence is being imposed. 36711
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(b) The court has discretion to impose a prison term upon an
offender who is convicted of or pleads guilty to a felony of the
fourth or fifth degree that is not an offense of violence or that
is a qualifying assault offense if any of the following apply: 36715
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(i) The offender committed the offense while having a firearm
on or about the offender's person or under the offender's control. 36719
36720

(ii) If the offense is a qualifying assault offense, the
offender caused serious physical harm to another person while
committing the offense, and, if the offense is not a qualifying
assault offense, the offender caused physical harm to another
person while committing the offense. 36721
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(iii) The offender violated a term of the conditions of bond
as set by the court. 36726
36727

(iv) The court made a request of the department of
rehabilitation and correction pursuant to division (B)(1)(c) of 36728
36729

this section, and the department, within the forty-five-day period 36730
specified in that division, did not provide the court with the 36731
name of, contact information for, and program details of any 36732
community control sanction of at least one year's duration that is 36733
available for persons sentenced by the court. 36734

(v) The offense is a sex offense that is a fourth or fifth 36735
degree felony violation of any provision of Chapter 2907. of the 36736
Revised Code. 36737

(vi) In committing the offense, the offender attempted to 36738
cause or made an actual threat of physical harm to a person with a 36739
deadly weapon. 36740

(vii) In committing the offense, the offender attempted to 36741
cause or made an actual threat of physical harm to a person, and 36742
the offender previously was convicted of an offense that caused 36743
physical harm to a person. 36744

(viii) The offender held a public office or position of 36745
trust, and the offense related to that office or position; the 36746
offender's position obliged the offender to prevent the offense or 36747
to bring those committing it to justice; or the offender's 36748
professional reputation or position facilitated the offense or was 36749
likely to influence the future conduct of others. 36750

(ix) The offender committed the offense for hire or as part 36751
of an organized criminal activity. 36752

(x) The offender at the time of the offense was serving, or 36753
the offender previously had served, a prison term. 36754

(xi) The offender committed the offense while under a 36755
community control sanction, while on probation, or while released 36756
from custody on a bond or personal recognizance. 36757

(c) If a court that is sentencing an offender who is 36758
convicted of or pleads guilty to a felony of the fourth or fifth 36759

degree that is not an offense of violence or that is a qualifying 36760
assault offense believes that no community control sanctions are 36761
available for its use that, if imposed on the offender, will 36762
adequately fulfill the overriding principles and purposes of 36763
sentencing, the court shall contact the department of 36764
rehabilitation and correction and ask the department to provide 36765
the court with the names of, contact information for, and program 36766
details of one or more community control sanctions of at least one 36767
year's duration that are available for persons sentenced by the 36768
court. Not later than forty-five days after receipt of a request 36769
from a court under this division, the department shall provide the 36770
court with the names of, contact information for, and program 36771
details of one or more community control sanctions of at least one 36772
year's duration that are available for persons sentenced by the 36773
court, if any. Upon making a request under this division that 36774
relates to a particular offender, a court shall defer sentencing 36775
of that offender until it receives from the department the names 36776
of, contact information for, and program details of one or more 36777
community control sanctions of at least one year's duration that 36778
are available for persons sentenced by the court or for forty-five 36779
days, whichever is the earlier. 36780

If the department provides the court with the names of, 36781
contact information for, and program details of one or more 36782
community control sanctions of at least one year's duration that 36783
are available for persons sentenced by the court within the 36784
forty-five-day period specified in this division, the court shall 36785
impose upon the offender a community control sanction under 36786
division (B)(1)(a) of this section, except that the court may 36787
impose a prison term under division (B)(1)(b) of this section if a 36788
factor described in division (B)(1)(b)(i) or (ii) of this section 36789
applies. If the department does not provide the court with the 36790
names of, contact information for, and program details of one or 36791
more community control sanctions of at least one year's duration 36792

that are available for persons sentenced by the court within the 36793
forty-five-day period specified in this division, the court may 36794
impose upon the offender a prison term under division 36795
(B)(1)(b)(iv) of this section. 36796

(d) A sentencing court may impose an additional penalty under 36797
division (B) of section 2929.15 of the Revised Code upon an 36798
offender sentenced to a community control sanction under division 36799
(B)(1)(a) of this section if the offender violates the conditions 36800
of the community control sanction, violates a law, or leaves the 36801
state without the permission of the court or the offender's 36802
probation officer. 36803

(2) If division (B)(1) of this section does not apply, except 36804
as provided in division (E), (F), or (G) of this section, in 36805
determining whether to impose a prison term as a sanction for a 36806
felony of the fourth or fifth degree, the sentencing court shall 36807
comply with the purposes and principles of sentencing under 36808
section 2929.11 of the Revised Code and with section 2929.12 of 36809
the Revised Code. 36810

(C) Except as provided in division (D), (E), (F), or (G) of 36811
this section, in determining whether to impose a prison term as a 36812
sanction for a felony of the third degree or a felony drug offense 36813
that is a violation of a provision of Chapter 2925. of the Revised 36814
Code and that is specified as being subject to this division for 36815
purposes of sentencing, the sentencing court shall comply with the 36816
purposes and principles of sentencing under section 2929.11 of the 36817
Revised Code and with section 2929.12 of the Revised Code. 36818

(D)(1) Except as provided in division (E) or (F) of this 36819
section, for a felony of the first or second degree, for a felony 36820
drug offense that is a violation of any provision of Chapter 36821
2925., 3719., or 4729. of the Revised Code for which a presumption 36822
in favor of a prison term is specified as being applicable, and 36823
for a violation of division (A)(4) or (B) of section 2907.05 of 36824

the Revised Code for which a presumption in favor of a prison term 36825
is specified as being applicable, it is presumed that a prison 36826
term is necessary in order to comply with the purposes and 36827
principles of sentencing under section 2929.11 of the Revised 36828
Code. Division (D)(2) of this section does not apply to a 36829
presumption established under this division for a violation of 36830
division (A)(4) of section 2907.05 of the Revised Code. 36831

(2) Notwithstanding the presumption established under 36832
division (D)(1) of this section for the offenses listed in that 36833
division other than a violation of division (A)(4) or (B) of 36834
section 2907.05 of the Revised Code, the sentencing court may 36835
impose a community control sanction or a combination of community 36836
control sanctions instead of a prison term on an offender for a 36837
felony of the first or second degree or for a felony drug offense 36838
that is a violation of any provision of Chapter 2925., 3719., or 36839
4729. of the Revised Code for which a presumption in favor of a 36840
prison term is specified as being applicable if it makes both of 36841
the following findings: 36842

(a) A community control sanction or a combination of 36843
community control sanctions would adequately punish the offender 36844
and protect the public from future crime, because the applicable 36845
factors under section 2929.12 of the Revised Code indicating a 36846
lesser likelihood of recidivism outweigh the applicable factors 36847
under that section indicating a greater likelihood of recidivism. 36848

(b) A community control sanction or a combination of 36849
community control sanctions would not demean the seriousness of 36850
the offense, because one or more factors under section 2929.12 of 36851
the Revised Code that indicate that the offender's conduct was 36852
less serious than conduct normally constituting the offense are 36853
applicable, and they outweigh the applicable factors under that 36854
section that indicate that the offender's conduct was more serious 36855
than conduct normally constituting the offense. 36856

(E)(1) Except as provided in division (F) of this section, 36857
for any drug offense that is a violation of any provision of 36858
Chapter 2925. of the Revised Code and that is a felony of the 36859
third, fourth, or fifth degree, the applicability of a presumption 36860
under division (D) of this section in favor of a prison term or of 36861
division (B) or (C) of this section in determining whether to 36862
impose a prison term for the offense shall be determined as 36863
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 36864
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 36865
Revised Code, whichever is applicable regarding the violation. 36866

(2) If an offender who was convicted of or pleaded guilty to 36867
a felony violates the conditions of a community control sanction 36868
imposed for the offense solely by reason of producing positive 36869
results on a drug test, the court, as punishment for the violation 36870
of the sanction, shall not order that the offender be imprisoned 36871
unless the court determines on the record either of the following: 36872

(a) The offender had been ordered as a sanction for the 36873
felony to participate in a drug treatment program, in a drug 36874
education program, or in narcotics anonymous or a similar program, 36875
and the offender continued to use illegal drugs after a reasonable 36876
period of participation in the program. 36877

(b) The imprisonment of the offender for the violation is 36878
consistent with the purposes and principles of sentencing set 36879
forth in section 2929.11 of the Revised Code. 36880

(3) A court that sentences an offender for a drug abuse 36881
offense that is a felony of the third, fourth, or fifth degree may 36882
require that the offender be assessed by a properly credentialed 36883
professional within a specified period of time. The court shall 36884
require the professional to file a written assessment of the 36885
offender with the court. If the offender is eligible for a 36886
community control sanction and after considering the written 36887
assessment, the court may impose a community control sanction that 36888

includes treatment and recovery support services authorized by 36889
division (A)(11) of section ~~3793.02~~ 340.03 of the Revised Code. If 36890
the court imposes treatment and recovery support services as a 36891
community control sanction, the court shall direct the level and 36892
type of treatment and recovery support services after considering 36893
the assessment and recommendation of ~~treatment and recovery~~ 36894
~~support services~~ community addiction services providers. 36895

(F) Notwithstanding divisions (A) to (E) of this section, the 36896
court shall impose a prison term or terms under sections 2929.02 36897
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 36898
of the Revised Code and except as specifically provided in section 36899
2929.20, divisions (C) to (I) of section 2967.19, or section 36900
2967.191 of the Revised Code or when parole is authorized for the 36901
offense under section 2967.13 of the Revised Code shall not reduce 36902
the term or terms pursuant to section 2929.20, section 2967.19, 36903
section 2967.193, or any other provision of Chapter 2967. or 36904
Chapter 5120. of the Revised Code for any of the following 36905
offenses: 36906

(1) Aggravated murder when death is not imposed or murder; 36907

(2) Any rape, regardless of whether force was involved and 36908
regardless of the age of the victim, or an attempt to commit rape 36909
if, had the offender completed the rape that was attempted, the 36910
offender would have been guilty of a violation of division 36911
(A)(1)(b) of section 2907.02 of the Revised Code and would be 36912
sentenced under section 2971.03 of the Revised Code; 36913

(3) Gross sexual imposition or sexual battery, if the victim 36914
is less than thirteen years of age and if any of the following 36915
applies: 36916

(a) Regarding gross sexual imposition, the offender 36917
previously was convicted of or pleaded guilty to rape, the former 36918
offense of felonious sexual penetration, gross sexual imposition, 36919

or sexual battery, and the victim of the previous offense was less than thirteen years of age; 36920
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(b) Regarding gross sexual imposition, the offense was committed on or after August 3, 2006, and evidence other than the testimony of the victim was admitted in the case corroborating the violation. 36922
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(c) Regarding sexual battery, either of the following applies: 36926
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(i) The offense was committed prior to August 3, 2006, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was less than thirteen years of age. 36928
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(ii) The offense was committed on or after August 3, 2006. 36933

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2905.32, or 2907.07 of the Revised Code if the section requires the imposition of a prison term; 36934
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(5) A first, second, or third degree felony drug offense for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 4729.99 of the Revised Code, whichever is applicable regarding the violation, requires the imposition of a mandatory prison term; 36937
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(6) Any offense that is a first or second degree felony and that is not set forth in division (F)(1), (2), (3), or (4) of this section, if the offender previously was convicted of or pleaded guilty to aggravated murder, murder, any first or second degree felony, or an offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to one of those offenses; 36942
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(7) Any offense that is a third degree felony and either is a 36949

violation of section 2903.04 of the Revised Code or an attempt to 36950
commit a felony of the second degree that is an offense of 36951
violence and involved an attempt to cause serious physical harm to 36952
a person or that resulted in serious physical harm to a person if 36953
the offender previously was convicted of or pleaded guilty to any 36954
of the following offenses: 36955

(a) Aggravated murder, murder, involuntary manslaughter, 36956
rape, felonious sexual penetration as it existed under section 36957
2907.12 of the Revised Code prior to September 3, 1996, a felony 36958
of the first or second degree that resulted in the death of a 36959
person or in physical harm to a person, or complicity in or an 36960
attempt to commit any of those offenses; 36961

(b) An offense under an existing or former law of this state, 36962
another state, or the United States that is or was substantially 36963
equivalent to an offense listed in division (F)(7)(a) of this 36964
section that resulted in the death of a person or in physical harm 36965
to a person. 36966

(8) Any offense, other than a violation of section 2923.12 of 36967
the Revised Code, that is a felony, if the offender had a firearm 36968
on or about the offender's person or under the offender's control 36969
while committing the felony, with respect to a portion of the 36970
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 36971
of the Revised Code for having the firearm; 36972

(9) Any offense of violence that is a felony, if the offender 36973
wore or carried body armor while committing the felony offense of 36974
violence, with respect to the portion of the sentence imposed 36975
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 36976
Code for wearing or carrying the body armor; 36977

(10) Corrupt activity in violation of section 2923.32 of the 36978
Revised Code when the most serious offense in the pattern of 36979
corrupt activity that is the basis of the offense is a felony of 36980

the first degree; 36981

(11) Any violent sex offense or designated homicide, assault, 36982
or kidnapping offense if, in relation to that offense, the 36983
offender is adjudicated a sexually violent predator; 36984

(12) A violation of division (A)(1) or (2) of section 2921.36 36985
of the Revised Code, or a violation of division (C) of that 36986
section involving an item listed in division (A)(1) or (2) of that 36987
section, if the offender is an officer or employee of the 36988
department of rehabilitation and correction; 36989

(13) A violation of division (A)(1) or (2) of section 2903.06 36990
of the Revised Code if the victim of the offense is a peace 36991
officer, as defined in section 2935.01 of the Revised Code, or an 36992
investigator of the bureau of criminal identification and 36993
investigation, as defined in section 2903.11 of the Revised Code, 36994
with respect to the portion of the sentence imposed pursuant to 36995
division (B)(5) of section 2929.14 of the Revised Code; 36996

(14) A violation of division (A)(1) or (2) of section 2903.06 36997
of the Revised Code if the offender has been convicted of or 36998
pleaded guilty to three or more violations of division (A) or (B) 36999
of section 4511.19 of the Revised Code or an equivalent offense, 37000
as defined in section 2941.1415 of the Revised Code, or three or 37001
more violations of any combination of those divisions and 37002
offenses, with respect to the portion of the sentence imposed 37003
pursuant to division (B)(6) of section 2929.14 of the Revised 37004
Code; 37005

(15) Kidnapping, in the circumstances specified in section 37006
2971.03 of the Revised Code and when no other provision of 37007
division (F) of this section applies; 37008

(16) Kidnapping, abduction, compelling prostitution, 37009
promoting prostitution, engaging in a pattern of corrupt activity, 37010
illegal use of a minor in a nudity-oriented material or 37011

performance in violation of division (A)(1) or (2) of section 37012
2907.323 of the Revised Code, or endangering children in violation 37013
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 37014
the Revised Code, if the offender is convicted of or pleads guilty 37015
to a specification as described in section 2941.1422 of the 37016
Revised Code that was included in the indictment, count in the 37017
indictment, or information charging the offense; 37018

(17) A felony violation of division (A) or (B) of section 37019
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 37020
that section, and division (D)(6) of that section, require the 37021
imposition of a prison term; 37022

(18) A felony violation of section 2903.11, 2903.12, or 37023
2903.13 of the Revised Code, if the victim of the offense was a 37024
woman that the offender knew was pregnant at the time of the 37025
violation, with respect to a portion of the sentence imposed 37026
pursuant to division (B)(8) of section 2929.14 of the Revised 37027
Code. 37028

(G) Notwithstanding divisions (A) to (E) of this section, if 37029
an offender is being sentenced for a fourth degree felony OVI 37030
offense or for a third degree felony OVI offense, the court shall 37031
impose upon the offender a mandatory term of local incarceration 37032
or a mandatory prison term in accordance with the following: 37033

(1) If the offender is being sentenced for a fourth degree 37034
felony OVI offense and if the offender has not been convicted of 37035
and has not pleaded guilty to a specification of the type 37036
described in section 2941.1413 of the Revised Code, the court may 37037
impose upon the offender a mandatory term of local incarceration 37038
of sixty days or one hundred twenty days as specified in division 37039
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 37040
not reduce the term pursuant to section 2929.20, 2967.193, or any 37041
other provision of the Revised Code. The court that imposes a 37042
mandatory term of local incarceration under this division shall 37043

specify whether the term is to be served in a jail, a 37044
community-based correctional facility, a halfway house, or an 37045
alternative residential facility, and the offender shall serve the 37046
term in the type of facility specified by the court. A mandatory 37047
term of local incarceration imposed under division (G)(1) of this 37048
section is not subject to any other Revised Code provision that 37049
pertains to a prison term except as provided in division (A)(1) of 37050
this section. 37051

(2) If the offender is being sentenced for a third degree 37052
felony OVI offense, or if the offender is being sentenced for a 37053
fourth degree felony OVI offense and the court does not impose a 37054
mandatory term of local incarceration under division (G)(1) of 37055
this section, the court shall impose upon the offender a mandatory 37056
prison term of one, two, three, four, or five years if the 37057
offender also is convicted of or also pleads guilty to a 37058
specification of the type described in section 2941.1413 of the 37059
Revised Code or shall impose upon the offender a mandatory prison 37060
term of sixty days or one hundred twenty days as specified in 37061
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 37062
if the offender has not been convicted of and has not pleaded 37063
guilty to a specification of that type. Subject to divisions (C) 37064
to (I) of section 2967.19 of the Revised Code, the court shall not 37065
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 37066
any other provision of the Revised Code. The offender shall serve 37067
the one-, two-, three-, four-, or five-year mandatory prison term 37068
consecutively to and prior to the prison term imposed for the 37069
underlying offense and consecutively to any other mandatory prison 37070
term imposed in relation to the offense. In no case shall an 37071
offender who once has been sentenced to a mandatory term of local 37072
incarceration pursuant to division (G)(1) of this section for a 37073
fourth degree felony OVI offense be sentenced to another mandatory 37074
term of local incarceration under that division for any violation 37075
of division (A) of section 4511.19 of the Revised Code. In 37076

addition to the mandatory prison term described in division (G)(2) 37077
of this section, the court may sentence the offender to a 37078
community control sanction under section 2929.16 or 2929.17 of the 37079
Revised Code, but the offender shall serve the prison term prior 37080
to serving the community control sanction. The department of 37081
rehabilitation and correction may place an offender sentenced to a 37082
mandatory prison term under this division in an intensive program 37083
prison established pursuant to section 5120.033 of the Revised 37084
Code if the department gave the sentencing judge prior notice of 37085
its intent to place the offender in an intensive program prison 37086
established under that section and if the judge did not notify the 37087
department that the judge disapproved the placement. Upon the 37088
establishment of the initial intensive program prison pursuant to 37089
section 5120.033 of the Revised Code that is privately operated 37090
and managed by a contractor pursuant to a contract entered into 37091
under section 9.06 of the Revised Code, both of the following 37092
apply: 37093

(a) The department of rehabilitation and correction shall 37094
make a reasonable effort to ensure that a sufficient number of 37095
offenders sentenced to a mandatory prison term under this division 37096
are placed in the privately operated and managed prison so that 37097
the privately operated and managed prison has full occupancy. 37098

(b) Unless the privately operated and managed prison has full 37099
occupancy, the department of rehabilitation and correction shall 37100
not place any offender sentenced to a mandatory prison term under 37101
this division in any intensive program prison established pursuant 37102
to section 5120.033 of the Revised Code other than the privately 37103
operated and managed prison. 37104

(H) If an offender is being sentenced for a sexually oriented 37105
offense or child-victim oriented offense that is a felony 37106
committed on or after January 1, 1997, the judge shall require the 37107
offender to submit to a DNA specimen collection procedure pursuant 37108

to section 2901.07 of the Revised Code. 37109

(I) If an offender is being sentenced for a sexually oriented 37110
offense or a child-victim oriented offense committed on or after 37111
January 1, 1997, the judge shall include in the sentence a summary 37112
of the offender's duties imposed under sections 2950.04, 2950.041, 37113
2950.05, and 2950.06 of the Revised Code and the duration of the 37114
duties. The judge shall inform the offender, at the time of 37115
sentencing, of those duties and of their duration. If required 37116
under division (A)(2) of section 2950.03 of the Revised Code, the 37117
judge shall perform the duties specified in that section, or, if 37118
required under division (A)(6) of section 2950.03 of the Revised 37119
Code, the judge shall perform the duties specified in that 37120
division. 37121

(J)(1) Except as provided in division (J)(2) of this section, 37122
when considering sentencing factors under this section in relation 37123
to an offender who is convicted of or pleads guilty to an attempt 37124
to commit an offense in violation of section 2923.02 of the 37125
Revised Code, the sentencing court shall consider the factors 37126
applicable to the felony category of the violation of section 37127
2923.02 of the Revised Code instead of the factors applicable to 37128
the felony category of the offense attempted. 37129

(2) When considering sentencing factors under this section in 37130
relation to an offender who is convicted of or pleads guilty to an 37131
attempt to commit a drug abuse offense for which the penalty is 37132
determined by the amount or number of unit doses of the controlled 37133
substance involved in the drug abuse offense, the sentencing court 37134
shall consider the factors applicable to the felony category that 37135
the drug abuse offense attempted would be if that drug abuse 37136
offense had been committed and had involved an amount or number of 37137
unit doses of the controlled substance that is within the next 37138
lower range of controlled substance amounts than was involved in 37139
the attempt. 37140

(K) As used in this section:	37141
(1) <u>"Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.</u>	37142 37143
(2) <u>"Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.</u>	37144 37145
(2) (3) "Qualifying assault offense" means a violation of section 2903.13 of the Revised Code for which the penalty provision in division (C)(8)(b) or (C)(9)(b) of that section applies.	37146 37147 37148 37149
(L) At the time of sentencing an offender for any sexually oriented offense, if the offender is a tier III sex offender/child-victim offender relative to that offense and the offender does not serve a prison term or jail term, the court may require that the offender be monitored by means of a global positioning device. If the court requires such monitoring, the cost of monitoring shall be borne by the offender. If the offender is indigent, the cost of compliance shall be paid by the crime victims reparations fund.	37150 37151 37152 37153 37154 37155 37156 37157 37158
Sec. 2929.18. (A) Except as otherwise provided in this division and in addition to imposing court costs pursuant to section 2947.23 of the Revised Code, the court imposing a sentence upon an offender for a felony may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section or, in the circumstances specified in section 2929.32 of the Revised Code, may impose upon the offender a fine in accordance with that section. Financial sanctions that may be imposed pursuant to this section include, but are not limited to, the following:	37159 37160 37161 37162 37163 37164 37165 37166 37167 37168
(1) Restitution by the offender to the victim of the offender's crime or any survivor of the victim, in an amount based	37169 37170

on the victim's economic loss. If the court imposes restitution, 37171
the court shall order that the restitution be made to the victim 37172
in open court, to the adult probation department that serves the 37173
county on behalf of the victim, to the clerk of courts, or to 37174
another agency designated by the court. If the court imposes 37175
restitution, at sentencing, the court shall determine the amount 37176
of restitution to be made by the offender. If the court imposes 37177
restitution, the court may base the amount of restitution it 37178
orders on an amount recommended by the victim, the offender, a 37179
presentence investigation report, estimates or receipts indicating 37180
the cost of repairing or replacing property, and other 37181
information, provided that the amount the court orders as 37182
restitution shall not exceed the amount of the economic loss 37183
suffered by the victim as a direct and proximate result of the 37184
commission of the offense. If the court decides to impose 37185
restitution, the court shall hold a hearing on restitution if the 37186
offender, victim, or survivor disputes the amount. All restitution 37187
payments shall be credited against any recovery of economic loss 37188
in a civil action brought by the victim or any survivor of the 37189
victim against the offender. 37190

If the court imposes restitution, the court may order that 37191
the offender pay a surcharge of not more than five per cent of the 37192
amount of the restitution otherwise ordered to the entity 37193
responsible for collecting and processing restitution payments. 37194

The victim or survivor may request that the prosecutor in the 37195
case file a motion, or the offender may file a motion, for 37196
modification of the payment terms of any restitution ordered. If 37197
the court grants the motion, it may modify the payment terms as it 37198
determines appropriate. 37199

(2) Except as provided in division (B)(1), (3), or (4) of 37200
this section, a fine payable by the offender to the state, to a 37201
political subdivision, or as described in division (B)(2) of this 37202

section to one or more law enforcement agencies, with the amount 37203
of the fine based on a standard percentage of the offender's daily 37204
income over a period of time determined by the court and based 37205
upon the seriousness of the offense. A fine ordered under this 37206
division shall not exceed the maximum conventional fine amount 37207
authorized for the level of the offense under division (A)(3) of 37208
this section. 37209

(3) Except as provided in division (B)(1), (3), or (4) of 37210
this section, a fine payable by the offender to the state, to a 37211
political subdivision when appropriate for a felony, or as 37212
described in division (B)(2) of this section to one or more law 37213
enforcement agencies, in the following amount: 37214

(a) For a felony of the first degree, not more than twenty 37215
thousand dollars; 37216

(b) For a felony of the second degree, not more than fifteen 37217
thousand dollars; 37218

(c) For a felony of the third degree, not more than ten 37219
thousand dollars; 37220

(d) For a felony of the fourth degree, not more than five 37221
thousand dollars; 37222

(e) For a felony of the fifth degree, not more than two 37223
thousand five hundred dollars. 37224

(4) A state fine or costs as defined in section 2949.111 of 37225
the Revised Code. 37226

(5)(a) Reimbursement by the offender of any or all of the 37227
costs of sanctions incurred by the government, including the 37228
following: 37229

(i) All or part of the costs of implementing any community 37230
control sanction, including a supervision fee under section 37231
2951.021 of the Revised Code; 37232

(ii) All or part of the costs of confinement under a sanction 37233
imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the 37234
Revised Code, provided that the amount of reimbursement ordered 37235
under this division shall not exceed the total amount of 37236
reimbursement the offender is able to pay as determined at a 37237
hearing and shall not exceed the actual cost of the confinement; 37238

(iii) All or part of the cost of purchasing and using an 37239
immobilizing or disabling device, including a certified ignition 37240
interlock device, or a remote alcohol monitoring device that a 37241
court orders an offender to use under section 4510.13 of the 37242
Revised Code. 37243

(b) If the offender is sentenced to a sanction of confinement 37244
pursuant to section 2929.14 or 2929.16 of the Revised Code that is 37245
to be served in a facility operated by a board of county 37246
commissioners, a legislative authority of a municipal corporation, 37247
or another local governmental entity, if, pursuant to section 37248
307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, 37249
or 2947.19 of the Revised Code and section 2929.37 of the Revised 37250
Code, the board, legislative authority, or other local 37251
governmental entity requires prisoners to reimburse the county, 37252
municipal corporation, or other entity for its expenses incurred 37253
by reason of the prisoner's confinement, and if the court does not 37254
impose a financial sanction under division (A)(5)(a)(ii) of this 37255
section, confinement costs may be assessed pursuant to section 37256
2929.37 of the Revised Code. In addition, the offender may be 37257
required to pay the fees specified in section 2929.38 of the 37258
Revised Code in accordance with that section. 37259

(c) Reimbursement by the offender for costs pursuant to 37260
section 2929.71 of the Revised Code. 37261

(B)(1) For a first, second, or third degree felony violation 37262
of any provision of Chapter 2925., 3719., or 4729. of the Revised 37263
Code, the sentencing court shall impose upon the offender a 37264

mandatory fine of at least one-half of, but not more than, the 37265
maximum statutory fine amount authorized for the level of the 37266
offense pursuant to division (A)(3) of this section. If an 37267
offender alleges in an affidavit filed with the court prior to 37268
sentencing that the offender is indigent and unable to pay the 37269
mandatory fine and if the court determines the offender is an 37270
indigent person and is unable to pay the mandatory fine described 37271
in this division, the court shall not impose the mandatory fine 37272
upon the offender. 37273

(2) Any mandatory fine imposed upon an offender under 37274
division (B)(1) of this section and any fine imposed upon an 37275
offender under division (A)(2) or (3) of this section for any 37276
fourth or fifth degree felony violation of any provision of 37277
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 37278
to law enforcement agencies pursuant to division (F) of section 37279
2925.03 of the Revised Code. 37280

(3) For a fourth degree felony OVI offense and for a third 37281
degree felony OVI offense, the sentencing court shall impose upon 37282
the offender a mandatory fine in the amount specified in division 37283
(G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever 37284
is applicable. The mandatory fine so imposed shall be disbursed as 37285
provided in the division pursuant to which it is imposed. 37286

(4) Notwithstanding any fine otherwise authorized or required 37287
to be imposed under division (A)(2) or (3) or (B)(1) of this 37288
section or section 2929.31 of the Revised Code for a violation of 37289
section 2925.03 of the Revised Code, in addition to any penalty or 37290
sanction imposed for that offense under section 2925.03 or 37291
sections 2929.11 to 2929.18 of the Revised Code and in addition to 37292
the forfeiture of property in connection with the offense as 37293
prescribed in Chapter 2981. of the Revised Code, the court that 37294
sentences an offender for a violation of section 2925.03 of the 37295
Revised Code may impose upon the offender a fine in addition to 37296

any fine imposed under division (A)(2) or (3) of this section and 37297
in addition to any mandatory fine imposed under division (B)(1) of 37298
this section. The fine imposed under division (B)(4) of this 37299
section shall be used as provided in division (H) of section 37300
2925.03 of the Revised Code. A fine imposed under division (B)(4) 37301
of this section shall not exceed whichever of the following is 37302
applicable: 37303

(a) The total value of any personal or real property in which 37304
the offender has an interest and that was used in the course of, 37305
intended for use in the course of, derived from, or realized 37306
through conduct in violation of section 2925.03 of the Revised 37307
Code, including any property that constitutes proceeds derived 37308
from that offense; 37309

(b) If the offender has no interest in any property of the 37310
type described in division (B)(4)(a) of this section or if it is 37311
not possible to ascertain whether the offender has an interest in 37312
any property of that type in which the offender may have an 37313
interest, the amount of the mandatory fine for the offense imposed 37314
under division (B)(1) of this section or, if no mandatory fine is 37315
imposed under division (B)(1) of this section, the amount of the 37316
fine authorized for the level of the offense imposed under 37317
division (A)(3) of this section. 37318

(5) Prior to imposing a fine under division (B)(4) of this 37319
section, the court shall determine whether the offender has an 37320
interest in any property of the type described in division 37321
(B)(4)(a) of this section. Except as provided in division (B)(6) 37322
or (7) of this section, a fine that is authorized and imposed 37323
under division (B)(4) of this section does not limit or affect the 37324
imposition of the penalties and sanctions for a violation of 37325
section 2925.03 of the Revised Code prescribed under those 37326
sections or sections 2929.11 to 2929.18 of the Revised Code and 37327
does not limit or affect a forfeiture of property in connection 37328

with the offense as prescribed in Chapter 2981. of the Revised Code. 37329
37330

(6) If the sum total of a mandatory fine amount imposed for a 37331
first, second, or third degree felony violation of section 2925.03 37332
of the Revised Code under division (B)(1) of this section plus the 37333
amount of any fine imposed under division (B)(4) of this section 37334
does not exceed the maximum statutory fine amount authorized for 37335
the level of the offense under division (A)(3) of this section or 37336
section 2929.31 of the Revised Code, the court may impose a fine 37337
for the offense in addition to the mandatory fine and the fine 37338
imposed under division (B)(4) of this section. The sum total of 37339
the amounts of the mandatory fine, the fine imposed under division 37340
(B)(4) of this section, and the additional fine imposed under 37341
division (B)(6) of this section shall not exceed the maximum 37342
statutory fine amount authorized for the level of the offense 37343
under division (A)(3) of this section or section 2929.31 of the 37344
Revised Code. The clerk of the court shall pay any fine that is 37345
imposed under division (B)(6) of this section to the county, 37346
township, municipal corporation, park district as created pursuant 37347
to section 511.18 or 1545.04 of the Revised Code, or state law 37348
enforcement agencies in this state that primarily were responsible 37349
for or involved in making the arrest of, and in prosecuting, the 37350
offender pursuant to division (F) of section 2925.03 of the 37351
Revised Code. 37352

(7) If the sum total of the amount of a mandatory fine 37353
imposed for a first, second, or third degree felony violation of 37354
section 2925.03 of the Revised Code plus the amount of any fine 37355
imposed under division (B)(4) of this section exceeds the maximum 37356
statutory fine amount authorized for the level of the offense 37357
under division (A)(3) of this section or section 2929.31 of the 37358
Revised Code, the court shall not impose a fine under division 37359
(B)(6) of this section. 37360

(8)(a) If an offender who is convicted of or pleads guilty to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A)(1) or (2) of section 2907.323, or division (B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code also is convicted of or pleads guilty to a specification of the type described in section 2941.1422 of the Revised Code that charges that the offender knowingly committed the offense in furtherance of human trafficking, the sentencing court shall sentence the offender to a financial sanction of restitution by the offender to the victim or any survivor of the victim, with the restitution including the costs of housing, counseling, and medical and legal assistance incurred by the victim as a direct result of the offense and the greater of the following:

(i) The gross income or value to the offender of the victim's labor or services;

(ii) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the "Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and state labor laws.

(b) If a court imposing sentence upon an offender for a felony is required to impose upon the offender a financial sanction of restitution under division (B)(8)(a) of this section, in addition to that financial sanction of restitution, the court may sentence the offender to any other financial sanction or combination of financial sanctions authorized under this section, including a restitution sanction under division (A)(1) of this section.

(9) In addition to any other fine that is or may be imposed under this section, the court imposing sentence upon an offender for a felony that is a sexually oriented offense or a child-victim oriented offense, as those terms are defined in section 2950.01 of the Revised Code, may impose a fine of not less than fifty nor

more than five hundred dollars. 37393

~~(C)(1) The offender shall pay reimbursements imposed upon the 37394
offender pursuant to division (A)(5)(a) of this section to pay the 37395
costs incurred by the department of rehabilitation and correction 37396
in operating a prison or other facility used to confine offenders 37397
pursuant to sanctions imposed under section 2929.14, 2929.142, or 37398
2929.16 of the Revised Code to the treasurer of state. The 37399
treasurer of state shall deposit the reimbursements in the 37400
confinement cost reimbursement fund that is hereby created in the 37401
state treasury. The department of rehabilitation and correction 37402
shall use the amounts deposited in the fund to fund the operation 37403
of facilities used to confine offenders pursuant to sections 37404
2929.14, 2929.142, and 2929.16 of the Revised Code. 37405~~

~~(2) Except as provided in section 2951.021 of the Revised 37406
Code, the offender shall pay reimbursements imposed upon the 37407
offender pursuant to division (A)(5)(a) of this section to pay the 37408
costs incurred by a county pursuant to any sanction imposed under 37409
this section or section 2929.16 or 2929.17 of the Revised Code or 37410
in operating a facility used to confine offenders pursuant to a 37411
sanction imposed under section 2929.16 of the Revised Code to the 37412
county treasurer. The county treasurer shall deposit the 37413
reimbursements in the sanction cost reimbursement fund that each 37414
board of county commissioners shall create in its county treasury. 37415
The county shall use the amounts deposited in the fund to pay the 37416
costs incurred by the county pursuant to any sanction imposed 37417
under this section or section 2929.16 or 2929.17 of the Revised 37418
Code or in operating a facility used to confine offenders pursuant 37419
to a sanction imposed under section 2929.16 of the Revised Code. 37420~~

~~(3)(2) Except as provided in section 2951.021 of the Revised 37421
Code, the offender shall pay reimbursements imposed upon the 37422
offender pursuant to division (A)(5)(a) of this section to pay the 37423
costs incurred by a municipal corporation pursuant to any sanction 37424~~

imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code to the treasurer of the municipal corporation. The treasurer shall deposit the reimbursements in a special fund that shall be established in the treasury of each municipal corporation. The municipal corporation shall use the amounts deposited in the fund to pay the costs incurred by the municipal corporation pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code.

~~(4)~~(3) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed pursuant to division (A)(5)(a) of this section for the costs incurred by a private provider pursuant to a sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code to the provider.

(D) Except as otherwise provided in this division, a financial sanction imposed pursuant to division (A) or (B) of this section is a judgment in favor of the state or a political subdivision in which the court that imposed the financial sanction is located, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed pursuant to division (A)(5)(a)(ii) of this section upon an offender who is incarcerated in a state facility or a municipal jail is a judgment in favor of the state or the municipal corporation, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed upon an offender pursuant to this section for costs incurred by a private provider of sanctions is a judgment in favor of the private provider, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of

restitution imposed pursuant to division (A)(1) or (B)(8) of this 37457
section is an order in favor of the victim of the offender's 37458
criminal act that can be collected through a certificate of 37459
judgment as described in division (D)(1) of this section, through 37460
execution as described in division (D)(2) of this section, or 37461
through an order as described in division (D)(3) of this section, 37462
and the offender shall be considered for purposes of the 37463
collection as the judgment debtor. Imposition of a financial 37464
sanction and execution on the judgment does not preclude any other 37465
power of the court to impose or enforce sanctions on the offender. 37466
Once the financial sanction is imposed as a judgment or order 37467
under this division, the victim, private provider, state, or 37468
political subdivision may do any of the following: 37469

(1) Obtain from the clerk of the court in which the judgment 37470
was entered a certificate of judgment that shall be in the same 37471
manner and form as a certificate of judgment issued in a civil 37472
action; 37473

(2) Obtain execution of the judgment or order through any 37474
available procedure, including: 37475

(a) An execution against the property of the judgment debtor 37476
under Chapter 2329. of the Revised Code; 37477

(b) An execution against the person of the judgment debtor 37478
under Chapter 2331. of the Revised Code; 37479

(c) A proceeding in aid of execution under Chapter 2333. of 37480
the Revised Code, including: 37481

(i) A proceeding for the examination of the judgment debtor 37482
under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 37483
of the Revised Code; 37484

(ii) A proceeding for attachment of the person of the 37485
judgment debtor under section 2333.28 of the Revised Code; 37486

(iii) A creditor's suit under section 2333.01 of the Revised Code.	37487 37488
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	37489 37490
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	37491 37492
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	37493 37494
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	37495 37496 37497 37498
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code, a court shall comply with sections 307.86 to 307.92 of the Revised Code.	37499 37500 37501 37502 37503 37504 37505 37506 37507 37508 37509 37510 37511
(G) If a court that imposes a financial sanction under division (A) or (B) of this section finds that an offender satisfactorily has completed all other sanctions imposed upon the offender and that all restitution that has been ordered has been paid as ordered, the court may suspend any financial sanctions imposed pursuant to this section or section 2929.32 of the Revised	37512 37513 37514 37515 37516 37517

Code that have not been paid. 37518

(H) No financial sanction imposed under this section or 37519
section 2929.32 of the Revised Code shall preclude a victim from 37520
bringing a civil action against the offender. 37521

Sec. 2929.20. (A) As used in this section: 37522

(1)(a) Except as provided in division (A)(1)(b) of this 37523
section, "eligible offender" means any person who, on or after 37524
April 7, 2009, is serving a stated prison term that includes one 37525
or more nonmandatory prison terms. 37526

(b) "Eligible offender" does not include any person who, on 37527
or after April 7, 2009, is serving a stated prison term for any of 37528
the following criminal offenses that was a felony and was 37529
committed while the person held a public office in this state: 37530

(i) A violation of section 2921.02, 2921.03, 2921.05, 37531
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 37532
Code; 37533

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 37534
2921.12 of the Revised Code, when the conduct constituting the 37535
violation was related to the duties of the offender's public 37536
office or to the offender's actions as a public official holding 37537
that public office; 37538

(iii) A violation of an existing or former municipal 37539
ordinance or law of this or any other state or the United States 37540
that is substantially equivalent to any violation listed in 37541
division (A)(1)(b)(i) of this section; 37542

(iv) A violation of an existing or former municipal ordinance 37543
or law of this or any other state or the United States that is 37544
substantially equivalent to any violation listed in division 37545
(A)(1)(b)(ii) of this section, when the conduct constituting the 37546
violation was related to the duties of the offender's public 37547

office or to the offender's actions as a public official holding 37548
that public office; 37549

(v) A conspiracy to commit, attempt to commit, or complicity 37550
in committing any offense listed in division (A)(1)(b)(i) or 37551
described in division (A)(1)(b)(iii) of this section; 37552

(vi) A conspiracy to commit, attempt to commit, or complicity 37553
in committing any offense listed in division (A)(1)(b)(ii) or 37554
described in division (A)(1)(b)(iv) of this section, if the 37555
conduct constituting the offense that was the subject of the 37556
conspiracy, that would have constituted the offense attempted, or 37557
constituting the offense in which the offender was complicit was 37558
or would have been related to the duties of the offender's public 37559
office or to the offender's actions as a public official holding 37560
that public office. 37561

(2) "Nonmandatory prison term" means a prison term that is 37562
not a mandatory prison term. 37563

(3) "Public office" means any elected federal, state, or 37564
local government office in this state. 37565

(4) "Victim's representative" has the same meaning as in 37566
section 2930.01 of the Revised Code. 37567

(5) "Imminent danger of death," "medically incapacitated," 37568
and "terminal illness" have the same meanings as in section 37569
2967.05 of the Revised Code. 37570

(B) On the motion of an eligible offender or upon its own 37571
motion, the sentencing court may reduce the eligible offender's 37572
aggregated nonmandatory prison term or terms through a judicial 37573
release under this section. 37574

(C) An eligible offender may file a motion for judicial 37575
release with the sentencing court within the following applicable 37576
periods: 37577

(1) If the aggregated nonmandatory prison term or terms is 37578
less than two years, the eligible offender may file the motion not 37579
earlier than thirty days after the offender is delivered to a 37580
state correctional institution or, if the prison term includes a 37581
mandatory prison term or terms, not earlier than thirty days after 37582
the expiration of all mandatory prison terms. 37583

(2) If the aggregated nonmandatory prison term or terms is at 37584
least two years but less than five years, the eligible offender 37585
may file the motion not earlier than one hundred eighty days after 37586
the offender is delivered to a state correctional institution or, 37587
if the prison term includes a mandatory prison term or terms, not 37588
earlier than one hundred eighty days after the expiration of all 37589
mandatory prison terms. 37590

(3) If the aggregated nonmandatory prison term or terms is 37591
five years, the eligible offender may file the motion not earlier 37592
than four years after the eligible offender is delivered to a 37593
state correctional institution or, if the prison term includes a 37594
mandatory prison term or terms, not earlier than four years after 37595
the expiration of all mandatory prison terms. 37596

(4) If the aggregated nonmandatory prison term or terms is 37597
more than five years but not more than ten years, the eligible 37598
offender may file the motion not earlier than five years after the 37599
eligible offender is delivered to a state correctional institution 37600
or, if the prison term includes a mandatory prison term or terms, 37601
not earlier than five years after the expiration of all mandatory 37602
prison terms. 37603

(5) If the aggregated nonmandatory prison term or terms is 37604
more than ten years, the eligible offender may file the motion not 37605
earlier than the later of the date on which the offender has 37606
served one-half of the offender's stated prison term or the date 37607
specified in division (C)(4) of this section. 37608

(D) Upon receipt of a timely motion for judicial release 37609
filed by an eligible offender under division (C) of this section 37610
or upon the sentencing court's own motion made within the 37611
appropriate time specified in that division, the court may deny 37612
the motion without a hearing or schedule a hearing on the motion. 37613
The court shall not grant the motion without a hearing. If a court 37614
denies a motion without a hearing, the court later may consider 37615
judicial release for that eligible offender on a subsequent motion 37616
filed by that eligible offender unless the court denies the motion 37617
with prejudice. If a court denies a motion with prejudice, the 37618
court may later consider judicial release on its own motion. If a 37619
court denies a motion after a hearing, the court shall not 37620
consider a subsequent motion for that eligible offender. The court 37621
shall hold only one hearing for any eligible offender. 37622

A hearing under this section shall be conducted in open court 37623
not less than thirty or more than sixty days after the motion is 37624
filed, provided that the court may delay the hearing for one 37625
hundred eighty additional days. If the court holds a hearing, the 37626
court shall enter a ruling on the motion within ten days after the 37627
hearing. If the court denies the motion without a hearing, the 37628
court shall enter its ruling on the motion within sixty days after 37629
the motion is filed. 37630

(E) If a court schedules a hearing under division (D) of this 37631
section, the court shall notify the eligible offender and the head 37632
of the state correctional institution in which the eligible 37633
offender is confined prior to the hearing. The head of the state 37634
correctional institution immediately shall notify the appropriate 37635
person at the department of rehabilitation and correction of the 37636
hearing, and the department within twenty-four hours after receipt 37637
of the notice, shall post on the database it maintains pursuant to 37638
section 5120.66 of the Revised Code the offender's name and all of 37639
the information specified in division (A)(1)(c)(i) of that 37640

section. If the court schedules a hearing for judicial release, 37641
the court promptly shall give notice of the hearing to the 37642
prosecuting attorney of the county in which the eligible offender 37643
was indicted. Upon receipt of the notice from the court, the 37644
prosecuting attorney shall do whichever of the following is 37645
applicable: 37646

(1) Subject to division (E)(2) of this section, notify the 37647
victim of the offense or the victim's representative pursuant to 37648
division (B) of section 2930.16 of the Revised Code; 37649

(2) If the offense was an offense of violence that is a 37650
felony of the first, second, or third degree, except as otherwise 37651
provided in this division, notify the victim or the victim's 37652
representative of the hearing regardless of whether the victim or 37653
victim's representative has requested the notification. The notice 37654
of the hearing shall not be given under this division to a victim 37655
or victim's representative if the victim or victim's 37656
representative has requested pursuant to division (B)(2) of 37657
section 2930.03 of the Revised Code that the victim or the 37658
victim's representative not be provided the notice. If notice is 37659
to be provided to a victim or victim's representative under this 37660
division, the prosecuting attorney may give the notice by any 37661
reasonable means, including regular mail, telephone, and 37662
electronic mail, in accordance with division (D)(1) of section 37663
2930.16 of the Revised Code. If the notice is based on an offense 37664
committed prior to March 22, 2013, the notice also shall include 37665
the opt-out information described in division (D)(1) of section 37666
2930.16 of the Revised Code. The prosecuting attorney, in 37667
accordance with division (D)(2) of section 2930.16 of the Revised 37668
Code, shall keep a record of all attempts to provide the notice, 37669
and of all notices provided, under this division. Division (E)(2) 37670
of this section, and the notice-related provisions of division (K) 37671
of this section, division (D)(1) of section 2930.16, division (H) 37672

of section 2967.12, division (E)(1)(b) of section 2967.19, 37673
division (A)(3)(b) of section 2967.26, division (D)(1) of section 37674
2967.28, and division (A)(2) of section 5149.101 of the Revised 37675
Code enacted in the act in which division (E)(2) of this section 37676
was enacted, shall be known as "Roberta's Law." 37677

(F) Upon an offender's successful completion of 37678
rehabilitative activities, the head of the state correctional 37679
institution may notify the sentencing court of the successful 37680
completion of the activities. 37681

(G) Prior to the date of the hearing on a motion for judicial 37682
release under this section, the head of the state correctional 37683
institution in which the eligible offender is confined shall send 37684
to the court an institutional summary report on the eligible 37685
offender's conduct in the institution and in any institution from 37686
which the eligible offender may have been transferred. Upon the 37687
request of the prosecuting attorney of the county in which the 37688
eligible offender was indicted or of any law enforcement agency, 37689
the head of the state correctional institution, at the same time 37690
the person sends the institutional summary report to the court, 37691
also shall send a copy of the report to the requesting prosecuting 37692
attorney and law enforcement agencies. The institutional summary 37693
report shall cover the eligible offender's participation in 37694
school, vocational training, work, treatment, and other 37695
rehabilitative activities and any disciplinary action taken 37696
against the eligible offender. The report shall be made part of 37697
the record of the hearing. A presentence investigation report is 37698
not required for judicial release. 37699

(H) If the court grants a hearing on a motion for judicial 37700
release under this section, the eligible offender shall attend the 37701
hearing if ordered to do so by the court. Upon receipt of a copy 37702
of the journal entry containing the order, the head of the state 37703
correctional institution in which the eligible offender is 37704

incarcerated shall deliver the eligible offender to the sheriff of 37705
the county in which the hearing is to be held. The sheriff shall 37706
convey the eligible offender to and from the hearing. 37707

(I) At the hearing on a motion for judicial release under 37708
this section, the court shall afford the eligible offender and the 37709
eligible offender's attorney an opportunity to present written 37710
and, if present, oral information relevant to the motion. The 37711
court shall afford a similar opportunity to the prosecuting 37712
attorney, the victim or the victim's representative, and any other 37713
person the court determines is likely to present additional 37714
relevant information. The court shall consider any statement of a 37715
victim made pursuant to section 2930.14 or 2930.17 of the Revised 37716
Code, any victim impact statement prepared pursuant to section 37717
2947.051 of the Revised Code, and any report made under division 37718
(G) of this section. The court may consider any written statement 37719
of any person submitted to the court pursuant to division (L) of 37720
this section. After ruling on the motion, the court shall notify 37721
the victim of the ruling in accordance with sections 2930.03 and 37722
2930.16 of the Revised Code. 37723

(J)(1) A court shall not grant a judicial release under this 37724
section to an eligible offender who is imprisoned for a felony of 37725
the first or second degree, or to an eligible offender who 37726
committed an offense under Chapter 2925. or 3719. of the Revised 37727
Code and for whom there was a presumption under section 2929.13 of 37728
the Revised Code in favor of a prison term, unless the court, with 37729
reference to factors under section 2929.12 of the Revised Code, 37730
finds both of the following: 37731

(a) That a sanction other than a prison term would adequately 37732
punish the offender and protect the public from future criminal 37733
violations by the eligible offender because the applicable factors 37734
indicating a lesser likelihood of recidivism outweigh the 37735
applicable factors indicating a greater likelihood of recidivism; 37736

(b) That a sanction other than a prison term would not demean 37737
the seriousness of the offense because factors indicating that the 37738
eligible offender's conduct in committing the offense was less 37739
serious than conduct normally constituting the offense outweigh 37740
factors indicating that the eligible offender's conduct was more 37741
serious than conduct normally constituting the offense. 37742

(2) A court that grants a judicial release to an eligible 37743
offender under division (J)(1) of this section shall specify on 37744
the record both findings required in that division and also shall 37745
list all the factors described in that division that were 37746
presented at the hearing. 37747

(K) If the court grants a motion for judicial release under 37748
this section, the court shall order the release of the eligible 37749
offender, shall place the eligible offender under an appropriate 37750
community control sanction, under appropriate conditions, and 37751
under the supervision of the department of probation serving the 37752
court and shall reserve the right to reimpose the sentence that it 37753
reduced if the offender violates the sanction. If the court 37754
reimposes the reduced sentence, it may do so either concurrently 37755
with, or consecutive to, any new sentence imposed upon the 37756
eligible offender as a result of the violation that is a new 37757
offense. The Except as provided in division (R)(2) of this 37758
section, the period of community control shall be no longer than 37759
five years. The court, in its discretion, may reduce the period of 37760
community control by the amount of time the eligible offender 37761
spent in jail or prison for the offense and in prison. If the 37762
court made any findings pursuant to division (J)(1) of this 37763
section, the court shall serve a copy of the findings upon counsel 37764
for the parties within fifteen days after the date on which the 37765
court grants the motion for judicial release. 37766

If the court grants a motion for judicial release, the court 37767
shall notify the appropriate person at the department of 37768

rehabilitation and correction, and the department shall post 37769
notice of the release on the database it maintains pursuant to 37770
section 5120.66 of the Revised Code. The court also shall notify 37771
the prosecuting attorney of the county in which the eligible 37772
offender was indicted that the motion has been granted. Unless the 37773
victim or the victim's representative has requested pursuant to 37774
division (B)(2) of section 2930.03 of the Revised Code that the 37775
victim or victim's representative not be provided the notice, the 37776
prosecuting attorney shall notify the victim or the victim's 37777
representative of the judicial release in any manner, and in 37778
accordance with the same procedures, pursuant to which the 37779
prosecuting attorney is authorized to provide notice of the 37780
hearing pursuant to division (E)(2) of this section. If the notice 37781
is based on an offense committed prior to March 22, 2013, the 37782
notice to the victim or victim's representative also shall include 37783
the opt-out information described in division (D)(1) of section 37784
2930.16 of the Revised Code. 37785

(L) In addition to and independent of the right of a victim 37786
to make a statement pursuant to section 2930.14, 2930.17, or 37787
2946.051 of the Revised Code and any right of a person to present 37788
written information or make a statement pursuant to division (I) 37789
of this section, any person may submit to the court, at any time 37790
prior to the hearing on the offender's motion for judicial 37791
release, a written statement concerning the effects of the 37792
offender's crime or crimes, the circumstances surrounding the 37793
crime or crimes, the manner in which the crime or crimes were 37794
perpetrated, and the person's opinion as to whether the offender 37795
should be released. 37796

(M) The changes to this section that are made on September 37797
30, 2011, apply to any judicial release decision made on or after 37798
September 30, 2011, for any eligible offender. 37799

(N) Notwithstanding the eligibility requirements specified in 37800

division (A) of this section and the filing time frames specified 37801
in division (C) of this section and notwithstanding the findings 37802
required under division (J) of this section, the sentencing court, 37803
upon the court's own motion and after considering whether the 37804
release of the offender into society would create undue risk to 37805
public safety, may grant a judicial release to an offender who is 37806
not serving a life sentence at any time during the offender's 37807
imposed sentence when the director of rehabilitation and 37808
correction certifies to the sentencing court through the chief 37809
medical officer for the department of rehabilitation and 37810
correction that the offender is in imminent danger of death, is 37811
medically incapacitated, or is suffering from a terminal illness. 37812

(O) The director of rehabilitation and correction shall not 37813
certify any offender under division (N) of this section who is 37814
serving a death sentence. 37815

(P) A motion made by the court under division (N) of this 37816
section is subject to the notice, hearing, and other procedural 37817
requirements specified in divisions (D), (E), (G), (H), (I), (K), 37818
and (L) of this section, except for the following: 37819

(1) The court may waive the offender's appearance at any 37820
hearing scheduled by the court if the offender's condition makes 37821
it impossible for the offender to participate meaningfully in the 37822
proceeding. 37823

(2) The court may grant the motion without a hearing, 37824
provided that the prosecuting attorney and victim or victim's 37825
representative to whom notice of the hearing was provided under 37826
division (E) of this section indicate that they do not wish to 37827
participate in the hearing or present information relevant to the 37828
motion. 37829

(Q) The court may request health care records from the 37830
department of rehabilitation and correction to verify the 37831

certification made under division (N) of this section. 37832

(R)(1) If the court grants judicial release under division 37833
(N) of this section, the court shall do all of the following: 37834

(a) Order the release of the offender; 37835

(b) Place the offender under an appropriate community control 37836
sanction, under appropriate conditions; 37837

(c) Place the offender under the supervision of the 37838
department of probation serving the court or under the supervision 37839
of the adult parole authority. 37840

(2) The court, in its discretion, may revoke the judicial 37841
release if the offender violates the community control sanction 37842
described in division (R)(1) of this section. The period of that 37843
community control is not subject to the five-year limitation 37844
described in division (K) of this section and shall not expire 37845
earlier than the date on which all of the offender's mandatory 37846
prison terms expire. 37847

(S) If the health of an offender who is released under 37848
division (N) of this section improves so that the offender is no 37849
longer terminally ill, medically incapacitated, or in imminent 37850
danger of death, the court shall, upon the court's own motion, 37851
revoke the judicial release. The court shall not grant the motion 37852
without a hearing unless the offender waives a hearing. If a 37853
hearing is held, the court shall afford the offender and the 37854
offender's attorney an opportunity to present written and, if the 37855
offender or the offender's attorney is present, oral information 37856
relevant to the motion. The court shall afford a similar 37857
opportunity to the prosecuting attorney, the victim or the 37858
victim's representative, and any other person the court determines 37859
is likely to present additional relevant information. A court that 37860
grants a motion under this division shall specify its findings on 37861
the record. 37862

Sec. 2935.33. (A) If a person charged with a misdemeanor is 37863
taken before a judge of a court of record and if it appears to the 37864
judge that the person is an alcoholic or is suffering from acute 37865
alcohol intoxication and that the person would benefit from 37866
services provided by a community addiction services provider 37867
~~certified under Chapter 5119. of the Revised Code~~, the judge may 37868
place the person temporarily ~~in~~ with a community addiction 37869
services provider ~~certified under that chapter~~ in the area in 37870
which the court has jurisdiction for inpatient care and treatment 37871
for an indefinite period not exceeding five days. The commitment 37872
does not limit the right to release on bail. The judge may dismiss 37873
a charge of a violation of division (B) of section 2917.11 of the 37874
Revised Code or of a municipal ordinance substantially equivalent 37875
to that division if the defendant complies with all the conditions 37876
of treatment ordered by the court. 37877

The court may order that any fines or court costs collected 37878
by the court from defendants who have received inpatient care from 37879
a community addiction services provider be paid, for the benefit 37880
of the program, to the board of alcohol, drug addiction, and 37881
mental health services of the alcohol, drug addiction, and mental 37882
health service district in which the community addiction services 37883
provider is located or to the director of mental health and 37884
addiction services. 37885

(B) If a person is being sentenced for a violation of 37886
division (B) of section 2917.11 or section 4511.19 of the Revised 37887
Code, a misdemeanor violation of section 2919.25 of the Revised 37888
Code, a misdemeanor violation of section 2919.27 of the Revised 37889
Code involving a protection order issued or consent agreement 37890
approved pursuant to section 2919.26 or 3113.31 of the Revised 37891
Code, or a violation of a municipal ordinance substantially 37892
equivalent to that division or any of those sections and if it 37893
appears to the judge at the time of sentencing that the person is 37894

an alcoholic or is suffering from acute alcohol intoxication and 37895
that, in lieu of imprisonment, the person would benefit from 37896
services provided by a community addiction services provider 37897
~~certified under Chapter 5119. of the Revised Code~~, the court may 37898
commit the person to close supervision in any facility in the area 37899
in which the court has jurisdiction that is, or is operated by, 37900
such a services provider. Such close supervision may include 37901
outpatient services and part-time release, except that a person 37902
convicted of a violation of division (A) of section 4511.19 of the 37903
Revised Code shall be confined to the facility for at least three 37904
days and except that a person convicted of a misdemeanor violation 37905
of section 2919.25 of the Revised Code, a misdemeanor violation of 37906
section 2919.27 of the Revised Code involving a protection order 37907
issued or consent agreement approved pursuant to section 2919.26 37908
or 3113.31 of the Revised Code, or a violation of a substantially 37909
equivalent municipal ordinance shall be confined to the facility 37910
in accordance with the order of commitment. A commitment of a 37911
person to a facility for purposes of close supervision shall not 37912
exceed the maximum term for which the person could be imprisoned. 37913

(C) A law enforcement officer who finds a person subject to 37914
prosecution for violation of division (B) of section 2917.11 of 37915
the Revised Code or a municipal ordinance substantially equivalent 37916
to that division and who has reasonable cause to believe that the 37917
person is an alcoholic or is suffering from acute alcohol 37918
intoxication and would benefit from immediate treatment 37919
immediately may place the person ~~in~~ with a community addiction 37920
services provider ~~certified under Chapter 5119. of the Revised~~ 37921
~~Code~~ in the area in which the person is found, for emergency 37922
treatment, in lieu of other arrest procedures, for a maximum 37923
period of forty-eight hours. During that time, if the person 37924
desires to leave such custody, the person shall be released 37925
forthwith. 37926

(D) As used in this section: 37927

(1) "Alcoholic" ~~has~~ and "community addiction services provider" ~~have~~ the same ~~meaning~~ meanings as in section 5119.01 of the Revised Code; 37928
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(2) "Acute alcohol intoxication" means a heavy consumption of alcohol over a relatively short period of time, resulting in dysfunction of the brain centers controlling behavior, speech, and memory and causing characteristic withdrawal symptoms. 37931
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Sec. 2941.51. (A) Counsel appointed to a case or selected by an indigent person under division (E) of section 120.16 or division (E) of section 120.26 of the Revised Code, or otherwise appointed by the court, except for counsel appointed by the court to provide legal representation for a person charged with a violation of an ordinance of a municipal corporation, shall be paid for their services by the county the compensation and expenses that the trial court approves. Each request for payment shall be accompanied by a financial disclosure form and an affidavit of indigency that are completed by the indigent person on forms prescribed by the state public defender. Compensation and expenses shall not exceed the amounts fixed by the board of county commissioners pursuant to division (B) of this section. 37935
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(B) The board of county commissioners shall establish a schedule of fees by case or on an hourly basis to be paid by the county for legal services provided by appointed counsel. Prior to establishing such schedule, the board shall request the bar association or associations of the county to submit a proposed schedule for cases other than capital cases. The schedule submitted shall be subject to the review, amendment, and approval of the board of county commissioners, except with respect to capital cases. With respect to capital cases, the schedule shall provide for fees by case or on an hourly basis to be paid to 37948
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counsel in the amount or at the rate set by the supreme court 37958
pursuant to division (D) of section 120.33 of the Revised Code, 37959
and the board of county commissioners shall approve that amount or 37960
rate. 37961

With respect to capital cases, counsel shall be paid 37962
compensation and expenses in accordance with the amount or at the 37963
rate set by the supreme court pursuant to division (D) of section 37964
120.33 of the Revised Code. 37965

(C) In a case where counsel have been appointed to conduct an 37966
appeal under Chapter 120. of the Revised Code, such compensation 37967
shall be fixed by the court of appeals or the supreme court, as 37968
provided in divisions (A) and (B) of this section. 37969

(D) The fees and expenses approved by the court under this 37970
section shall not be taxed as part of the costs and shall be paid 37971
by the county. However, if the person represented has, or 37972
reasonably may be expected to have, the means to meet some part of 37973
the cost of the services rendered to the person, the person shall 37974
pay the county an amount that the person reasonably can be 37975
expected to pay. Pursuant to section 120.04 of the Revised Code, 37976
the county shall pay to the state public defender a percentage of 37977
the payment received from the person in an amount proportionate to 37978
the percentage of the costs of the person's case that were paid to 37979
the county by the state public defender pursuant to this section. 37980
The money paid to the state public defender shall be credited to 37981
the client payment fund created pursuant to division (B)(5) of 37982
section 120.04 of the Revised Code. 37983

(E)(1) The county auditor shall draw a warrant on the county 37984
treasurer for the payment of such counsel in the amount fixed by 37985
the court, plus the expenses that the court fixes and certifies to 37986
the auditor. The county auditor shall report periodically, but not 37987
less than annually, to the board of county commissioners and to 37988
the Ohio public defender commission the amounts paid out pursuant 37989

to the approval of the court under this section, separately 37990
stating costs and expenses that are reimbursable under section 37991
120.35 of the Revised Code. The board, after review and approval 37992
of the auditor's report, may then certify it to the state public 37993
defender for reimbursement. The request for reimbursement shall be 37994
accompanied by a financial disclosure form completed by each 37995
indigent person for whom counsel was provided on a form prescribed 37996
by the state public defender. The state public defender shall 37997
review the report and, in accordance with the standards, 37998
guidelines, and maximums established pursuant to divisions (B)(7) 37999
and (8) of section 120.04 of the Revised Code, pay fifty per cent 38000
of the total cost, other than costs and expenses that are 38001
reimbursable under section 120.35 of the Revised Code, if any, of 38002
paying appointed counsel in each county and pay fifty per cent of 38003
costs and expenses that are reimbursable under section 120.35 of 38004
the Revised Code, if any, to the board. 38005

(2) If the board of county commissioners establishes a 38006
schedule of fees on an hourly basis under division (B) of this 38007
section that exceeds fifty dollars per hour, the county shall 38008
receive a supplemental amount that constitutes five per cent of 38009
the total reimbursement the county received from the state public 38010
defender for appointed counsel. 38011

(F) If any county system for paying appointed counsel fails 38012
to maintain the standards for the conduct of the system 38013
established by the rules of the Ohio public defender commission 38014
pursuant to divisions (B) and (C) of section 120.03 of the Revised 38015
Code or the standards established by the state public defender 38016
pursuant to division (B)(7) of section 120.04 of the Revised Code, 38017
the commission shall notify the board of county commissioners of 38018
the county that the county system for paying appointed counsel has 38019
failed to comply with its rules. Unless the board corrects the 38020
conduct of its appointed counsel system to comply with the rules 38021

within ninety days after the date of the notice, the state public 38022
defender may deny all or part of the county's reimbursement from 38023
the state provided for in this section. 38024

Sec. 2951.041. (A)(1) If an offender is charged with a 38025
criminal offense, including but not limited to a violation of 38026
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of 38027
the Revised Code, and the court has reason to believe that drug or 38028
alcohol usage by the offender was a factor leading to the criminal 38029
offense with which the offender is charged or that, at the time of 38030
committing that offense, the offender had a mental illness, was a 38031
person with intellectual disability, or was a victim of a 38032
violation of section 2905.32 of the Revised Code and that the 38033
mental illness, status as a person with intellectual disability, 38034
or fact that the offender was a victim of a violation of section 38035
2905.32 of the Revised Code was a factor leading to the offender's 38036
criminal behavior, the court may accept, prior to the entry of a 38037
guilty plea, the offender's request for intervention in lieu of 38038
conviction. The request shall include a statement from the 38039
offender as to whether the offender is alleging that drug or 38040
alcohol usage by the offender was a factor leading to the criminal 38041
offense with which the offender is charged or is alleging that, at 38042
the time of committing that offense, the offender had a mental 38043
illness, was a person with intellectual disability, or was a 38044
victim of a violation of section 2905.32 of the Revised Code and 38045
that the mental illness, status as a person with intellectual 38046
disability, or fact that the offender was a victim of a violation 38047
of section 2905.32 of the Revised Code was a factor leading to the 38048
criminal offense with which the offender is charged. The request 38049
also shall include a waiver of the defendant's right to a speedy 38050
trial, the preliminary hearing, the time period within which the 38051
grand jury may consider an indictment against the offender, and 38052
arraignment, unless the hearing, indictment, or arraignment has 38053

already occurred. The court may reject an offender's request 38054
without a hearing. If the court elects to consider an offender's 38055
request, the court shall conduct a hearing to determine whether 38056
the offender is eligible under this section for intervention in 38057
lieu of conviction and shall stay all criminal proceedings pending 38058
the outcome of the hearing. If the court schedules a hearing, the 38059
court shall order an assessment of the offender for the purpose of 38060
determining the offender's eligibility for intervention in lieu of 38061
conviction and recommending an appropriate intervention plan. 38062

If the offender alleges that drug or alcohol usage by the 38063
offender was a factor leading to the criminal offense with which 38064
the offender is charged, the court may order that the offender be 38065
assessed by ~~an~~ a community addiction services provider ~~certified~~ 38066
~~pursuant to section 5119.36 of the Revised Code~~ or a properly 38067
credentialed professional for the purpose of determining the 38068
offender's eligibility for intervention in lieu of conviction and 38069
recommending an appropriate intervention plan. The community 38070
addiction services provider or the properly credentialed 38071
professional shall provide a written assessment of the offender to 38072
the court. 38073

(2) The victim notification provisions of division (C) of 38074
section 2930.08 of the Revised Code apply in relation to any 38075
hearing held under division (A)(1) of this section. 38076

(B) An offender is eligible for intervention in lieu of 38077
conviction if the court finds all of the following: 38078

(1) The offender previously has not been convicted of or 38079
pleaded guilty to a felony offense of violence or previously has 38080
been convicted of or pleaded guilty to any felony that is not an 38081
offense of violence and the prosecuting attorney recommends that 38082
the offender be found eligible for participation in intervention 38083
in lieu of treatment under this section, previously has not been 38084
through intervention in lieu of conviction under this section or 38085

any similar regimen, and is charged with a felony for which the court, upon conviction, would impose a community control sanction on the offender under division (B)(2) of section 2929.13 of the Revised Code or with a misdemeanor.

(2) The offense is not a felony of the first, second, or third degree, is not an offense of violence, is not a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code, is not a violation of division (A)(1) of section 2903.08 of the Revised Code, is not a violation of division (A) of section 4511.19 of the Revised Code or a municipal ordinance that is substantially similar to that division, and is not an offense for which a sentencing court is required to impose a mandatory prison term, a mandatory term of local incarceration, or a mandatory term of imprisonment in a jail.

(3) The offender is not charged with a violation of section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not charged with a violation of section 2925.03 of the Revised Code that is a felony of the first, second, third, or fourth degree, and is not charged with a violation of section 2925.11 of the Revised Code that is a felony of the first, second, or third degree.

(4) If an offender alleges that drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged, the court has ordered that the offender be assessed by ~~an~~ a community addiction services provider ~~certified pursuant to section 5119.36 of the Revised Code~~ or a properly credentialed professional for the purpose of determining the offender's eligibility for intervention in lieu of conviction and recommending an appropriate intervention plan, the offender has been assessed by ~~an~~ a community addiction services provider of that nature or a properly credentialed professional in accordance with the court's order, and the community addiction services provider or properly credentialed professional has filed the

written assessment of the offender with the court. 38118

(5) If an offender alleges that, at the time of committing 38119
the criminal offense with which the offender is charged, the 38120
offender had a mental illness, was a person with intellectual 38121
disability, or was a victim of a violation of section 2905.32 of 38122
the Revised Code and that the mental illness, status as a person 38123
with intellectual disability, or fact that the offender was a 38124
victim of a violation of section 2905.32 of the Revised Code was a 38125
factor leading to that offense, the offender has been assessed by 38126
a psychiatrist, psychologist, independent social worker, licensed 38127
professional clinical counselor, or independent marriage and 38128
family therapist for the purpose of determining the offender's 38129
eligibility for intervention in lieu of conviction and 38130
recommending an appropriate intervention plan. 38131

(6) The offender's drug usage, alcohol usage, mental illness, 38132
or intellectual disability, or the fact that the offender was a 38133
victim of a violation of section 2905.32 of the Revised Code, 38134
whichever is applicable, was a factor leading to the criminal 38135
offense with which the offender is charged, intervention in lieu 38136
of conviction would not demean the seriousness of the offense, and 38137
intervention would substantially reduce the likelihood of any 38138
future criminal activity. 38139

(7) The alleged victim of the offense was not sixty-five 38140
years of age or older, permanently and totally disabled, under 38141
thirteen years of age, or a peace officer engaged in the officer's 38142
official duties at the time of the alleged offense. 38143

(8) If the offender is charged with a violation of section 38144
2925.24 of the Revised Code, the alleged violation did not result 38145
in physical harm to any person, and the offender previously has 38146
not been treated for drug abuse. 38147

(9) The offender is willing to comply with all terms and 38148

conditions imposed by the court pursuant to division (D) of this section. 38149
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(10) The offender is not charged with an offense that would result in the offender being disqualified under Chapter 4506. of the Revised Code from operating a commercial motor vehicle or would subject the offender to any other sanction under that chapter. 38151
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(C) At the conclusion of a hearing held pursuant to division (A) of this section, the court shall enter its determination as to whether the offender is eligible for intervention in lieu of conviction and as to whether to grant the offender's request. If the court finds under division (B) of this section that the offender is eligible for intervention in lieu of conviction and grants the offender's request, the court shall accept the offender's plea of guilty and waiver of the defendant's right to a speedy trial, the preliminary hearing, the time period within which the grand jury may consider an indictment against the offender, and arraignment, unless the hearing, indictment, or arraignment has already occurred. In addition, the court then may stay all criminal proceedings and order the offender to comply with all terms and conditions imposed by the court pursuant to division (D) of this section. If the court finds that the offender is not eligible or does not grant the offender's request, the criminal proceedings against the offender shall proceed as if the offender's request for intervention in lieu of conviction had not been made. 38156
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(D) If the court grants an offender's request for intervention in lieu of conviction, the court shall place the offender under the general control and supervision of the county probation department, the adult parole authority, or another appropriate local probation or court services agency, if one exists, as if the offender was subject to a community control 38175
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sanction imposed under section 2929.15, 2929.18, or 2929.25 of the Revised Code. The court shall establish an intervention plan for the offender. The terms and conditions of the intervention plan shall require the offender, for at least one year from the date on which the court grants the order of intervention in lieu of conviction, to abstain from the use of illegal drugs and alcohol, to participate in treatment and recovery support services, and to submit to regular random testing for drug and alcohol use and may include any other treatment terms and conditions, or terms and conditions similar to community control sanctions, which may include community service or restitution, that are ordered by the court.

(E) If the court grants an offender's request for intervention in lieu of conviction and the court finds that the offender has successfully completed the intervention plan for the offender, including the requirement that the offender abstain from using illegal drugs and alcohol for a period of at least one year from the date on which the court granted the order of intervention in lieu of conviction, the requirement that the offender participate in treatment and recovery support services, and all other terms and conditions ordered by the court, the court shall dismiss the proceedings against the offender. Successful completion of the intervention plan and period of abstinence under this section shall be without adjudication of guilt and is not a criminal conviction for purposes of any disqualification or disability imposed by law and upon conviction of a crime, and the court may order the sealing of records related to the offense in question in the manner provided in sections 2953.31 to 2953.36 of the Revised Code.

(F) If the court grants an offender's request for intervention in lieu of conviction and the offender fails to comply with any term or condition imposed as part of the

intervention plan for the offender, the supervising authority for 38213
the offender promptly shall advise the court of this failure, and 38214
the court shall hold a hearing to determine whether the offender 38215
failed to comply with any term or condition imposed as part of the 38216
plan. If the court determines that the offender has failed to 38217
comply with any of those terms and conditions, it shall enter a 38218
finding of guilty and shall impose an appropriate sanction under 38219
Chapter 2929. of the Revised Code. If the court sentences the 38220
offender to a prison term, the court, after consulting with the 38221
department of rehabilitation and correction regarding the 38222
availability of services, may order continued court-supervised 38223
activity and treatment of the offender during the prison term and, 38224
upon consideration of reports received from the department 38225
concerning the offender's progress in the program of activity and 38226
treatment, may consider judicial release under section 2929.20 of 38227
the Revised Code. 38228

(G) As used in this section: 38229

(1) "Community addiction services provider" has the same 38230
meaning as in section 5119.01 of the Revised Code. 38231

(2) "Community control sanction" has the same meaning as in 38232
section 2929.01 of the Revised Code. 38233

~~(2)~~(3) "Intervention in lieu of conviction" means any 38234
court-supervised activity that complies with this section. 38235

~~(3)~~(4) "Peace officer" has the same meaning as in section 38236
2935.01 of the Revised Code. 38237

~~(4)~~(5) "Mental illness" and "psychiatrist" have the same 38238
meanings as in section 5122.01 of the Revised Code. 38239

~~(5)~~(6) "Person with intellectual disability" means a person 38240
having significantly subaverage general intellectual functioning 38241
existing concurrently with deficiencies in adaptive behavior, 38242
manifested during the developmental period. 38243

~~(6)~~(7) "Psychologist" has the same meaning as in section 38244
4732.01 of the Revised Code. 38245

(H) Whenever the term "mentally retarded person" is used in 38246
any statute, rule, contract, grant, or other document, the 38247
reference shall be deemed to include a "person with intellectual 38248
disability," as defined in this section. 38249

Sec. 2953.25. (A) As used in this section: 38250

(1) "Collateral sanction" means a penalty, disability, or 38251
disadvantage that is related to employment or occupational 38252
licensing, however denominated, as a result of the individual's 38253
conviction of or plea of guilty to an offense and that applies by 38254
operation of law in this state whether or not the penalty, 38255
disability, or disadvantage is included in the sentence or 38256
judgment imposed. 38257

"Collateral sanction" does not include imprisonment, 38258
probation, parole, supervised release, forfeiture, restitution, 38259
fine, assessment, or costs of prosecution. 38260

(2) "Decision-maker" includes, but is not limited to, the 38261
state acting through a department, agency, board, commission, or 38262
instrumentality established by the law of this state for the 38263
exercise of any function of government, a political subdivision, 38264
an educational institution, or a government contractor or 38265
subcontractor made subject to this section by contract, law, or 38266
ordinance. 38267

(3) "Department-funded program" means a residential or 38268
nonresidential program that is not a term in a state correctional 38269
institution, that is funded in whole or part by the department of 38270
rehabilitation and correction, and that is imposed as a sanction 38271
for an offense, as part of a sanction that is imposed for an 38272
offense, or as a term or condition of any sanction that is imposed 38273

for an offense. 38274

(4) "Designee" means the person designated by the deputy 38275
director of the division of parole and community services to 38276
perform the duties designated in division (B) of this section. 38277

(5) "Division of parole and community services" means the 38278
division of parole and community services of the department of 38279
rehabilitation and correction. 38280

(6) "Offense" means any felony or misdemeanor under the laws 38281
of this state. 38282

(7) "Political subdivision" has the same meaning as in 38283
section 2969.21 of the Revised Code. 38284

(B)(1) After the provisions of this division become operative 38285
as described in division (J) of this section, an individual who is 38286
subject to one or more collateral sanctions as a result of being 38287
convicted of or pleading guilty to an offense and who either has 38288
served a term in a state correctional institution for any offense 38289
or has spent time in a department-funded program for any offense 38290
may file a petition with the designee of the deputy director of 38291
the division of parole and community services for a certificate of 38292
qualification for employment. 38293

(2) After the provisions of this division become operative as 38294
described in division (J) of this section, an individual who is 38295
subject to one or more collateral sanctions as a result of being 38296
convicted of or pleading guilty to an offense and who is not in a 38297
category described in division (B)(1) of this section may file a 38298
petition with the court of common pleas of the county in which the 38299
person resides or with the designee of the deputy director of the 38300
division of parole and community services for a certificate of 38301
qualification for employment. 38302

(3) A petition under division (B)(1) or (2) of this section 38303
shall be made on a copy of the form prescribed by the division of 38304

parole and community services under division (J) of this section 38305
and shall contain all of the information described in division (F) 38306
of this section. 38307

(4) An individual may file a petition under division (B)(1) 38308
or (2) of this section at any time after the expiration of 38309
whichever of the following is applicable: 38310

(a) If the offense that resulted in the collateral sanction 38311
from which the individual seeks relief is a felony, at any time 38312
after the expiration of one year from the date of release of the 38313
individual from any period of incarceration in a state or local 38314
correctional facility that was imposed for that offense and all 38315
periods of supervision imposed after release from the period of 38316
incarceration or, if the individual was not incarcerated for that 38317
offense, at any time after the expiration of one year from the 38318
date of the individual's final release from all other sanctions 38319
imposed for that offense. 38320

(b) If the offense that resulted in the collateral sanction 38321
from which the individual seeks relief is a misdemeanor, at any 38322
time after the expiration of six months from the date of release 38323
of the individual from any period of incarceration in a local 38324
correctional facility that was imposed for that offense and all 38325
periods of supervision imposed after release from the period of 38326
incarceration or, if the individual was not incarcerated for that 38327
offense, at any time after the expiration of six months from the 38328
date of the final release of the individual from all sanctions 38329
imposed for that offense including any period of supervision. 38330

(5)(a) A designee that receives a petition for a 38331
certification of qualification for employment from an individual 38332
under division (B)(1) or (2) of this section shall review the 38333
petition to determine whether it is complete. If the petition is 38334
complete, the designee shall forward the petition, and any other 38335
information the designee possesses that relates to the petition, 38336

to the court of common pleas of the county in which the individual 38337
resides. 38338

(b) A court of common pleas that receives a petition for a 38339
certificate of qualification for employment from an individual 38340
under division (B)(2) of this section, or that is forwarded a 38341
petition for such a certificate under division (B)(5)(a) of this 38342
section, shall attempt to determine all other courts in this state 38343
in which the individual was convicted of or pleaded guilty to an 38344
offense other than the offense from which the individual is 38345
seeking relief. The court that receives or is forwarded the 38346
petition shall notify all other courts in this state that it 38347
determines under this division were courts in which the individual 38348
was convicted of or pleaded guilty to an offense other than the 38349
offense from which the individual is seeking relief that the 38350
individual has filed the petition and that the court may send 38351
comments regarding the possible issuance of the certificate. 38352

A court of common pleas that receives a petition for a 38353
certificate of qualification for employment under division (B)(2) 38354
of this section shall notify the prosecuting attorney of the 38355
county in which the individual resides that the individual has 38356
filed the petition. 38357

A court of common pleas that receives a petition for a 38358
certificate of qualification for employment under division (B)(2) 38359
of this section, or that is forwarded a petition for qualification 38360
under division (B)(5)(a) of this section may direct the clerk of 38361
court to process and record all notices required in or under this 38362
section. 38363

(C)(1) Upon receiving a petition for a certificate of 38364
qualification for employment filed by an individual under division 38365
(B)(2) of this section or being forwarded a petition for such a 38366
certificate under division (B)(5)(a) of this section, the court 38367
shall review the individual's petition, the individual's criminal 38368

history, all filings submitted by the prosecutor or by the victim 38369
in accordance with rules adopted by the division of parole and 38370
community services, the applicant's military service record, if 38371
applicable, and whether the applicant has an emotional, mental, or 38372
physical condition that is traceable to the applicant's military 38373
service in the armed forces of the United States and that was a 38374
contributing factor in the commission of the offense or offenses, 38375
and all other relevant evidence. The court may order any report, 38376
investigation, or disclosure by the individual that the court 38377
believes is necessary for the court to reach a decision on whether 38378
to approve the individual's petition for a certificate of 38379
qualification for employment. 38380

(2) Upon receiving a petition for a certificate of 38381
qualification for employment filed by an individual under division 38382
(B)(2) of this section or being forwarded a petition for such a 38383
certificate under division (B)(5)(a) of this section, except as 38384
otherwise provided in this division, the court shall decide 38385
whether to issue the certificate within sixty days after the court 38386
receives or is forwarded the completed petition and all 38387
information requested for the court to make that decision. Upon 38388
request of the individual who filed the petition, the court may 38389
extend the sixty-day period specified in this division. 38390

(3) Subject to division (C)(5) of this section, a court that 38391
receives an individual's petition for a certificate of 38392
qualification for employment under division (B)(2) of this section 38393
or that is forwarded a petition for such a certificate under 38394
division (B)(5)(a) of this section may issue a certificate of 38395
qualification for employment, at the court's discretion, if the 38396
court finds that the individual has established all of the 38397
following by a preponderance of the evidence: 38398

(a) Granting the petition will materially assist the 38399
individual in obtaining employment or occupational licensing. 38400

(b) The individual has a substantial need for the relief requested in order to live a law-abiding life. 38401
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(c) Granting the petition would not pose an unreasonable risk to the safety of the public or any individual. 38403
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(4) The submission of an incomplete petition by an individual shall not be grounds for the designee or court to deny the petition. 38405
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(5) A court that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section shall not issue a certificate of qualification for employment that grants the individual relief from any of the following collateral sanctions: 38408
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(a) Requirements imposed by Chapter 2950. of the Revised Code and rules adopted under sections 2950.13 and 2950.132 of the Revised Code; 38415
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(b) A driver's license, commercial driver's license, or probationary license suspension, cancellation, or revocation pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the Revised Code if the relief sought is available pursuant to section 4510.021 or division (B) of section 4510.13 of the Revised Code; 38418
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(c) Restrictions on employment as a prosecutor or law enforcement officer; 38423
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(d) The denial, ineligibility, or automatic suspension of a license that is imposed upon an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code if the individual is convicted of, pleads guilty to, is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state under section 2951.041 of the Revised Code, or is subject to treatment or intervention in lieu 38425
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of conviction for a violation of section 2903.01, 2903.02, 38432
2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 38433
2911.01, 2911.11, or 2919.123 of the Revised Code; 38434

(e) The immediate suspension of a license, certificate, or 38435
evidence of registration that is imposed upon an individual 38436
holding a license as a health care professional under Title XLVII 38437
of the Revised Code pursuant to division (C) of section 3719.121 38438
of the Revised Code; 38439

(f) The denial or ineligibility for employment in a pain 38440
clinic under division (B)(4) of section 4729.552 of the Revised 38441
Code; 38442

(g) The mandatory suspension of a license that is imposed on 38443
an individual applying for or holding a license as a health care 38444
professional under Title XLVII of the Revised Code pursuant to 38445
section 3123.43 of the Revised Code. 38446

(6) If a court that receives an individual's petition for a 38447
certificate of qualification for employment under division (B)(2) 38448
of this section or that is forwarded a petition for such a 38449
certificate under division (B)(5)(a) of this section denies the 38450
petition, the court shall provide written notice to the individual 38451
of the court's denial. The court may place conditions on the 38452
individual regarding the individual's filing of any subsequent 38453
petition for a certificate of qualification for employment. The 38454
written notice must notify the individual of any conditions placed 38455
on the individual's filing of a subsequent petition for a 38456
certificate of qualification for employment. 38457

If a court of common pleas that receives an individual's 38458
petition for a certificate of qualification for employment under 38459
division (B)(2) of this section or that is forwarded a petition 38460
for such a certificate under division (B)(5)(a) of this section 38461
denies the petition, the individual may appeal the decision to the 38462

court of appeals only if the individual alleges that the denial 38463
was an abuse of discretion on the part of the court of common 38464
pleas. 38465

(D) A certificate of qualification for employment issued to 38466
an individual lifts the automatic bar of a collateral sanction, 38467
and a decision-maker shall consider on a case-by-case basis 38468
whether to grant or deny the issuance or restoration of an 38469
occupational license or an employment opportunity, notwithstanding 38470
the individual's possession of the certificate, without, however, 38471
reconsidering or rejecting any finding made by a designee or court 38472
under division (C)(3) of this section. 38473

(E) A certificate of qualification for employment does not 38474
grant the individual to whom the certificate was issued relief 38475
from the mandatory civil impacts identified in division (A)(1) of 38476
section 2961.01 or division (B) of section 2961.02 of the Revised 38477
Code. 38478

(F) A petition for a certificate of qualification for 38479
employment filed by an individual under division (B)(1) or (2) of 38480
this section shall include all of the following: 38481

(1) The individual's name, date of birth, and social security 38482
number; 38483

(2) All aliases of the individual and all social security 38484
numbers associated with those aliases; 38485

(3) The individual's residence address, including the city, 38486
county, and state of residence and zip code; 38487

(4) The length of time that the individual has been a 38488
resident of this state, expressed in years and months of 38489
residence; 38490

(5) The name or type of each collateral sanction from which 38491
the individual is requesting a certificate of qualification for 38492

employment;	38493
(6) A summary of the individual's criminal history with respect to each offense that is a disqualification from employment or licensing in an occupation or profession, including the years of each conviction or plea of guilty for each of those offenses;	38494 38495 38496 38497
(7) A summary of the individual's employment history, specifying the name of, and dates of employment with, each employer;	38498 38499 38500
(8) Verifiable references and endorsements;	38501
(9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a close relationship, who support the individual's reentry plan;	38502 38503 38504
(10) A summary of the reason the individual believes the certificate of qualification for employment should be granted;	38505 38506
(11) Any other information required by rule by the department of rehabilitation and correction.	38507 38508
(G)(1) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of qualification for employment issued to an individual under this section may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the certificate of qualification for employment was issued if the person knew of the certificate at the time of the alleged negligence or other fault.	38509 38510 38511 38512 38513 38514 38515 38516 38517
(2) In any proceeding on a claim against an employer for negligent hiring, a certificate of qualification for employment issued to an individual under this section shall provide immunity for the employer as to the claim if the employer knew of the certificate at the time of the alleged negligence.	38518 38519 38520 38521 38522

(3) If an employer hires an individual who has been issued a certificate of qualification for employment under this section, if the individual, after being hired, subsequently demonstrates dangerousness or is convicted of or pleads guilty to a felony, and if the employer retains the individual as an employee after the demonstration of dangerousness or the conviction or guilty plea, the employer may be held liable in a civil action that is based on or relates to the retention of the individual as an employee only if it is proved by a preponderance of the evidence that the person having hiring and firing responsibility for the employer had actual knowledge that the employee was dangerous or had been convicted of or pleaded guilty to the felony and was willful in retaining the individual as an employee after the demonstration of dangerousness or the conviction or guilty plea of which the person has actual knowledge.

(H) A certificate of qualification for employment issued under this section shall be presumptively revoked if the individual to whom the certificate of qualification for employment was issued is convicted of or pleads guilty to a felony offense committed subsequent to the issuance of the certificate of qualification for employment.

(I) A designee's forwarding, or failure to forward, a petition for a certificate of qualification for employment to a court or a court's issuance, or failure to issue, a petition for a certificate of qualification for employment to an individual under division (B) of this section does not give rise to a claim for damages against the department of rehabilitation and correction or court.

(J) Not later than ninety days after September 28, 2012, the division of parole and community services shall adopt rules in accordance with Chapter 119. of the Revised Code for the implementation and administration of this section and shall

prescribe the form for the petition to be used under division 38555
(B)(1) or (2) of this section. The form for the petition shall 38556
include places for all of the information specified in division 38557
(F) of this section. Upon the adoption of the rules, the 38558
provisions of divisions (A) to (I) of this section become 38559
operative. 38560

(K) The department of rehabilitation and correction shall 38561
conduct a study to determine the manner for transferring the 38562
mechanism for the issuance of a certificate of qualification for 38563
employment created by this section to an electronic database 38564
established and maintained by the department. The database to 38565
which the mechanism is to be transferred shall include granted 38566
certificates and revoked certificates and shall be designed to 38567
track the number of certificates granted and revoked, the 38568
industries, occupations, and professions with respect to which the 38569
certificates have been most applicable, the types of employers 38570
that have accepted the certificates, and the recidivism rates of 38571
individuals who have been issued the certificates. Not later than 38572
the date that is one year after September 28, 2012, the department 38573
of rehabilitation and correction shall submit to the general 38574
assembly and the governor a report that contains the results of 38575
the study and recommendations for transferring the mechanism for 38576
the issuance of certificate of qualification for employment 38577
created by this section to an electronic database established and 38578
maintained by the department. 38579

(L) The department of rehabilitation and correction, in 38580
conjunction with the Ohio judicial conference, shall conduct a 38581
study to determine whether the application process for 38582
certificates of qualification for employment created by this 38583
section is feasible based upon the caseload capacity of the 38584
department and the courts of common pleas. Not later than the date 38585
that is one year after September 28, 2012, the department shall 38586

submit to the general assembly a report that contains the results 38587
of the study and any recommendations for improvement of the 38588
application process. 38589

Sec. 2967.14. (A) The department of rehabilitation and 38590
correction or the adult parole authority may require or allow a 38591
parolee, a releasee, or a prisoner otherwise released from a state 38592
correctional institution to reside in a halfway house or other 38593
suitable community residential center that has been licensed by 38594
the division of parole and community services pursuant to division 38595
(C) of this section during a part or for the entire period of the 38596
offender's or parolee's conditional release or of the releasee's 38597
term of post-release control. The court of common pleas that 38598
placed an offender under a sanction consisting of a term in a 38599
halfway house or in an alternative residential sanction may 38600
require the offender to reside in a halfway house or other 38601
suitable community residential center that is designated by the 38602
court and that has been licensed by the division pursuant to 38603
division (C) of this section during a part or for the entire 38604
period of the offender's residential sanction. 38605

(B) The division of parole and community services may 38606
negotiate and enter into agreements with any public or private 38607
agency or a department or political subdivision of the state that 38608
operates a halfway house, reentry center, or community residential 38609
center that has been licensed by the division pursuant to division 38610
(C) of this section. An agreement under this division shall 38611
provide for the purchase of beds, shall set limits of supervision 38612
and levels of occupancy, and shall determine the scope of services 38613
for all eligible offenders, including those subject to a 38614
residential sanction, as defined in rules adopted by the director 38615
of rehabilitation and correction in accordance with Chapter 119. 38616
of the Revised Code, or those released from prison without 38617
supervision. The payments for beds and services shall not exceed 38618

the total operating costs of the halfway house, reentry center, or 38619
community residential center during the term of an agreement. The 38620
director of rehabilitation and correction shall adopt rules in 38621
accordance with Chapter 119. of the Revised Code for determining 38622
includable and excludable costs and income to be used in computing 38623
the agency's average daily per capita costs with its facility at 38624
full occupancy. 38625

The director of rehabilitation and correction shall adopt 38626
rules providing for the use of no more than fifteen per cent of 38627
the amount appropriated to the department each fiscal year for the 38628
halfway house, reentry center, and community residential center 38629
program to pay for contracts with licensed halfway houses for 38630
nonresidential services for offenders under the supervision of the 38631
adult parole authority, including but not limited to, offenders 38632
supervised pursuant to an agreement entered into by the adult 38633
parole authority and a court of common pleas under section 2301.32 38634
of the Revised Code. The nonresidential services may include, but 38635
are not limited to, treatment for substance abuse, mental health 38636
counseling, counseling for sex offenders, electronic monitoring 38637
services, aftercare, and other nonresidential services that the 38638
director identifies by rule. 38639

(C) The division of parole and community services may license 38640
a halfway house, reentry center, or community residential center 38641
as a suitable facility for the care and treatment of adult 38642
offenders, including offenders sentenced under section 2929.16 or 38643
2929.26 of the Revised Code, only if the halfway house, reentry 38644
center, or community residential center complies with the 38645
standards that the division adopts in accordance with Chapter 119. 38646
of the Revised Code for the licensure of halfway houses, reentry 38647
centers, and community residential centers. The division shall 38648
annually inspect each licensed halfway house, licensed reentry 38649
center, and licensed community residential center to determine if 38650

it is in compliance with the licensure standards. 38651

(D) The division of parole and community services may expend 38652
up to one-half per cent of the annual appropriation made for 38653
halfway house programs, for goods or services that benefit those 38654
programs. 38655

Sec. 2969.14. (A) If a separate account has been maintained 38656
in the name of an offender in the crime victims recovery fund and 38657
if there is no further requirement to pay into the fund money, or 38658
the monetary value of property, pursuant to section 2929.32 of the 38659
Revised Code, unless otherwise ordered by a court of record in 38660
which a judgment has been rendered against the offender or the 38661
representatives of the offender, the clerk of the court of claims 38662
shall pay the money remaining in the separate account in 38663
accordance with division (B) of this section, if all of the 38664
following apply: 38665

(1) The applicable period of time that governs the making of 38666
payments from the separate account, as set forth in division 38667
(C)(1) of section 2969.12 of the Revised Code, has elapsed. 38668

(2) None of the civil actions against the offender or the 38669
representatives of the offender of which the clerk of the court of 38670
claims has been notified pursuant to division (B)(1) of section 38671
2969.12 of the Revised Code is pending. 38672

(3) All judgments for which payment was requested pursuant to 38673
division (B)(3) of section 2969.12 of the Revised Code have been 38674
paid. 38675

(B) If the clerk of the court of claims is required by 38676
division (A) of this section to pay the money remaining in the 38677
separate account established in the name of an offender in 38678
accordance with this division, the clerk shall pay the money as 38679
follows: 38680

~~(1) If the offender was confined for a felony in a prison or other facility operated by the department of rehabilitation and correction under a sanction imposed pursuant to section 2929.14 or 2929.16 of the Revised Code, the clerk shall pay the money to the treasurer of state, in accordance with division (C)(1) of section 2929.18 of the Revised Code, to cover the costs of the confinement. If any money remains in the separate account after the payment of the costs of the confinement pursuant to this division, the clerk shall pay the remaining money in accordance with divisions (B)(2), (3), and (5) of this section.~~

~~(2) If the offender was confined for a felony in a facility operated by a county or a municipal corporation, after payment of any costs required to be paid under division (B)(1) of this section,~~ the clerk shall pay the money to the treasurer of the county or of the municipal corporation that operated the facility, in accordance with division (C)~~(2)~~(1) or ~~(3)~~(2) of section 2929.18 of the Revised Code, to cover the costs of the confinement. If more than one county or municipal corporation operated a facility in which the offender was confined, the clerk shall equitably apportion the money among each of those counties and municipal corporations. If any money remains in the separate account after the payment of the costs of the confinement pursuant to this division, the clerk shall pay the remaining money in accordance with divisions (B)~~(3)~~(2) and ~~(5)~~(4) of this section.

~~(3)~~(2) If the offender was sentenced for a felony to any community control sanction other than a sanction described in division (B)~~(2)~~(1) of this section, after payment of any costs required to be paid under division (B)(1) ~~or (2)~~ of this section, the clerk shall pay the money to the treasurer of the county or of the municipal corporation that incurred costs pursuant to the sanction, in accordance with division (C)~~(2)~~(1) or ~~(3)~~(2) of section 2929.18 of the Revised Code, to cover the costs so

incurred. If more than one county or municipal corporation 38713
incurred costs pursuant to the sanction, the clerk shall equitably 38714
apportion the money among each of those counties and municipal 38715
corporations. If any money remains in the separate account after 38716
the payment of the costs of the sanction pursuant to this 38717
division, the clerk shall pay the remaining money in accordance 38718
with division (B)~~(5)~~(4) of this section. 38719

~~(4)~~(3) If the offender was imprisoned or incarcerated for a 38720
misdemeanor, to the treasurer of the political subdivision that 38721
operates the facility in which the offender was imprisoned or 38722
incarcerated, to cover the costs of the imprisonment or 38723
incarceration. If more than one political subdivision operated a 38724
facility in which the offender was confined, the clerk shall 38725
equitably apportion the money among each of those political 38726
subdivisions. If any money remains in the separate account after 38727
the payment of the costs of the imprisonment or incarceration 38728
under this division, the clerk shall pay the remaining money in 38729
accordance with division (B)~~(5)~~(4) of this section. 38730

~~(5)~~(4) If any money remains in the separate account after 38731
payment of any costs required to be paid under division (B)(1), 38732
(2), or (3), ~~or (4)~~ of this section, or if no provision of 38733
division (B)(1), (2), or (3), ~~or (4)~~ of this section applies, the 38734
clerk shall distribute the amount of the money remaining in the 38735
separate account as otherwise provided by law for the distribution 38736
of money paid in satisfaction of a fine, as if that amount was a 38737
fine paid by the offender. 38738

Sec. 2981.12. (A) Unclaimed or forfeited property in the 38739
custody of a law enforcement agency, other than property described 38740
in division (A)(2) of section 2981.11 of the Revised Code, shall 38741
be disposed of by order of any court of record that has 38742
territorial jurisdiction over the political subdivision that 38743

employs the law enforcement agency, as follows: 38744

(1) Drugs shall be disposed of pursuant to section 3719.11 of 38745
the Revised Code or placed in the custody of the secretary of the 38746
treasury of the United States for disposal or use for medical or 38747
scientific purposes under applicable federal law. 38748

(2) Firearms and dangerous ordnance suitable for police work 38749
may be given to a law enforcement agency for that purpose. 38750
Firearms suitable for sporting use or as museum pieces or 38751
collectors' items may be sold at public auction pursuant to 38752
division (B) of this section. The agency may sell other firearms 38753
and dangerous ordnance to a federally licensed firearms dealer in 38754
a manner that the court considers proper. The agency shall destroy 38755
any firearms or dangerous ordnance not given to a law enforcement 38756
agency or sold or shall send them to the bureau of criminal 38757
identification and investigation for destruction by the bureau. 38758

(3) Obscene materials shall be destroyed. 38759

(4) Beer, intoxicating liquor, or alcohol seized from a 38760
person who does not hold a permit issued under Chapters 4301. and 38761
4303. of the Revised Code or otherwise forfeited to the state for 38762
an offense under section 4301.45 or 4301.53 of the Revised Code 38763
shall be sold by the division of liquor control if the division 38764
determines that it is fit for sale or shall be placed in the 38765
custody of the investigations unit in the department of public 38766
safety and be used for training relating to law enforcement 38767
activities. The department, with the assistance of the division of 38768
liquor control, shall adopt rules in accordance with Chapter 119. 38769
of the Revised Code to provide for the distribution to state or 38770
local law enforcement agencies upon their request. If any tax 38771
imposed under Title XLIII of the Revised Code has not been paid in 38772
relation to the beer, intoxicating liquor, or alcohol, any moneys 38773
acquired from the sale shall first be used to pay the tax. All 38774
other money collected under this division shall be paid into the 38775

state treasury. Any beer, intoxicating liquor, or alcohol that the division determines to be unfit for sale shall be destroyed.

(5) Money received by an inmate of a correctional institution from an unauthorized source or in an unauthorized manner shall be returned to the sender, if known, or deposited in the inmates' industrial and entertainment fund of the institution if the sender is not known.

(6)(a) Any mobile instrumentality forfeited under this chapter may be given to the law enforcement agency that initially seized the mobile instrumentality for use in performing its duties, if the agency wants the mobile instrumentality. The agency shall take the mobile instrumentality subject to any security interest or lien on the mobile instrumentality.

(b) Vehicles and vehicle parts forfeited under sections 4549.61 to 4549.63 of the Revised Code may be given to a law enforcement agency for use in performing its duties. Those parts may be incorporated into any other official vehicle. Parts that do not bear vehicle identification numbers or derivatives of them may be sold or disposed of as provided by rules of the director of public safety. Parts from which a vehicle identification number or derivative of it has been removed, defaced, covered, altered, or destroyed and that are not suitable for police work or incorporation into an official vehicle shall be destroyed and sold as junk or scrap.

(7) Computers, computer networks, computer systems, and computer software suitable for police work may be given to a law enforcement agency for that purpose or disposed of under division (B) of this section.

(8) Money seized in connection with a violation of section 2905.32, 2907.21, or 2907.22 of the Revised Code shall be deposited in the victims of human trafficking fund created by

section 5101.87 of the Revised Code. 38807

(B) Unclaimed or forfeited property that is not described in 38808
division (A) of this section or division (A)(2) of section 2981.11 38809
of the Revised Code, with court approval, may be used by the law 38810
enforcement agency in possession of it. If it is not used by the 38811
agency, it may be sold without appraisal at a public auction to 38812
the highest bidder for cash or disposed of in another manner that 38813
the court considers proper. 38814

(C) Except as provided in divisions (A) and (F) of this 38815
section and after compliance with division (D) of this section 38816
when applicable, any moneys acquired from the sale of property 38817
disposed of pursuant to this section shall be placed in the 38818
general revenue fund of the state, or the general fund of the 38819
county, the township, or the municipal corporation of which the 38820
law enforcement agency involved is an agency. 38821

(D) If the property was in the possession of the law 38822
enforcement agency in relation to a delinquent child proceeding in 38823
a juvenile court, ten per cent of any moneys acquired from the 38824
sale of property disposed of under this section shall be applied 38825
to one or more community addiction ~~treatment~~ services providers 38826
~~that are certified by the department of mental health and~~ 38827
~~addiction services under section 5119.36, as defined in section~~ 38828
5119.01 of the Revised Code. A juvenile court shall not specify a 38829
services provider, except as provided in this division, unless the 38830
services provider is in the same county as the court or in a 38831
contiguous county. If no ~~certified~~ services provider is located in 38832
any of those counties, the juvenile court may specify a ~~certified~~ 38833
services provider anywhere in Ohio. The remaining ninety per cent 38834
of the proceeds or cash shall be applied as provided in division 38835
(C) of this section. 38836

Each services provider that receives in any calendar year 38837
forfeited money under this division shall file an annual report 38838

for that year with the attorney general and with the court of 38839
common pleas and board of county commissioners of the county in 38840
which the services provider is located and of any other county 38841
from which the services provider received forfeited money. The 38842
services provider shall file the report on or before the first day 38843
of March in the calendar year following the calendar year in which 38844
the services provider received the money. The report shall include 38845
statistics on the number of persons the services provider served, 38846
identify the types of treatment services it provided to them, and 38847
include a specific accounting of the purposes for which it used 38848
the money so received. No information contained in the report 38849
shall identify, or enable a person to determine the identity of, 38850
any person served by the services provider. 38851

(E) Each ~~certified~~ community addiction services provider that 38852
receives in any calendar year money under this section or under 38853
section 2981.13 of the Revised Code as the result of a juvenile 38854
forfeiture order shall file an annual report for that calendar 38855
year with the attorney general and with the court of common pleas 38856
and board of county commissioners of the county in which the 38857
services provider is located and of any other county from which 38858
the services provider received the money. The services provider 38859
shall file the report on or before the first day of March in the 38860
calendar year following the year in which the services provider 38861
received the money. The report shall include statistics on the 38862
number of persons served with the money, identify the types of 38863
treatment services provided, and specifically account for how the 38864
money was used. No information in the report shall identify or 38865
enable a person to determine the identity of anyone served by the 38866
services provider. 38867

As used in this division, "juvenile-related forfeiture order" 38868
means any forfeiture order issued by a juvenile court under 38869
section 2981.04 or 2981.05 of the Revised Code and any disposal of 38870

property ordered by a court under section 2981.11 of the Revised Code regarding property that was in the possession of a law enforcement agency in relation to a delinquent child proceeding in a juvenile court. 38871
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(F) Each board of county commissioners that recognizes a citizens' reward program under section 9.92 of the Revised Code shall notify each law enforcement agency of that county and of a township or municipal corporation wholly located in that county of the recognition by filing a copy of its resolution conferring that recognition with each of those agencies. When the board recognizes a citizens' reward program and the county includes a part, but not all, of the territory of a municipal corporation, the board shall so notify the law enforcement agency of that municipal corporation of the recognition of the citizens' reward program only if the county contains the highest percentage of the municipal corporation's population. 38875
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Upon being so notified, each law enforcement agency shall pay twenty-five per cent of any forfeited proceeds or cash derived from each sale of property disposed of pursuant to this section to the citizens' reward program for use exclusively to pay rewards. No part of the funds may be used to pay expenses associated with the program. If a citizens' reward program that operates in more than one county or in another state in addition to this state receives funds under this section, the funds shall be used to pay rewards only for tips and information to law enforcement agencies concerning offenses committed in the county from which the funds were received. 38887
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Receiving funds under this section or section 2981.11 of the Revised Code does not make the citizens' reward program a governmental unit or public office for purposes of section 149.43 of the Revised Code. 38898
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(G) Any property forfeited under this chapter shall not be 38902

used to pay any fine imposed upon a person who is convicted of or 38903
pleads guilty to an underlying criminal offense or a different 38904
offense arising out of the same facts and circumstances. 38905

(H) Any moneys acquired from the sale of personal effects, 38906
tools, or other property seized because the personal effects, 38907
tools, or other property were used in the commission of a 38908
violation of section 2905.32, 2907.21, or 2907.22 of the Revised 38909
Code or derived from the proceeds of the commission of a violation 38910
of section 2905.32, 2907.21, or 2907.22 of the Revised Code and 38911
disposed of pursuant to this section shall be placed in the 38912
victims of human trafficking fund created by section 5101.87 of 38913
the Revised Code. 38914

Sec. 2981.13. (A) Except as otherwise provided in this 38915
section, property ordered forfeited as contraband, proceeds, or an 38916
instrumentality pursuant to this chapter shall be disposed of, 38917
used, or sold pursuant to section 2981.12 of the Revised Code. If 38918
the property is to be sold under that section, the prosecutor 38919
shall cause notice of the proposed sale to be given in accordance 38920
with law. 38921

(B) If the contraband or instrumentality forfeited under this 38922
chapter is sold, any moneys acquired from a sale and any proceeds 38923
forfeited under this chapter shall be applied in the following 38924
order: 38925

(1) First, to pay costs incurred in the seizure, storage, 38926
maintenance, security, and sale of the property and in the 38927
forfeiture proceeding; 38928

(2) Second, in a criminal forfeiture case, to satisfy any 38929
restitution ordered to the victim of the offense or, in a civil 38930
forfeiture case, to satisfy any recovery ordered for the person 38931
harmed, unless paid from other assets; 38932

(3) Third, to pay the balance due on any security interest preserved under this chapter;	38933 38934
(4) Fourth, apply the remaining amounts as follows:	38935
(a) If the forfeiture was ordered by a juvenile court, ten per cent to one or more certified alcohol and drug <u>community addiction treatment programs services providers</u> as provided <u>specified</u> in division (D) of section 2981.12 of the Revised Code;	38936 38937 38938 38939
(b) If the forfeiture was ordered in a juvenile court, ninety per cent, and if the forfeiture was ordered in a court other than a juvenile court, one hundred per cent to the law enforcement trust fund of the prosecutor and to the following fund supporting the law enforcement agency that substantially conducted the investigation: the	38940 38941 38942 38943 38944 38945
(i) <u>The</u> law enforcement trust fund of the county sheriff, municipal corporation, township, or park district created under section 511.18 or 1545.01 of the Revised Code; the	38946 38947 38948
(ii) <u>The</u> state highway patrol contraband, forfeiture, and other fund; the	38949 38950
(iii) <u>The</u> department of public safety investigative unit contraband, forfeiture, and other fund; the	38951 38952
(iv) <u>The</u> department of taxation enforcement fund; the	38953
(v) <u>The</u> board of pharmacy drug law enforcement fund created by division (B)(1) of section 4729.65 of the Revised Code; the	38954 38955
(vi) <u>The</u> medicaid fraud investigation and prosecution fund; the	38956 38957
(vii) <u>The</u> casino control commission enforcement fund created by section 3772.36 of the Revised Code; or the	38958 38959
(viii) <u>The auditor of state investigation and forfeiture trust fund established under section 117.54 of the Revised Code;</u>	38960 38961

(ix) The treasurer of state for deposit into the peace officer training commission fund if any other state law enforcement agency substantially conducted the investigation. ~~It~~

In the case of property forfeited for medicaid fraud, any remaining amount shall be used by the attorney general to investigate and prosecute medicaid fraud offenses.

If the prosecutor declines to accept any of the remaining amounts, the amounts shall be applied to the fund of the agency that substantially conducted the investigation.

(c) If more than one law enforcement agency is substantially involved in the seizure of property forfeited under this chapter, the court ordering the forfeiture shall equitably divide the amounts, after calculating any distribution to the law enforcement trust fund of the prosecutor pursuant to division (B)(4) of this section, among the entities that the court determines were substantially involved in the seizure.

(C)(1) A law enforcement trust fund shall be established by the prosecutor of each county who intends to receive any remaining amounts pursuant to this section, by the sheriff of each county, by the legislative authority of each municipal corporation, by the board of township trustees of each township that has a township police department, township or joint police district police force, or office of the constable, and by the board of park commissioners of each park district created pursuant to section 511.18 or 1545.01 of the Revised Code that has a park district police force or law enforcement department, for the purposes of this section.

There is hereby created in the state treasury the state highway patrol contraband, forfeiture, and other fund, the department of public safety investigative unit contraband, forfeiture, and other fund, the medicaid fraud investigation and prosecution fund, the department of taxation enforcement fund, and

the peace officer training commission fund, for the purposes of 38993
this section. 38994

Amounts distributed to any municipal corporation, township, 38995
or park district law enforcement trust fund shall be allocated 38996
from the fund by the legislative authority only to the police 38997
department of the municipal corporation, by the board of township 38998
trustees only to the township police department, township police 38999
district police force, or office of the constable, by the joint 39000
police district board only to the joint police district, and by 39001
the board of park commissioners only to the park district police 39002
force or law enforcement department. 39003

(2)(a) No amounts shall be allocated to a fund ~~created~~ under 39004
this section or used by an agency unless the agency has adopted a 39005
written internal control policy that addresses the use of moneys 39006
received from the appropriate fund. The appropriate fund shall be 39007
expended only in accordance with that policy and, subject to the 39008
requirements specified in this section, only for the following 39009
purposes: 39010

(i) To pay the costs of protracted or complex investigations 39011
or prosecutions; 39012

(ii) To provide reasonable technical training or expertise; 39013

(iii) To provide matching funds to obtain federal grants to 39014
aid law enforcement, in the support of DARE programs or other 39015
programs designed to educate adults or children with respect to 39016
the dangers associated with the use of drugs of abuse; 39017

(iv) To pay the costs of emergency action taken under section 39018
3745.13 of the Revised Code relative to the operation of an 39019
illegal methamphetamine laboratory if the forfeited property or 39020
money involved was that of a person responsible for the operation 39021
of the laboratory; 39022

(v) For other law enforcement purposes that the 39023

superintendent of the state highway patrol, department of public 39024
safety, auditor of state, prosecutor, county sheriff, legislative 39025
authority, department of taxation, Ohio casino control commission, 39026
board of township trustees, or board of park commissioners 39027
determines to be appropriate. 39028

(b) The board of pharmacy drug law enforcement fund shall be 39029
expended only in accordance with the written internal control 39030
policy so adopted by the board and only in accordance with section 39031
4729.65 of the Revised Code, except that it also may be expended 39032
to pay the costs of emergency action taken under section 3745.13 39033
of the Revised Code relative to the operation of an illegal 39034
methamphetamine laboratory if the forfeited property or money 39035
involved was that of a person responsible for the operation of the 39036
laboratory. 39037

(c) ~~The state highway patrol contraband, forfeiture, and 39038
other fund, the department of public safety investigative unit 39039
contraband, forfeiture, and other fund, the department of taxation 39040
enforcement fund, the board of pharmacy drug law enforcement fund, 39041
the casino control commission enforcement fund, and a law 39042
enforcement trust~~ A fund listed in division (B)(4)(b) of this 39043
section, other than the Medicaid fraud investigation and 39044
prosecution fund, shall not be used to meet the operating costs of 39045
the ~~state highway patrol, of the investigative unit of the 39046
department of public safety, of the state board of pharmacy, of 39047
any political subdivision, of the Ohio casino control commission, 39048
or of any office of a prosecutor or county sheriff agency, office, 39049
or political subdivision~~ that are unrelated to law enforcement. 39050

(d) Forfeited moneys that are paid into the state treasury to 39051
be deposited into the peace officer training commission fund shall 39052
be used by the commission only to pay the costs of peace officer 39053
training. 39054

(3) Any of the following offices or agencies that receive 39055

amounts under this section during any calendar year shall file a 39056
report with the specified entity, not later than the thirty-first 39057
day of January of the next calendar year, verifying that the 39058
moneys were expended only for the purposes authorized by this 39059
section or other relevant statute and specifying the amounts 39060
expended for each authorized purpose: 39061

(a) Any sheriff or prosecutor shall file the report with the 39062
county auditor. 39063

(b) Any municipal corporation police department shall file 39064
the report with the legislative authority of the municipal 39065
corporation. 39066

(c) Any township police department, township or joint police 39067
district police force, or office of the constable shall file the 39068
report with the board of township trustees of the township. 39069

(d) Any park district police force or law enforcement 39070
department shall file the report with the board of park 39071
commissioners of the park district. 39072

(e) The superintendent of the state highway patrol, the 39073
auditor of state, and the tax commissioner shall file the report 39074
with the attorney general. 39075

(f) The executive director of the state board of pharmacy 39076
shall file the report with the attorney general, verifying that 39077
cash and forfeited proceeds paid into the board of pharmacy drug 39078
law enforcement fund were used only in accordance with section 39079
4729.65 of the Revised Code. 39080

(g) The peace officer training commission shall file a report 39081
with the attorney general, verifying that cash and forfeited 39082
proceeds paid into the peace officer training commission fund 39083
pursuant to this section during the prior calendar year were used 39084
by the commission during the prior calendar year only to pay the 39085
costs of peace officer training. 39086

(h) The executive director of the Ohio casino control commission shall file the report with the attorney general, verifying that cash and forfeited proceeds paid into the casino control commission enforcement fund were used only in accordance with section 3772.36 of the Revised Code.

(D) The written internal control policy of a county sheriff, prosecutor, municipal corporation police department, township police department, township or joint police district police force, office of the constable, or park district police force or law enforcement department shall provide that at least ten per cent of the first one hundred thousand dollars of amounts deposited during each calendar year in the agency's law enforcement trust fund under this section, and at least twenty per cent of the amounts exceeding one hundred thousand dollars that are so deposited, shall be used in connection with community preventive education programs. The manner of use shall be determined by the sheriff, prosecutor, department, police force, or office of the constable after receiving and considering advice on appropriate community preventive education programs from the county's board of alcohol, drug addiction, and mental health services, from the county's alcohol and drug addiction services board, or through appropriate community dialogue.

The financial records kept under the internal control policy shall specify the amount deposited during each calendar year in the portion of that amount that was used pursuant to this division, and the programs in connection with which the portion of that amount was so used.

As used in this division, "community preventive education programs" include, but are not limited to, DARE programs and other programs designed to educate adults or children with respect to the dangers associated with using drugs of abuse.

(E) Upon the sale, under this section or section 2981.12 of

the Revised Code, of any property that is required by law to be 39119
titled or registered, the state shall issue an appropriate 39120
certificate of title or registration to the purchaser. If the 39121
state is vested with title and elects to retain property that is 39122
required to be titled or registered under law, the state shall 39123
issue an appropriate certificate of title or registration. 39124

(F) Any failure of a law enforcement officer or agency, 39125
prosecutor, court, or the attorney general to comply with this 39126
section in relation to any property seized does not affect the 39127
validity of the seizure and shall not be considered to be the 39128
basis for suppressing any evidence resulting from the seizure, 39129
provided the seizure itself was lawful. 39130

Sec. 3105.171. (A) As used in this section: 39131

(1) "Distributive award" means any payment or payments, in 39132
real or personal property, that are payable in a lump sum or over 39133
time, in fixed amounts, that are made from separate property or 39134
income, and that are not made from marital property and do not 39135
constitute payments of spousal support, as defined in section 39136
3105.18 of the Revised Code. 39137

(2) "During the marriage" means whichever of the following is 39138
applicable: 39139

(a) Except as provided in division (A)(2)(b) of this section, 39140
the period of time from the date of the marriage through the date 39141
of the final hearing in an action for divorce or in an action for 39142
legal separation; 39143

(b) If the court determines that the use of either or both of 39144
the dates specified in division (A)(2)(a) of this section would be 39145
inequitable, the court may select dates that it considers 39146
equitable in determining marital property. If the court selects 39147
dates that it considers equitable in determining marital property, 39148

"during the marriage" means the period of time between those dates 39149
selected and specified by the court. 39150

(3)(a) "Marital property" means, subject to division 39151
(A)(3)(b) of this section, all of the following: 39152

(i) All real and personal property that currently is owned by 39153
either or both of the spouses, including, but not limited to, the 39154
retirement benefits of the spouses, and that was acquired by 39155
either or both of the spouses during the marriage; 39156

(ii) All interest that either or both of the spouses 39157
currently has in any real or personal property, including, but not 39158
limited to, the retirement benefits of the spouses, and that was 39159
acquired by either or both of the spouses during the marriage; 39160

(iii) Except as otherwise provided in this section, all 39161
income and appreciation on separate property, due to the labor, 39162
monetary, or in-kind contribution of either or both of the spouses 39163
that occurred during the marriage; 39164

(iv) A participant account, as defined in section 148.01 of 39165
the Revised Code, of either of the spouses, to the extent of the 39166
following: the moneys that have been deferred by a continuing 39167
member or participating employee, as defined in that section, and 39168
that have been transmitted to the Ohio public employees deferred 39169
compensation board during the marriage and any income that is 39170
derived from the investment of those moneys during the marriage; 39171
the moneys that have been deferred by an officer or employee of a 39172
municipal corporation and that have been transmitted to the 39173
governing board, administrator, depository, or trustee of the 39174
deferred compensation program of the municipal corporation during 39175
the marriage and any income that is derived from the investment of 39176
those moneys during the marriage; or the moneys that have been 39177
deferred by an officer or employee of a government unit, as 39178
defined in section 148.06 of the Revised Code, and that have been 39179

transmitted to the governing board, as defined in that section,	39180
during the marriage and any income that is derived from the	39181
investment of those moneys during the marriage.	39182
(b) "Marital property" does not include any separate	39183
property.	39184
(4) "Passive income" means income acquired other than as a	39185
result of the labor, monetary, or in-kind contribution of either	39186
spouse.	39187
(5) "Personal property" includes both tangible and intangible	39188
personal property.	39189
(6)(a) "Separate property" means all real and personal	39190
property and any interest in real or personal property that is	39191
found by the court to be any of the following:	39192
(i) An inheritance by one spouse by bequest, devise, or	39193
descent during the course of the marriage;	39194
(ii) Any real or personal property or interest in real or	39195
personal property that was acquired by one spouse prior to the	39196
date of the marriage;	39197
(iii) Passive income and appreciation acquired from separate	39198
property by one spouse during the marriage;	39199
(iv) Any real or personal property or interest in real or	39200
personal property acquired by one spouse after a decree of legal	39201
separation issued under section 3105.17 of the Revised Code;	39202
(v) Any real or personal property or interest in real or	39203
personal property that is excluded by a valid antenuptial	39204
agreement;	39205
(vi) Compensation to a spouse for the spouse's personal	39206
injury, except for loss of marital earnings and compensation for	39207
expenses paid from marital assets;	39208
(vii) Any gift of any real or personal property or of an	39209

interest in real or personal property that is made after the date 39210
of the marriage and that is proven by clear and convincing 39211
evidence to have been given to only one spouse. 39212

(b) The commingling of separate property with other property 39213
of any type does not destroy the identity of the separate property 39214
as separate property, except when the separate property is not 39215
traceable. 39216

(B) In divorce proceedings, the court shall, and in legal 39217
separation proceedings upon the request of either spouse, the 39218
court may, determine what constitutes marital property and what 39219
constitutes separate property. In either case, upon making such a 39220
determination, the court shall divide the marital and separate 39221
property equitably between the spouses, in accordance with this 39222
section. For purposes of this section, the court has jurisdiction 39223
over all property, excluding the social security benefits of a 39224
spouse other than as set forth in division (F)(9) of this section, 39225
in which one or both spouses have an interest. 39226

(C)(1) Except as provided in this division or division (E) of 39227
this section, the division of marital property shall be equal. If 39228
an equal division of marital property would be inequitable, the 39229
court shall not divide the marital property equally but instead 39230
shall divide it between the spouses in the manner the court 39231
determines equitable. In making a division of marital property, 39232
the court shall consider all relevant factors, including those set 39233
forth in division (F) of this section. 39234

(2) Each spouse shall be considered to have contributed 39235
equally to the production and acquisition of marital property. 39236

(3) The court shall provide for an equitable division of 39237
marital property under this section prior to making any award of 39238
spousal support to either spouse under section 3105.18 of the 39239
Revised Code and without regard to any spousal support so awarded. 39240

(4) If the marital property includes a participant account, 39241
as defined in section 148.01 of the Revised Code, the court shall 39242
not order the division or disbursement of the moneys and income 39243
described in division (A)(3)(a)(iv) of this section to occur in a 39244
manner that is inconsistent with the law, rules, or plan governing 39245
the deferred compensation program involved or prior to the time 39246
that the spouse in whose name the participant account is 39247
maintained commences receipt of the moneys and income credited to 39248
the account in accordance with that law, rules, and plan. 39249

(D) Except as otherwise provided in division (E) of this 39250
section or by another provision of this section, the court shall 39251
disburse a spouse's separate property to that spouse. If a court 39252
does not disburse a spouse's separate property to that spouse, the 39253
court shall make written findings of fact that explain the factors 39254
that it considered in making its determination that the spouse's 39255
separate property should not be disbursed to that spouse. 39256

(E)(1) The court may make a distributive award to facilitate, 39257
effectuate, or supplement a division of marital property. The 39258
court may require any distributive award to be secured by a lien 39259
on the payor's specific marital property or separate property. 39260

(2) The court may make a distributive award in lieu of a 39261
division of marital property in order to achieve equity between 39262
the spouses, if the court determines that a division of the 39263
marital property in kind or in money would be impractical or 39264
burdensome. 39265

(3) The court shall require each spouse to disclose in a full 39266
and complete manner all marital property, separate property, and 39267
other assets, debts, income, and expenses of the spouse. 39268

(4) If a spouse has engaged in financial misconduct, 39269
including, but not limited to, the dissipation, destruction, 39270
concealment, nondisclosure, or fraudulent disposition of assets, 39271

the court may compensate the offended spouse with a distributive award or with a greater award of marital property. 39272
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(5) If a spouse has substantially and willfully failed to ~~12~~ disclose marital property, separate property, or other assets, ~~13~~ debts, income, or expenses as required under division (E)(3) of ~~14~~ this section, the court may compensate the offended spouse with ~~15~~ a distributive award or with a greater award of marital property ~~16~~ not to exceed three times the value of the marital property, ~~17~~ separate property, or other assets, debts, income, or expenses ~~18~~ that are not disclosed by the other spouse. 39274
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(F) In making a division of marital property and in determining whether to make and the amount of any distributive award under this section, the court shall consider all of the following factors: 39282
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(1) The duration of the marriage; 39286

(2) The assets and liabilities of the spouses; 39287

(3) The desirability of awarding the family home, or the right to reside in the family home for reasonable periods of time, to the spouse with custody of the children of the marriage; 39288
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(4) The liquidity of the property to be distributed; 39291

(5) The economic desirability of retaining intact an asset or an interest in an asset; 39292
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(6) The tax consequences of the property division upon the respective awards to be made to each spouse; 39294
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(7) The costs of sale, if it is necessary that an asset be sold to effectuate an equitable distribution of property; 39296
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(8) Any division or disbursement of property made in a separation agreement that was voluntarily entered into by the spouses; 39298
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(9) Any retirement benefits of the spouses, excluding the 39301

social security benefits of a spouse except as may be relevant for 39302
purposes of dividing a public pension; 39303

(10) Any other factor that the court expressly finds to be 39304
relevant and equitable. 39305

(G) In any order for the division or disbursement of property 39306
or a distributive award made pursuant to this section, the court 39307
shall make written findings of fact that support the determination 39308
that the marital property has been equitably divided and shall 39309
specify the dates it used in determining the meaning of "during 39310
the marriage." 39311

(H) Except as otherwise provided in this section, the holding 39312
of title to property by one spouse individually or by both spouses 39313
in a form of co-ownership does not determine whether the property 39314
is marital property or separate property. 39315

(I) A division or disbursement of property or a distributive 39316
award made under this section is not subject to future 39317
modification by the court except upon the express written consent 39318
or agreement to the modification by both spouses. 39319

(J) The court may issue any orders under this section that it 39320
determines equitable, including, but not limited to, either of the 39321
following types of orders: 39322

(1) An order granting a spouse the right to use the marital 39323
dwelling or any other marital property or separate property for 39324
any reasonable period of time; 39325

(2) An order requiring the sale or encumbrancing of any real 39326
or personal property, with the proceeds from the sale and the 39327
funds from any loan secured by the encumbrance to be applied as 39328
determined by the court. 39329

Sec. 3119.27. (A) A court that issues or modifies a court 39330
support order, or an administrative agency that issues or modifies 39331

an administrative child support order, shall impose on the obligor 39332
under the support order a processing charge ~~that is the greater in~~ 39333
the amount of two per cent of the support payment to be collected 39334
under a support order ~~or one dollar per month~~. No court or agency 39335
may call the charge a poundage fee. 39336

(B) In each child support case that is a Title IV-D case, the 39337
department of job and family services shall annually claim 39338
twenty-five dollars from the processing charge described in 39339
division (A) of this section for federal reporting purposes if the 39340
obligee has never received assistance under Title IV-A and the 39341
department has collected at least five hundred dollars of child 39342
support for the obligee. The director of job and family services 39343
shall adopt rules under Chapter 119. of the Revised Code to 39344
implement this division, and the department shall implement this 39345
division not later than March 31, 2008. 39346

(C) As used in this section: 39347

(1) "Annual" means the period as defined in regulations 39348
issued by the United States secretary of health and human services 39349
to implement the Deficit Reduction Act of 2005 (P.L. 109-171). 39350

(2) "Title IV-A" has the same meaning as in section 5107.02 39351
of the Revised Code. 39352

(3) "Title IV-D case" has the same meaning as in section 39353
3125.01 of the Revised Code. 39354

Sec. 3121.03. If a court or child support enforcement agency 39355
that issued or modified a support order, or the agency 39356
administering the support order, is required by the Revised Code 39357
to issue one or more withholding or deduction notices described in 39358
this section or other orders described in this section, the court 39359
or agency shall issue one or more of the following types of 39360
notices or orders, as appropriate, for payment of the support and 39361

also, if required by the Revised Code or the court, to pay any 39362
arrearages: 39363

(A)(1) If the court or the child support enforcement agency 39364
determines that the obligor is receiving income from a payor, the 39365
court or agency shall require the payor to do all of the 39366
following: 39367

(a) Withhold from the obligor's income a specified amount for 39368
support in satisfaction of the support order and begin the 39369
withholding no later than fourteen business days following the 39370
date the notice is mailed or transmitted to the payor under 39371
section 3121.035, 3123.021, or 3123.06 of the Revised Code and 39372
division (A)(2) of this section or, if the payor is an employer, 39373
no later than the first pay period that occurs after fourteen 39374
business days following the date the notice is mailed or 39375
transmitted; 39376

(b) Send the amount withheld to the office of child support 39377
in the department of job and family services pursuant to section 39378
3121.43 of the Revised Code immediately but not later than seven 39379
business days after the date the obligor is paid; 39380

(c) Continue the withholding at intervals specified in the 39381
notice until further notice from the court or child support 39382
enforcement agency. 39383

To the extent possible, the amount specified to be withheld 39384
shall satisfy the amount ordered for support in the support order 39385
plus any arrearages owed by the obligor under any prior support 39386
order that pertained to the same child or spouse, notwithstanding 39387
any applicable limitations of sections 2329.66, 2329.70, 2716.02, 39388
2716.041, and 2716.05 of the Revised Code. However, in no case 39389
shall the sum of the amount to be withheld and any fee withheld by 39390
the payor as a charge for its services exceed the maximum amount 39391
permitted under section 303(b) of the "Consumer Credit Protection 39392

Act," 15 U.S.C. 1673(b). 39393

(2) A court or agency that imposes an income withholding 39394
requirement shall, within the applicable time specified in section 39395
3119.80, 3119.81, 3121.035, 3123.021, or 3123.06 of the Revised 39396
Code, send to the obligor's payor by regular mail or via secure 39397
federally managed data transmission interface a notice that 39398
contains all of the information applicable to withholding notices 39399
set forth in section 3121.037 of the Revised Code. The notice is 39400
final and is enforceable by the court. 39401

(B)(1) If the court or child support enforcement agency 39402
determines that the obligor has funds that are not exempt under 39403
the laws of this state or the United States from execution, 39404
attachment, or other legal process and are on deposit in an 39405
account in a financial institution under the jurisdiction of the 39406
court that issued the court support order, or in the case of an 39407
administrative child support order, under the jurisdiction of the 39408
common pleas court of the county in which the agency that issued 39409
or is administering the order is located, the court or agency may 39410
require any financial institution in which the obligor's funds are 39411
on deposit to do all of the following: 39412

(a) Deduct from the obligor's account a specified amount for 39413
support in satisfaction of the support order and begin the 39414
deduction no later than fourteen business days following the date 39415
the notice was mailed or transmitted to the financial institution 39416
under section 3121.035 or 3123.06 of the Revised Code and division 39417
(B)(2) of this section; 39418

(b) Send the amount deducted to the office of child support 39419
in the department of job and family services pursuant to section 39420
3121.43 of the Revised Code immediately but not later than seven 39421
business days after the date the latest deduction was made; 39422

(c) Provide the date on which the amount was deducted; 39423

(d) Continue the deduction at intervals specified in the notice until further notice from the court or child support enforcement agency.

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To the extent possible, the amount to be deducted shall satisfy the amount ordered for support in the support order plus any arrearages that may be owed by the obligor under any prior support order that pertained to the same child or spouse, notwithstanding the limitations of sections 2329.66, 2329.70, and 2716.13 of the Revised Code.

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(2) A court or agency that imposes a deduction requirement shall, within the applicable period of time specified in section 3119.80, 3119.81, 3121.035, or 3123.06 of the Revised Code, send to the financial institution by regular mail or via secure federally managed data transmission interface a notice that contains all of the information applicable to deduction notices set forth in section 3121.037 of the Revised Code. The notice is final and is enforceable by the court.

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(C) With respect to any court support order it issues, a court may issue an order requiring the obligor to enter into a cash bond with the court. The court shall issue the order as part of the court support order or, if the court support order has previously been issued, as a separate order. The cash bond shall be in a sum fixed by the court at not less than five hundred nor more than ten thousand dollars, conditioned that the obligor will make payment as previously ordered and will pay any arrearages under any prior court support order that pertained to the same child or spouse.

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The order, along with an additional order requiring the obligor to immediately notify the child support enforcement agency, in writing, if the obligor begins to receive income from a payor, shall be attached to and served on the obligor at the same time as service of the court support order or, if the court

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support order has previously been issued, as soon as possible 39456
after the issuance of the order under this section. The additional 39457
order requiring notice by the obligor shall state all of the 39458
following: 39459

(1) That when the obligor begins to receive income from a 39460
payor the obligor may request that the court cancel its bond order 39461
and instead issue a notice requiring the withholding of an amount 39462
from income for support in accordance with this section; 39463

(2) That when the obligor begins to receive income from a 39464
payor the court will proceed to collect on the bond if the court 39465
determines that payments due under the court support order have 39466
not been made and that the amount that has not been paid is at 39467
least equal to the support owed for one month under the court 39468
support order and will issue a notice requiring the withholding of 39469
an amount from income for support in accordance with this section. 39470
The notice required of the obligor shall include a description of 39471
the nature of any new employment, the name and business address of 39472
any new employer, and any other information reasonably required by 39473
the court. 39474

The court shall not order an obligor to post a cash bond 39475
under this section unless the court determines that the obligor 39476
has the ability to do so. 39477

A child support enforcement agency may not issue a cash bond 39478
order. If a child support enforcement agency is required to issue 39479
a withholding or deduction notice under this section with respect 39480
to a court support order but the agency determines that no 39481
withholding or deduction notice would be appropriate, the agency 39482
may request that the court issue a cash bond order under this 39483
section, and upon the request, the court may issue the order. 39484

(D)(1) If the obligor under a court support order is 39485
unemployed, has no income, and does not have an account at any 39486

financial institution, or on request of a child support 39487
enforcement agency under division (D)(1) or (2) of this section, 39488
the court shall issue an order requiring the obligor, if able to 39489
engage in employment, to seek employment or participate in a work 39490
activity to which a recipient of assistance under Title IV-A of 39491
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 39492
as amended, may be assigned as specified in section 407(d) of the 39493
"Social Security Act," 42 U.S.C.A. 607(d), as amended. The court 39494
shall include in the order ~~a requirement~~ requirements that the 39495
obligor register with OhioMeansJobs and to notify the child 39496
support enforcement agency on obtaining employment, obtaining any 39497
income, or obtaining ownership of any asset with a value of five 39498
hundred dollars or more. The court may issue the order regardless 39499
of whether the obligee to whom the obligor owes support is a 39500
recipient of assistance under Title IV-A of the "Social Security 39501
Act." The court shall issue the order as part of a court support 39502
order or, if a court support order has previously been issued, as 39503
a separate order. If a child support enforcement agency is 39504
required to issue a withholding or deduction notice under this 39505
section with respect to a court support order but determines that 39506
no withholding or deduction notice would be appropriate, the 39507
agency may request that the court issue a court order under 39508
division (D)(1) of this section, and, on the request, the court 39509
may issue the order. 39510

(2) If the obligor under an administrative child support 39511
order is unemployed, has no income, and does not have an account 39512
at any financial institution, the agency shall issue an 39513
administrative order requiring the obligor, if able to engage in 39514
employment, to seek employment or participate in a work activity 39515
to which a recipient of assistance under Title IV-A of the "Social 39516
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 39517
may be assigned as specified in section 407(d) of the "Social 39518
Security Act," 42 U.S.C.A. 607(d), as amended. The agency shall 39519

include in the order ~~a requirement~~ requirements that the obligor 39520
register with OhioMeansJobs and to notify the agency on obtaining 39521
employment or income, or ownership of any asset with a value of 39522
five hundred dollars or more. The agency may issue the order 39523
regardless of whether the obligee to whom the obligor owes support 39524
is a recipient of assistance under Title IV-A of the "Social 39525
Security Act." If an obligor fails to comply with an 39526
administrative order issued pursuant to division (D)(2) of this 39527
section, the agency shall submit a request to a court for the 39528
court to issue an order under division (D)(1) of this section. 39529

Sec. 3301.078. (A) No official or board of this state, 39530
whether appointed or elected, shall enter into any agreement or 39531
memorandum of understanding with any federal or private entity 39532
that would require the state to cede any measure of control over 39533
the development, adoption, or revision of academic content 39534
standards. 39535

(B) No funds appropriated from the general revenue fund shall 39536
be used to purchase an assessment developed by the partnership for 39537
assessment of readiness for college and careers for use as the 39538
assessments prescribed under sections 3301.0710 and 3301.0712 of 39539
the Revised Code. 39540

Sec. 3301.0711. (A) The department of education shall: 39541

(1) Annually furnish to, grade, and score all assessments 39542
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 39543
the Revised Code to be administered by city, local, exempted 39544
village, and joint vocational school districts, except that each 39545
district shall score any assessment administered pursuant to 39546
division (B)(10) of this section. Each assessment so furnished 39547
shall include the data verification code of the student to whom 39548
the assessment will be administered, as assigned pursuant to 39549

division (D)(2) of section 3301.0714 of the Revised Code. In 39550
furnishing the practice versions of Ohio graduation tests 39551
prescribed by division (D) of section 3301.0710 of the Revised 39552
Code, the department shall make the tests available on its web 39553
site for reproduction by districts. In awarding contracts for 39554
grading assessments, the department shall give preference to 39555
Ohio-based entities employing Ohio residents. 39556

(2) Adopt rules for the ethical use of assessments and 39557
prescribing the manner in which the assessments prescribed by 39558
section 3301.0710 of the Revised Code shall be administered to 39559
students. 39560

(B) Except as provided in divisions (C) and (J) of this 39561
section, the board of education of each city, local, and exempted 39562
village school district shall, in accordance with rules adopted 39563
under division (A) of this section: 39564

(1) Administer the English language arts assessments 39565
prescribed under division (A)(1)(a) of section 3301.0710 of the 39566
Revised Code twice annually to all students in the third grade who 39567
have not attained the score designated for that assessment under 39568
division (A)(2)(c) of section 3301.0710 of the Revised Code. 39569

(2) Administer the mathematics assessment prescribed under 39570
division (A)(1)(a) of section 3301.0710 of the Revised Code at 39571
least once annually to all students in the third grade. 39572

(3) Administer the assessments prescribed under division 39573
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 39574
annually to all students in the fourth grade. 39575

(4) Administer the assessments prescribed under division 39576
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 39577
annually to all students in the fifth grade. 39578

(5) Administer the assessments prescribed under division 39579
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 39580

annually to all students in the sixth grade. 39581

(6) Administer the assessments prescribed under division 39582
(A)(1)(e) of section 3301.0710 of the Revised Code at least once 39583
annually to all students in the seventh grade. 39584

(7) Administer the assessments prescribed under division 39585
(A)(1)(f) of section 3301.0710 of the Revised Code at least once 39586
annually to all students in the eighth grade. 39587

(8) Except as provided in division (B)(9) of this section, 39588
administer any assessment prescribed under division (B)(1) of 39589
section 3301.0710 of the Revised Code as follows: 39590

(a) At least once annually to all tenth grade students and at 39591
least twice annually to all students in eleventh or twelfth grade 39592
who have not yet attained the score on that assessment designated 39593
under that division; 39594

(b) To any person who has successfully completed the 39595
curriculum in any high school or the individualized education 39596
program developed for the person by any high school pursuant to 39597
section 3323.08 of the Revised Code but has not received a high 39598
school diploma and who requests to take such assessment, at any 39599
time such assessment is administered in the district. 39600

(9) In lieu of the board of education of any city, local, or 39601
exempted village school district in which the student is also 39602
enrolled, the board of a joint vocational school district shall 39603
administer any assessment prescribed under division (B)(1) of 39604
section 3301.0710 of the Revised Code at least twice annually to 39605
any student enrolled in the joint vocational school district who 39606
has not yet attained the score on that assessment designated under 39607
that division. A board of a joint vocational school district may 39608
also administer such an assessment to any student described in 39609
division (B)(8)(b) of this section. 39610

(10) If the district has a three-year average graduation rate 39611

of not more than seventy-five per cent, administer each assessment 39612
prescribed by division (D) of section 3301.0710 of the Revised 39613
Code in September to all ninth grade students who entered ninth 39614
grade prior to July 1, 2014. 39615

Except as provided in section 3313.614 of the Revised Code 39616
for administration of an assessment to a person who has fulfilled 39617
the curriculum requirement for a high school diploma but has not 39618
passed one or more of the required assessments, the assessments 39619
prescribed under division (B)(1) of section 3301.0710 of the 39620
Revised Code shall not be administered after the date specified in 39621
the rules adopted by the state board of education under division 39622
(D)(1) of section 3301.0712 of the Revised Code. 39623

(11) Administer the assessments prescribed by division (B)(2) 39624
of section 3301.0710 and section 3301.0712 of the Revised Code in 39625
accordance with the timeline and plan for implementation of those 39626
assessments prescribed by rule of the state board adopted under 39627
division (D)(1) of section 3301.0712 of the Revised Code. 39628

(C)(1)(a) In the case of a student receiving special 39629
education services under Chapter 3323. of the Revised Code, the 39630
individualized education program developed for the student under 39631
that chapter shall specify the manner in which the student will 39632
participate in the assessments administered under this section. 39633
The individualized education program may excuse the student from 39634
taking any particular assessment required to be administered under 39635
this section if it instead specifies an alternate assessment 39636
method approved by the department of education as conforming to 39637
requirements of federal law for receipt of federal funds for 39638
disadvantaged pupils. To the extent possible, the individualized 39639
education program shall not excuse the student from taking an 39640
assessment unless no reasonable accommodation can be made to 39641
enable the student to take the assessment. 39642

(b) Any alternate assessment approved by the department for a 39643

student under this division shall produce measurable results 39644
comparable to those produced by the assessment it replaces in 39645
order to allow for the student's results to be included in the 39646
data compiled for a school district or building under section 39647
3302.03 of the Revised Code. 39648

(c) Any student enrolled in a chartered nonpublic school who 39649
has been identified, based on an evaluation conducted in 39650
accordance with section 3323.03 of the Revised Code or section 504 39651
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 39652
794, as amended, as a child with a disability shall be excused 39653
from taking any particular assessment required to be administered 39654
under this section if a plan developed for the student pursuant to 39655
rules adopted by the state board excuses the student from taking 39656
that assessment. In the case of any student so excused from taking 39657
an assessment, the chartered nonpublic school shall not prohibit 39658
the student from taking the assessment. 39659

(2) A district board may, for medical reasons or other good 39660
cause, excuse a student from taking an assessment administered 39661
under this section on the date scheduled, but that assessment 39662
shall be administered to the excused student not later than nine 39663
days following the scheduled date. The district board shall 39664
annually report the number of students who have not taken one or 39665
more of the assessments required by this section to the state 39666
board not later than the thirtieth day of June. 39667

(3) As used in this division, "limited English proficient 39668
student" has the same meaning as in 20 U.S.C. 7801. 39669

No school district board shall excuse any limited English 39670
proficient student from taking any particular assessment required 39671
to be administered under this section, except that any limited 39672
English proficient student who has been enrolled in United States 39673
schools for less than one full school year shall not be required 39674
to take any reading, writing, or English language arts assessment. 39675

However, no board shall prohibit a limited English proficient student who is not required to take an assessment under this division from taking the assessment. A board may permit any limited English proficient student to take an assessment required to be administered under this section with appropriate accommodations, as determined by the department. For each limited English proficient student, each school district shall annually assess that student's progress in learning English, in accordance with procedures approved by the department.

The governing authority of a chartered nonpublic school may excuse a limited English proficient student from taking any assessment administered under this section. However, no governing authority shall prohibit a limited English proficient student from taking the assessment.

(D)(1) In the school year next succeeding the school year in which the assessments prescribed by division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code or former division (A)(1), (A)(2), or (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, are administered to any student, the board of education of any school district in which the student is enrolled in that year shall provide to the student intervention services commensurate with the student's performance, including any intensive intervention required under section 3313.608 of the Revised Code, in any skill in which the student failed to demonstrate at least a score at the proficient level on the assessment.

(2) Following any administration of the assessments prescribed by division (D) of section 3301.0710 of the Revised Code to ninth grade students, each school district that has a three-year average graduation rate of not more than seventy-five per cent shall determine for each high school in the district whether the school shall be required to provide intervention

services to any students who took the assessments. In determining 39708
which high schools shall provide intervention services based on 39709
the resources available, the district shall consider each school's 39710
graduation rate and scores on the practice assessments. The 39711
district also shall consider the scores received by ninth grade 39712
students on the English language arts and mathematics assessments 39713
prescribed under division (A)(1)(f) of section 3301.0710 of the 39714
Revised Code in the eighth grade in determining which high schools 39715
shall provide intervention services. 39716

Each high school selected to provide intervention services 39717
under this division shall provide intervention services to any 39718
student whose results indicate that the student is failing to make 39719
satisfactory progress toward being able to attain scores at the 39720
proficient level on the Ohio graduation tests. Intervention 39721
services shall be provided in any skill in which a student 39722
demonstrates unsatisfactory progress and shall be commensurate 39723
with the student's performance. Schools shall provide the 39724
intervention services prior to the end of the school year, during 39725
the summer following the ninth grade, in the next succeeding 39726
school year, or at any combination of those times. 39727

(E) Except as provided in section 3313.608 of the Revised 39728
Code and division (M) of this section, no school district board of 39729
education shall utilize any student's failure to attain a 39730
specified score on an assessment administered under this section 39731
as a factor in any decision to deny the student promotion to a 39732
higher grade level. However, a district board may choose not to 39733
promote to the next grade level any student who does not take an 39734
assessment administered under this section or make up an 39735
assessment as provided by division (C)(2) of this section and who 39736
is not exempt from the requirement to take the assessment under 39737
division (C)(3) of this section. 39738

(F) No person shall be charged a fee for taking any 39739

assessment administered under this section. 39740

(G)(1) Each school district board shall designate one 39741
location for the collection of assessments administered in the 39742
spring under division (B)(1) of this section and those 39743
administered under divisions (B)(2) to (7) of this section. Each 39744
district board shall submit the assessments to the entity with 39745
which the department contracts for the scoring of the assessments 39746
as follows: 39747

(a) If the district's total enrollment in grades kindergarten 39748
through twelve during the first full school week of October was 39749
less than two thousand five hundred, not later than the Friday 39750
after all of the assessments have been administered; 39751

(b) If the district's total enrollment in grades kindergarten 39752
through twelve during the first full school week of October was 39753
two thousand five hundred or more, but less than seven thousand, 39754
not later than the Monday after all of the assessments have been 39755
administered; 39756

(c) If the district's total enrollment in grades kindergarten 39757
through twelve during the first full school week of October was 39758
seven thousand or more, not later than the Tuesday after all of 39759
the assessments have been administered. 39760

However, any assessment that a student takes during the 39761
make-up period described in division (C)(2) of this section shall 39762
be submitted not later than the Friday following the day the 39763
student takes the assessment. 39764

(2) The department or an entity with which the department 39765
contracts for the scoring of the assessment shall send to each 39766
school district board a list of the individual scores of all 39767
persons taking an assessment prescribed by division (A)(1) or 39768
(B)(1) of section 3301.0710 of the Revised Code within sixty days 39769
after its administration, but in no case shall the scores be 39770

returned later than the fifteenth day of June following the 39771
administration. For assessments administered under this section by 39772
a joint vocational school district, the department or entity shall 39773
also send to each city, local, or exempted village school district 39774
a list of the individual scores of any students of such city, 39775
local, or exempted village school district who are attending 39776
school in the joint vocational school district. 39777

(H) Individual scores on any assessments administered under 39778
this section shall be released by a district board only in 39779
accordance with section 3319.321 of the Revised Code and the rules 39780
adopted under division (A) of this section. No district board or 39781
its employees shall utilize individual or aggregate results in any 39782
manner that conflicts with rules for the ethical use of 39783
assessments adopted pursuant to division (A) of this section. 39784

(I) Except as provided in division (G) of this section, the 39785
department or an entity with which the department contracts for 39786
the scoring of the assessment shall not release any individual 39787
scores on any assessment administered under this section. The 39788
state board shall adopt rules to ensure the protection of student 39789
confidentiality at all times. The rules may require the use of the 39790
data verification codes assigned to students pursuant to division 39791
(D)(2) of section 3301.0714 of the Revised Code to protect the 39792
confidentiality of student scores. 39793

(J) Notwithstanding division (D) of section 3311.52 of the 39794
Revised Code, this section does not apply to the board of 39795
education of any cooperative education school district except as 39796
provided under rules adopted pursuant to this division. 39797

(1) In accordance with rules that the state board shall 39798
adopt, the board of education of any city, exempted village, or 39799
local school district with territory in a cooperative education 39800
school district established pursuant to divisions (A) to (C) of 39801
section 3311.52 of the Revised Code may enter into an agreement 39802

with the board of education of the cooperative education school 39803
district for administering any assessment prescribed under this 39804
section to students of the city, exempted village, or local school 39805
district who are attending school in the cooperative education 39806
school district. 39807

(2) In accordance with rules that the state board shall 39808
adopt, the board of education of any city, exempted village, or 39809
local school district with territory in a cooperative education 39810
school district established pursuant to section 3311.521 of the 39811
Revised Code shall enter into an agreement with the cooperative 39812
district that provides for the administration of any assessment 39813
prescribed under this section to both of the following: 39814

(a) Students who are attending school in the cooperative 39815
district and who, if the cooperative district were not 39816
established, would be entitled to attend school in the city, 39817
local, or exempted village school district pursuant to section 39818
3313.64 or 3313.65 of the Revised Code; 39819

(b) Persons described in division (B)(8)(b) of this section. 39820

Any assessment of students pursuant to such an agreement 39821
shall be in lieu of any assessment of such students or persons 39822
pursuant to this section. 39823

(K)(1)(a) Except as otherwise provided in division (K)(1)(a) 39824
or (K)(1)(c) of this section, each chartered nonpublic school for 39825
which at least sixty-five per cent of its total enrollment is made 39826
up of students who are participating in state scholarship programs 39827
shall administer the elementary assessments prescribed by section 39828
3301.0710 of the Revised Code. In accordance with procedures and 39829
deadlines prescribed by the department, the parent or guardian of 39830
a student enrolled in the school who is not participating in a 39831
state scholarship program may submit notice to the chief 39832
administrative officer of the school that the parent or guardian 39833

does not wish to have the student take the elementary assessments 39834
prescribed for the student's grade level under division (A) of 39835
section 3301.0710 of the Revised Code. If a parent or guardian 39836
submits an opt-out notice, the school shall not administer the 39837
assessments to that student. This option does not apply to any 39838
assessment required for a high school diploma under section 39839
3313.612 of the Revised Code. 39840

(b) If a chartered nonpublic school is educating students in 39841
grades nine through twelve, it shall administer the assessments 39842
prescribed by divisions (B)(1) and (2) of section 3301.0710 of the 39843
Revised Code ~~as a condition of compliance with section 3313.612 of~~ 39844
~~the Revised Code. Except for a student attending a chartered~~ 39845
~~nonpublic school under a state scholarship program, division~~ 39846
~~(K)(1)(b) of this section shall not apply to the following:~~ 39847

(i) A chartered nonpublic school accredited through the 39848
independent school association of the central states; 39849

(ii) A chartered nonpublic school that is not accredited 39850
through the independent school association of the central states 39851
but that is acting in accordance with division (D) of section 39852
3313.612 of the Revised Code. 39853

(c) A chartered nonpublic school may submit to the 39854
superintendent of public instruction a request for a waiver from 39855
administering the elementary assessments prescribed by division 39856
(A) of section 3301.0710 of the Revised Code. The state 39857
superintendent shall approve or disapprove a request for a waiver 39858
submitted under division (K)(1)(c) of this section. No waiver 39859
shall be approved for any school year prior to the 2015-2016 39860
school year. 39861

To be eligible to submit a request for a waiver, a chartered 39862
nonpublic school shall meet the following conditions: 39863

(i) At least ninety-five per cent of the students enrolled in 39864

the school are children with disabilities, as defined under 39865
section 3323.01 of the Revised Code, or have received a diagnosis 39866
by a school district or from a physician, including a 39867
neuropsychiatrist or psychiatrist, or a psychologist who is 39868
authorized to practice in this or another state as having a 39869
condition that impairs academic performance, such as dyslexia, 39870
dyscalculia, attention deficit hyperactivity disorder, or 39871
Asperger's syndrome. 39872

(ii) The school has solely served a student population 39873
described in division (K)(1)(c)(i) of this section for at least 39874
ten years. 39875

(iii) The school provides to the department at least five 39876
years of records of internal testing conducted by the school that 39877
affords the department data required for accountability purposes, 39878
including diagnostic assessments and nationally standardized 39879
norm-referenced achievement assessments that measure reading and 39880
math skills. 39881

(d) Any chartered nonpublic school that is not subject to 39882
division (K)(1)(a) of this section may participate in the 39883
assessment program by administering any of the assessments 39884
prescribed by division (A) of section 3301.0710 of the Revised 39885
Code. The chief administrator of the school shall specify which 39886
assessments the school will administer. Such specification shall 39887
be made in writing to the superintendent of public instruction 39888
prior to the first day of August of any school year in which 39889
assessments are administered and shall include a pledge that the 39890
nonpublic school will administer the specified assessments in the 39891
same manner as public schools are required to do under this 39892
section and rules adopted by the department. 39893

(2) The department of education shall furnish the assessments 39894
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 39895
to each chartered nonpublic school that is subject to division 39896

(K)(1)(a) of this section or participates under division (K)(1)(b) 39897
of this section. 39898

(L)(1) The superintendent of the state school for the blind 39899
and the superintendent of the state school for the deaf shall 39900
administer the assessments described by sections 3301.0710 and 39901
3301.0712 of the Revised Code. Each superintendent shall 39902
administer the assessments in the same manner as district boards 39903
are required to do under this section and rules adopted by the 39904
department of education and in conformity with division (C)(1)(a) 39905
of this section. 39906

(2) The department of education shall furnish the assessments 39907
described by sections 3301.0710 and 3301.0712 of the Revised Code 39908
to each superintendent. 39909

(M) Notwithstanding division (E) of this section, a school 39910
district may use a student's failure to attain a score in at least 39911
the proficient range on the mathematics assessment described by 39912
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 39913
an assessment described by division (A)(1)(b), (c), (d), (e), or 39914
(f) of section 3301.0710 of the Revised Code as a factor in 39915
retaining that student in the current grade level. 39916

(N)(1) In the manner specified in divisions (N)(3), (4), and 39917
(6) of this section, the assessments required by division (A)(1) 39918
of section 3301.0710 of the Revised Code shall become public 39919
records pursuant to section 149.43 of the Revised Code on the 39920
thirty-first day of July following the school year that the 39921
assessments were administered. 39922

(2) The department may field test proposed questions with 39923
samples of students to determine the validity, reliability, or 39924
appropriateness of questions for possible inclusion in a future 39925
year's assessment. The department also may use anchor questions on 39926
assessments to ensure that different versions of the same 39927

assessment are of comparable difficulty. 39928

Field test questions and anchor questions shall not be 39929
considered in computing scores for individual students. Field test 39930
questions and anchor questions may be included as part of the 39931
administration of any assessment required by division (A)(1) or 39932
(B) of section 3301.0710 and division (B) of section 3301.0712 of 39933
the Revised Code. 39934

(3) Any field test question or anchor question administered 39935
under division (N)(2) of this section shall not be a public 39936
record. Such field test questions and anchor questions shall be 39937
redacted from any assessments which are released as a public 39938
record pursuant to division (N)(1) of this section. 39939

(4) This division applies to the assessments prescribed by 39940
division (A) of section 3301.0710 of the Revised Code. 39941

(a) The first administration of each assessment, as specified 39942
in former section 3301.0712 of the Revised Code, shall be a public 39943
record. 39944

(b) For subsequent administrations of each assessment prior 39945
to the 2011-2012 school year, not less than forty per cent of the 39946
questions on the assessment that are used to compute a student's 39947
score shall be a public record. The department shall determine 39948
which questions will be needed for reuse on a future assessment 39949
and those questions shall not be public records and shall be 39950
redacted from the assessment prior to its release as a public 39951
record. However, for each redacted question, the department shall 39952
inform each city, local, and exempted village school district of 39953
the statewide academic standard adopted by the state board under 39954
section 3301.079 of the Revised Code and the corresponding 39955
benchmark to which the question relates. The preceding sentence 39956
does not apply to field test questions that are redacted under 39957
division (N)(3) of this section. 39958

(c) The administrations of each assessment in the 2011-2012, 2012-2013, and 2013-2014 school years shall not be a public record.

(5) Each assessment prescribed by division (B)(1) of section 3301.0710 of the Revised Code shall not be a public record.

(6) Beginning with the spring administration for the 2014-2015 school year, questions on the assessments prescribed under division (A) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code and the corresponding preferred answers that are used to compute a student's score shall become a public record as follows:

(a) Forty per cent of the questions and preferred answers on the assessments on the thirty-first day of July following the administration of the assessment;

(b) Twenty per cent of the questions and preferred answers on the assessment on the thirty-first day of July one year after the administration of the assessment;

(c) The remaining forty per cent of the questions and preferred answers on the assessment on the thirty-first day of July two years after the administration of the assessment.

The entire content of an assessment shall become a public record within three years of its administration.

The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division.

(0) As used in this section:

(1) "Three-year average" means the average of the most recent consecutive three school years of data.

(2) "Dropout" means a student who withdraws from school before completing course requirements for graduation and who is not enrolled in an education program approved by the state board of education or an education program outside the state. "Dropout" does not include a student who has departed the country.

(3) "Graduation rate" means the ratio of students receiving a diploma to the number of students who entered ninth grade four years earlier. Students who transfer into the district are added to the calculation. Students who transfer out of the district for reasons other than dropout are subtracted from the calculation. If a student who was a dropout in any previous year returns to the same school district, that student shall be entered into the calculation as if the student had entered ninth grade four years before the graduation year of the graduating class that the student joins.

(4) "State scholarship programs" means the educational choice scholarship pilot program established under sections 3310.01 to 3310.17 of the Revised Code, the autism scholarship program established under section 3310.41 of the Revised Code, the Jon Peterson special needs scholarship program established under sections 3310.51 to 3310.64 of the Revised Code, and the pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code.

Sec. 3301.0712. (A) The state board of education, the superintendent of public instruction, and the chancellor of ~~the Ohio board of regents~~ higher education shall develop a system of college and work ready assessments as described in division (B) of this section to assess whether each student upon graduating from high school is ready to enter college or the workforce. Beginning with students who enter the ninth grade for the first time on or after July 1, 2014, the system shall replace the Ohio graduation

tests prescribed in division (B)(1) of section 3301.0710 of the Revised Code as a measure of student academic performance and one determinant of eligibility for a high school diploma in the manner prescribed by rule of the state board adopted under division (D) of this section.

(B) The college and work ready assessment system shall consist of the following:

(1) Nationally standardized assessments that measure college and career readiness and are used for college admission. The assessments shall be selected jointly by the state superintendent and the chancellor, and one of which shall be selected by each school district or school to administer to its students. The assessments prescribed under division (B)(1) of this section shall be administered to all eleventh-grade students in the spring of the school year.

(2) Seven end-of-course examinations, one in each of the areas of English language arts I, English language arts II, science, Algebra I, geometry, American history, and American government. The end-of-course examinations shall be selected jointly by the state superintendent and the chancellor in consultation with faculty in the appropriate subject areas at institutions of higher education of the university system of Ohio. Advanced placement examinations and international baccalaureate examinations, as prescribed under section 3313.6013 of the Revised Code, in the areas of science, American history, and American government may be used as end-of-course examinations in accordance with division (B)(4)(a)(i) of this section. Final course grades for courses taken under any other advanced standing program, as prescribed under section 3313.6013 of the Revised Code, in the areas of science, American history, and American government may be used in lieu of end-of-course examinations in accordance with

division (B)(4)(a)(ii) of this section. 40051

(3)(a) Not later than July 1, 2013, each school district 40052
board of education shall adopt interim end-of-course examinations 40053
that comply with the requirements of divisions (B)(3)(b)(i) and 40054
(ii) of this section to assess mastery of American history and 40055
American government standards adopted under division (A)(1)(b) of 40056
section 3301.079 of the Revised Code and the topics required under 40057
division (M) of section 3313.603 of the Revised Code. Each high 40058
school of the district shall use the interim examinations until 40059
the state superintendent and chancellor select end-of-course 40060
examinations in American history and American government under 40061
division (B)(2) of this section. 40062

(b) Not later than July 1, 2014, the state superintendent and 40063
the chancellor shall select the end-of-course examinations in 40064
American history and American government. 40065

(i) The end-of-course examinations in American history and 40066
American government shall require demonstration of mastery of the 40067
American history and American government content for social 40068
studies standards adopted under division (A)(1)(b) of section 40069
3301.079 of the Revised Code and the topics required under 40070
division (M) of section 3313.603 of the Revised Code. 40071

(ii) At least twenty per cent of the end-of-course 40072
examination in American government shall address the topics on 40073
American history and American government described in division (M) 40074
of section 3313.603 of the Revised Code. 40075

(4)(a) Notwithstanding anything to the contrary in this 40076
section, beginning with the 2014-2015 school year, both of the 40077
following shall apply: 40078

(i) If a student is enrolled in an appropriate advanced 40079
placement or international baccalaureate course, that student 40080
shall take the advanced placement or international baccalaureate 40081

examination in lieu of the science, American history, or American government end-of-course examinations prescribed under division (B)(2) of this section. The state board shall specify the score levels for each advanced placement examination and international baccalaureate examination for purposes of calculating the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.

(ii) If a student is enrolled in an appropriate course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, that student shall not be required to take the science, American history, or American government end-of-course examination, whichever is applicable, prescribed under division (B)(2) of this section. Instead, that student's final course grade shall be used in lieu of the applicable end-of-course examination prescribed under that section. The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades that demonstrate the level of academic achievement necessary to earn a high school diploma.

Division (B)(4)(a)(ii) of this section shall apply only to courses for which students receive transcribed credit, as defined in division (U) of section 3365.01 of the Revised Code. It shall not apply to remedial or developmental courses.

(b) No student shall take a substitute examination or examination prescribed under division (B)(4)(a) of this section in place of the end-of-course examinations in English language arts I, English language arts II, Algebra I, or geometry prescribed under division (B)(2) of this section.

(c) The state board shall consider additional assessments that may be used, beginning with the 2016-2017 school year, as substitute examinations in lieu of the end-of-course examinations prescribed under division (B)(2) of this section.

(5) The state board shall do all of the following:	40114
(a) Determine and designate at least five ranges of scores on each of the end-of-course examinations prescribed under division (B)(2) of this section, and substitute examinations prescribed under division (B)(4) of this section. Each range of scores shall be considered to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:	40115 40116 40117 40118 40119 40120 40121
(i) An advanced level of skill;	40122
(ii) An accelerated level of skill;	40123
(iii) A proficient level of skill;	40124
(iv) A basic level of skill;	40125
(v) A limited level of skill.	40126
(b) Determine a method by which to calculate a cumulative performance score based on the results of a student's end-of-course examinations or substitute examinations;	40127 40128 40129
(c) Determine the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma;	40130 40131 40132
(d) Develop a table of corresponding score equivalents for the end-of-course examinations and substitute examinations in order to calculate student performance consistently across the different examinations.	40133 40134 40135 40136
(6)(a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:	40137 40138
(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.	40139 40140 40141
(ii) The examination was not available for administration	40142

prior to July 1, 2015. 40143

Receipt of credit for the course described in division 40144
(B)(6)(a)(i) of this section shall satisfy the requirement to take 40145
the end-of-course examination. A student exempted under division 40146
(B)(6)(a) of this section may take the applicable end-of-course 40147
examination at a later date. 40148

(b) For purposes of determining whether a student who is 40149
exempt from taking an end-of-course examination under division 40150
(B)(6)(a) of this section has attained the cumulative score 40151
prescribed by division (B)(5)(c) of this section, such student 40152
shall select either of the following: 40153

(i) The student is considered to have attained a proficient 40154
score on the end-of-course examination from which the student is 40155
exempt; 40156

(ii) The student's final course grade shall be used in lieu 40157
of a score on the end-of-course examination from which the student 40158
is exempt. 40159

The state superintendent, in consultation with the 40160
chancellor, shall adopt guidelines for purposes of calculating the 40161
corresponding final course grades and the minimum cumulative 40162
performance score that demonstrates the level of academic 40163
achievement necessary to earn a high school diploma. 40164

(7)(a) Notwithstanding anything to the contrary in this 40165
section, the state board may replace the algebra I end-of-course 40166
examination prescribed under division (B)(2) of this section with 40167
an algebra II end-of-course examination, beginning with the 40168
2016-2017 school year for students who enter ninth grade on or 40169
after July 1, 2016. 40170

(b) If the state board replaces the algebra I end-of-course 40171
examination with an algebra II end-of-course examination as 40172
authorized under division (B)(7)(a) of this section, both of the 40173

following shall apply: 40174

(i) A student who is enrolled in an advanced placement or 40175
international baccalaureate course in algebra II shall take the 40176
advanced placement or international baccalaureate examination in 40177
lieu of the algebra II end-of-course examination. 40178

(ii) A student who is enrolled in an algebra II course under 40179
any other advanced standing program, as described in section 40180
3313.6013 of the Revised Code, shall not be required to take the 40181
algebra II end-of-course examination. Instead, that student's 40182
final course grade shall be used in lieu of the examination. 40183

(c) If a school district or school utilizes an integrated 40184
approach to mathematics instruction, the district or school may do 40185
either or both of the following: 40186

(i) Administer an integrated mathematics I end-of-course 40187
examination in lieu of the prescribed algebra I end-of-course 40188
examination; 40189

(ii) Administer an integrated mathematics II end-of-course 40190
examination in lieu of the prescribed geometry end-of-course 40191
examination. 40192

(8)(a) For students entering the ninth grade for the first 40193
time on or after July 1, 2014, but prior to July 1, 2015, the 40194
assessment in the area of science shall be physical science or 40195
biology. For students entering the ninth grade for the first time 40196
on or after July 1, 2015, the assessment in the area of science 40197
shall be biology. 40198

(b) Until July 1, 2019, the department of education shall 40199
make available the end-of-course examination in physical science 40200
for students who entered the ninth grade for the first time on or 40201
after July 1, 2014, but prior to July 1, 2015, and who wish to 40202
retake the examination. 40203

(c) Not later than July 1, 2016, the state board shall adopt 40204
rules prescribing the requirements for the end-of-course 40205
examination in science for students who entered the ninth grade 40206
for the first time on or after July 1, 2014, but prior to July 1, 40207
2015, and who have not met the requirement prescribed by section 40208
3313.618 of the Revised Code by July 1, 2019, due to a student's 40209
failure to satisfy division (A)(2) of section 3313.618 of the 40210
Revised Code. 40211

(9) Neither the state board nor the department of education 40212
shall develop or administer an end-of-course examination in the 40213
area of world history. 40214

(C) The state board shall convene a group of national 40215
experts, state experts, and local practitioners to provide advice, 40216
guidance, and recommendations for the alignment of standards and 40217
model curricula to the assessments and in the design of the 40218
end-of-course examinations prescribed by this section. 40219

(D) Upon completion of the development of the assessment 40220
system, the state board shall adopt rules prescribing all of the 40221
following: 40222

(1) A timeline and plan for implementation of the assessment 40223
system, including a phased implementation if the state board 40224
determines such a phase-in is warranted; 40225

(2) The date after which a person shall meet the requirements 40226
of the entire assessment system as a prerequisite for a diploma of 40227
adult education under section 3313.611 of the Revised Code; 40228

(3) Whether and the extent to which a person may be excused 40229
from an American history end-of-course examination and an American 40230
government end-of-course examination under division (H) of section 40231
3313.61 and division (B)~~(3)~~(4) of section 3313.612 of the Revised 40232
Code; 40233

(4) The date after which a person who has fulfilled the 40234

curriculum requirement for a diploma but has not passed one or 40235
more of the required assessments at the time the person fulfilled 40236
the curriculum requirement shall meet the requirements of the 40237
entire assessment system as a prerequisite for a high school 40238
diploma under division (B) of section 3313.614 of the Revised 40239
Code; 40240

(5) The extent to which the assessment system applies to 40241
students enrolled in a dropout recovery and prevention program for 40242
purposes of division (F) of section 3313.603 and section 3314.36 40243
of the Revised Code. 40244

(E) Not later than forty-five days prior to the state board's 40245
adoption of a resolution directing the department to file the 40246
rules prescribed by division (D) of this section in final form 40247
under section 119.04 of the Revised Code, the superintendent of 40248
public instruction shall present the assessment system developed 40249
under this section to the respective committees of the house of 40250
representatives and senate that consider education legislation. 40251

(F)(1) Any person enrolled in a nonchartered nonpublic school 40252
or any person who has been excused from attendance at school for 40253
the purpose of home instruction under section 3321.04 of the 40254
Revised Code may choose to participate in the system of 40255
assessments administered under divisions (B)(1) and (2) of this 40256
section. However, no such person shall be required to participate 40257
in the system of assessments. 40258

(2) The department shall adopt rules for the administration 40259
and scoring of any assessments under division (F)(1) of this 40260
section. 40261

(G) Not later than December 31, 2014, the state board shall 40262
select at least one nationally recognized job skills assessment. 40263
Each school district shall administer that assessment to those 40264
students who opt to take it. The state shall reimburse a school 40265

district for the costs of administering that assessment. The state board shall establish the minimum score a student must attain on the job skills assessment in order to demonstrate a student's workforce readiness and employability. The administration of the job skills assessment to a student under this division shall not exempt a school district from administering the assessments prescribed in division (B) of this section to that student.

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the Revised Code:

(A) "Preschool program" means either of the following:

(1) A child care program for preschool children that is operated by a school district board of education or an eligible nonpublic school.

(2) A child care program for preschool children age three or older that is operated by a county DD board or a community school.

(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age.

(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code.

(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of a community school or an eligible nonpublic school.

(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program.

(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.

(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children.

(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B)(8) of section 5104.02 of the Revised Code or chartered by the state board of education for any combination of grades one through twelve, regardless of whether it also offers kindergarten.

(I) "County DD board" means a county board of developmental disabilities.

(J) "School child program" means a child care program for only school children that is operated by a school district board of education, county DD board, community school, or eligible nonpublic school.

(K) "School child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old.

(L) "School child program staff member" means an employee whose primary responsibility is the care, teaching, or supervision of children in a school child program.

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

(N) "Child day-care center," "publicly funded child care," and "school-age child care center" have the same meanings as in section 5104.01 of the Revised Code.

(O) "Community school" means a community school established under Chapter 3314. of the Revised Code that is sponsored by an entity that is rated "exemplary" under section 3314.016 of the Revised Code.

Sec. 3301.53. (A) The state board of education, in consultation with the director of job and family services, shall formulate and prescribe by rule adopted under Chapter 119. of the Revised Code minimum standards to be applied to preschool programs operated by school district boards of education, county DD boards, community schools, or eligible nonpublic schools. The rules shall include the following:

(1) Standards ensuring that the preschool program is located in a safe and convenient facility that accommodates the enrollment of the program, is of the quality to support the growth and development of the children according to the program objectives, and meets the requirements of section 3301.55 of the Revised Code;

(2) Standards ensuring that supervision, discipline, and programs will be administered according to established objectives and procedures;

(3) Standards ensuring that preschool staff members and nonteaching employees are recruited, employed, assigned, evaluated, and provided inservice education without discrimination on the basis of age, color, national origin, race, or sex; and that preschool staff members and nonteaching employees are assigned responsibilities in accordance with written position descriptions commensurate with their training and experience;

(4) A requirement that boards of education intending to establish a preschool program demonstrate a need for a preschool program prior to establishing the program;

(5) Requirements that children participating in preschool

programs have been immunized to the extent considered appropriate 40355
by the state board to prevent the spread of communicable disease; 40356

(6) Requirements that the parents of preschool children 40357
complete the emergency medical authorization form specified in 40358
section 3313.712 of the Revised Code. 40359

(B) The state board of education in consultation with the 40360
director of job and family services shall ensure that the rules 40361
adopted by the state board under sections 3301.52 to 3301.58 of 40362
the Revised Code are consistent with and meet or exceed the 40363
requirements of Chapter 5104. of the Revised Code with regard to 40364
child day-care centers. The state board and the director of job 40365
and family services shall review all such rules at least once 40366
every five years. 40367

(C) The state board of education, in consultation with the 40368
director of job and family services, shall adopt rules for school 40369
child programs that are consistent with and meet or exceed the 40370
requirements of the rules adopted for school-age child care 40371
centers under Chapter 5104. of the Revised Code. 40372

Sec. 3301.541. (A)(1) The director, head teacher, elementary 40373
principal, or site administrator of a preschool program shall 40374
request the superintendent of the bureau of criminal 40375
identification and investigation to conduct a criminal records 40376
check with respect to any applicant who has applied to the 40377
preschool program for employment as a person responsible for the 40378
care, custody, or control of a child. If the applicant does not 40379
present proof that the applicant has been a resident of this state 40380
for the five-year period immediately prior to the date upon which 40381
the criminal records check is requested or does not provide 40382
evidence that within that five-year period the superintendent has 40383
requested information about the applicant from the federal bureau 40384
of investigation in a criminal records check, the director, head 40385

teacher, or elementary principal shall request that the 40386
superintendent obtain information from the federal bureau of 40387
investigation as a part of the criminal records check for the 40388
applicant. If the applicant presents proof that the applicant has 40389
been a resident of this state for that five-year period, the 40390
director, head teacher, or elementary principal may request that 40391
the superintendent include information from the federal bureau of 40392
investigation in the criminal records check. 40393

(2) Any director, head teacher, elementary principal, or site 40394
administrator required by division (A)(1) of this section to 40395
request a criminal records check shall provide to each applicant a 40396
copy of the form prescribed pursuant to division (C)(1) of section 40397
109.572 of the Revised Code, provide to each applicant a standard 40398
impression sheet to obtain fingerprint impressions prescribed 40399
pursuant to division (C)(2) of section 109.572 of the Revised 40400
Code, obtain the completed form and impression sheet from each 40401
applicant, and forward the completed form and impression sheet to 40402
the superintendent of the bureau of criminal identification and 40403
investigation at the time the person requests a criminal records 40404
check pursuant to division (A)(1) of this section. 40405

(3) Any applicant who receives pursuant to division (A)(2) of 40406
this section a copy of the form prescribed pursuant to division 40407
(C)(1) of section 109.572 of the Revised Code and a copy of an 40408
impression sheet prescribed pursuant to division (C)(2) of that 40409
section and who is requested to complete the form and provide a 40410
set of fingerprint impressions shall complete the form or provide 40411
all the information necessary to complete the form and provide the 40412
impression sheet with the impressions of the applicant's 40413
fingerprints. If an applicant, upon request, fails to provide the 40414
information necessary to complete the form or fails to provide 40415
impressions of the applicant's fingerprints, the preschool program 40416
shall not employ that applicant for any position for which a 40417

criminal records check is required by division (A)(1) of this section. 40418
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(B)(1) Except as provided in rules adopted by the department of education in accordance with division (E) of this section, no preschool program shall employ a person as a person responsible for the care, custody, or control of a child if the person previously has been convicted of or pleaded guilty to any of the following: 40420
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(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation occurred prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code; 40426
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(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in division (B)(1)(a) of this section. 40442
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(2) A preschool program may employ an applicant conditionally until the criminal records check required by this section is completed and the preschool program receives the results of the criminal records check. If the results of the criminal records 40446
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check indicate that, pursuant to division (B)(1) of this section, 40450
the applicant does not qualify for employment, the preschool 40451
program shall release the applicant from employment. 40452

(C)(1) Each preschool program shall pay to the bureau of 40453
criminal identification and investigation the fee prescribed 40454
pursuant to division (C)(3) of section 109.572 of the Revised Code 40455
for each criminal records check conducted in accordance with that 40456
section upon the request pursuant to division (A)(1) of this 40457
section of the director, head teacher, elementary principal, or 40458
site administrator of the preschool program. 40459

(2) A preschool program may charge an applicant a fee for the 40460
costs it incurs in obtaining a criminal records check under this 40461
section. A fee charged under this division shall not exceed the 40462
amount of fees the preschool program pays under division (C)(1) of 40463
this section. If a fee is charged under this division, the 40464
preschool program shall notify the applicant at the time of the 40465
applicant's initial application for employment of the amount of 40466
the fee and that, unless the fee is paid, the applicant will not 40467
be considered for employment. 40468

(D) The report of any criminal records check conducted by the 40469
bureau of criminal identification and investigation in accordance 40470
with section 109.572 of the Revised Code and pursuant to a request 40471
under division (A)(1) of this section is not a public record for 40472
the purposes of section 149.43 of the Revised Code and shall not 40473
be made available to any person other than the applicant who is 40474
the subject of the criminal records check or the applicant's 40475
representative, the preschool program requesting the criminal 40476
records check or its representative, and any court, hearing 40477
officer, or other necessary individual in a case dealing with the 40478
denial of employment to the applicant. 40479

(E) The department of education shall adopt rules pursuant to 40480
Chapter 119. of the Revised Code to implement this section, 40481

including rules specifying circumstances under which a preschool 40482
program may hire a person who has been convicted of an offense 40483
listed in division (B)(1) of this section but who meets standards 40484
in regard to rehabilitation set by the department. 40485

(F) Any person required by division (A)(1) of this section to 40486
request a criminal records check shall inform each person, at the 40487
time of the person's initial application for employment, that the 40488
person is required to provide a set of impressions of the person's 40489
fingerprints and that a criminal records check is required to be 40490
conducted and satisfactorily completed in accordance with section 40491
109.572 of the Revised Code if the person comes under final 40492
consideration for appointment or employment as a precondition to 40493
employment for that position. 40494

(G) As used in this section: 40495

(1) "Applicant" means a person who is under final 40496
consideration for appointment or employment in a position with a 40497
preschool program as a person responsible for the care, custody, 40498
or control of a child, except that "applicant" does not include a 40499
person already employed by a board of education, community school, 40500
or chartered nonpublic school in a position of care, custody, or 40501
control of a child who is under consideration for a different 40502
position with such board or school. 40503

(2) "Criminal records check" has the same meaning as in 40504
section 109.572 of the Revised Code. 40505

(3) "Minor drug possession offense" has the same meaning as 40506
in section 2925.01 of the Revised Code. 40507

(H) If the board of education of a local school district 40508
adopts a resolution requesting the assistance of the educational 40509
service center in which the local district has territory in 40510
conducting criminal records checks of substitute teachers under 40511
this section, the appointing or hiring officer of such educational 40512

service center governing board shall serve for purposes of this 40513
section as the appointing or hiring officer of the local board in 40514
the case of hiring substitute teachers for employment in the local 40515
district. 40516

Sec. 3301.55. (A) A school district, county DD board, 40517
community school, or eligible nonpublic school operating a 40518
preschool program shall house the program in buildings that meet 40519
the following requirements: 40520

(1) The building is operated by the district, county DD 40521
board, community school, or eligible nonpublic school and has been 40522
approved by the division of industrial compliance in the 40523
department of commerce or a certified municipal, township, or 40524
county building department for the purpose of operating a program 40525
for preschool children. Any such structure shall be constructed, 40526
equipped, repaired, altered, and maintained in accordance with 40527
applicable provisions of Chapters 3781. and 3791. and with rules 40528
adopted by the board of building standards under Chapter 3781. of 40529
the Revised Code for the safety and sanitation of structures 40530
erected for this purpose. 40531

(2) The building is in compliance with fire and safety laws 40532
and regulations as evidenced by reports of annual school fire and 40533
safety inspections as conducted by appropriate local authorities. 40534

(3) The school is in compliance with rules established by the 40535
state board of education regarding school food services. 40536

(4) The facility includes not less than thirty-five square 40537
feet of indoor space for each child in the program. Safe play 40538
space, including both indoor and outdoor play space, totaling not 40539
less than sixty square feet for each child using the space at any 40540
one time, shall be regularly available and scheduled for use. 40541

(5) First aid facilities and space for temporary placement or 40542

isolation of injured or ill children are provided. 40543

(B) Each school district, county DD board, community school, 40544
or eligible nonpublic school that operates, or proposes to 40545
operate, a preschool program shall submit a building plan 40546
including all information specified by the state board of 40547
education to the board not later than the first day of September 40548
of the school year in which the program is to be initiated. The 40549
board shall determine whether the buildings meet the requirements 40550
of this section and section 3301.53 of the Revised Code, and 40551
notify the superintendent of its determination. If the board 40552
determines, on the basis of the building plan or any other 40553
information, that the buildings do not meet those requirements, it 40554
shall cause the buildings to be inspected by the department of 40555
education. The department shall make a report to the 40556
superintendent specifying any aspects of the building that are not 40557
in compliance with the requirements of this section and section 40558
3301.53 of the Revised Code and the time period that will be 40559
allowed the district, county DD board, or school to meet the 40560
requirements. 40561

Sec. 3301.56. (A) The director, head teacher, elementary 40562
principal, or site administrator who is on site and responsible 40563
for supervision of each preschool program shall be responsible for 40564
the following: 40565

(1) Ensuring that the health and safety of the children are 40566
safeguarded by an organized program of school health services 40567
designed to identify child health problems and to coordinate 40568
school and community health resources for children, as evidenced 40569
by but not limited to: 40570

(a) Requiring immunization and compliance with emergency 40571
medical authorization requirements in accordance with rules 40572
adopted by the state board of education under section 3301.53 of 40573

the Revised Code;	40574
(b) Providing procedures for emergency situations, including fire drills, rapid dismissals, tornado drills, and school safety drills in accordance with section 3737.73 of the Revised Code, and keeping records of such drills or dismissals;	40575 40576 40577 40578
(c) Posting emergency procedures in preschool rooms and making them available to school personnel, children, and parents;	40579 40580
(d) Posting emergency numbers by each telephone;	40581
(e) Supervising grounds, play areas, and other facilities when scheduled for use by children;	40582 40583
(f) Providing first-aid facilities and materials.	40584
(2) Maintaining cumulative records for each child;	40585
(3) Supervising each child's admission, placement, and withdrawal according to established procedures;	40586 40587
(4) Preparing at least once annually for each group of children in the program a roster of names and telephone numbers of parents, guardians, and custodians of children in the group and, on request, furnishing the roster for each group to the parents, guardians, and custodians of children in that group. The director may prepare a similar roster of all children in the program and, on request, make it available to the parents, guardians, and custodians, of children in the program. The director shall not include in either roster the name or telephone number of any parent, guardian, or custodian who requests that the parent's, guardian's, or custodian's name or number not be included, and shall not furnish any roster to any person other than a parent, guardian, or custodian of a child in the program.	40588 40589 40590 40591 40592 40593 40594 40595 40596 40597 40598 40599 40600
(5) Ensuring that clerical and custodial services are provided for the program;	40601 40602
(6) Supervising the instructional program and the daily	40603

operation of the program; 40604

(7) Supervising and evaluating preschool staff members 40605
according to a planned sequence of observations and evaluation 40606
conferences, and supervising nonteaching employees. 40607

(B)(1) In each program the maximum number of children per 40608
preschool staff member and the maximum group size by age category 40609
of children shall be as follows: 40610

	Maximum		
Age Group	Group	Staff Member/ Child Ratio	
Birth to less than 12 months	12	1:5, or 2:12 if two preschool staff members are in the room	40611 40612 40613 40614 40615 40616 40617
12 months to less than 18 months	12	1:6	40618
18 months to less than 30 months	14	1:7	40619
30 months to less than 3 years	16	1:8	40620
3-year-olds	24	1:12	40621
4- and 5-year-olds not in school	28	1:14	40622

(2) When age groups are combined, the maximum number of 40623
children per preschool staff member shall be determined by the age 40624
of the youngest child in the group, except that when no more than 40625
one child thirty months of age or older receives child care in a 40626
group in which all the other children are in the next older age 40627
group, the maximum number of children per child-care staff member 40628
and maximum group size requirements of the older age group 40629
established under division (B)(1) of this section shall apply. 40630

(3) In a room where children are napping, if all the children 40631
are at least eighteen months of age, the maximum number of 40632
children per preschool staff member shall, for a period not to 40633
exceed one and one-half hours in any twenty-four hour day, be 40634
twice the maximum number of children per preschool staff member 40635

established under division (B)(1) of this section if all the 40636
following criteria are met: 40637

(a) At least one preschool staff member is present in the 40638
room; 40639

(b) Sufficient preschool staff members are present on the 40640
preschool program premises to comply with division (B)(1) of this 40641
section; 40642

(c) Naptime preparations have been completed and the children 40643
are resting or napping. 40644

(4) Any accredited program that uses the Montessori method 40645
endorsed by the American Montessori society or the association 40646
Montessori internationale as its primary method of instruction and 40647
is licensed as a preschool program under section 3301.58 of the 40648
Revised Code may combine preschool children of ages three to five 40649
years old with children enrolled in kindergarten. Notwithstanding 40650
anything to the contrary in division (B)(2) of this section, when 40651
such age groups are combined, the maximum number of children per 40652
preschool staff member shall be twelve and the maximum group size 40653
shall be twenty-four children. 40654

(C) In each building in which a preschool program is operated 40655
there shall be on the premises, and readily available at all 40656
times, at least one employee who has completed a course in first 40657
aid and in the prevention, recognition, and management of 40658
communicable diseases which is approved by the state department of 40659
health, and an employee who has completed a course in child abuse 40660
recognition and prevention. 40661

(D) Any parent, guardian, or custodian of a child enrolled in 40662
a preschool program shall be permitted unlimited access to the 40663
school during its hours of operation to contact the parent's, 40664
guardian's, or custodian's child, evaluate the care provided by 40665
the program, or evaluate the premises, or for other purposes 40666

approved by the director. Upon entering the premises, the parent, guardian, or custodian shall report to the school office.

Sec. 3301.57. (A) For the purpose of improving programs, facilities, and implementation of the standards promulgated by the state board of education under section 3301.53 of the Revised Code, the state department of education shall provide consultation and technical assistance to school districts, county DD boards, community schools, and eligible nonpublic schools operating preschool programs or school child programs, and inservice training to preschool staff members, school child program staff members, and nonteaching employees.

(B) The department and the school district board of education, county DD board, community school, or eligible nonpublic school shall jointly monitor each preschool program and each school child program.

If the program receives any grant or other funding from the state or federal government, the department annually shall monitor all reports on attendance, financial support, and expenditures according to provisions for use of the funds.

(C) The department of education, at least once during every twelve-month period of operation of a preschool program or a licensed school child program, shall inspect the program and provide a written inspection report to the superintendent of the school district, county DD board, community school, or eligible nonpublic school. The department may inspect any program more than once, as considered necessary by the department, during any twelve-month period of operation. All inspections may be unannounced. No person shall interfere with any inspection conducted pursuant to this division or to the rules adopted pursuant to sections 3301.52 to 3301.59 of the Revised Code.

Upon receipt of any complaint that a preschool program or a

licensed school child program is out of compliance with the 40698
requirements in sections 3301.52 to 3301.59 of the Revised Code or 40699
the rules adopted under those sections, the department shall 40700
investigate and may inspect the program. 40701

(D) If a preschool program or a licensed school child program 40702
is determined to be out of compliance with the requirements of 40703
sections 3301.52 to 3301.59 of the Revised Code or the rules 40704
adopted under those sections, the department of education shall 40705
notify the appropriate superintendent, county DD board, community 40706
school, or eligible nonpublic school in writing regarding the 40707
nature of the violation, what must be done to correct the 40708
violation, and by what date the correction must be made. If the 40709
correction is not made by the date established by the department, 40710
it may commence action under Chapter 119. of the Revised Code to 40711
close the program or to revoke the license of the program. If a 40712
program does not comply with an order to cease operation issued in 40713
accordance with Chapter 119. of the Revised Code, the department 40714
shall notify the attorney general, the prosecuting attorney of the 40715
county in which the program is located, or the city attorney, 40716
village solicitor, or other chief legal officer of the municipal 40717
corporation in which the program is located that the program is 40718
operating in violation of sections 3301.52 to 3301.59 of the 40719
Revised Code or the rules adopted under those sections and in 40720
violation of an order to cease operation issued in accordance with 40721
Chapter 119. of the Revised Code. Upon receipt of the 40722
notification, the attorney general, prosecuting attorney, city 40723
attorney, village solicitor, or other chief legal officer shall 40724
file a complaint in the court of common pleas of the county in 40725
which the program is located requesting the court to issue an 40726
order enjoining the program from operating. The court shall grant 40727
the requested injunctive relief upon a showing that the program 40728
named in the complaint is operating in violation of sections 40729
3301.52 to 3301.59 of the Revised Code or the rules adopted under 40730

those sections and in violation of an order to cease operation 40731
issued in accordance with Chapter 119. of the Revised Code. 40732

(E) The department of education shall prepare an annual 40733
report on inspections conducted under this section. The report 40734
shall include the number of inspections conducted, the number and 40735
types of violations found, and the steps taken to address the 40736
violations. The department shall file the report with the 40737
governor, the president and minority leader of the senate, and the 40738
speaker and minority leader of the house of representatives on or 40739
before the first day of January of each year, beginning in 1999. 40740

Sec. 3301.58. (A) The department of education is responsible 40741
for the licensing of preschool programs and school child programs 40742
and for the enforcement of sections 3301.52 to 3301.59 of the 40743
Revised Code and of any rules adopted under those sections. No 40744
school district board of education, county DD board, community 40745
school, or eligible nonpublic school shall operate, establish, 40746
manage, conduct, or maintain a preschool program without a license 40747
issued under this section. A school district board of education, 40748
county DD board, community school, or eligible nonpublic school 40749
may obtain a license under this section for a school child 40750
program. The school district board of education, county DD board, 40751
community school, or eligible nonpublic school shall post the 40752
license for each preschool program and licensed school child 40753
program it operates, establishes, manages, conducts, or maintains 40754
in a conspicuous place in the preschool program or licensed school 40755
child program that is accessible to parents, custodians, or 40756
guardians and employees and staff members of the program at all 40757
times when the program is in operation. 40758

(B) Any school district board of education, county DD board, 40759
community school, or eligible nonpublic school that desires to 40760
operate, establish, manage, conduct, or maintain a preschool 40761

program shall apply to the department of education for a license 40762
on a form that the department shall prescribe by rule. Any school 40763
district board of education, county DD board, community school, or 40764
eligible nonpublic school that desires to obtain a license for a 40765
school child program shall apply to the department for a license 40766
on a form that the department shall prescribe by rule. The 40767
department shall provide at no charge to each applicant for a 40768
license under this section a copy of the requirements under 40769
sections 3301.52 to 3301.59 of the Revised Code and any rules 40770
adopted under those sections. The department may establish 40771
application fees by rule adopted under Chapter 119. of the Revised 40772
Code, and all applicants for a license shall pay any fee 40773
established by the department at the time of making an application 40774
for a license. All fees collected pursuant to this section shall 40775
be paid into the state treasury to the credit of the general 40776
revenue fund. 40777

(C) Upon the filing of an application for a license, the 40778
department of education shall investigate and inspect the 40779
preschool program or school child program to determine the license 40780
capacity for each age category of children of the program and to 40781
determine whether the program complies with sections 3301.52 to 40782
3301.59 of the Revised Code and any rules adopted under those 40783
sections. When, after investigation and inspection, the department 40784
of education is satisfied that sections 3301.52 to 3301.59 of the 40785
Revised Code and any rules adopted under those sections are 40786
complied with by the applicant, the department of education shall 40787
issue the program a provisional license as soon as practicable in 40788
the form and manner prescribed by the rules of the department. The 40789
provisional license shall be valid for one year from the date of 40790
issuance unless revoked. 40791

(D) The department of education shall investigate and inspect 40792
a preschool program or school child program that has been issued a 40793

provisional license at least once during operation under the 40794
provisional license. If, after the investigation and inspection, 40795
the department of education determines that the requirements of 40796
sections 3301.52 to 3301.59 of the Revised Code and any rules 40797
adopted under those sections are met by the provisional licensee, 40798
the department of education shall issue the program a license. The 40799
license shall remain valid unless revoked or the program ceases 40800
operations. 40801

(E) The department of education annually shall investigate 40802
and inspect each preschool program or school child program 40803
licensed under division (D) of this section to determine if the 40804
requirements of sections 3301.52 to 3301.59 of the Revised Code 40805
and any rules adopted under those sections are met by the program, 40806
and shall notify the program of the results. 40807

(F) The license or provisional license shall state the name 40808
of the school district board of education, county DD board, 40809
community school, or eligible nonpublic school that operates the 40810
preschool program or school child program and the license capacity 40811
of the program. 40812

(G) The department of education may revoke the license of any 40813
preschool program or school child program that is not in 40814
compliance with the requirements of sections 3301.52 to 3301.59 of 40815
the Revised Code and any rules adopted under those sections. 40816

(H) If the department of education revokes a license, the 40817
department shall not issue a license to the program within two 40818
years from the date of the revocation. All actions of the 40819
department with respect to licensing preschool programs and school 40820
child programs shall be in accordance with Chapter 119. of the 40821
Revised Code. 40822

Sec. 3302.02. Not later than one year after the adoption of 40823
rules under division (D) of section 3301.0712 of the Revised Code 40824

and at least every sixth year thereafter, upon recommendations of 40825
the superintendent of public instruction, the state board of 40826
education shall establish a set of performance indicators that 40827
considered as a unit will be used as one of the performance 40828
categories for the report cards required by section 3302.03 of the 40829
Revised Code. In establishing these indicators, the superintendent 40830
shall consider inclusion of student performance on assessments 40831
prescribed under section 3301.0710 or 3301.0712 of the Revised 40832
Code, rates of student improvement on such assessments, the 40833
breadth of coursework available within the district, and other 40834
indicators of student success. 40835

Beginning with the report card for the 2014-2015 school year, 40836
the performance indicators shall include an indicator that 40837
reflects the level of services provided to, and the performance 40838
of, students identified as gifted under Chapter 3324. of the 40839
Revised Code. The indicator shall include the performance of 40840
students identified as gifted on state assessments and value-added 40841
growth measure disaggregated for students identified as gifted. 40842

For the 2013-2014 school year, except as otherwise provided 40843
in this section, for any indicator based on the percentage of 40844
students attaining a proficient score on the assessments 40845
prescribed by divisions (A) and (B)(1) of section 3301.0710 of the 40846
Revised Code, a school district or building shall be considered to 40847
have met the indicator if at least eighty per cent of the tested 40848
students attain a score of proficient or higher on the assessment. 40849
A school district or building shall be considered to have met the 40850
indicator for the assessments prescribed by division (B)(1) of 40851
section 3301.0710 of the Revised Code and only as administered to 40852
eleventh grade students, if at least eighty-five per cent of the 40853
tested students attain a score of proficient or higher on the 40854
assessment. ~~Not later than July 1, 2014, the~~ 40855

The state board ~~may~~ shall adopt rules, under Chapter 119. of 40856

the Revised Code, to establish ~~different~~ proficiency percentages 40857
to meet each indicator that is based on a state assessment, 40858
prescribed under section 3301.0710 or 3301.0712 of the Revised 40859
Code, for the 2014-2015 school year and thereafter by the 40860
following dates: 40861

(A) Not later than December 31, 2015, for the 2014-2015 40862
school year; 40863

(B) Not later than July 1, 2016, for the 2015-2016 school 40864
year; 40865

(C) Not later than July 1, 2017, for the 2016-2017 school 40866
year, and for each school year thereafter. 40867

~~The superintendent shall not establish any performance~~ 40868
~~indicator for passage of the third or fourth grade English~~ 40869
~~language arts assessment that is solely based on the assessment~~ 40870
~~given in the fall for the purpose of determining whether students~~ 40871
~~have met the reading guarantee provisions of section 3313.608 of~~ 40872
~~the Revised Code.~~ 40873

Sec. 3302.03. Annually, not later than the fifteenth day of 40874
September or the preceding Friday when that day falls on a 40875
Saturday or Sunday, the department of education shall assign a 40876
letter grade for overall academic performance and for each 40877
separate performance measure for each school district, and each 40878
school building in a district, in accordance with this section. 40879
The state board shall adopt rules pursuant to Chapter 119. of the 40880
Revised Code to establish performance criteria for each letter 40881
grade and prescribe a method by which the department assigns each 40882
letter grade. For a school building to which any of the 40883
performance measures do not apply, due to grade levels served by 40884
the building, the state board shall designate the performance 40885
measures that are applicable to the building and that must be 40886
calculated separately and used to calculate the building's overall 40887

grade. The department shall issue annual report cards reflecting 40888
the performance of each school district, each building within each 40889
district, and for the state as a whole using the performance 40890
measures and letter grade system described in this section. The 40891
department shall include on the report card for each district and 40892
each building within each district the most recent two-year trend 40893
data in student achievement for each subject and each grade. 40894

(A)(1) For the 2012-2013 school year, the department shall 40895
issue grades as described in division (E) of this section for each 40896
of the following performance measures: 40897

(a) Annual measurable objectives; 40898

(b) Performance index score for a school district or 40899
building. Grades shall be awarded as a percentage of the total 40900
possible points on the performance index system as adopted by the 40901
state board. In adopting benchmarks for assigning letter grades 40902
under division (A)(1)(b) of this section, the state board of 40903
education shall designate ninety per cent or higher for an "A," at 40904
least seventy per cent but not more than eighty per cent for a 40905
"C," and less than fifty per cent for an "F." 40906

(c) The extent to which the school district or building meets 40907
each of the applicable performance indicators established by the 40908
state board under section 3302.02 of the Revised Code and the 40909
percentage of applicable performance indicators that have been 40910
achieved. In adopting benchmarks for assigning letter grades under 40911
division (A)(1)(c) of this section, the state board shall 40912
designate ninety per cent or higher for an "A." 40913

(d) The four- and five-year adjusted cohort graduation rates. 40914

In adopting benchmarks for assigning letter grades under 40915
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 40916
department shall designate a four-year adjusted cohort graduation 40917
rate of ninety-three per cent or higher for an "A" and a five-year 40918

cohort graduation rate of ninety-five per cent or higher for an 40919
"A." 40920

(e) The overall score under the value-added progress 40921
dimension of a school district or building, for which the 40922
department shall use up to three years of value-added data as 40923
available. The letter grade assigned for this growth measure shall 40924
be as follows: 40925

(i) A score that is at least two standard errors of measure 40926
above the mean score shall be designated as an "A." 40927

(ii) A score that is at least one standard error of measure 40928
but less than two standard errors of measure above the mean score 40929
shall be designated as a "B." 40930

(iii) A score that is less than one standard error of measure 40931
above the mean score but greater than or equal to one standard 40932
error of measure below the mean score shall be designated as a 40933
"C." 40934

(iv) A score that is not greater than one standard error of 40935
measure below the mean score but is greater than or equal to two 40936
standard errors of measure below the mean score shall be 40937
designated as a "D." 40938

(v) A score that is not greater than two standard errors of 40939
measure below the mean score shall be designated as an "F." 40940

Whenever the value-added progress dimension is used as a 40941
graded performance measure, whether as an overall measure or as a 40942
measure of separate subgroups, the grades for the measure shall be 40943
calculated in the same manner as prescribed in division (A)(1)(e) 40944
of this section. 40945

(f) The value-added progress dimension score for a school 40946
district or building disaggregated for each of the following 40947
subgroups: students identified as gifted, students with 40948

disabilities, and students whose performance places them in the 40949
lowest quintile for achievement on a statewide basis. Each 40950
subgroup shall be a separate graded measure. 40951

(2) Not later than April 30, 2013, the state board of 40952
education shall adopt a resolution describing the performance 40953
measures, benchmarks, and grading system for the 2012-2013 school 40954
year and, not later than June 30, 2013, shall adopt rules in 40955
accordance with Chapter 119. of the Revised Code that prescribe 40956
the methods by which the performance measures under division 40957
(A)(1) of this section shall be assessed and assigned a letter 40958
grade, including performance benchmarks for each letter grade. 40959

At least forty-five days prior to the state board's adoption 40960
of rules to prescribe the methods by which the performance 40961
measures under division (A)(1) of this section shall be assessed 40962
and assigned a letter grade, the department shall conduct a public 40963
presentation before the standing committees of the house of 40964
representatives and the senate that consider education legislation 40965
describing such methods, including performance benchmarks. 40966

(3) There shall not be an overall letter grade for a school 40967
district or building for the 2012-2013 school year. 40968

(B)(1) For the 2013-2014 and 2014-2015 school ~~year~~ years, the 40969
department shall issue grades as described in division (E) of this 40970
section for each of the following performance measures: 40971

(a) Annual measurable objectives; 40972

(b) Performance index score for a school district or 40973
building. Grades shall be awarded as a percentage of the total 40974
possible points on the performance index system as created by the 40975
department. In adopting benchmarks for assigning letter grades 40976
under division (B)(1)(b) of this section, the state board shall 40977
designate ninety per cent or higher for an "A," at least seventy 40978
per cent but not more than eighty per cent for a "C," and less 40979

than fifty per cent for an "F." 40980

(c) The extent to which the school district or building meets 40981
each of the applicable performance indicators established by the 40982
state board under section 3302.03 of the Revised Code and the 40983
percentage of applicable performance indicators that have been 40984
achieved. In adopting benchmarks for assigning letter grades under 40985
division (B)(1)(c) of this section, the state board shall 40986
designate ninety per cent or higher for an "A." 40987

(d) The four- and five-year adjusted cohort graduation rates; 40988

(e) The overall score under the value-added progress 40989
dimension of a school district or building, for which the 40990
department shall use up to three years of value-added data as 40991
available. 40992

(f) The value-added progress dimension score for a school 40993
district or building disaggregated for each of the following 40994
subgroups: students identified as gifted in superior cognitive 40995
ability and specific academic ability fields under Chapter 3324. 40996
of the Revised Code, students with disabilities, and students 40997
whose performance places them in the lowest quintile for 40998
achievement on a statewide basis. Each subgroup shall be a 40999
separate graded measure. 41000

(g) Whether a school district or building is making progress 41001
in improving literacy in grades kindergarten through three, as 41002
determined using a method prescribed by the state board. The state 41003
board shall adopt rules to prescribe benchmarks and standards for 41004
assigning grades to districts and buildings for purposes of 41005
division (B)(1)(g) of this section. In adopting benchmarks for 41006
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 41007
this section, the state board shall determine progress made based 41008
on the reduction in the total percentage of students scoring below 41009
grade level, or below proficient, compared from year to year on 41010

the reading and writing diagnostic assessments administered under 41011
section 3301.0715 of the Revised Code and the third grade English 41012
language arts assessment under section 3301.0710 of the Revised 41013
Code, as applicable. The state board shall designate for a "C" 41014
grade a value that is not lower than the statewide average value 41015
for this measure. No grade shall be issued under divisions 41016
(B)(1)(g) and (C)(1)(g) of this section for a district or building 41017
in which less than five per cent of students have scored below 41018
grade level on the diagnostic assessment administered to students 41019
in kindergarten under division (B)(1) of section 3313.608 of the 41020
Revised Code. 41021

(h) For a high mobility school district or building, an 41022
additional value-added progress dimension score. For this measure, 41023
the department shall use value-added data from the most recent 41024
school year available and shall use assessment scores for only 41025
those students to whom the district or building has administered 41026
the assessments prescribed by section 3301.0710 of the Revised 41027
Code for each of the two most recent consecutive school years. 41028

As used in this division, "high mobility school district or 41029
building" means a school district or building where at least 41030
twenty-five per cent of its total enrollment is made up of 41031
students who have attended that school district or building for 41032
less than one year. 41033

(2) In addition to the graded measures in division (B)(1) of 41034
this section, the department shall include on a school district's 41035
or building's report card all of the following without an assigned 41036
letter grade: 41037

(a) The percentage of students enrolled in a district or 41038
building participating in advanced placement classes and the 41039
percentage of those students who received a score of three or 41040
better on advanced placement examinations; 41041

(b) The number of a district's or building's students who 41042
have earned at least three college credits through dual enrollment 41043
or advanced standing programs, such as the post-secondary 41044
enrollment options program under Chapter 3365. of the Revised Code 41045
and state-approved career-technical courses offered through dual 41046
enrollment or statewide articulation, that appear on a student's 41047
transcript or other official document, either of which is issued 41048
by the institution of higher education from which the student 41049
earned the college credit. The credits earned that are reported 41050
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 41051
include any that are remedial or developmental and shall include 41052
those that count toward the curriculum requirements established 41053
for completion of a degree. 41054

(c) The percentage of students enrolled in a district or 41055
building who have taken a national standardized test used for 41056
college admission determinations and the percentage of those 41057
students who are determined to be remediation-free in accordance 41058
with standards adopted under division (F) of section 3345.061 of 41059
the Revised Code; 41060

(d) The percentage of the district's or the building's 41061
students who receive industry-recognized credentials. The state 41062
board shall adopt criteria for acceptable industry-recognized 41063
credentials. 41064

(e) The percentage of students enrolled in a district or 41065
building who are participating in an international baccalaureate 41066
program and the percentage of those students who receive a score 41067
of four or better on the international baccalaureate examinations. 41068

(f) The percentage of the district's or building's students 41069
who receive an honors diploma under division (B) of section 41070
3313.61 of the Revised Code. 41071

(3) Not later than December 31, 2013, the state board shall 41072

adopt rules in accordance with Chapter 119. of the Revised Code 41073
that prescribe the methods by which the performance measures under 41074
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 41075
and assigned a letter grade, including performance benchmarks for 41076
each grade. 41077

At least forty-five days prior to the state board's adoption 41078
of rules to prescribe the methods by which the performance 41079
measures under division (B)(1) of this section shall be assessed 41080
and assigned a letter grade, the department shall conduct a public 41081
presentation before the standing committees of the house of 41082
representatives and the senate that consider education legislation 41083
describing such methods, including performance benchmarks. 41084

(4) There shall not be an overall letter grade for a school 41085
district or building for the 2013-2014, 2014-2015, and 2015-2016 41086
school ~~year~~ years. 41087

(C)(1) For the ~~2014-2015~~ 2016-2017 school year and each 41088
school year thereafter, the department shall issue grades as 41089
described in division (E) of this section for each of the 41090
performance measures prescribed in division (C)(1) of this section 41091
and an overall letter grade based on an aggregate of those 41092
measures, except for the performance measure set forth in division 41093
(C)(1)(h) of this section. The graded measures are as follows: 41094

(a) Annual measurable objectives; 41095

(b) Performance index score for a school district or 41096
building. Grades shall be awarded as a percentage of the total 41097
possible points on the performance index system as created by the 41098
department. In adopting benchmarks for assigning letter grades 41099
under division (C)(1)(b) of this section, the state board shall 41100
designate ninety per cent or higher for an "A," at least seventy 41101
per cent but not more than eighty per cent for a "C," and less 41102
than fifty per cent for an "F." 41103

(c) The extent to which the school district or building meets 41104
each of the applicable performance indicators established by the 41105
state board under section 3302.03 of the Revised Code and the 41106
percentage of applicable performance indicators that have been 41107
achieved. In adopting benchmarks for assigning letter grades under 41108
division (C)(1)(c) of this section, the state board shall 41109
designate ninety per cent or higher for an "A." 41110

(d) The four- and five-year adjusted cohort graduation rates; 41111

(e) The overall score under the value-added progress 41112
dimension, or another measure of student academic progress if 41113
adopted by the state board, of a school district or building, for 41114
which the department shall use up to three years of value-added 41115
data as available. 41116

In adopting benchmarks for assigning letter grades for 41117
overall score on value-added progress dimension under division 41118
(C)(1)(e) of this section, the state board shall prohibit the 41119
assigning of a grade of "A" for that measure unless the district's 41120
or building's grade assigned for value-added progress dimension 41121
for all subgroups under division (C)(1)(f) of this section is a 41122
"B" or higher. 41123

For the metric prescribed by division (C)(1)(e) of this 41124
section, the state board may adopt a student academic progress 41125
measure to be used instead of the value-added progress dimension. 41126
If the state board adopts such a measure, it also shall prescribe 41127
a method for assigning letter grades for the new measure that is 41128
comparable to the method prescribed in division (A)(1)(e) of this 41129
section. 41130

(f) The value-added progress dimension score of a school 41131
district or building disaggregated for each of the following 41132
subgroups: students identified as gifted in superior cognitive 41133
ability and specific academic ability fields under Chapter 3324. 41134

of the Revised Code, students with disabilities, and students 41135
whose performance places them in the lowest quintile for 41136
achievement on a statewide basis, as determined by a method 41137
prescribed by the state board. Each subgroup shall be a separate 41138
graded measure. 41139

The state board may adopt student academic progress measures 41140
to be used instead of the value-added progress dimension. If the 41141
state board adopts such measures, it also shall prescribe a method 41142
for assigning letter grades for the new measures that is 41143
comparable to the method prescribed in division (A)(1)(e) of this 41144
section. 41145

(g) Whether a school district or building is making progress 41146
in improving literacy in grades kindergarten through three, as 41147
determined using a method prescribed by the state board. The state 41148
board shall adopt rules to prescribe benchmarks and standards for 41149
assigning grades to a district or building for purposes of 41150
division (C)(1)(g) of this section. The state board shall 41151
designate for a "C" grade a value that is not lower than the 41152
statewide average value for this measure. No grade shall be issued 41153
under division (C)(1)(g) of this section for a district or 41154
building in which less than five per cent of students have scored 41155
below grade level on the kindergarten diagnostic assessment under 41156
division (B)(1) of section 3313.608 of the Revised Code. 41157

(h) For a high mobility school district or building, an 41158
additional value-added progress dimension score. For this measure, 41159
the department shall use value-added data from the most recent 41160
school year available and shall use assessment scores for only 41161
those students to whom the district or building has administered 41162
the assessments prescribed by section 3301.0710 of the Revised 41163
Code for each of the two most recent consecutive school years. 41164

As used in this division, "high mobility school district or 41165
building" means a school district or building where at least 41166

twenty-five per cent of its total enrollment is made up of 41167
students who have attended that school district or building for 41168
less than one year. 41169

(2) In addition to the graded measures in division (C)(1) of 41170
this section, the department shall include on a school district's 41171
or building's report card all of the following without an assigned 41172
letter grade: 41173

(a) The percentage of students enrolled in a district or 41174
building who have taken a national standardized test used for 41175
college admission determinations and the percentage of those 41176
students who are determined to be remediation-free in accordance 41177
with the standards adopted under division (F) of section 3345.061 41178
of the Revised Code; 41179

(b) The percentage of students enrolled in a district or 41180
building participating in advanced placement classes and the 41181
percentage of those students who received a score of three or 41182
better on advanced placement examinations; 41183

(c) The percentage of a district's or building's students who 41184
have earned at least three college credits through advanced 41185
standing programs, such as the college credit plus program under 41186
Chapter 3365. of the Revised Code and state-approved 41187
career-technical courses offered through dual enrollment or 41188
statewide articulation, that appear on a student's college 41189
transcript issued by the institution of higher education from 41190
which the student earned the college credit. The credits earned 41191
that are reported under divisions (B)(2)(b) and (C)(2)(c) of this 41192
section shall not include any that are remedial or developmental 41193
and shall include those that count toward the curriculum 41194
requirements established for completion of a degree. 41195

(d) The percentage of the district's or building's students 41196
who receive an honor's diploma under division (B) of section 41197

3313.61 of the Revised Code;	41198
(e) The percentage of the district's or building's students who receive industry-recognized credentials;	41199 41200
(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;	41201 41202 41203 41204
(g) The results of the college and career-ready assessments administered under division (B)(1) of section 3301.0712 of the Revised Code.	41205 41206 41207
(3) The state board shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a method to assign an overall grade for a school district or school building for the 2014-2015 school year and each school year thereafter. The rules shall group the performance measures in divisions (C)(1) and (2) of this section into the following components:	41208 41209 41210 41211 41212 41213
(a) Gap closing, which shall include the performance measure in division (C)(1)(a) of this section;	41214 41215
(b) Achievement, which shall include the performance measures in divisions (C)(1)(b) and (c) of this section;	41216 41217
(c) Progress, which shall include the performance measures in divisions (C)(1)(e) and (f) of this section;	41218 41219
(d) Graduation, which shall include the performance measure in division (C)(1)(d) of this section;	41220 41221
(e) Kindergarten through third-grade literacy, which shall include the performance measure in division (C)(1)(g) of this section;	41222 41223 41224
(f) Prepared for success, which shall include the performance measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of this section. The state board shall develop a method to determine	41225 41226 41227

a grade for the component in division (C)(3)(f) of this section 41228
using the performance measures in divisions (C)(2)(a), (b), (c), 41229
(d), (e), and (f) of this section. When available, the state board 41230
may incorporate the performance measure under division (C)(2)(g) 41231
of this section into the component under division (C)(3)(f) of 41232
this section. When determining the overall grade for the prepared 41233
for success component prescribed by division (C)(3)(f) of this 41234
section, no individual student shall be counted in more than one 41235
performance measure. However, if a student qualifies for more than 41236
one performance measure in the component, the state board may, in 41237
its method to determine a grade for the component, specify an 41238
additional weight for such a student that is not greater than or 41239
equal to 1.0. In determining the overall score under division 41240
(C)(3)(f) of this section, the state board shall ensure that the 41241
pool of students included in the performance measures aggregated 41242
under that division are all of the students included in the four- 41243
and five-year adjusted graduation cohort. 41244

In the rules adopted under division (C)(3) of this section, 41245
the state board shall adopt a method for determining a grade for 41246
each component in divisions (C)(3)(a) to (f) of this section. The 41247
state board also shall establish a method to assign an overall 41248
grade of "A," "B," "C," "D," or "F" using the grades assigned for 41249
each component. The method the state board adopts for assigning an 41250
overall grade shall give equal weight to the components in 41251
divisions (C)(3)(b) and (c) of this section. 41252

At least forty-five days prior to the state board's adoption 41253
of rules to prescribe the methods for calculating the overall 41254
grade for the report card, as required by this division, the 41255
department shall conduct a public presentation before the standing 41256
committees of the house of representatives and the senate that 41257
consider education legislation describing the format for the 41258
report card, weights that will be assigned to the components of 41259

the overall grade, and the method for calculating the overall 41260
grade. 41261

(D) ~~Not later~~ On or after than July 1, 2015, the state board 41262
~~shall~~ may develop a measure of student academic progress for high 41263
school students using only data from assessments in English 41264
language arts and mathematics. ~~For the 2014-2015 school year, the~~ 41265
~~department shall include this measure on a school district or~~ 41266
~~building's report card, as applicable, without an assigned letter~~ 41267
~~grade. Beginning with the report card for the 2015-2016 school~~ 41268
~~year~~ If the state board develops this measure, each school 41269
district and applicable school building shall be assigned a 41270
separate letter grade for ~~this measure and the~~ if not sooner than 41271
the 2017-2018 school year. The district's or building's grade for 41272
that measure shall not be included in determining the district's 41273
or building's overall letter grade. ~~This measure shall be included~~ 41274
~~within the measure prescribed in division (C)(3)(c) of this~~ 41275
~~section in the calculation for the overall letter grade.~~ 41276

(E) The letter grades assigned to a school district or 41277
building under this section shall be as follows: 41278

(1) "A" for a district or school making excellent progress; 41279

(2) "B" for a district or school making above average 41280
progress; 41281

(3) "C" for a district or school making average progress; 41282

(4) "D" for a district or school making below average 41283
progress; 41284

(5) "F" for a district or school failing to meet minimum 41285
progress. 41286

(F) When reporting data on student achievement and progress, 41287
the department shall disaggregate that data according to the 41288
following categories: 41289

(1) Performance of students by grade-level;	41290
(2) Performance of students by race and ethnic group;	41291
(3) Performance of students by gender;	41292
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	41293 41294
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	41295 41296 41297
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	41298 41299
(7) Performance of students grouped by those who are economically disadvantaged;	41300 41301
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	41302 41303 41304
(9) Performance of students grouped by those who are classified as limited English proficient;	41305 41306
(10) Performance of students grouped by those who have disabilities;	41307 41308
(11) Performance of students grouped by those who are classified as migrants;	41309 41310
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	41311 41312 41313 41314 41315 41316 41317 41318 41319

(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.

The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (F)(1) to (13) of this section that it deems relevant.

In reporting data pursuant to division (F) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division (F) of this section that contains less than ten students. If the department does not report student performance data for a group because it contains less than ten students, the department shall indicate on the report card that is why data was not reported.

(G) The department may include with the report cards any additional education and fiscal performance data it deems valuable.

(H) The department shall include on each report card a list of additional information collected by the department that is available regarding the district or building for which the report card is issued. When available, such additional information shall include student mobility data disaggregated by race and socioeconomic status, college enrollment data, and the reports prepared under section 3302.031 of the Revised Code.

The department shall maintain a site on the world wide web. The report card shall include the address of the site and shall

specify that such additional information is available to the public at that site. The department shall also provide a copy of each item on the list to the superintendent of each school district. The district superintendent shall provide a copy of any item on the list to anyone who requests it.

(I) Division (I) of this section does not apply to conversion community schools that primarily enroll students between sixteen and twenty-two years of age who dropped out of high school or are at risk of dropping out of high school due to poor attendance, disciplinary problems, or suspensions.

(1) For any district that sponsors a conversion community school under Chapter 3314. of the Revised Code, the department shall combine data regarding the academic performance of students enrolled in the community school with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the report card issued for the district under this section or section 3302.033 of the Revised Code.

(2) Any district that leases a building to a community school located in the district or that enters into an agreement with a community school located in the district whereby the district and the school endorse each other's programs may elect to have data regarding the academic performance of students enrolled in the community school combined with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the district report card. Any district that so elects shall annually file a copy of the lease or agreement with the department.

(3) Any municipal school district, as defined in section 3311.71 of the Revised Code, that sponsors a community school located within the district's territory, or that enters into an agreement with a community school located within the district's

territory whereby the district and the community school endorse 41383
each other's programs, may exercise either or both of the 41384
following elections: 41385

(a) To have data regarding the academic performance of 41386
students enrolled in that community school combined with 41387
comparable data from the schools of the district for the purpose 41388
of determining the performance of the district as a whole on the 41389
district's report card; 41390

(b) To have the number of students attending that community 41391
school noted separately on the district's report card. 41392

The election authorized under division (I)(3)(a) of this 41393
section is subject to approval by the governing authority of the 41394
community school. 41395

Any municipal school district that exercises an election to 41396
combine or include data under division (I)(3) of this section, by 41397
the first day of October of each year, shall file with the 41398
department documentation indicating eligibility for that election, 41399
as required by the department. 41400

(J) The department shall include on each report card the 41401
percentage of teachers in the district or building who are highly 41402
qualified, as defined by the No Child Left Behind Act of 2001, and 41403
a comparison of that percentage with the percentages of such 41404
teachers in similar districts and buildings. 41405

(K)(1) In calculating English language arts, mathematics, 41406
social studies, or science assessment passage rates used to 41407
determine school district or building performance under this 41408
section, the department shall include all students taking an 41409
assessment with accommodation or to whom an alternate assessment 41410
is administered pursuant to division (C)(1) or (3) of section 41411
3301.0711 of the Revised Code. 41412

(2) In calculating performance index scores, rates of 41413

achievement on the performance indicators established by the state 41414
board under section 3302.02 of the Revised Code, and annual 41415
measurable objectives for determining adequate yearly progress for 41416
school districts and buildings under this section, the department 41417
shall do all of the following: 41418

(a) Include for each district or building only those students 41419
who are included in the ADM certified for the first full school 41420
week of October and are continuously enrolled in the district or 41421
building through the time of the spring administration of any 41422
assessment prescribed by division (A)(1) or (B)(1) of section 41423
3301.0710 or division (B) of section 3301.0712 of the Revised Code 41424
that is administered to the student's grade level; 41425

(b) Include cumulative totals from both the fall and spring 41426
administrations of the third grade English language arts 41427
achievement assessment; 41428

(c) Except as required by the No Child Left Behind Act of 41429
2001, exclude for each district or building any limited English 41430
proficient student who has been enrolled in United States schools 41431
for less than one full school year. 41432

(L) Beginning with the 2015-2016 school year and at least 41433
once every three years thereafter, the state board of education 41434
shall review and may adjust the benchmarks for assigning letter 41435
grades to the performance measures and components prescribed under 41436
divisions (C)(3) and (D) of this section. 41437

Sec. 3302.036. (A) Notwithstanding anything in the Revised 41438
Code to the contrary, the department of education shall not assign 41439
an overall letter grade under division (C)(3) of section 3302.03 41440
of the Revised Code for any school district or building for the 41441
2014-2015, 2015-2016, or 2016-2017 school ~~year~~ years, may, at the 41442
discretion of the state board of education, not assign an 41443
individual grade to any component prescribed under division (C)(3) 41444

of section 3302.03 of the Revised Code, and shall not rank school 41445
districts, community schools established under Chapter 3314. of 41446
the Revised Code, or STEM schools established under Chapter 3326. 41447
of the Revised Code under section 3302.21 of the Revised Code for 41448
~~that~~ those school ~~year~~ years. The report card ratings issued for 41449
the 2014-2015, 2015-2016, or 2016-2017 school ~~year~~ years shall not 41450
be considered in determining whether a school district or a school 41451
is subject to sanctions or penalties. However, the report card 41452
ratings of any previous or subsequent years shall be considered in 41453
determining whether a school district or building is subject to 41454
sanctions or penalties. Accordingly, the report card ratings for 41455
the 2014-2015, 2015-2016, or 2016-2017 school ~~year~~ years shall 41456
have no effect in determining sanctions or penalties, but shall 41457
not create a new starting point for determinations that are based 41458
on ratings over multiple years. 41459

(B) The provisions from which a district or school is exempt 41460
under division (A) of this section shall be the following: 41461

(1) Any restructuring provisions established under this 41462
chapter, except as required under the "No Child Left Behind Act of 41463
2001"; 41464

(2) Provisions for the Columbus city school pilot project 41465
under section 3302.042 of the Revised Code; 41466

(3) Provisions for academic distress commissions under 41467
section 3302.10 of the Revised Code; 41468

(4) Provisions prescribing new buildings where students are 41469
eligible for the educational choice scholarships under section 41470
3310.03 of the Revised Code; 41471

(5) Provisions defining "challenged school districts" in 41472
which new start-up community schools may be located, as prescribed 41473
in section 3314.02 of the Revised Code; 41474

(6) Provisions prescribing community school closure requirements under section 3314.35 or 3314.351 of the Revised Code. 41475
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(C) Notwithstanding anything in the Revised Code to the contrary and except as provided in Section 3 of H.B. 7 of the 131st general assembly, no school district, community school, or STEM school shall utilize at any time during a student's academic career a student's score on any assessment administered under division (A) of section 3301.0710 or division (B)(2) of section 3301.0712 of the Revised Code in the 2014-2015, 2015-2016, or 2016-2017 school year as a factor in any decision to promote or to deny the student promotion to a higher grade level or in any decision to grant course credit. No individual student score reports on such assessments administered in the 2014-2015, 2015-2016, or 2016-2017 school ~~year~~ years shall be released, except to a student's school district or school or to the student or the student's parent or guardian. 41478
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Sec. 3302.05. The state board of education shall adopt rules freeing school districts from specified state mandates if one of the following applies: 41492
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(A) For the 2011-2012 school year, the school district was declared to be excellent under section 3302.03 of the Revised Code, as that section existed prior to ~~the effective date of this section~~ March 22, 2013, and had above expected growth in the overall value-added measure. 41495
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(B) For the 2012-2013 school year, the school district received a grade of "A" for the number of performance indicators met under division (A)(1)(c) of section 3302.03 of the Revised Code and for the value-added dimension under division (A)(1)(e) of section 3302.03 of the Revised Code. 41500
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(C) For the 2013-2014, 2014-2015, or 2015-2016 school year, 41505

the school district received a grade of "A" for the number of 41506
performance indicators met under division (B)(1)(c) of section 41507
3302.03 of the Revised Code and for the value-added dimension 41508
under division (B)(1)(e) of section 3302.03 of the Revised Code. 41509

(D) For the ~~2014-2015~~ 2016-2017 school year and for each 41510
school year thereafter, the school district received an overall 41511
grade of "A" under division (C)(3) of section 3302.03 of the 41512
Revised Code. 41513

Any mandates included in the rules shall be only those 41514
statutes or rules pertaining to state education requirements. The 41515
rules shall not exempt districts from any operating standard 41516
adopted under division (D)(3) of section 3301.07 of the Revised 41517
Code. 41518

Sec. 3302.15. (A) Notwithstanding anything to the contrary in 41519
Chapter 3301. or 3302. of the Revised Code, the board of education 41520
of a school district, governing authority of a community school 41521
established under Chapter 3314. of the Revised Code, or governing 41522
body of a STEM school established under Chapter 3326. of the 41523
Revised Code may submit to the superintendent of public 41524
instruction, during the 2015-2016 school year, a request for a 41525
waiver for up to five school years from administering the state 41526
achievement assessments required under sections 3301.0710 and 41527
3301.0712 of the Revised Code and related requirements specified 41528
under division ~~(C)~~(B)(2) of this section. A district or school 41529
that obtains a waiver under this section shall use the alternative 41530
assessment system, as proposed by the district or school and as 41531
approved by the state superintendent, in place of the assessments 41532
required under sections 3301.0710 and 3301.0712 of the Revised 41533
Code. 41534

(B) ~~To be eligible to submit a request for a waiver under~~ 41535
~~this section, a school district shall be a member of the Ohio~~ 41536

innovation lab network.	41537
(1) A request for a waiver under this section shall contain the following:	41538
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(a) A timeline to develop and implement an alternative assessment system for the school district <u>or school</u> ;	41540
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(b) An overview of the proposed <u>innovative</u> educational programs or strategies to be offered by the school district <u>or school</u> ;	41542
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(c) An overview of the proposed alternative assessment system, including links to state accepted and nationally accepted metrics, assessments, and evaluations;	41545
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(d) An overview of planning details that have been implemented or proposed and any documented support from educational networks, established educational consultants, state institutions of higher education as defined under section 3345.011 of the Revised Code, and employers or workforce development partners;	41548
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(e) An overview of the capacity to implement the alternative assessments, conduct the evaluation of teachers with alternative assessments, and the reporting of student achievement data with alternative assessments for the purpose of the report card ratings prescribed under section 3302.03 of the Revised Code, all of which shall include any prior success in implementing innovative educational programs or strategies, teaching practices, or assessment practices;	41554
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(f) An acknowledgement by the school district <u>or school</u> of federal funding that may be impacted by obtaining a waiver.	41562
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(2) The request for a waiver shall indicate the extent to which exemptions from state or federal requirements regarding the administration of the assessments required under sections	41564
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3301.0710 and 3301.0712 of the Revised Code are sought. Such items 41567
from which a ~~school~~ district or school may be exempt are as 41568
follows: 41569

(a) The required administration of state assessments under 41570
sections 3301.0710 and 3301.0712 of the Revised Code; 41571

(b) The evaluation of teachers and administrators under 41572
sections 3311.80, 3311.84, division (D) of 3319.02, and 3319.111 41573
of the Revised Code; 41574

(c) The reporting of student achievement data for the purpose 41575
of the report card ratings prescribed under section 3302.03 of the 41576
Revised Code. 41577

~~(D)~~(C) Each request for a waiver shall include the signature 41578
of all of the following: 41579

(1) The superintendent of the school district or the 41580
equivalent for a community school or STEM school; 41581

(2) The president of the district board or the equivalent for 41582
a community school or STEM school; 41583

(3) The presiding officer of the labor organization 41584
representing the district's or school's teachers, if any; 41585

(4) If the district's or school's teachers are not 41586
represented by a labor organization, the principal and a majority 41587
of the administrators and teachers of the district or school. 41588

~~(E)~~ ~~Not later than thirty days after receiving~~ (D) Upon 41589
receipt of a request for a waiver, the state superintendent shall 41590
approve or deny the waiver or may request additional information 41591
from the district or school. The state superintendent shall not 41592
grant waivers to more than a total of ten ~~school~~ districts, 41593
community schools, or STEM schools, based on requests for a waiver 41594
received during the 2015-2016 school year. A waiver granted to a 41595
~~school~~ district or school shall be contingent on an ongoing review 41596

and evaluation by the state superintendent of the program for 41597
which the waiver was granted. 41598

~~(F)~~(E)(1) For the purpose of this section, the department of 41599
education shall seek a waiver from the testing requirements 41600
prescribed under the "No Child Left Behind Act of 2001," if 41601
necessary to implement this section. 41602

(2) The department shall create a mechanism for the 41603
comparison of the alternative assessments prescribed under 41604
division ~~(C)~~(B) of this section and the assessments required under 41605
sections 3301.0710 and 3301.0712 of the Revised Code as it relates 41606
to the evaluation of teachers and student achievement data for the 41607
purpose of state report card ratings. 41608

(F) For purposes of this section, "innovative educational 41609
program or strategy" means a program or strategy using a new idea 41610
or method aimed at increasing student engagement and preparing 41611
students to be college or career ready. 41612

Sec. 3304.171. (A) As used in this section, "OhioMeansJobs" 41613
has the same meaning as in section 6301.01 of the Revised Code. 41614

(B) Beginning January 1, 2016, each recipient of vocational 41615
rehabilitation services provided under section 3304.17 of the 41616
Revised Code shall create an account with OhioMeansJobs upon 41617
initiation of a job search as a part of receiving those services. 41618

(C) Division (B) of this section does not apply to any 41619
individual who is legally prohibited from using a computer, has a 41620
physical or visual impairment that makes the individual unable to 41621
use a computer, or has a limited ability to read, write, speak, or 41622
understand a language in which OhioMeansJobs is available. 41623

Sec. 3305.052. (A) The state retirement system that covers 41624
the position held by an employee of a public institution of higher 41625
education who makes an election under division (B)(2) or (3) of 41626

section 3305.05 or division (B) of section 3305.051 of the Revised Code to participate in the public institution's alternative retirement plan shall, not later than thirty days after the date on which the certified copy of the employee's election is filed with the state retirement system under that section, do one of the following:

(1) If the employee was participating in a defined benefit plan as provided in sections 145.201 to 145.79, sections 3307.50 to 3307.79, or sections 3309.18 to 3309.76 of the Revised Code, pay to the provider of the investment option selected by the employee any employee and employer contributions made to the retirement system by or on behalf of that employee for the period beginning on the employee's starting day of employment and ending on the day before the day on which contributions commence under an alternative retirement plan, less the amount due the retirement system pursuant to division (D) of section 3305.06 or 3305.062 of the Revised Code for that period.

(2) If the employee was participating in a defined contribution plan as provided in section 145.81, 3307.81, or 3309.81 of the Revised Code, pay to the provider of the investment option selected by the employee the amount on deposit in the employee's individual account for the period beginning on the employee's starting day of employment and ending on the day before the day on which contributions commence under an alternative retirement plan.

(B) The state retirement system that covers the position held by an employee of a public institution of higher education who makes an election under division (B)(1) of section 3305.05 or division (C) of section 3305.051 of the Revised Code to participate in the public institution's alternative retirement plan shall, not later than thirty days after the date on which a

certified copy of the employee's election is filed with the state 41658
retirement system under that section, do one of the following: 41659

(1) If the employee was participating in a defined benefit 41660
plan as provided in sections 145.201 to 145.79, sections 3307.50 41661
to 3307.79, or sections 3309.18 to 3309.70 of the Revised Code, 41662
pay to the provider of the investment option selected by the 41663
employee any employee and employer contributions made to the 41664
retirement system by or on behalf of that employee for any period 41665
commencing after the date on which the election becomes 41666
irrevocable under division (C)(1) of section 3305.05 of the 41667
Revised Code or the applicable date described in division 41668
(C)(2)(a) or (b) of section 3305.051 of the Revised Code and 41669
ending on the day before the day on which contributions commence 41670
under an alternative retirement plan, less the amount due the 41671
retirement system pursuant to division (D) of section 3305.06 or 41672
3305.062 of the Revised Code for that period. 41673

(2) If the employee was participating in a defined 41674
contribution plan as provided in section 145.81, 3307.81, or 41675
3309.81 of the Revised Code, pay to the provider of the investment 41676
option selected by the employee the amount on deposit in the 41677
employee's individual account for the period commencing after the 41678
date on which the election becomes irrevocable under division 41679
(C)(1) of section 3305.05 of the Revised Code and ending on the 41680
day before the day on which contributions commence under an 41681
alternative retirement plan. 41682

Sec. 3305.062. Notwithstanding section 171.07, division (D) 41683
of section 3305.06, and section 3305.061 of the Revised Code, the 41684
percentage of an electing employee's compensation contributed to 41685
the state retirement system that would otherwise cover the 41686
employee by a public institution of higher education under 41687
division (D) of section 3305.06 of the Revised Code is as follows: 41688

<u>(A) In the case of the public employees retirement system,</u>	41689
<u>seventy-seven one-hundredths per cent;</u>	41690
<u>(B) In the case of the state teachers retirement system, four</u>	41691
<u>and one-half per cent;</u>	41692
<u>(C) In the case of the school employees retirement system,</u>	41693
<u>six per cent.</u>	41694
Sec. 3307.152. (A) As used in this section and in section	41695
3307.154 of the Revised Code:	41696
(1) "Agent" means a dealer, as defined in section 1707.01 of	41697
the Revised Code, who is licensed under sections 1707.01 to	41698
1707.45 of the Revised Code or under comparable laws of another	41699
state or of the United States.	41700
(2) "Minority business enterprise" has the same meaning as in	41701
section 122.71 of the Revised Code.	41702
(3) "Ohio-qualified agent" means an agent designated as such	41703
by the state teachers retirement board.	41704
(4) "Ohio-qualified investment manager" means an investment	41705
manager designated as such by the state teachers retirement board.	41706
(5) "Principal place of business" means an office in which	41707
the agent regularly provides securities or investment advisory	41708
services and solicits, meets with, or otherwise communicates with	41709
clients.	41710
(B) The state teachers retirement board shall, for the	41711
purposes of this section, designate an agent as an Ohio-qualified	41712
agent if the agent meets all of the following requirements:	41713
(1) The agent is subject to taxation under Chapter 5725.,	41714
5726., 5733., 5747., or 5751. of the Revised Code.	41715
(2) The agent is authorized to conduct business in this	41716
state.	41717

(3) The agent maintains a principal place of business in this state and employs at least five residents of this state. 41718
41719

(C) The state teachers retirement board shall adopt and 41720
implement a written policy to establish criteria and procedures 41721
used to select agents to execute securities transactions on behalf 41722
of the retirement system. The policy shall address each of the 41723
following: 41724

(1) Commissions charged by the agent, both in the aggregate 41725
and on a per share basis; 41726

(2) The execution speed and trade settlement capabilities of 41727
the agent; 41728

(3) The responsiveness, reliability, and integrity of the 41729
agent; 41730

(4) The nature and value of research provided by the agent; 41731

(5) Any special capabilities of the agent. 41732

(D)(1) The board shall, at least annually, establish a policy 41733
with the goal to increase utilization by the board of 41734
Ohio-qualified agents for the execution of domestic equity and 41735
fixed income trades on behalf of the retirement system, when an 41736
Ohio-qualified agent offers quality, services, and safety 41737
comparable to other agents otherwise available to the board and 41738
meets the criteria established under division (C) of this section. 41739

(2) The board shall review, at least annually, the 41740
performance of the agents that execute securities transactions on 41741
behalf of the board. 41742

(3) The board shall determine whether an agent is an 41743
Ohio-qualified agent, meets the criteria established by the board 41744
pursuant to division (C) of this section, and offers quality, 41745
services, and safety comparable to other agents otherwise 41746
available to the board. The board's determination shall be final. 41747

~~(E) The board shall, at least annually, submit to the Ohio retirement study council a report containing the following information:~~ 41748
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~~(1) The name of each agent designated as an Ohio qualified agent under this section;~~ 41751
41752

~~(2) The name of each agent that executes securities transactions on behalf of the board;~~ 41753
41754

~~(3) The amount of equity and fixed income trades that are executed by Ohio qualified agents, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;~~ 41755
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~~(4) The compensation paid to Ohio qualified agents, expressed as a percentage of total compensation paid to all agents that execute securities transactions on behalf of the board;~~ 41759
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~~(5) The amount of equity and fixed income trades that are executed by agents that are minority business enterprises, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;~~ 41762
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~~(6) Any other information requested by the Ohio retirement study council regarding the board's use of agents.~~ 41766
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Sec. 3307.154. (A) The state teachers retirement board shall, 41768
for the purposes of this section, designate an investment manager 41769
as an Ohio-qualified investment manager if the investment manager 41770
meets all of the following requirements: 41771

(1) The investment manager is subject to taxation under 41772
Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code. 41773

(2) The investment manager meets one of the following 41774
requirements: 41775

(a) Has its corporate headquarters or principal place of 41776

business in this state;	41777
(b) Employs at least five hundred individuals in this state;	41778
(c) Has a principal place of business in this state and employs at least twenty residents of this state.	41779 41780
(B)(1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified investment managers, when an Ohio-qualified investment manager offers quality, services, and safety comparable to other investment managers otherwise available to the board. The policy shall also provide for the following:	41781 41782 41783 41784 41785 41786
(a) A process whereby the board can develop a list of Ohio-qualified investment managers and their investment products;	41787 41788
(b) A process whereby the board can give public notice to Ohio-qualified investment managers of the board's search for an investment manager that includes the board's search criteria.	41789 41790 41791
(2) The board shall determine whether an investment manager is an Ohio-qualified investment manager and whether the investment manager offers quality, services, and safety comparable to other investment managers otherwise available to the board. The board's determination shall be final.	41792 41793 41794 41795 41796
 (C) The board shall, at least annually, submit to the Ohio retirement study council a report containing the following information:	41797 41798 41799
 (1) The name of each investment manager designated as an Ohio-qualified investment manager under this section;	41800 41801
 (2) The name of each investment manager with which the board contracts;	41802 41803
 (3) The amount of assets managed by Ohio-qualified investment managers, expressed as a percentage of the total assets held by the retirement system and as a percentage of assets managed by	41804 41805 41806

investment managers with which the board has contracted;	41807
(4) The compensation paid to Ohio qualified investment	41808
managers, expressed as a percentage of total compensation paid to	41809
all investment managers with which the board has contracted;	41810
(5) Any other information requested by the Ohio retirement	41811
study council regarding the board's use of investment managers.	41812
<u>Sec. 3307.662. If, prior to the death of a state teachers</u>	41813
<u>retirement system member participating in the STRS defined benefit</u>	41814
<u>plan, a trust was established for the benefit of a person who is a</u>	41815
<u>beneficiary or qualified survivor of the member, any amounts</u>	41816
<u>payable to the person under section 3307.562 or 3307.66 of the</u>	41817
<u>Revised Code may be paid to the trust for the person's benefit.</u>	41818
Sec. 3309.157. (A) As used in this section and in section	41819
3309.159 of the Revised Code:	41820
(1) "Agent" means a dealer, as defined in section 1707.01 of	41821
the Revised Code, who is licensed under sections 1707.01 to	41822
1707.45 of the Revised Code or under comparable laws of another	41823
state or of the United States.	41824
(2) "Minority business enterprise" has the same meaning as in	41825
section 122.71 of the Revised Code.	41826
(3) "Ohio-qualified agent" means an agent designated as such	41827
by the school employees retirement board.	41828
(4) "Ohio-qualified investment manager" means an investment	41829
manager designated as such by the school employees retirement	41830
board.	41831
(5) "Principal place of business" means an office in which	41832
the agent regularly provides securities or investment advisory	41833
services and solicits, meets with, or otherwise communicates with	41834
clients.	41835

(B) The school employees retirement board shall, for the 41836
purposes of this section, designate an agent as an Ohio-qualified 41837
agent if the agent meets all of the following requirements: 41838

(1) The agent is subject to taxation under Chapter 5725., 41839
5726., 5733., 5747., or 5751. of the Revised Code. 41840

(2) The agent is authorized to conduct business in this 41841
state. 41842

(3) The agent maintains a principal place of business in this 41843
state and employs at least five residents of this state. 41844

(C) The school employees retirement board shall adopt and 41845
implement a written policy to establish criteria and procedures 41846
used to select agents to execute securities transactions on behalf 41847
of the retirement system. The policy shall address each of the 41848
following: 41849

(1) Commissions charged by the agent, both in the aggregate 41850
and on a per share basis; 41851

(2) The execution speed and trade settlement capabilities of 41852
the agent; 41853

(3) The responsiveness, reliability, and integrity of the 41854
agent; 41855

(4) The nature and value of research provided by the agent; 41856

(5) Any special capabilities of the agent. 41857

(D)(1) The board shall, at least annually, establish a policy 41858
with the goal to increase utilization by the board of 41859
Ohio-qualified agents for the execution of domestic equity and 41860
fixed income trades on behalf of the retirement system, when an 41861
Ohio-qualified agent offers quality, services, and safety 41862
comparable to other agents otherwise available to the board and 41863
meets the criteria established under division (C) of this section. 41864

(2) The board shall review, at least annually, the 41865

performance of the agents that execute securities transactions on 41866
behalf of the board. 41867

(3) The board shall determine whether an agent is an 41868
Ohio-qualified agent, meets the criteria established by the board 41869
pursuant to division (C) of this section, and offers quality, 41870
services, and safety comparable to other agents otherwise 41871
available to the board. The board's determination shall be final. 41872

~~(E) The board shall, at least annually, submit to the Ohio 41873
retirement study council a report containing the following 41874
information:~~ 41875

~~(1) The name of each agent designated as an Ohio-qualified 41876
agent under this section;~~ 41877

~~(2) The name of each agent that executes securities 41878
transactions on behalf of the board;~~ 41879

~~(3) The amount of equity and fixed income trades that are 41880
executed by Ohio-qualified agents, expressed as a percentage of 41881
all equity and fixed income trades that are executed by agents on 41882
behalf of the board;~~ 41883

~~(4) The compensation paid to Ohio-qualified agents, expressed 41884
as a percentage of total compensation paid to all agents that 41885
execute securities transactions on behalf of the board;~~ 41886

~~(5) The amount of equity and fixed income trades that are 41887
executed by agents that are minority business enterprises, 41888
expressed as a percentage of all equity and fixed income trades 41889
that are executed by agents on behalf of the board;~~ 41890

~~(6) Any other information requested by the Ohio retirement 41891
study council regarding the board's use of agents.~~ 41892

Sec. 3309.159. (A) The school employees retirement board 41893
shall, for the purposes of this section, designate an investment 41894
manager as an Ohio-qualified investment manager if the investment 41895

manager meets all of the following requirements:	41896
(1) The investment manager is subject to taxation under Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code.	41897 41898
(2) The investment manager meets one of the following requirements:	41899 41900
(a) Has its corporate headquarters or principal place of business in this state;	41901 41902
(b) Employs at least five hundred individuals in this state;	41903
(c) Has a principal place of business in this state and employs at least twenty residents of this state.	41904 41905
(B)(1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified investment managers, when an Ohio-qualified investment manager offers quality, services, and safety comparable to other investment managers otherwise available to the board. The policy shall also provide for the following:	41906 41907 41908 41909 41910 41911
(a) A process whereby the board can develop a list of Ohio-qualified investment managers and their investment products;	41912 41913
(b) A process whereby the board can give public notice to Ohio-qualified investment managers of the board's search for an investment manager that includes the board's search criteria.	41914 41915 41916
(2) The board shall determine whether an investment manager is an Ohio-qualified investment manager and whether the investment manager offers quality, services, and safety comparable to other investment managers otherwise available to the board. The board's determination shall be final.	41917 41918 41919 41920 41921
 (C) The board shall, at least annually, submit to the Ohio retirement study council a report containing the following information:	41922 41923 41924

(1) The name of each investment manager designated as an Ohio qualified investment manager under this section;	41925
	41926
(2) The name of each investment manager with which the board contracts;	41927
	41928
(3) The amount of assets managed by Ohio qualified investment managers, expressed as a percentage of the total assets held by the retirement system and as a percentage of assets managed by investment managers with which the board has contracted;	41929
	41930
	41931
	41932
(4) The compensation paid to Ohio qualified investment managers, expressed as a percentage of total compensation paid to all investment managers with which the board has contracted;	41933
	41934
	41935
(5) Any other information requested by the Ohio retirement study council regarding the board's use of investment managers.	41936
	41937
 Sec. 3310.03. A student is an "eligible student" for purposes of the educational choice scholarship pilot program if the student's resident district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code and the student satisfies one of the conditions in division (A), (B), (C), or (D) of this section:	41938
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	41944
(A)(1) The student is enrolled in a school building operated by the student's resident district that, on the report card issued under section 3302.03 of the Revised Code published prior to the first day of July of the school year for which a scholarship is sought, did not receive a rating as described in division (H) of this section, and to which any or a combination of any of the following apply for two of the three most recent report cards published prior to the first day of July of the school year for which a scholarship is sought:	41945
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	41953
(a) The building was declared to be in a state of academic	41954

emergency or academic watch under section 3302.03 of the Revised Code as that section existed prior to March 22, 2013.

(b) The building received a grade of "D" or "F" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised Code for the 2012-2013 ~~or~~ 2013-2014, 2014-2015, or 2015-2016 school year, ~~or both~~; or if the building serves only grades ten through twelve, the building received a grade of "D" or "F" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and had a four-year adjusted cohort graduation rate of less than seventy-five per cent.

(c) The building received an overall grade of "D" or "F" under division (C)(3) of section 3302.03 of the Revised Code or a grade of "F" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code for the ~~2014-2015~~ 2016-2017 school year or any school year thereafter.

(2) The student will be enrolling in any of grades kindergarten through twelve in this state for the first time in the school year for which a scholarship is sought, will be at least five years of age by the first day of January of the school year for which a scholarship is sought, and otherwise would be assigned under section 3319.01 of the Revised Code in the school year for which a scholarship is sought, to a school building described in division (A)(1) of this section.

(3) The student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (A)(1) of this section.

(4) The student is enrolled in a school building operated by

the student's resident district or in a community school 41986
established under Chapter 3314. of the Revised Code and otherwise 41987
would be assigned under section 3319.01 of the Revised Code to a 41988
school building described in division (A)(1) of this section in 41989
the school year for which the scholarship is sought. 41990

(5) The student will be both enrolling in any of grades 41991
kindergarten through twelve in this state for the first time and 41992
at least five years of age by the first day of January of the 41993
school year for which a scholarship is sought, or is enrolled in a 41994
community school established under Chapter 3314. of the Revised 41995
Code, and all of the following apply to the student's resident 41996
district: 41997

(a) The district has in force an intradistrict open 41998
enrollment policy under which no student in the student's grade 41999
level is automatically assigned to a particular school building; 42000

(b) In the most recent rating published prior to the first 42001
day of July of the school year for which scholarship is sought, 42002
the district did not receive a rating described in division (H) of 42003
this section, and in at least two of the three most recent report 42004
cards published prior to the first day of July of that school 42005
year, any or a combination of the following apply to the district: 42006

(i) The district was declared to be in a state of academic 42007
emergency under section 3302.03 of the Revised Code as it existed 42008
prior to March 22, 2013. 42009

(ii) The district received a grade of "D" or "F" for the 42010
performance index score under division (A)(1)(b) or (B)(1)(b) of 42011
section 3302.03 of the Revised Code and for the value-added 42012
progress dimension under division (A)(1)(e) or (B)(1)(e) of 42013
section 3302.03 of the Revised Code for the 2012-2013 ~~ex~~ 42014
2013-2014, 2014-2015, or 2015-2016 school year, ~~or both.~~ 42015

(c) The district received an overall grade of "D" or "F" 42016

under division (C)(3) of section 3302.03 of the Revised Code or a 42017
grade of "F" for the value-added progress dimension under division 42018
(C)(1)(e) of section 3302.03 of the Revised Code for the ~~2014-2015~~ 42019
2016-2017 school year or any school year thereafter. 42020

(6) Beginning in the 2016-2017 school year, the student is 42021
enrolled in or will be enrolling in a building in the school year 42022
for which the scholarship is sought that serves any of grades nine 42023
through twelve and that received a grade of "D" or "F" for the 42024
four-year adjusted cohort graduation rate under division 42025
(A)(1)(d), (B)(1)(d), or (C)(1)(d) of section 3302.03 of the 42026
Revised Code in two of the three most recent report cards 42027
published prior to the first day of July of the school year for 42028
which a scholarship is sought. 42029

(B)(1) The student is enrolled in a school building operated 42030
by the student's resident district and to which both of the 42031
following apply: 42032

(a) The building was ranked, for at least two of the three 42033
most recent rankings ~~published under section 3302.21 of the~~ 42034
~~Revised Code~~ prior to the first day of July of the school year for 42035
which a scholarship is sought, in the lowest ten per cent of all 42036
~~public school~~ buildings operated by city, local, and exempted 42037
village school districts according to performance index score 42038
~~under section 3302.21 of the Revised Code~~ as determined by the 42039
department of education. 42040

(b) The building was not declared to be excellent or 42041
effective, or the equivalent of such ratings as determined by the 42042
department ~~of education~~, under section 3302.03 of the Revised Code 42043
in the most recent rating published prior to the first day of July 42044
of the school year for which a scholarship is sought. 42045

(2) The student will be enrolling in any of grades 42046
kindergarten through twelve in this state for the first time in 42047

the school year for which a scholarship is sought, will be at 42048
least five years of age, as defined in section 3321.01 of the 42049
Revised Code, by the first day of January of the school year for 42050
which a scholarship is sought, and otherwise would be assigned 42051
under section 3319.01 of the Revised Code in the school year for 42052
which a scholarship is sought, to a school building described in 42053
division (B)(1) of this section. 42054

(3) The student is enrolled in a community school established 42055
under Chapter 3314. of the Revised Code but otherwise would be 42056
assigned under section 3319.01 of the Revised Code to a building 42057
described in division (B)(1) of this section. 42058

(4) The student is enrolled in a school building operated by 42059
the student's resident district or in a community school 42060
established under Chapter 3314. of the Revised Code and otherwise 42061
would be assigned under section 3319.01 of the Revised Code to a 42062
school building described in division (B)(1) of this section in 42063
the school year for which the scholarship is sought. 42064

(C) The student is enrolled in a nonpublic school at the time 42065
the school is granted a charter by the state board of education 42066
under section 3301.16 of the Revised Code and the student meets 42067
the standards of division (B) of section 3310.031 of the Revised 42068
Code. 42069

(D) For the 2016-2017 school year and each school year 42070
thereafter, the student is in any of grades kindergarten through 42071
three, is enrolled in a school building that is operated by the 42072
student's resident district or will be enrolling in any of grades 42073
kindergarten through twelve in this state for the first time in 42074
the school year for which a scholarship is sought, and to which 42075
both of the following apply: 42076

(1) The building, in at least two of the three most recent 42077
ratings of school buildings published prior to the first day of 42078

July of the school year for which a scholarship is sought, 42079
received a grade of "D" or "F" for making progress in improving 42080
literacy in grades kindergarten through three under division 42081
(B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 42082

(2) The building did not receive a grade of "A" for making 42083
progress in improving literacy in grades kindergarten through 42084
three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of 42085
the Revised Code in the most recent rating published prior to the 42086
first day of July of the school year for which a scholarship is 42087
sought. 42088

(E) A student who receives a scholarship under the 42089
educational choice scholarship pilot program remains an eligible 42090
student and may continue to receive scholarships in subsequent 42091
school years until the student completes grade twelve, so long as 42092
all of the following apply: 42093

(1) The student's resident district remains the same, or the 42094
student transfers to a new resident district and otherwise would 42095
be assigned in the new resident district to a school building 42096
described in division (A)(1), (B)(1), or (D) of this section; 42097

(2) The student takes each assessment prescribed for the 42098
student's grade level under section 3301.0710 or 3301.0712 of the 42099
Revised Code while enrolled in a chartered nonpublic school; 42100

(3) In each school year that the student is enrolled in a 42101
chartered nonpublic school, the student is absent from school for 42102
not more than twenty days that the school is open for instruction, 42103
not including excused absences. 42104

(F)(1) The department shall cease awarding first-time 42105
scholarships pursuant to divisions (A)(1) to (4) of this section 42106
with respect to a school building that, in the most recent ratings 42107
of school buildings published under section 3302.03 of the Revised 42108
Code prior to the first day of July of the school year, ceases to 42109

meet the criteria in division (A)(1) of this section. The 42110
department shall cease awarding first-time scholarships pursuant 42111
to division (A)(5) of this section with respect to a school 42112
district that, in the most recent ratings of school districts 42113
published under section 3302.03 of the Revised Code prior to the 42114
first day of July of the school year, ceases to meet the criteria 42115
in division (A)(5) of this section. 42116

(2) The department shall cease awarding first-time 42117
scholarships pursuant to divisions (B)(1) to (4) of this section 42118
with respect to a school building that, in the most recent ratings 42119
of school buildings under section 3302.03 of the Revised Code 42120
prior to the first day of July of the school year, ceases to meet 42121
the criteria in division (B)(1) of this section. 42122

(3) The department shall cease awarding first-time 42123
scholarships pursuant to division (D) of this section with respect 42124
to a school building that, in the most recent ratings of school 42125
buildings under section 3302.03 of the Revised Code prior to the 42126
first day of July of the school year, ceases to meet the criteria 42127
in division (D) of this section. 42128

(4) However, students who have received scholarships in the 42129
prior school year remain eligible students pursuant to division 42130
(E) of this section. 42131

(G) The state board of education shall adopt rules defining 42132
excused absences for purposes of division (E)(3) of this section. 42133

(H)(1) A student who satisfies only the conditions prescribed 42134
in divisions (A)(1) to (4) of this section shall not be eligible 42135
for a scholarship if the student's resident building meets any of 42136
the following in the most recent rating under section 3302.03 of 42137
the Revised Code published prior to the first day of July of the 42138
school year for which a scholarship is sought: 42139

(a) The building has an overall designation of excellent or 42140

effective under section 3302.03 of the Revised Code as it existed 42141
prior to March 22, 2013. 42142

(b) For the 2012-2013 ~~or~~, 2013-2014, 2014-2015, or 2015-2016 42143
school year ~~or both~~, the building has a grade of "A" or "B" for 42144
the performance index score under division (A)(1)(b) or (B)(1)(b) 42145
of section 3302.03 of the Revised Code and for the value-added 42146
progress dimension under division (A)(1)(e) or (B)(1)(e) of 42147
section 3302.03 of the Revised Code; or if the building serves 42148
only grades ten through twelve, the building received a grade of 42149
"A" or "B" for the performance index score under division 42150
(A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and 42151
had a four-year adjusted cohort graduation rate of greater than or 42152
equal to seventy-five per cent. 42153

(c) For the ~~2014-2015~~ 2016-2017 school year or any school 42154
year thereafter, the building has a grade of "A" or "B" under 42155
division (C)(3) of section 3302.03 of the Revised Code and a grade 42156
of "A" for the value-added progress dimension under division 42157
(C)(1)(e) of section 3302.03 of the Revised Code; or if the 42158
building serves only grades ten through twelve, the building 42159
received a grade of "A" or "B" for the performance index score 42160
under division (C)(1)(b) of section 3302.03 of the Revised Code 42161
and had a four-year adjusted cohort graduation rate of greater 42162
than or equal to seventy-five per cent. 42163

(2) A student who satisfies only the conditions prescribed in 42164
division (A)(5) of this section shall not be eligible for a 42165
scholarship if the student's resident district meets any of the 42166
following in the most recent rating under section 3302.03 of the 42167
Revised Code published prior to the first day of July of the 42168
school year for which a scholarship is sought: 42169

(a) The district has an overall designation of excellent or 42170
effective under section 3302.03 of the Revised Code as it existed 42171
prior to March 22, 2013. 42172

(b) The district has a grade of "A" or "B" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised Code for the 2012-2013 ~~and~~ 2013-2014, 2014-2015, and 2015-2016 school years.

(c) The district has an overall grade of "A" or "B" under division (C)(3) of section 3302.03 of the Revised Code and a grade of "A" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code for the ~~2014-2015~~ 2016-2017 school year or any school year thereafter.

Sec. 3310.09. The maximum amount awarded to an eligible student under the educational choice scholarship pilot program shall be as follows:

(A) For grades kindergarten through eight, four thousand two hundred fifty dollars;

(B) For grades nine through twelve, five thousand seven hundred dollars.

Sec. 3310.41. (A) As used in this section:

(1) "Alternative public provider" means either of the following providers that agrees to enroll a child in the provider's special education program to implement the child's individualized education program and to which the child's parent owes fees for the services provided to the child:

(a) A school district that is not the school district in which the child is entitled to attend school;

(b) A public entity other than a school district.

(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of

the Revised Code. 42202

(3) "Formula ADM" and "category six special education ADM" 42203
have the same meanings as in section 3317.02 of the Revised Code. 42204

(4) "Preschool child with a disability" and "individualized 42205
education program" have the same meanings as in section 3323.01 of 42206
the Revised Code. 42207

(5) "Parent" has the same meaning as in section 3313.64 of 42208
the Revised Code, except that "parent" does not mean a parent 42209
whose custodial rights have been terminated. 42210

(6) "Preschool scholarship ADM" means the number of preschool 42211
children with disabilities certified under division (B)(3)(h) of 42212
section 3317.03 of the Revised Code. 42213

(7) "Qualified special education child" is a child for whom 42214
all of the following conditions apply: 42215

(a) The school district in which the child is entitled to 42216
attend school has identified the child as autistic. A child who 42217
has been identified as having a "pervasive developmental disorder 42218
- not otherwise specified (PPD-NOS)" shall be considered to be an 42219
autistic child for purposes of this section. 42220

(b) The school district in which the child is entitled to 42221
attend school has developed an individualized education program 42222
under Chapter 3323. of the Revised Code for the child. 42223

(c) The child either: 42224

(i) Was enrolled in the school district in which the child is 42225
entitled to attend school in any grade from preschool through 42226
twelve in the school year prior to the year in which a scholarship 42227
under this section is first sought for the child; or 42228

(ii) Is eligible to enter school in any grade preschool 42229
through twelve in the school district in which the child is 42230
entitled to attend school in the school year in which a 42231

scholarship under this section is first sought for the child. 42232

(8) "Registered private provider" means a nonpublic school or 42233
other nonpublic entity that has been approved by the department of 42234
education to participate in the program established under this 42235
section. 42236

(9) "Special education program" means a school or facility 42237
that provides special education and related services to children 42238
with disabilities. 42239

(B) There is hereby established the autism scholarship 42240
program. Under the program, the department of education shall pay 42241
a scholarship to the parent of each qualified special education 42242
child upon application of that parent pursuant to procedures and 42243
deadlines established by rule of the state board of education. 42244
Each scholarship shall be used only to pay tuition for the child 42245
on whose behalf the scholarship is awarded to attend a special 42246
education program that implements the child's individualized 42247
education program and that is operated by an alternative public 42248
provider or by a registered private provider, and to pay for other 42249
services agreed to by the provider and the parent of a qualified 42250
special education child that are not included in the 42251
individualized education program but are associated with educating 42252
the child. Upon agreement with the parent of a qualified special 42253
education child, the alternative public provider or the registered 42254
private provider may modify the services provided to the child. 42255
Each scholarship shall be in an amount not to exceed the lesser of 42256
the tuition charged for the child by the special education program 42257
or ~~twenty~~ twenty-seven thousand dollars. The purpose of the 42258
scholarship is to permit the parent of a qualified special 42259
education child the choice to send the child to a special 42260
education program, instead of the one operated by or for the 42261
school district in which the child is entitled to attend school, 42262
to receive the services prescribed in the child's individualized 42263

education program once the individualized education program is 42264
finalized and any other services agreed to by the provider and the 42265
parent of a qualified special education child. The services 42266
provided under the scholarship shall include an educational 42267
component or services designed to assist the child to benefit from 42268
the child's education. 42269

A scholarship under this section shall not be awarded to the 42270
parent of a child while the child's individualized education 42271
program is being developed by the school district in which the 42272
child is entitled to attend school, or while any administrative or 42273
judicial mediation or proceedings with respect to the content of 42274
the child's individualized education program are pending. A 42275
scholarship under this section shall not be used for a child to 42276
attend a public special education program that operates under a 42277
contract, compact, or other bilateral agreement between the school 42278
district in which the child is entitled to attend school and 42279
another school district or other public provider, or for a child 42280
to attend a community school established under Chapter 3314. of 42281
the Revised Code. However, nothing in this section or in any rule 42282
adopted by the state board shall prohibit a parent whose child 42283
attends a public special education program under a contract, 42284
compact, or other bilateral agreement, or a parent whose child 42285
attends a community school, from applying for and accepting a 42286
scholarship under this section so that the parent may withdraw the 42287
child from that program or community school and use the 42288
scholarship for the child to attend a special education program 42289
for which the parent is required to pay for services for the 42290
child. 42291

Except for development of the child's individualized 42292
education program, the school district in which a qualified 42293
special education child is entitled to attend school and the 42294
child's school district of residence, as defined in section 42295

3323.01 of the Revised Code, if different, are not obligated to 42296
provide the child with a free appropriate public education under 42297
Chapter 3323. of the Revised Code for as long as the child 42298
continues to attend the special education program operated by 42299
either an alternative public provider or a registered private 42300
provider for which a scholarship is awarded under the autism 42301
scholarship program. If at any time, the eligible applicant for 42302
the child decides no longer to accept scholarship payments and 42303
enrolls the child in the special education program of the school 42304
district in which the child is entitled to attend school, that 42305
district shall provide the child with a free appropriate public 42306
education under Chapter 3323. of the Revised Code. 42307

A child attending a special education program with a 42308
scholarship under this section shall continue to be entitled to 42309
transportation to and from that program in the manner prescribed 42310
by law. 42311

(C)(1) As prescribed in divisions (A)(2)(h), (B)(3)(g), and 42312
(B)(10) of section 3317.03 of the Revised Code, a child who is not 42313
a preschool child with a disability for whom a scholarship is 42314
awarded under this section shall be counted in the formula ADM and 42315
the category six special education ADM of the district in which 42316
the child is entitled to attend school and not in the formula ADM 42317
and the category six special education ADM of any other school 42318
district. As prescribed in divisions (B)(3)(h) and (B)(10) of 42319
section 3317.03 of the Revised Code, a child who is a preschool 42320
child with a disability for whom a scholarship is awarded under 42321
this section shall be counted in the preschool scholarship ADM and 42322
category six special education ADM of the school district in which 42323
the child is entitled to attend school and not in the preschool 42324
scholarship ADM or category six special education ADM of any other 42325
school district. 42326

(2) In each fiscal year, the department shall deduct from the 42327

amounts paid to each school district under Chapter 3317. of the 42328
Revised Code, and, if necessary, sections 321.24 and 323.156 of 42329
the Revised Code, the aggregate amount of scholarships awarded 42330
under this section for qualified special education children 42331
included in the formula ADM, or preschool scholarship ADM, and in 42332
the category six special education ADM of that school district as 42333
provided in division (C)(1) of this section. 42334

The scholarships deducted shall be considered as an approved 42335
special education and related services expense of the school 42336
district. 42337

(3) From time to time, the department shall make a payment to 42338
the parent of each qualified special education child for whom a 42339
scholarship has been awarded under this section. The scholarship 42340
amount shall be proportionately reduced in the case of any such 42341
child who is not enrolled in the special education program for 42342
which a scholarship was awarded under this section for the entire 42343
school year. The department shall make no payments to the parent 42344
of a child while any administrative or judicial mediation or 42345
proceedings with respect to the content of the child's 42346
individualized education program are pending. 42347

(D) A scholarship shall not be paid to a parent for payment 42348
of tuition owed to a nonpublic entity unless that entity is a 42349
registered private provider. The department shall approve entities 42350
that meet the standards established by rule of the state board for 42351
the program established under this section. 42352

(E) The state board shall adopt rules under Chapter 119. of 42353
the Revised Code prescribing procedures necessary to implement 42354
this section, including, but not limited to, procedures and 42355
deadlines for parents to apply for scholarships, standards for 42356
registered private providers, and procedures for approval of 42357
entities as registered private providers. 42358

The rules also shall specify that intervention services under the autism scholarship program may be provided by a qualified, credentialed provider, including, but not limited to, all of the following:

(1) A behavior analyst certified by a nationally recognized organization that certifies behavior analysts;

(2) A psychologist licensed to practice in this state under Chapter 4732. of the Revised Code;

(3) A school psychologist licensed by the state board under section 3319.22 of the Revised Code;

(4) Any person employed by a licensed psychologist or licensed school psychologist, while carrying out specific tasks, under the licensee's supervision, as an extension of the licensee's legal and ethical authority as specified under Chapter 4732. of the Revised Code who is ascribed as "psychology trainee," "psychology assistant," "psychology intern," or other appropriate term that clearly implies their supervised or training status;

(5) Unlicensed persons holding a doctoral degree in psychology or special education from a program approved by the state board;

(6) Any other qualified individual as determined by the state board.

(F) The department shall provide reasonable notice to all parents of children receiving a scholarship under the autism scholarship program, alternative public providers, and registered private providers of any amendment to a rule governing, or change in the administration of, the autism scholarship program.

Sec. 3310.56. (A) The amount of the scholarship awarded and paid to an eligible applicant for services for a qualified special education child under the Jon Peterson special needs scholarship

program in each school year shall be the least of the amounts 42389
prescribed in divisions (A)(1), (2), and (3) of this section, as 42390
follows: 42391

(1) The amount of fees charged for that school year by the 42392
alternative public provider or registered private provider; 42393

(2) The sum of the amounts calculated under divisions 42394
(A)(2)(a) and (b) of this section: 42395

(a) The formula amount; 42396

(b) An amount prescribed for the child's disability as 42397
follows: 42398

(i) For a student in category one, the amount specified in 42399
division (A) of section 3317.013 of the Revised Code; 42400

(ii) For a student in category two, the amount specified in 42401
division (B) of section 3317.013 of the Revised Code; 42402

(iii) For a student in category three, the amount specified 42403
in division (C) of section 3317.013 of the Revised Code; 42404

(iv) For a student in category four, the amount specified in 42405
division (D) of section 3317.013 of the Revised Code; 42406

(v) For a student in category five, the amount specified in 42407
division (E) of section 3317.013 of the Revised Code; 42408

(vi) For a student in category six, the amount specified in 42409
division (F) of section 3317.013 of the Revised Code. 42410

(3) ~~Twenty~~ Twenty-seven thousand dollars. 42411

(B) As used in division (A)(2)(b) of this section, a child 42412
with a disability is in: 42413

(1) "Category one" if the child is receiving special 42414
education services for a disability specified in division (A) of 42415
section 3317.013 of the Revised Code; 42416

(2) "Category two" if the child is receiving special 42417

education services for a disability specified in division (B) of 42418
section 3317.013 of the Revised Code; 42419

(3) "Category three" if the child is receiving special 42420
education services for a disability specified in division (C) of 42421
section 3317.013 of the Revised Code; 42422

(4) "Category four" if the child is receiving special 42423
education services for a disability specified in division (D) of 42424
section 3317.013 of the Revised Code; 42425

(5) "Category five" if the child is receiving special 42426
education services for a disability specified in division (E) of 42427
section 3317.013 of the Revised Code; 42428

(6) "Category six" if the child is receiving special 42429
education services for a disability specified in division (F) of 42430
section 3317.013 of the Revised Code. 42431

Sec. 3311.19. (A) The management and control of a joint 42432
vocational school district shall be vested in the joint vocational 42433
school district board of education which, beginning on ~~the~~ 42434
~~effective date of this amendment~~ September 29, 2013, shall be 42435
appointed under division (C) of this section. 42436

All members of a joint vocational school district board 42437
serving unexpired terms on ~~the effective date of this amendment~~ 42438
September 29, 2013, may continue in office until the expiration of 42439
their terms. If a member leaves office for any reason prior to the 42440
expiration of that member's term, the vacancy shall be filled only 42441
in the manner provided in division (C) of this section. 42442

(B) ~~Members~~ Except as provided in section 3311.191 of the 42443
Revised Code, members of the joint vocational school district 42444
board appointed on or after ~~the effective date of this amendment~~ 42445
September 29, 2013, shall serve for three-year terms of office. No 42446
member shall hold office for a period of longer than two 42447

consecutive terms. Terms shall be considered consecutive unless 42448
separated by three or more years. 42449

Members of the board shall be selected based on the diversity 42450
of the employers from the geographical region of the state in 42451
which the territory of the joint vocational school district is 42452
located represented by the members. Not less than three-fifths of 42453
the members of the board shall reside in or be employed within the 42454
territory of the joint vocational school district board upon which 42455
the member serves. 42456

(C) The manner of appointment and the total number of members 42457
appointed to the joint vocational school district board shall be 42458
in accordance with the most recent plan for the joint vocational 42459
school district on file with the department of education. An 42460
individual shall not be a member of an appointing board, unless 42461
the individual meets the criteria in division (C)(2) of this 42462
section. 42463

(1) Appointments under this section shall be made as the 42464
terms of members of each joint vocational school district board 42465
who are serving unexpired terms on ~~the effective date of this~~ 42466
~~amendment~~ September 29, 2013, expire or as those offices are 42467
otherwise vacated prior to the expiration date. 42468

(2) Members of the joint vocational board shall have 42469
experience as chief financial officers, chief executive officers, 42470
human resources managers, or other business, industry, or career 42471
counseling professionals who are qualified to discuss the labor 42472
needs of the region with respect to the regional economy. The 42473
appointing board shall appoint individuals who represent employers 42474
in the region served by the joint vocational school district who 42475
are qualified to consider the state's workforce needs with an 42476
understanding of the skills, training, and education needed for 42477
current and future employment opportunities in the state. The 42478
appointing board may give preference to individuals who have 42479

served as members on a joint vocational school business advisory committee who meet the qualifications in division (C)(2) of this section. 42480
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(D) The vocational schools in the joint vocational school district shall be available to all youth of school age within the joint vocational school district subject to the rules adopted by the joint vocational school district board of education in regard to the standards requisite to admission. A joint vocational school district board of education shall have the same powers, duties, and authority for the management and operation of such joint vocational school district as is granted by law, except by this chapter and Chapters 124., 3317., 3323., and 3331. of the Revised Code, to a board of education of a city school district, and shall be subject to all the provisions of law that apply to a city school district, except such provisions in this chapter and Chapters 124., 3317., 3323., and 3331. of the Revised Code. 42483
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(E) The superintendent of schools of a joint vocational school district shall exercise the duties and authority vested by law in a superintendent of schools pertaining to the operation of a school district and the employment and supervision of its personnel. The joint vocational school district board of education shall appoint a treasurer of the joint vocational school district who shall be the fiscal officer for such district and who shall have all the powers, duties, and authority vested by law in a treasurer of a board of education. 42496
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(F) Each member of a joint vocational school district board of education may be paid such compensation as the board provides by resolution, but it shall not exceed one hundred twenty-five dollars per member for each meeting attended plus mileage, at the rate per mile provided by resolution of the board, to and from meetings of the board. 42505
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The board may provide by resolution for the deduction of 42511

amounts payable for benefits under section 3313.202 of the Revised Code. 42512
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Each member of a joint vocational school district board may 42514
be paid such compensation as the board provides by resolution for 42515
attendance at an approved training program, provided that such 42516
compensation shall not exceed sixty dollars per day for attendance 42517
at a training program three hours or fewer in length and one 42518
hundred twenty-five dollars a day for attendance at a training 42519
program longer than three hours in length. However, no board 42520
member shall be compensated for the same training program under 42521
this section and section 3313.12 of the Revised Code. 42522

Sec. 3311.191. (A) Subject to division (B) of this section, 42523
if a joint vocational school district has an even number of member 42524
districts each appointing a member to the joint vocational school 42525
district board of education and the joint vocational school 42526
district's plan on file with the department of education provides 42527
for one additional board member to be appointed on a rotating 42528
basis by one of the appointing boards, the term of that additional 42529
member shall be for one year. The additional member shall 42530
otherwise meet the requirements for joint vocational school board 42531
members prescribed by section 3311.19 of the Revised Code. 42532

(B) If an additional member of a joint vocational school 42533
district board appointed on a rotating basis, as described in 42534
division (A) of this section, was appointed on or after September 42535
29, 2013, but prior to the effective date of this section, that 42536
member may continue in office until the expiration of the member's 42537
current term of office. If such member vacates that office for any 42538
reason prior to the expiration of that member's term, a new 42539
additional member shall be appointed according to the rotational 42540
basis prescribed by the district's plan, and that member shall 42541
serve for the remainder of the vacating member's term. Thereafter, 42542

the term of office of the additional member shall be as prescribed 42543
by division (A) of this section. 42544

Sec. 3313.41. (A) Except as provided in divisions (C), (D), 42545
(F), and (G) of this section and in section 3313.412 of the 42546
Revised Code, when a board of education decides to dispose of real 42547
or personal property that it owns in its corporate capacity and 42548
that exceeds in value ten thousand dollars, it shall sell the 42549
property at public auction, after giving at least thirty days' 42550
notice of the auction by publication in a newspaper of general 42551
circulation in the school district, by publication as provided in 42552
section 7.16 of the Revised Code, or by posting notices in five of 42553
the most public places in the school district in which the 42554
property, if it is real property, is situated, or, if it is 42555
personal property, in the school district of the board of 42556
education that owns the property. The board may offer real 42557
property for sale as an entire tract or in parcels. 42558

(B) When the board of education has offered real or personal 42559
property for sale at public auction at least once pursuant to 42560
division (A) of this section, and the property has not been sold, 42561
the board may sell it at a private sale. Regardless of how it was 42562
offered at public auction, at a private sale, the board shall, as 42563
it considers best, sell real property as an entire tract or in 42564
parcels, and personal property in a single lot or in several lots. 42565

(C) If a board of education decides to dispose of real or 42566
personal property that it owns in its corporate capacity and that 42567
exceeds in value ten thousand dollars, it may sell the property to 42568
the adjutant general; to any subdivision or taxing authority as 42569
respectively defined in section 5705.01 of the Revised Code, 42570
township park district, board of park commissioners established 42571
under Chapter 755. of the Revised Code, or park district 42572
established under Chapter 1545. of the Revised Code; to a wholly 42573

or partially tax-supported university, university branch, or 42574
college; to a nonprofit institution of higher education that has a 42575
certificate of authorization under Chapter 1713. of the Revised 42576
Code; to the governing authority of a chartered nonpublic school; 42577
or to the board of trustees of a school district library, upon 42578
such terms as are agreed upon. The sale of real or personal 42579
property to the board of trustees of a school district library is 42580
limited, in the case of real property, to a school district 42581
library within whose boundaries the real property is situated, or, 42582
in the case of personal property, to a school district library 42583
whose boundaries lie in whole or in part within the school 42584
district of the selling board of education. 42585

(D) When a board of education decides to trade as a part or 42586
an entire consideration, an item of personal property on the 42587
purchase price of an item of similar personal property, it may 42588
trade the same upon such terms as are agreed upon by the parties 42589
to the trade. 42590

(E) The president and the treasurer of the board of education 42591
shall execute and deliver deeds or other necessary instruments of 42592
conveyance to complete any sale or trade under this section. 42593

(F) When a board of education has identified a parcel of real 42594
property that it determines is needed for school purposes, the 42595
board may, upon a majority vote of the members of the board, 42596
acquire that property by exchanging real property that the board 42597
owns in its corporate capacity for the identified real property or 42598
by using real property that the board owns in its corporate 42599
capacity as part or an entire consideration for the purchase price 42600
of the identified real property. Any exchange or acquisition made 42601
pursuant to this division shall be made by a conveyance executed 42602
by the president and the treasurer of the board. 42603

(G) Except as provided in ~~section~~ sections 3313.412 and 42604
3313.413 of the Revised Code, when a school district board of 42605

education decides to dispose of real property, prior to disposing 42606
of that property under divisions (A) to (F) of this section, it 42607
shall first offer that property for sale to the governing 42608
authorities of the start-up community schools established under 42609
Chapter 3314. of the Revised Code, and the board of trustees of 42610
any college-preparatory boarding school established under Chapter 42611
3328. of the Revised Code, that are located within the territory 42612
of the school district. The district board shall offer the 42613
property at a price that is not higher than the appraised fair 42614
market value of that property as determined in an appraisal of the 42615
property that is not more than one year old. If more than one 42616
community school governing authority or college-preparatory 42617
boarding school board of trustees accepts the offer made by the 42618
school district board, the board shall sell the property to the 42619
governing authority or board that accepted the offer first in 42620
time. If no community school governing authority or 42621
college-preparatory boarding school board of trustees accepts the 42622
offer within sixty days after the offer is made by the school 42623
district board, the board may dispose of the property in the 42624
applicable manner prescribed under divisions (A) to (F) of this 42625
section. 42626

(H) When a school district board of education has property 42627
that the board, by resolution, finds is not needed for school 42628
district use, is obsolete, or is unfit for the use for which it 42629
was acquired, the board may donate that property in accordance 42630
with this division if the fair market value of the property is, in 42631
the opinion of the board, two thousand five hundred dollars or 42632
less. 42633

The property may be donated to an eligible nonprofit 42634
organization that is located in this state and is exempt from 42635
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 42636
Before donating any property under this division, the board shall 42637

adopt a resolution expressing its intent to make unneeded, 42638
obsolete, or unfit-for-use school district property available to 42639
these organizations. The resolution shall include guidelines and 42640
procedures the board considers to be necessary to implement the 42641
donation program and shall indicate whether the school district 42642
will conduct the donation program or the board will contract with 42643
a representative to conduct it. If a representative is known when 42644
the resolution is adopted, the resolution shall provide contact 42645
information such as the representative's name, address, and 42646
telephone number. 42647

The resolution shall include within its procedures a 42648
requirement that any nonprofit organization desiring to obtain 42649
donated property under this division shall submit a written notice 42650
to the board or its representative. The written notice shall 42651
include evidence that the organization is a nonprofit organization 42652
that is located in this state and is exempt from federal income 42653
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 42654
the organization's primary purpose; a description of the type or 42655
types of property the organization needs; and the name, address, 42656
and telephone number of a person designated by the organization's 42657
governing board to receive donated property and to serve as its 42658
agent. 42659

After adoption of the resolution, the board shall publish, in 42660
a newspaper of general circulation in the school district or as 42661
provided in section 7.16 of the Revised Code, notice of its intent 42662
to donate unneeded, obsolete, or unfit-for-use school district 42663
property to eligible nonprofit organizations. The notice shall 42664
include a summary of the information provided in the resolution 42665
and shall be published twice. The second notice shall be published 42666
not less than ten nor more than twenty days after the previous 42667
notice. A similar notice also shall be posted continually in the 42668
board's office. If the school district maintains a web site on the 42669

internet, the notice shall be posted continually at that web site. 42670

The board or its representatives shall maintain a list of all 42671
nonprofit organizations that notify the board or its 42672
representative of their desire to obtain donated property under 42673
this division and that the board or its representative determines 42674
to be eligible, in accordance with the requirements set forth in 42675
this section and in the donation program's guidelines and 42676
procedures, to receive donated property. 42677

The board or its representative also shall maintain a list of 42678
all school district property the board finds to be unneeded, 42679
obsolete, or unfit for use and to be available for donation under 42680
this division. The list shall be posted continually in a 42681
conspicuous location in the board's office, and, if the school 42682
district maintains a web site on the internet, the list shall be 42683
posted continually at that web site. An item of property on the 42684
list shall be donated to the eligible nonprofit organization that 42685
first declares to the board or its representative its desire to 42686
obtain the item unless the board previously has established, by 42687
resolution, a list of eligible nonprofit organizations that shall 42688
be given priority with respect to the item's donation. Priority 42689
may be given on the basis that the purposes of a nonprofit 42690
organization have a direct relationship to specific school 42691
district purposes of programs provided or administered by the 42692
board. A resolution giving priority to certain nonprofit 42693
organizations with respect to the donation of an item of property 42694
shall specify the reasons why the organizations are given that 42695
priority. 42696

Members of the board shall consult with the Ohio ethics 42697
commission, and comply with Chapters 102. and 2921. of the Revised 42698
Code, with respect to any donation under this division to a 42699
nonprofit organization of which a board member, any member of a 42700
board member's family, or any business associate of a board member 42701

is a trustee, officer, board member, or employee. 42702

Sec. 3311.221. (A) As used in this section, an "eligible school district transfer" means the transfer, not later than June 30, 2015, of the entire territory of a local school district that has fewer than five hundred students to a contiguous local school district under section 3311.22 of the Revised Code that results in the cancellation of the amount owed to the solvency assistance fund by either or both districts under Section 7 of Am. Sub. H.B. 487 of the 130th general assembly. 42703
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(B) Notwithstanding anything to the contrary in the Revised Code, if a joint vocational school district gains territory on or after January 1, 2015, due to an eligible school district transfer, the joint vocational school district shall enter into a two-year transition agreement with the joint vocational school district that lost the territory gained by the other joint vocational school district due to the transfer. This agreement shall require all of the following: 42711
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(1) Each student of the local school district that is transferred who is enrolled, at the time of the transfer, in the joint vocational school district that lost territory due to the transfer shall remain enrolled in that joint vocational school district for the remainder of the student's secondary education, so long as the student is enrolled in the local school district that received territory in the transfer and continues to enroll in a career-technical program. 42719
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(2) In the first year following the transfer, the joint vocational school district that gains territory due to the transfer shall pay the joint vocational school district that lost territory due to the transfer an amount equal to one hundred per cent of the revenue that would have been generated by taxes levied under sections 3311.21 and 5705.21 of the Revised Code by the 42727
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joint vocational school district that lost territory if the 42733
transfer had not occurred. 42734

(3) In the second year following the transfer, the joint 42735
vocational school district that gains territory due to the 42736
transfer shall pay the joint vocational school district that lost 42737
territory due to the transfer an amount equal to fifty per cent of 42738
the revenue that would have been generated by taxes levied under 42739
sections 3311.21 and 5705.21 of the Revised Code by the joint 42740
vocational school district that lost territory if the transfer had 42741
not occurred. 42742

Any other terms mutually agreed upon by both joint vocational 42743
school districts to ensure an orderly transition of territory that 42744
maximizes opportunities for students shall also be included in the 42745
agreement. 42746

Sec. 3313.411. (A) As used in this section: 42747

(1) "College-preparatory boarding school" means a 42748
college-preparatory boarding school established under Chapter 42749
3328. of the Revised Code. 42750

(2) "Community school" means a community school established 42751
under Chapter 3314. of the Revised Code. 42752

(3) "Unused school facilities" means any real property that 42753
has been used by a school district for school operations, 42754
including, but not limited to, academic instruction or 42755
administration, since July 1, 1998, but has not been used in that 42756
capacity for two years. 42757

(B)(1) Except as provided in ~~section~~ sections 3313.412 and 42758
3313.413 of the Revised Code, on and after June 30, 2011, any 42759
school district board of education shall offer any unused school 42760
facilities it owns in its corporate capacity for lease or sale to 42761
the governing authorities of community schools, and the board of 42762

trustees of any college-preparatory boarding school, that are 42763
located within the territory of the district. 42764

(2) At the same time that a district board makes the offer 42765
required under division (B)(1) of this section, the board also 42766
may, but shall not be required to, offer that property for sale or 42767
lease to the governing authorities of community schools with 42768
plans, stipulated in their contracts entered into under section 42769
3314.03 of the Revised Code, either to relocate their operations 42770
to the territory of the district or to add facilities, as 42771
authorized by division (B)(3) or (4) of section 3314.05 of the 42772
Revised Code, to be located within the territory of the district. 42773

(C)(1) If, not later than sixty days after the district board 42774
makes the offer, only one qualified party offered the property 42775
under division (B) of this section notifies the district treasurer 42776
in writing of the intention to purchase the property, the district 42777
board shall sell the property to that party for the appraised fair 42778
market value of the property as determined in an appraisal of the 42779
property that is not more than one year old. 42780

(2) If, not later than sixty days after the district board 42781
makes the offer, more than one qualified party offered the 42782
property under division (B) of this section notifies the district 42783
treasurer in writing of the intention to purchase the property, 42784
the board shall conduct a public auction in the manner required 42785
for auctions of district property under division (A) of section 42786
3313.41 of the Revised Code. Only the parties offered the property 42787
under division (B) of this section that notify the district 42788
treasurer of the intention to purchase the property are eligible 42789
to bid at the auction. The district board is not obligated to 42790
accept any bid for the property that is lower than the appraised 42791
fair market value of the property as determined in an appraisal 42792
that is not more than one year old. 42793

(3) If more than one qualified party offered the property 42794

under division (B) of this section notifies the district treasurer 42795
in writing of the intention to lease the property, the district 42796
board shall conduct a lottery to select from among those parties 42797
the one qualified party to which the district board shall lease 42798
the property. 42799

(4) The lease price offered by a district board to a 42800
community school or college-preparatory boarding school under this 42801
section shall not be higher than the fair market value for such a 42802
leasehold as determined in an appraisal that is not more than one 42803
year old. 42804

(5) If no qualified party offered the property under division 42805
(B) of this section accepts the offer to lease or buy the property 42806
within sixty days after the offer is made, the district board may 42807
offer the property to any other entity in accordance with 42808
divisions (A) to (F) of section 3313.41 of the Revised Code. 42809

(D) Notwithstanding division (B) of this section, a school 42810
district board may renew any agreement it originally entered into 42811
prior to June 30, 2011, to lease real property to an entity other 42812
than a community school or college-preparatory boarding school. 42813
Nothing in this section shall affect the leasehold arrangements 42814
between the district board and that other entity. 42815

(E)(1) Except as provided in division (E)(2) of this section, 42816
the governing authority of a community school or the board of 42817
trustees of a college-preparatory boarding school shall not sell 42818
any property purchased under division (B) of this section within 42819
five years of purchasing that property. 42820

(2) The governing authority or board of trustees may sell a 42821
property purchased under division (B) of this section within five 42822
years of the purchase, only if the governing authority or board of 42823
trustees sells or transfers that property to another entity 42824
described in that division. 42825

Sec. 3313.413. (A) As used in this section, "high-performing community school" means a community school established under Chapter 3314. of the Revised Code that meets the following conditions: 42826
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(1) Except as provided in division (A)(2) or (3) of this section, the school both: 42830
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(a) Has received a grade of "A," "B," or "C" for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code or has increased its performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code in each of the previous three years of operation; and 42832
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(b) Has received a grade of "A" or "B" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code on its most recent report card rating issued under that section. 42837
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(2) If the school serves only grades kindergarten through three, the school received a grade of "A" or "B" for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code on its most recent report card issued under that section. 42841
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(3) If the school primarily serves students enrolled in a dropout prevention and recovery program as described in division (A)(4)(a) of section 3314.35 of the Revised Code, the school received a rating of "exceeds standards" on its most recent report card issued under section 3314.017 of the Revised Code. 42846
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(B) When a school district board of education decides to dispose of real property it owns in its corporate capacity under section 3313.41 of the Revised Code, prior to offering that property to all start-up community schools and any college-preparatory boarding school located in the district as 42851
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prescribed by division (G) of that section, the board shall first 42856
offer that property for sale to the governing authorities of 42857
high-performing community schools and any newly established 42858
community schools that are implementing a community school model 42859
that has a track record of high quality academic performance, as 42860
determined by the department of education. If no such governing 42861
authority notifies the district treasurer of its intention to 42862
purchase the property within sixty days after the offer is made, 42863
the board shall offer that property to all start-up community 42864
schools and college-preparatory boarding schools located in the 42865
district pursuant to division (G) of section 3313.41 of the 42866
Revised Code and then subsequently may offer the property for sale 42867
in the manner prescribed under divisions (A) to (F) of that 42868
section. 42869

(C) When a school district board of education is required to 42870
offer unused school facilities for lease or sale pursuant to 42871
section 3313.411 of the Revised Code, prior to offering those 42872
facilities to all start-up community schools and any 42873
college-preparatory boarding school located in the district as 42874
prescribed by that section, the board shall first offer those 42875
facilities for lease or sale to the governing authorities of 42876
high-performing community schools. If no such governing authority 42877
notifies the district treasurer of its intention to lease or 42878
purchase those facilities within sixty days after the offer is 42879
made, the board shall offer those facilities to all start-up 42880
community schools and college-preparatory boarding schools located 42881
in the district pursuant to section 3313.411 of the Revised Code. 42882

(D) Notwithstanding anything to the contrary in sections 42883
3313.41 and 3313.411 of the Revised Code, the purchase price of 42884
any real property sold to the governing authority of a 42885
high-performing community school in accordance with division (B) 42886
of this section and of any unused school facilities sold to any of 42887

those entities in accordance with division (C) of this section 42888
shall not be more than the appraised fair market value of that 42889
property as determined in an appraisal of the property that is not 42890
more than one year old. 42891

Sec. 3313.534. ~~No~~ (A)(1) Not later than July 1, 1998 thirty 42892
days after the effective date of this amendment, the board of 42893
education of each city, exempted village, and local school 42894
district shall adopt a tiered policy of zero tolerance for 42895
violent, disruptive, ~~or~~ and inappropriate behavior, ~~including~~ 42896
~~excessive truancy, and establish strategies to address such~~ 42897
~~behavior that range from prevention to intervention. The policy~~ 42898
shall stipulate that an out-of-school suspension or expulsion be 42899
imposed only when a student's behavior poses a substantial risk to 42900
the safety of other students or school employees, including 42901
situations involving the use of a firearm or the threat of a 42902
firearm, pursuant to the "Gun-Free Schools Act," 115 Stat. 1762, 42903
20 U.S.C. 7151, or any other weapon capable of inflicting harm on 42904
a person, as provided for under division (B) of section 3313.66 of 42905
the Revised Code. Additionally, the policy shall specify that an 42906
out-of-school suspension or expulsion shall not be an appropriate 42907
penalty to impose for excessive or chronic truancy. 42908

For all other types of behavior, the policy shall specify 42909
that an out-of-school suspension or expulsion shall be the penalty 42910
of last resort. 42911

(2) The policy adopted pursuant to this section shall specify 42912
that, if a student is disciplined under the policy, every effort 42913
shall be made to provide educational services to that student 42914
during the disciplinary period. Such services may be provided in 42915
the student's regular school setting, in a supervised setting 42916
outside of the student's regular school setting, or in an 42917
alternative school setting. 42918

(3) Disciplinary actions included in the policy adopted 42919
pursuant to this section shall be designed to encourage a positive 42920
school climate, positive behavioral interventions and support, and 42921
positive student engagement and to provide students with an 42922
opportunity to succeed through social and emotional learning 42923
strategies. 42924

~~No~~ (B) Not later than July 1, 1999, each of the big eight 42925
school districts, as defined in section 3314.02 of the Revised 42926
Code, shall establish under section 3313.533 of the Revised Code 42927
at least one alternative school to meet the educational needs of 42928
students with severe discipline problems, including, but not 42929
limited to, excessive truancy, excessive disruption in the 42930
classroom, and multiple suspensions or expulsions. Any other 42931
school district that attains after that date a significantly 42932
substandard graduation rate, as defined by the department of 42933
education, shall also establish such an alternative school under 42934
that section. 42935

Sec. 3313.603. (A) As used in this section: 42936

(1) "One unit" means a minimum of one hundred twenty hours of 42937
course instruction, except that for a laboratory course, "one 42938
unit" means a minimum of one hundred fifty hours of course 42939
instruction. 42940

(2) "One-half unit" means a minimum of sixty hours of course 42941
instruction, except that for physical education courses, "one-half 42942
unit" means a minimum of one hundred twenty hours of course 42943
instruction. 42944

(B) Beginning September 15, 2001, except as required in 42945
division (C) of this section and division (C) of section 3313.614 42946
of the Revised Code, the requirements for graduation from every 42947
high school shall include twenty units earned in grades nine 42948
through twelve and shall be distributed as follows: 42949

(1) English language arts, four units;	42950
(2) Health, one-half unit;	42951
(3) Mathematics, three units;	42952
(4) Physical education, one-half unit;	42953
(5) Science, two units until September 15, 2003, and three	42954
units thereafter, which at all times shall include both of the	42955
following:	42956
(a) Biological sciences, one unit;	42957
(b) Physical sciences, one unit.	42958
(6) History and government, one unit, which shall comply with	42959
division (M) of this section and shall include both of the	42960
following:	42961
(a) American history, one-half unit;	42962
(b) American government, one-half unit.	42963
(7) Social studies, two units.	42964
Beginning with students who enter ninth grade for the first	42965
time on or after July 1, 2017, the two units of instruction	42966
prescribed by division (B)(7) of this section shall include at	42967
least one-half unit of instruction in the study of world history	42968
and civilizations.	42969
(8) Elective units, seven units until September 15, 2003, and	42970
six units thereafter.	42971
Each student's electives shall include at least one unit, or	42972
two half units, chosen from among the areas of	42973
business/technology, fine arts, and/or foreign language.	42974
(C) Beginning with students who enter ninth grade for the	42975
first time on or after July 1, 2010, except as provided in	42976
divisions (D) to (F) of this section, the requirements for	42977
graduation from every public and chartered nonpublic high school	42978

shall include twenty units that are designed to prepare students	42979
for the workforce and college. The units shall be distributed as	42980
follows:	42981
(1) English language arts, four units;	42982
(2) Health, one-half unit, which shall include instruction in	42983
nutrition and the benefits of nutritious foods and physical	42984
activity for overall health;	42985
(3) Mathematics, four units, which shall include one unit of	42986
algebra II or the equivalent of algebra II ⁺ . <u>However, students who</u>	42987
<u>enter ninth grade for the first time on or after July 1, 2015, and</u>	42988
<u>who are pursuing a career-technical instructional track shall not</u>	42989
<u>be required to take algebra II, and instead may complete a</u>	42990
<u>career-based pathway mathematics course as an alternative.</u>	42991
(4) Physical education, one-half unit;	42992
(5) Science, three units with inquiry-based laboratory	42993
experience that engages students in asking valid scientific	42994
questions and gathering and analyzing information, which shall	42995
include the following, or their equivalent:	42996
(a) Physical sciences, one unit;	42997
(b) Life sciences, one unit;	42998
(c) Advanced study in one or more of the following sciences,	42999
one unit:	43000
(i) Chemistry, physics, or other physical science;	43001
(ii) Advanced biology or other life science;	43002
(iii) Astronomy, physical geology, or other earth or space	43003
science.	43004
(6) History and government, one unit, which shall comply with	43005
division (M) of this section and shall include both of the	43006
following:	43007

- (a) American history, one-half unit; 43008
- (b) American government, one-half unit. 43009
- (7) Social studies, two units. 43010

Each school shall integrate the study of economics and 43011
financial literacy, as expressed in the social studies academic 43012
content standards adopted by the state board of education under 43013
division (A)(1) of section 3301.079 of the Revised Code and the 43014
academic content standards for financial literacy and 43015
entrepreneurship adopted under division (A)(2) of that section, 43016
into one or more existing social studies credits required under 43017
division (C)(7) of this section, or into the content of another 43018
class, so that every high school student receives instruction in 43019
those concepts. In developing the curriculum required by this 43020
paragraph, schools shall use available public-private partnerships 43021
and resources and materials that exist in business, industry, and 43022
through the centers for economics education at institutions of 43023
higher education in the state. 43024

Beginning with students who enter ninth grade for the first 43025
time on or after July 1, 2017, the two units of instruction 43026
prescribed by division (C)(7) of this section shall include at 43027
least one-half unit of instruction in the study of world history 43028
and civilizations. 43029

(8) Five units consisting of one or any combination of 43030
foreign language, fine arts, business, career-technical education, 43031
family and consumer sciences, technology, agricultural education, 43032
a junior reserve officer training corps (JROTC) program approved 43033
by the congress of the United States under title 10 of the United 43034
States Code, or English language arts, mathematics, science, or 43035
social studies courses not otherwise required under division (C) 43036
of this section. 43037

Ohioans must be prepared to apply increased knowledge and 43038

skills in the workplace and to adapt their knowledge and skills 43039
quickly to meet the rapidly changing conditions of the 43040
twenty-first century. National studies indicate that all high 43041
school graduates need the same academic foundation, regardless of 43042
the opportunities they pursue after graduation. The goal of Ohio's 43043
system of elementary and secondary education is to prepare all 43044
students for and seamlessly connect all students to success in 43045
life beyond high school graduation, regardless of whether the next 43046
step is entering the workforce, beginning an apprenticeship, 43047
engaging in post-secondary training, serving in the military, or 43048
pursuing a college degree. 43049

The requirements for graduation prescribed in division (C) of 43050
this section are the standard expectation for all students 43051
entering ninth grade for the first time at a public or chartered 43052
nonpublic high school on or after July 1, 2010. A student may 43053
satisfy this expectation through a variety of methods, including, 43054
but not limited to, integrated, applied, career-technical, and 43055
traditional coursework. 43056

Whereas teacher quality is essential for student success when 43057
completing the requirements for graduation, the general assembly 43058
shall appropriate funds for strategic initiatives designed to 43059
strengthen schools' capacities to hire and retain highly qualified 43060
teachers in the subject areas required by the curriculum. Such 43061
initiatives are expected to require an investment of \$120,000,000 43062
over five years. 43063

Stronger coordination between high schools and institutions 43064
of higher education is necessary to prepare students for more 43065
challenging academic endeavors and to lessen the need for academic 43066
remediation in college, thereby reducing the costs of higher 43067
education for Ohio's students, families, and the state. The state 43068
board and the chancellor of ~~the Ohio board of regents~~ higher 43069
education shall develop policies to ensure that only in rare 43070

instances will students who complete the requirements for 43071
graduation prescribed in division (C) of this section require 43072
academic remediation after high school. 43073

School districts, community schools, and chartered nonpublic 43074
schools shall integrate technology into learning experiences 43075
across the curriculum in order to maximize efficiency, enhance 43076
learning, and prepare students for success in the 43077
technology-driven twenty-first century. Districts and schools 43078
shall use distance and web-based course delivery as a method of 43079
providing or augmenting all instruction required under this 43080
division, including laboratory experience in science. Districts 43081
and schools shall utilize technology access and electronic 43082
learning opportunities provided by the broadcast educational media 43083
commission, chancellor, the Ohio learning network, education 43084
technology centers, public television stations, and other public 43085
and private providers. 43086

(D) Except as provided in division (E) of this section, a 43087
student who enters ninth grade on or after July 1, 2010, and 43088
before July 1, 2016, may qualify for graduation from a public or 43089
chartered nonpublic high school even though the student has not 43090
completed the requirements for graduation prescribed in division 43091
(C) of this section if all of the following conditions are 43092
satisfied: 43093

(1) During the student's third year of attending high school, 43094
as determined by the school, the student and the student's parent, 43095
guardian, or custodian sign and file with the school a written 43096
statement asserting the parent's, guardian's, or custodian's 43097
consent to the student's graduating without completing the 43098
requirements for graduation prescribed in division (C) of this 43099
section and acknowledging that one consequence of not completing 43100
those requirements is ineligibility to enroll in most state 43101
universities in Ohio without further coursework. 43102

(2) The student and parent, guardian, or custodian fulfill 43103
any procedural requirements the school stipulates to ensure the 43104
student's and parent's, guardian's, or custodian's informed 43105
consent and to facilitate orderly filing of statements under 43106
division (D)(1) of this section. Annually, each district or school 43107
shall notify the department of education of the number of students 43108
who choose to qualify for graduation under division (D) of this 43109
section and the number of students who complete the student's 43110
success plan and graduate from high school. 43111

(3) The student and the student's parent, guardian, or 43112
custodian and a representative of the student's high school 43113
jointly develop a student success plan for the student in the 43114
manner described in division (C)(1) of section 3313.6020 of the 43115
Revised Code that specifies the student matriculating to a 43116
two-year degree program, acquiring a business and 43117
industry-recognized credential, or entering an apprenticeship. 43118

(4) The student's high school provides counseling and support 43119
for the student related to the plan developed under division 43120
(D)(3) of this section during the remainder of the student's high 43121
school experience. 43122

(5)(a) Except as provided in division (D)(5)(b) of this 43123
section, the student successfully completes, at a minimum, the 43124
curriculum prescribed in division (B) of this section. 43125

(b) Beginning with students who enter ninth grade for the 43126
first time on or after July 1, 2014, a student shall be required 43127
to complete successfully, at the minimum, the curriculum 43128
prescribed in division (B) of this section, except as follows: 43129

(i) Mathematics, four units, one unit which shall be one of 43130
the following: 43131

(I) Probability and statistics; 43132

(II) Computer programming; 43133

(III) Applied mathematics or quantitative reasoning;	43134
(IV) Any other course approved by the department using standards established by the superintendent not later than October 1, 2014.	43135 43136 43137
(ii) Elective units, five units;	43138
(iii) Science, three units as prescribed by division (B) of this section which shall include inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information.	43139 43140 43141 43142
The department, in collaboration with the chancellor, shall analyze student performance data to determine if there are mitigating factors that warrant extending the exception permitted by division (D) of this section to high school classes beyond those entering ninth grade before July 1, 2016. The department shall submit its findings and any recommendations not later than December 1, 2015, to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, the chairpersons and ranking minority members of the standing committees of the house of representatives and the senate that consider education legislation, the state board of education, and the superintendent of public instruction.	43143 43144 43145 43146 43147 43148 43149 43150 43151 43152 43153 43154
(E) Each school district and chartered nonpublic school retains the authority to require an even more challenging minimum curriculum for high school graduation than specified in division (B) or (C) of this section. A school district board of education, through the adoption of a resolution, or the governing authority of a chartered nonpublic school may stipulate any of the following:	43155 43156 43157 43158 43159 43160 43161
(1) A minimum high school curriculum that requires more than twenty units of academic credit to graduate;	43162 43163
(2) An exception to the district's or school's minimum high	43164

school curriculum that is comparable to the exception provided in 43165
division (D) of this section but with additional requirements, 43166
which may include a requirement that the student successfully 43167
complete more than the minimum curriculum prescribed in division 43168
(B) of this section; 43169

(3) That no exception comparable to that provided in division 43170
(D) of this section is available. 43171

(F) A student enrolled in a dropout prevention and recovery 43172
program, which program has received a waiver from the department, 43173
may qualify for graduation from high school by successfully 43174
completing a competency-based instructional program administered 43175
by the dropout prevention and recovery program in lieu of 43176
completing the requirements for graduation prescribed in division 43177
(C) of this section. The department shall grant a waiver to a 43178
dropout prevention and recovery program, within sixty days after 43179
the program applies for the waiver, if the program meets all of 43180
the following conditions: 43181

(1) The program serves only students not younger than sixteen 43182
years of age and not older than twenty-one years of age. 43183

(2) The program enrolls students who, at the time of their 43184
initial enrollment, either, or both, are at least one grade level 43185
behind their cohort age groups or experience crises that 43186
significantly interfere with their academic progress such that 43187
they are prevented from continuing their traditional programs. 43188

(3) The program requires students to attain at least the 43189
applicable score designated for each of the assessments prescribed 43190
under division (B)(1) of section 3301.0710 of the Revised Code or, 43191
to the extent prescribed by rule of the state board under division 43192
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 43193
of that section. 43194

(4) The program develops a student success plan for the 43195

student in the manner described in division (C)(1) of section 43196
3313.6020 of the Revised Code that specifies the student's 43197
matriculating to a two-year degree program, acquiring a business 43198
and industry-recognized credential, or entering an apprenticeship. 43199

(5) The program provides counseling and support for the 43200
student related to the plan developed under division (F)(4) of 43201
this section during the remainder of the student's high school 43202
experience. 43203

(6) The program requires the student and the student's 43204
parent, guardian, or custodian to sign and file, in accordance 43205
with procedural requirements stipulated by the program, a written 43206
statement asserting the parent's, guardian's, or custodian's 43207
consent to the student's graduating without completing the 43208
requirements for graduation prescribed in division (C) of this 43209
section and acknowledging that one consequence of not completing 43210
those requirements is ineligibility to enroll in most state 43211
universities in Ohio without further coursework. 43212

(7) Prior to receiving the waiver, the program has submitted 43213
to the department an instructional plan that demonstrates how the 43214
academic content standards adopted by the state board under 43215
section 3301.079 of the Revised Code will be taught and assessed. 43216

(8) Prior to receiving the waiver, the program has submitted 43217
to the department a policy on career advising that satisfies the 43218
requirements of section 3313.6020 of the Revised Code, with an 43219
emphasis on how every student will receive career advising. 43220

(9) Prior to receiving the waiver, the program has submitted 43221
to the department a written agreement outlining the future 43222
cooperation between the program and any combination of local job 43223
training, postsecondary education, nonprofit, and health and 43224
social service organizations to provide services for students in 43225
the program and their families. 43226

Divisions (F)(8) and (9) of this section apply only to 43227
waivers granted on or after July 1, 2015. 43228

If the department does not act either to grant the waiver or 43229
to reject the program application for the waiver within sixty days 43230
as required under this section, the waiver shall be considered to 43231
be granted. 43232

(G) Every high school may permit students below the ninth 43233
grade to take advanced work. If a high school so permits, it shall 43234
award high school credit for successful completion of the advanced 43235
work and shall count such advanced work toward the graduation 43236
requirements of division (B) or (C) of this section if the 43237
advanced work was both: 43238

(1) Taught by a person who possesses a license or certificate 43239
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 43240
Code that is valid for teaching high school; 43241

(2) Designated by the board of education of the city, local, 43242
or exempted village school district, the board of the cooperative 43243
education school district, or the governing authority of the 43244
chartered nonpublic school as meeting the high school curriculum 43245
requirements. 43246

Each high school shall record on the student's high school 43247
transcript all high school credit awarded under division (G) of 43248
this section. In addition, if the student completed a seventh- or 43249
eighth-grade fine arts course described in division (K) of this 43250
section and the course qualified for high school credit under that 43251
division, the high school shall record that course on the 43252
student's high school transcript. 43253

(H) The department shall make its individual academic career 43254
plan available through its Ohio career information system web site 43255
for districts and schools to use as a tool for communicating with 43256
and providing guidance to students and families in selecting high 43257

school courses. 43258

(I) Units earned in English language arts, mathematics, 43259
science, and social studies that are delivered through integrated 43260
academic and career-technical instruction are eligible to meet the 43261
graduation requirements of division (B) or (C) of this section. 43262

(J)(1) The state board, in consultation with the chancellor, 43263
shall adopt a statewide plan implementing methods for students to 43264
earn units of high school credit based on a demonstration of 43265
subject area competency, instead of or in combination with 43266
completing hours of classroom instruction. The state board shall 43267
adopt the plan not later than March 31, 2009, and commence phasing 43268
in the plan during the 2009-2010 school year. The plan shall 43269
include a standard method for recording demonstrated proficiency 43270
on high school transcripts. Each school district and community 43271
school shall comply with the state board's plan adopted under this 43272
division and award units of high school credit in accordance with 43273
the plan. The state board may adopt existing methods for earning 43274
high school credit based on a demonstration of subject area 43275
competency as necessary prior to the 2009-2010 school year. 43276

(2) Not later than December 31, 2015, the state board shall 43277
update the statewide plan adopted pursuant to division (J)(1) of 43278
this section to also include methods for students enrolled in 43279
seventh and eighth grade to meet curriculum requirements based on 43280
a demonstration of subject area competency, instead of or in 43281
combination with completing hours of classroom instruction. 43282
Beginning with the 2017-2018 school year, each school district and 43283
community school also shall comply with the updated plan adopted 43284
pursuant to this division and permit students enrolled in seventh 43285
and eighth grade to meet curriculum requirements based on subject 43286
area competency in accordance with the plan. 43287

(K) This division does not apply to students who qualify for 43288
graduation from high school under division (D) or (F) of this 43289

section, or to students pursuing a career-technical instructional 43290
track as determined by the school district board of education or 43291
the chartered nonpublic school's governing authority. 43292
Nevertheless, the general assembly encourages such students to 43293
consider enrolling in a fine arts course as an elective. 43294

Beginning with students who enter ninth grade for the first 43295
time on or after July 1, 2010, each student enrolled in a public 43296
or chartered nonpublic high school shall complete two semesters or 43297
the equivalent of fine arts to graduate from high school. The 43298
coursework may be completed in any of grades seven to twelve. Each 43299
student who completes a fine arts course in grade seven or eight 43300
may elect to count that course toward the five units of electives 43301
required for graduation under division (C)(8) of this section, if 43302
the course satisfied the requirements of division (G) of this 43303
section. In that case, the high school shall award the student 43304
high school credit for the course and count the course toward the 43305
five units required under division (C)(8) of this section. If the 43306
course in grade seven or eight did not satisfy the requirements of 43307
division (G) of this section, the high school shall not award the 43308
student high school credit for the course but shall count the 43309
course toward the two semesters or the equivalent of fine arts 43310
required by this division. 43311

(L) Notwithstanding anything to the contrary in this section, 43312
the board of education of each school district and the governing 43313
authority of each chartered nonpublic school may adopt a policy to 43314
excuse from the high school physical education requirement each 43315
student who, during high school, has participated in 43316
interscholastic athletics, marching band, or cheerleading for at 43317
least two full seasons or in the junior reserve officer training 43318
corps for at least two full school years. If the board or 43319
authority adopts such a policy, the board or authority shall not 43320
require the student to complete any physical education course as a 43321

condition to graduate. However, the student shall be required to 43322
complete one-half unit, consisting of at least sixty hours of 43323
instruction, in another course of study. In the case of a student 43324
who has participated in the junior reserve officer training corps 43325
for at least two full school years, credit received for that 43326
participation may be used to satisfy the requirement to complete 43327
one-half unit in another course of study. 43328

(M) It is important that high school students learn and 43329
understand United States history and the governments of both the 43330
United States and the state of Ohio. Therefore, beginning with 43331
students who enter ninth grade for the first time on or after July 43332
1, 2012, the study of American history and American government 43333
required by divisions (B)(6) and (C)(6) of this section shall 43334
include the study of all of the following documents: 43335

(1) The Declaration of Independence; 43336

(2) The Northwest Ordinance; 43337

(3) The Constitution of the United States with emphasis on 43338
the Bill of Rights; 43339

(4) The Ohio Constitution. 43340

The study of each of the documents prescribed in divisions 43341
(M)(1) to (4) of this section shall include study of that document 43342
in its original context. 43343

The study of American history and government required by 43344
divisions (B)(6) and (C)(6) of this section shall include the 43345
historical evidence of the role of documents such as the 43346
Federalist Papers and the Anti-Federalist Papers to firmly 43347
establish the historical background leading to the establishment 43348
of the provisions of the Constitution and Bill of Rights. 43349

Sec. 3313.608. (A)(1) Beginning with students who enter third 43350
grade in the school year that starts July 1, 2009, and until June 43351

30, 2013, unless the student is excused under division (C) of 43352
section 3301.0711 of the Revised Code from taking the assessment 43353
described in this section, for any student who does not attain at 43354
least the equivalent level of achievement designated under 43355
division (A)(3) of section 3301.0710 of the Revised Code on the 43356
assessment prescribed under that section to measure skill in 43357
English language arts expected at the end of third grade, each 43358
school district, in accordance with the policy adopted under 43359
section 3313.609 of the Revised Code, shall do one of the 43360
following: 43361

(a) Promote the student to fourth grade if the student's 43362
principal and reading teacher agree that other evaluations of the 43363
student's skill in reading demonstrate that the student is 43364
academically prepared to be promoted to fourth grade; 43365

(b) Promote the student to fourth grade but provide the 43366
student with intensive intervention services in fourth grade; 43367

(c) Retain the student in third grade. 43368

(2) Beginning with students who enter third grade in the 43369
2013-2014 school year, unless the student is excused under 43370
division (C) of section 3301.0711 of the Revised Code from taking 43371
the assessment described in this section, no school district shall 43372
promote to fourth grade any student who does not attain at least 43373
the equivalent level of achievement designated under division 43374
(A)(3) of section 3301.0710 of the Revised Code on the assessment 43375
prescribed under that section to measure skill in English language 43376
arts expected at the end of third grade, unless one of the 43377
following applies: 43378

(a) The student is a limited English proficient student who 43379
has been enrolled in United States schools for less than three 43380
full school years and has had less than three years of instruction 43381
in an English as a second language program. 43382

(b) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code and the student's individualized education program exempts the student from retention under this division.

(c) The student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the department of education.

(d) All of the following apply:

(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code.

(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code.

(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading.

(iv) The student previously was retained in any of grades kindergarten to three.

(e)(i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three.

(ii) A student who is promoted under division (A)(2)(e)(i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the

student that have been successful in improving reading among 43413
low-performing readers. 43414

(B)(1) Beginning in the 2012-2013 school year, to assist 43415
students in meeting the third grade guarantee established by this 43416
section, each school district board of education shall adopt 43417
policies and procedures with which it annually shall assess the 43418
reading skills of each student, except those students with 43419
significant cognitive disabilities or other disabilities as 43420
authorized by the department on a case-by-case basis, enrolled in 43421
kindergarten to third grade and shall identify students who are 43422
reading below their grade level. The reading skills assessments 43423
shall be completed by the thirtieth day of September. Each 43424
district shall use the diagnostic assessment to measure reading 43425
ability for the appropriate grade level adopted under section 43426
3301.079 of the Revised Code, or a comparable tool approved by the 43427
department of education, to identify such students. The policies 43428
and procedures shall require the students' classroom teachers to 43429
be involved in the assessment and the identification of students 43430
reading below grade level. 43431

(2) For each student identified by the diagnostic assessment 43432
prescribed under this section as having reading skills below grade 43433
level, the district shall do both of the following: 43434

(a) Provide to the student's parent or guardian, in writing, 43435
all of the following: 43436

(i) Notification that the student has been identified as 43437
having a substantial deficiency in reading; 43438

(ii) A description of the current services that are provided 43439
to the student; 43440

(iii) A description of the proposed supplemental 43441
instructional services and supports that will be provided to the 43442
student that are designed to remediate the identified areas of 43443

reading deficiency; 43444

(iv) Notification that if the student attains a score in the 43445
range designated under division (A)(3) of section 3301.0710 of the 43446
Revised Code on the assessment prescribed under that section to 43447
measure skill in English language arts expected at the end of 43448
third grade, the student shall be retained unless the student is 43449
exempt under division (A) of this section. The notification shall 43450
specify that the assessment under section 3301.0710 of the Revised 43451
Code is not the sole determinant of promotion and that additional 43452
evaluations and assessments are available to the student to assist 43453
parents and the district in knowing when a student is reading at 43454
or above grade level and ready for promotion. 43455

(b) Provide intensive reading instruction services and 43456
regular diagnostic assessments to the student immediately 43457
following identification of a reading deficiency until the 43458
development of the reading improvement and monitoring plan 43459
required by division (C) of this section. These intervention 43460
services shall include research-based reading strategies that have 43461
been shown to be successful in improving reading among 43462
low-performing readers and instruction targeted at the student's 43463
identified reading deficiencies. 43464

(3) For each student retained under division (A) of this 43465
section, the district shall do all of the following: 43466

(a) Provide intense remediation services until the student is 43467
able to read at grade level. The remediation services shall 43468
include intensive interventions in reading that address the areas 43469
of deficiencies identified under this section including, but not 43470
limited to, not less than ninety minutes of reading instruction 43471
per day, and may include any of the following: 43472

(i) Small group instruction; 43473

(ii) Reduced teacher-student ratios; 43474

(iii) More frequent progress monitoring;	43475
(iv) Tutoring or mentoring;	43476
(v) Transition classes containing third and fourth grade students;	43477 43478
(vi) Extended school day, week, or year;	43479
(vii) Summer reading camps.	43480
(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;	43481 43482 43483
(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	43484 43485
The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.	43486 43487 43488 43489 43490 43491 43492 43493
(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.	43494 43495 43496 43497 43498
As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.	43499 43500
(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable	43501 43502 43503 43504

tool administered under division (B)(1) of this section. The 43505
district shall involve the student's parent or guardian and 43506
classroom teacher in developing the plan. The plan shall include 43507
all of the following: 43508

(1) Identification of the student's specific reading 43509
deficiencies; 43510

(2) A description of the additional instructional services 43511
and support that will be provided to the student to remediate the 43512
identified reading deficiencies; 43513

(3) Opportunities for the student's parent or guardian to be 43514
involved in the instructional services and support described in 43515
division (C)(2) of this section; 43516

(4) A process for monitoring the extent to which the student 43517
receives the instructional services and support described in 43518
division (C)(2) of this section; 43519

(5) A reading curriculum during regular school hours that 43520
does all of the following: 43521

(a) Assists students to read at grade level; 43522

(b) Provides scientifically based and reliable assessment; 43523

(c) Provides initial and ongoing analysis of each student's 43524
reading progress. 43525

(6) A statement that if the student does not attain at least 43526
the equivalent level of achievement designated under division 43527
(A)(3) of section 3301.0710 of the Revised Code on the assessment 43528
prescribed under that section to measure skill in English language 43529
arts expected by the end of third grade, the student may be 43530
retained in third grade. 43531

Each student with a reading improvement and monitoring plan 43532
under this division who enters third grade after July 1, 2013, 43533
shall be assigned to a teacher who satisfies one or more of the 43534

criteria set forth in division (H) of this section. 43535

The district shall report any information requested by the 43536
department about the reading improvement monitoring plans 43537
developed under this division in the manner required by the 43538
department. 43539

(D) Each school district shall report annually to the 43540
department on its implementation and compliance with this section 43541
using guidelines prescribed by the superintendent of public 43542
instruction. The superintendent of public instruction annually 43543
shall report to the governor and general assembly the number and 43544
percentage of students in grades kindergarten through four reading 43545
below grade level based on the diagnostic assessments administered 43546
under division (B) of this section and the achievement assessments 43547
administered under divisions (A)(1)(a) and (b) of section 43548
3301.0710 of the Revised Code in English language arts, aggregated 43549
by school district and building; the types of intervention 43550
services provided to students; and, if available, an evaluation of 43551
the efficacy of the intervention services provided. 43552

(E) Any summer remediation services funded in whole or in 43553
part by the state and offered by school districts to students 43554
under this section shall meet the following conditions: 43555

(1) The remediation methods are based on reliable educational 43556
research. 43557

(2) The school districts conduct assessment before and after 43558
students participate in the program to facilitate monitoring 43559
results of the remediation services. 43560

(3) The parents of participating students are involved in 43561
programming decisions. 43562

(F) Any intervention or remediation services required by this 43563
section shall include intensive, explicit, and systematic 43564
instruction. 43565

(G) This section does not create a new cause of action or a substantive legal right for any person. 43566
43567

(H)(1) Except as provided under divisions (H)(2), (3), and 43568
(4) of this section, each student described in division (B)(3) or 43569
(C) of this section who enters third grade for the first time on 43570
or after July 1, 2013, shall be assigned a teacher who has at 43571
least one year of teaching experience and who satisfies one or 43572
more of the following criteria: 43573

(a) The teacher holds a reading endorsement on the teacher's 43574
license and has attained a passing score on the corresponding 43575
assessment for that endorsement, as applicable. 43576

(b) The teacher has completed a master's degree program with 43577
a major in reading. 43578

(c) The teacher was rated "most effective" for reading 43579
instruction consecutively for the most recent two years based on 43580
assessments of student growth measures developed by a vendor and 43581
that is on the list of student assessments approved by the state 43582
board under division (B)(2) of section 3319.112 of the Revised 43583
Code. 43584

(d) The teacher was rated "above expected value added," in 43585
reading instruction, as determined by criteria established by the 43586
department, for the most recent, consecutive two years. 43587

(e) The teacher has earned a passing score on a rigorous test 43588
of principles of scientifically research-based reading instruction 43589
as approved by the state board. 43590

(f) The teacher holds an educator license for teaching grades 43591
pre-kindergarten through three or four through nine issued on or 43592
after July 1, 2017. 43593

(2) Notwithstanding division (H)(1) of this section, a 43594
student described in division (B)(3) or (C) of this section who 43595

enters third grade for the first time on or after July 1, 2013, 43596
may be assigned to a teacher with less than one year of teaching 43597
experience provided that the teacher meets one or more of the 43598
criteria described in divisions (H)(1)(a) to (f) of this section 43599
and that teacher is assigned a teacher mentor who meets the 43600
qualifications of division (H)(1) of this section. 43601

(3) Notwithstanding division (H)(1) of this section, a 43602
student described in division (B)(3) or (C) of this section who 43603
enters third grade for the first time on or after July 1, 2013, 43604
but prior to July 1, 2016, may be assigned to a teacher who holds 43605
an alternative credential approved by the department or who has 43606
successfully completed training that is based on principles of 43607
scientifically research-based reading instruction that has been 43608
approved by the department. Beginning on July 1, 2014, the 43609
alternative credentials and training described in division (H)(3) 43610
of this section shall be aligned with the reading competencies 43611
adopted by the state board of education under section 3301.077 of 43612
the Revised Code. 43613

(4) Notwithstanding division (H)(1) of this section, a 43614
student described in division (B)(3) or (C) of this section who 43615
enters third grade for the first time on or after July 1, 2013, 43616
may receive reading intervention or remediation services under 43617
this section from an individual employed as a speech-language 43618
pathologist who holds a license issued by the board of 43619
speech-language pathology and audiology under Chapter 4753. of the 43620
Revised Code and a professional pupil services license as a school 43621
speech-language pathologist issued by the state board of 43622
education. 43623

(5) A teacher, other than a student's teacher of record, may 43624
provide any services required under this section, so long as that 43625
other teacher meets the requirements of division (H) of this 43626
section and the teacher of record and the school principal agree 43627

to the assignment. Any such assignment shall be documented in the 43628
student's reading improvement and monitoring plan. 43629

As used in this division, "teacher of record" means the 43630
classroom teacher to whom a student is assigned. 43631

(I) Notwithstanding division (H) of this section, a teacher 43632
may teach reading to any student who is an English language 43633
learner, and has been in the United States for three years or 43634
less, or to a student who has an individualized education program 43635
developed under Chapter 3323. of the Revised Code if that teacher 43636
holds an alternative credential approved by the department or has 43637
successfully completed training that is based on principles of 43638
scientifically research-based reading instruction that has been 43639
approved by the department. Beginning on July 1, 2014, the 43640
alternative credentials and training described in this division 43641
shall be aligned with the reading competencies adopted by the 43642
state board of education under section 3301.077 of the Revised 43643
Code. 43644

(J) If, on or after June 4, 2013, a school district or 43645
community school cannot furnish the number of teachers needed who 43646
satisfy one or more of the criteria set forth in division (H) of 43647
this section for the 2013-2014 school year, the school district or 43648
community school shall develop and submit a staffing plan by June 43649
30, 2013. The staffing plan shall include criteria that will be 43650
used to assign a student described in division (B)(3) or (C) of 43651
this section to a teacher, credentials or training held by 43652
teachers currently teaching at the school, and how the school 43653
district or community school will meet the requirements of this 43654
section. The school district or community school shall post the 43655
staffing plan on its web site for the applicable school year. 43656

Not later than March 1, 2014, and on the first day of March 43657
in each year thereafter, a school district or community school 43658
that has submitted a plan under this division shall submit to the 43659

department a detailed report of the progress the district or 43660
school has made in meeting the requirements under this section. 43661

A school district or community school may request an 43662
extension of a staffing plan beyond the 2013-2014 school year. 43663
Extension requests must be submitted to the department not later 43664
than the thirtieth day of April prior to the start of the 43665
applicable school year. The department may grant extensions valid 43666
through the 2015-2016 school year. 43667

Until June 30, 2015, the department annually shall review all 43668
staffing plans and report to the state board not later than the 43669
thirtieth day of June of each year the progress of school 43670
districts and community schools in meeting the requirements of 43671
this section. 43672

(K) The department of education shall designate one or more 43673
staff members to provide guidance and assistance to school 43674
districts and community schools in implementing the third grade 43675
guarantee established by this section, including any standards or 43676
requirements adopted to implement the guarantee and to provide 43677
information and support for reading instruction and achievement. 43678

Sec. 3313.6010. The ~~state board of education shall adopt~~ 43679
~~rules permitting of a school districts to~~ district may contract 43680
with public and private providers of academic remediation and 43681
intervention in mathematics, science, reading, writing, and social 43682
studies for the purpose of assisting pupils in ~~grades one through~~ 43683
~~six~~ any grade outside of regular school hours. 43684

Sec. 3313.612. (A) No nonpublic school chartered by the state 43685
board of education shall grant a high school diploma to any person 43686
unless, subject to section 3313.614 of the Revised Code, the 43687
person has met the assessment requirements of division (A)(1) or 43688
(2) of this section, as applicable. 43689

(1) If the person entered the ninth grade prior to July 1, 2014, the person has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(2) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed by section 3313.618 of the Revised Code.

(B) This section does not apply to any of the following:

(1) Any person with regard to any assessment from which the person was excused pursuant to division (C)(1)(c) of section 3301.0711 of the Revised Code;

(2) Any person ~~that~~ who attends a nonpublic school acting in accordance with division (D) of this section with regard to any end-of-course examination ~~required~~ prescribed under ~~divisions~~division (B)(2) ~~and (3)~~ of section 3301.0712 of the Revised Code, except for a student attending the school under a state scholarship program as defined in section 3301.0711 of the Revised Code;

(3) Any person who attends a nonpublic school accredited through the independent school association of the central states, except for a student attending the school under a state scholarship program as defined in section 3301.0711 of the Revised Code.

(4) Any person with regard to the social studies assessment under division (B)(1) of section 3301.0710 of the Revised Code, any American history end-of-course examination and any American government end-of-course examination required under division (B) of section 3301.0712 of the Revised Code if such an exemption is prescribed by rule of the state board of education under division

(D)(3) of section 3301.0712 of the Revised Code, or the citizenship test under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, if all of the following apply:

(a) The person is not a citizen of the United States;

(b) The person is not a permanent resident of the United States;

(c) The person indicates no intention to reside in the United States after completion of high school.

(C) As used in this division, "limited English proficient student" has the same meaning as in division (C)(3) of section 3301.0711 of the Revised Code.

Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no limited English proficient student who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 of the Revised Code, shall be awarded a diploma under this section.

(D) A nonpublic school chartered by the state board that is not accredited through the independent school association of the central states may forgo the end-of-course examinations ~~required by divisions under division~~ (B)(2) ~~and (3)~~ of section 3301.0712 of the Revised Code, if that school publishes the results of the standardized assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code for each graduating class. The published results shall include the overall composite scores, mean scores, twenty-fifth percentile scores, and seventy-fifth percentile scores for each subject area of the assessment.

(E) The state board shall not impose additional requirements or assessments for the granting of a high school diploma under

this section that are not prescribed by this section. 43752

(F) The department of education shall furnish the assessment 43753
administered by a nonpublic school pursuant to division (B)(1) of 43754
section 3301.0712 of the Revised Code. 43755

~~(G) The exemption provided for in divisions (B)(2) and (D) of 43756
this section shall be effective on and after October 1, 2015, but 43757
only if the general assembly does not enact different requirements 43758
regarding end of course examinations for chartered nonpublic 43759
schools that are effective by that date. 43760~~

Sec. 3313.614. (A) As used in this section, a person 43761
"fulfills the curriculum requirement for a diploma" at the time 43762
one of the following conditions is satisfied: 43763

(1) The person successfully completes the high school 43764
curriculum of a school district, a community school, a chartered 43765
nonpublic school, or a correctional institution. 43766

(2) The person successfully completes the individualized 43767
education program developed for the person under section 3323.08 43768
of the Revised Code. 43769

(3) A board of education issues its determination under 43770
section 3313.611 of the Revised Code that the person qualifies as 43771
having successfully completed the curriculum required by the 43772
district. 43773

(B) This division specifies the assessment requirements that 43774
must be fulfilled as a condition toward granting high school 43775
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 43776
of the Revised Code. 43777

(1) A person who fulfills the curriculum requirement for a 43778
diploma before September 15, 2000, is not required to pass any 43779
proficiency test or achievement test in science as a condition to 43780
receiving a diploma. 43781

(2) A person who began ninth grade for the first time prior 43782
to July 1, 2003, is not required to pass the Ohio graduation test 43783
prescribed under division (B)(1) of section 3301.0710 or any 43784
assessment prescribed under division (B)(2) of that section in any 43785
subject as a condition to receiving a diploma once the person has 43786
passed the ninth grade proficiency test in the same subject, so 43787
long as the person passed the ninth grade proficiency test prior 43788
to September 15, 2008. However, any such person who passes the 43789
Ohio graduation test in any subject prior to passing the ninth 43790
grade proficiency test in the same subject shall be deemed to have 43791
passed the ninth grade proficiency test in that subject as a 43792
condition to receiving a diploma. For this purpose, the ninth 43793
grade proficiency test in citizenship substitutes for the Ohio 43794
graduation test in social studies. If a person began ninth grade 43795
prior to July 1, 2003, but does not pass a ninth grade proficiency 43796
test or the Ohio graduation test in a particular subject before 43797
September 15, 2008, and passage of a test in that subject is a 43798
condition for the person to receive a diploma, the person must 43799
pass the Ohio graduation test instead of the ninth grade 43800
proficiency test in that subject to receive a diploma. 43801

(3) A (a) Except as provided in division (B)(3)(b) of this 43802
section, a person who begins ninth grade for the first time on or 43803
after July 1, 2003, in a school district, community school, or 43804
chartered nonpublic school is not eligible to receive a diploma 43805
based on passage of ninth grade proficiency tests. Each such 43806
person who begins ninth grade prior to July 1, 2014, must pass 43807
Ohio graduation tests to meet the assessment requirements 43808
applicable to that person as a condition to receiving a diploma or 43809
satisfy one of the conditions prescribed in division (B)(3)(b) of 43810
this section. 43811

(b) A person who began ninth grade for the first time prior 43812
to July 1, 2014, shall be eligible to receive a diploma if the 43813

person meets the requirement prescribed by section 3313.618 of the Revised Code. 43814
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(c) A person who began ninth grade for the first time prior to July 1, 2014, and who has not attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division shall be eligible to receive a diploma if the person meets the requirement prescribed by rule of the state board of education as prescribed under division (B)(3)(d) of this section. 43816
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(d) Not later than December 31, 2015, the state board of education shall adopt rules prescribing the manner in which a person who began ninth grade for the first time prior to July 1, 2014, may be eligible for a high school diploma by combining the requirement prescribed by section 3313.618 of the Revised Code and the requirement to attain at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on the assessments required by that division. The rules shall ensure that the combined requirements require a demonstration of mastery that is equivalent or greater to the expectations of the assessments prescribed by division (B)(1) of section 3301.0710 of the Revised Code. The rules shall include the following: 43823
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(i) The date by which a person who began ninth grade for the first time prior to July 1, 2014, may be eligible for a high school diploma under division (B)(3)(c) of this section; 43836
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(ii) Methods of replacing individual assessments prescribed by division (B)(1) of section 3301.0710 of the Revised Code; 43839
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(iii) Methods of integrating the pathways prescribed by division (A) of section 3313.618 of the Revised Code. 43841
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(4) A Except as provided in division (B)(3)(b) of this section, a person who begins ninth grade on or after July 1, 2014, 43843
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is not eligible to receive a diploma based on passage of the Ohio 43845
graduation tests. Each such person must meet the requirement 43846
prescribed by section 3313.618 of the Revised Code. 43847

(C) This division specifies the curriculum requirement that 43848
shall be completed as a condition toward granting high school 43849
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 43850
of the Revised Code. 43851

(1) A person who is under twenty-two years of age when the 43852
person fulfills the curriculum requirement for a diploma shall 43853
complete the curriculum required by the school district or school 43854
issuing the diploma for the first year that the person originally 43855
enrolled in high school, except for a person who qualifies for 43856
graduation from high school under either division (D) or (F) of 43857
section 3313.603 of the Revised Code. 43858

(2) Once a person fulfills the curriculum requirement for a 43859
diploma, the person is never required, as a condition of receiving 43860
a diploma, to meet any different curriculum requirements that take 43861
effect pending the person's passage of proficiency tests or 43862
achievement tests or assessments, including changes mandated by 43863
section 3313.603 of the Revised Code, the state board, a school 43864
district board of education, or a governing authority of a 43865
community school or chartered nonpublic school. 43866

Sec. 3313.615. This section shall apply to diplomas awarded 43867
after September 15, 2006, to students who are required to take the 43868
five Ohio graduation tests prescribed by division (B)(1) of 43869
section 3301.0710 of the Revised Code. This section does not apply 43870
to any student who enters ninth grade for the first time on or 43871
after July 1, 2014. 43872

(A) As an alternative to the requirement that a person attain 43873
the scores designated under division (B)(1) of section 3301.0710 43874
of the Revised Code on all the assessments required under that 43875

division in order to be eligible for a high school diploma or an 43876
honors diploma under sections 3313.61, 3313.612, or 3325.08 of the 43877
Revised Code or for a diploma of adult education under section 43878
3313.611 of the Revised Code, a person who has attained at least 43879
the applicable scores designated under division (B)(1) of section 43880
3301.0710 of the Revised Code on all but one of the assessments 43881
required by that division and from which the person was not 43882
excused or exempted, pursuant to division (L) of section 3313.61, 43883
division (B)(1) of section 3313.612, or section 3313.532 of the 43884
Revised Code, may be awarded a diploma or honors diploma if the 43885
person has satisfied all of the following conditions: 43886

(1) On the one assessment required under division (B)(1) of 43887
section 3301.0710 of the Revised Code for which the person failed 43888
to attain the designated score, the person missed that score by 43889
ten points or less; 43890

(2) Has a ninety-seven per cent school attendance rate in 43891
each of the last four school years, excluding any excused 43892
absences; 43893

(3) Has not been expelled from school under section 3313.66 43894
of the Revised Code in any of the last four school years; 43895

(4) Has a grade point average of at least 2.5 out of 4.0, or 43896
its equivalent as designated in rules adopted by the state board 43897
of education, in the subject area of the assessment required under 43898
division (B)(1) of section 3301.0710 of the Revised Code for which 43899
the person failed to attain the designated score; 43900

(5) Has completed the high school curriculum requirements 43901
prescribed in section 3313.603 of the Revised Code or has 43902
qualified under division (D) or (F) of that section; 43903

(6) Has taken advantage of any intervention programs provided 43904
by the school district or school in the subject area described in 43905
division (A)(4) of this section and has a ninety-seven per cent 43906

attendance rate, excluding any excused absences, in any of those 43907
programs that are provided at times beyond the normal school day, 43908
school week, or school year or has received comparable 43909
intervention services from a source other than the school district 43910
or school; 43911

(7) Holds a letter recommending graduation from each of the 43912
person's high school teachers in the subject area described in 43913
division (A)(4) of this section and from the person's high school 43914
principal. 43915

(B) The state board of education shall establish rules 43916
designating grade point averages equivalent to the average 43917
specified in division (A)(4) of this section for use by school 43918
districts and schools with different grading systems. 43919

(C) Any student who is exempt from attaining the applicable 43920
score designated under division (B)(1) of section 3301.0710 of the 43921
Revised Code on the Ohio graduation test in social studies 43922
pursuant to division (H) of section 3313.61 or division (B)~~(3)~~(4) 43923
of section 3313.612 of the Revised Code shall not qualify for a 43924
high school diploma under this section, unless, notwithstanding 43925
the exemption, the student attains the applicable score on that 43926
assessment. If the student attains the applicable score on that 43927
assessment, the student may qualify for a diploma under this 43928
section in the same manner as any other student who is required to 43929
take the five Ohio graduation tests prescribed by division (B)(1) 43930
of section 3301.0710 of the Revised Code. 43931

Sec. 3313.617. (A) A person who meets all of the following 43932
criteria shall be permitted to take the tests of general 43933
educational development: 43934

(1) The person is at least eighteen years of age. 43935

(2) The person is officially withdrawn from school. 43936

(3) The person has not received a high school diploma or honors diploma awarded under section 3313.61, 3313.611, 3313.612, or 3325.08 of the Revised Code.

(B) ~~When a~~ (1) A person who is at least sixteen years of age but less than eighteen years of age applies may apply to the department of education to take the tests of general educational development, so long as the person has not received a high school diploma or honors diploma awarded under section 3313.61, 3313.611, 3313.612, or 3325.08 of the Revised Code.

In order to apply, the person shall submit, along with the application written, both of the following:

(a) Written approval from the person's parent or guardian or a court official;

(b) The person's official high school transcript. The transcript shall include, at a minimum, the previous twelve months of the person's enrollment in a program approved to grant a high school diploma.

(2) The department shall determine whether to approve or deny applications submitted under division (B)(1) of this section. The department shall approve a person's application only if the person meets both of the following criteria:

(a) The person has been continuously enrolled in a program approved to grant a high school diploma for at least one semester and attained an attendance rate of at least seventy-five per cent during that semester.

(b) The person shows good cause, as determined by rules adopted by the department pursuant to division (B)(3) of this section.

(3) The state board of education shall adopt rules, in accordance with Chapter 119. of the Revised Code, for the

administration of division (B) of this section. The rules shall 43967
include what qualifies as good cause for purposes of that 43968
division. 43969

(C) If a person's application is approved under division (B) 43970
of this section, that person shall remain enrolled in school and 43971
maintain an attendance rate of at least seventy-five per cent 43972
until either: 43973

(1) The person passes all required sections of the tests of 43974
general educational development; or 43975

(2) The person is eighteen years of age. 43976

~~(C)~~(D) Notwithstanding divisions (A) and (B) of this section, 43977
a person who meets any of the following criteria shall be 43978
permitted to take the tests of general educational development: 43979

(1) The person has a bodily or mental condition as described 43980
in division (A)(1) of section 3321.04 of the Revised Code that 43981
does not permit attendance at school. 43982

(2) The person is receiving or has completed the final year 43983
of instruction at home as authorized under division (A)(2) of 43984
section 3321.04 of the Revised Code. 43985

(3) The person is moving or has moved out of state after 43986
previously attending school in the state. 43987

(4) The person has an extreme, extenuating circumstance, as 43988
determined by the department, that requires the person to withdraw 43989
from school. 43990

(E) For the purpose of calculating graduation rates for the 43991
school district and building report cards under section 3302.03 of 43992
the Revised Code, the department shall count any person ~~for whom~~ 43993
~~approval is obtained from the person's parent or guardian or a~~ 43994
~~court official who officially withdraws from school to take the~~ 43995
tests of general educational development under ~~division (B) of~~ 43996

this section as a dropout from the district or school in which the 43997
person was last enrolled ~~prior to obtaining the approval.~~ 43998

Sec. 3313.66. Not later than thirty days after the effective 43999
date of this amendment, any disciplinary action taken by a school 44000
administrator or teacher under this section shall comply with the 44001
policy adopted by the board of education of the city, exempted 44002
village, or local school district pursuant to division (A) of 44003
section 3313.534 of the Revised Code. 44004

(A) Except as provided under division (B)(2) of this section, 44005
the superintendent of schools of a city, exempted village, or 44006
local school district, or the principal of a public school may 44007
suspend a pupil from school for not more than ten school days. The 44008
board of education of a city, exempted village, or local school 44009
district may adopt a policy granting assistant principals and 44010
other administrators the authority to suspend a pupil from school 44011
for a period of time as specified in the policy of the board of 44012
education, not to exceed ten school days. If at the time a 44013
suspension is imposed there are fewer than ten school days 44014
remaining in the school year in which the incident that gives rise 44015
to the suspension takes place, the superintendent may apply any 44016
remaining part or all of the period of the suspension to the 44017
following school year. Except in the case of a pupil given an 44018
in-school suspension, no pupil shall be suspended unless prior to 44019
the suspension such superintendent or principal does both of the 44020
following: 44021

(1) Gives the pupil written notice of the intention to 44022
suspend the pupil and the reasons for the intended suspension and, 44023
if the proposed suspension is based on a violation listed in 44024
division (A) of section 3313.662 of the Revised Code and if the 44025
pupil is sixteen years of age or older, includes in the notice a 44026
statement that the superintendent may seek to permanently exclude 44027

the pupil if the pupil is convicted of or adjudicated a delinquent 44028
child for that violation; 44029

(2) Provides the pupil an opportunity to appear at an 44030
informal hearing before the principal, assistant principal, 44031
superintendent, or superintendent's designee and challenge the 44032
reason for the intended suspension or otherwise to explain the 44033
pupil's actions. 44034

(B)(1) Except as provided under division (B)(2), (3), ~~or (4)~~ 44035
or (5) of this section, the superintendent of schools of a city, 44036
exempted village, or local school district may expel a pupil from 44037
school for a period not to exceed the greater of eighty school 44038
days or the number of school days remaining in the semester or 44039
term in which the incident that gives rise to the expulsion takes 44040
place, unless the expulsion is extended pursuant to division (F) 44041
of this section. If at the time an expulsion is imposed there are 44042
fewer than eighty school days remaining in the school year in 44043
which the incident that gives rise to the expulsion takes place, 44044
the superintendent may apply any remaining part or all of the 44045
period of the expulsion to the following school year. 44046

(2)(a) Unless a pupil is permanently excluded pursuant to 44047
section 3313.662 of the Revised Code, the superintendent of 44048
schools of a city, exempted village, or local school district 44049
shall expel a pupil from school for a period of one year for 44050
bringing a firearm to a school operated by the board of education 44051
of the district or onto any other property owned or controlled by 44052
the board, except that the superintendent may reduce this 44053
requirement on a case-by-case basis in accordance with the policy 44054
adopted by the board under section 3313.661 of the Revised Code. 44055

(b) The superintendent of schools of a city, exempted 44056
village, or local school district may expel a pupil from school 44057
for a period of one year for bringing a firearm to an 44058
interscholastic competition, an extracurricular event, or any 44059

other school program or activity that is not located in a school 44060
or on property that is owned or controlled by the district. The 44061
superintendent may reduce this disciplinary action on a 44062
case-by-case basis in accordance with the policy adopted by the 44063
board under section 3313.661 of the Revised Code. 44064

(c) Any expulsion pursuant to division (B)(2) of this section 44065
shall extend, as necessary, into the school year following the 44066
school year in which the incident that gives rise to the expulsion 44067
takes place. As used in this division, "firearm" has the same 44068
meaning as provided pursuant to the "Gun-Free Schools Act," 115 44069
Stat. 1762, 20 U.S.C. 7151. 44070

(3) The board of education of a city, exempted village, or 44071
local school district may adopt a resolution authorizing the 44072
superintendent of schools to expel a pupil from school for a 44073
period not to exceed one year for bringing a knife to a school 44074
operated by the board, onto any other property owned or controlled 44075
by the board, or to an interscholastic competition, an 44076
extracurricular event, or any other program or activity sponsored 44077
by the school district or in which the district is a participant, 44078
or for possessing a firearm or knife at a school, on any other 44079
property owned or controlled by the board, or at an 44080
interscholastic competition, an extracurricular event, or any 44081
other school program or activity, which firearm or knife was 44082
initially brought onto school board property by another person. 44083
The resolution may authorize the superintendent to extend such an 44084
expulsion, as necessary, into the school year following the school 44085
year in which the incident that gives rise to the expulsion takes 44086
place. 44087

(4) The board of education of a city, exempted village, or 44088
local school district may adopt a resolution establishing a policy 44089
under section 3313.661 of the Revised Code that authorizes the 44090
superintendent of schools to expel a pupil from school for a 44091

period not to exceed one year for committing an act that is a 44092
criminal offense when committed by an adult and that results in 44093
serious physical harm to persons as defined in division (A)(5) of 44094
section 2901.01 of the Revised Code or serious physical harm to 44095
property as defined in division (A)(6) of section 2901.01 of the 44096
Revised Code while the pupil is at school, on any other property 44097
owned or controlled by the board, or at an interscholastic 44098
competition, an extracurricular event, or any other school program 44099
or activity. Any expulsion under this division shall extend, as 44100
necessary, into the school year following the school year in which 44101
the incident that gives rise to the expulsion takes place. 44102

(5) The board of education of any city, exempted village, or 44103
local school district may adopt a resolution establishing a policy 44104
under section 3313.661 of the Revised Code that authorizes the 44105
superintendent of schools to expel a pupil from school for a 44106
period not to exceed one year for making a bomb threat to a school 44107
building or to any premises at which a school activity is 44108
occurring at the time of the threat. Any expulsion under this 44109
division shall extend, as necessary, into the school year 44110
following the school year in which the incident that gives rise to 44111
the expulsion takes place. 44112

(6) No pupil shall be expelled under division (B)(1), (2), 44113
(3), (4), or (5) of this section unless, prior to the pupil's 44114
expulsion, the superintendent does both of the following: 44115

(a) Gives the pupil and the pupil's parent, guardian, or 44116
custodian written notice of the intention to expel the pupil; 44117

(b) Provides the pupil and the pupil's parent, guardian, 44118
custodian, or representative an opportunity to appear in person 44119
before the superintendent or the superintendent's designee to 44120
challenge the reasons for the intended expulsion or otherwise to 44121
explain the pupil's actions. 44122

The notice required in this division shall include the 44123
reasons for the intended expulsion, notification of the 44124
opportunity of the pupil and the pupil's parent, guardian, 44125
custodian, or representative to appear before the superintendent 44126
or the superintendent's designee to challenge the reasons for the 44127
intended expulsion or otherwise to explain the pupil's action, and 44128
notification of the time and place to appear. The time to appear 44129
shall not be earlier than three nor later than five school days 44130
after the notice is given, unless the superintendent grants an 44131
extension of time at the request of the pupil or the pupil's 44132
parent, guardian, custodian, or representative. If an extension is 44133
granted after giving the original notice, the superintendent shall 44134
notify the pupil and the pupil's parent, guardian, custodian, or 44135
representative of the new time and place to appear. If the 44136
proposed expulsion is based on a violation listed in division (A) 44137
of section 3313.662 of the Revised Code and if the pupil is 44138
sixteen years of age or older, the notice shall include a 44139
statement that the superintendent may seek to permanently exclude 44140
the pupil if the pupil is convicted of or adjudicated a delinquent 44141
child for that violation. 44142

(7) A superintendent of schools of a city, exempted village, 44143
or local school district shall initiate expulsion proceedings 44144
pursuant to this section with respect to any pupil who has 44145
committed an act warranting expulsion under the district's policy 44146
regarding expulsion even if the pupil has withdrawn from school 44147
for any reason after the incident that gives rise to the hearing 44148
but prior to the hearing or decision to impose the expulsion. If, 44149
following the hearing, the pupil would have been expelled for a 44150
period of time had the pupil still been enrolled in the school, 44151
the expulsion shall be imposed for the same length of time as on a 44152
pupil who has not withdrawn from the school. 44153

(C) If a pupil's presence poses a continuing danger to 44154

persons or property or an ongoing threat of disrupting the 44155
academic process taking place either within a classroom or 44156
elsewhere on the school premises, the superintendent or a 44157
principal or assistant principal may remove a pupil from 44158
curricular activities or from the school premises, and a teacher 44159
may remove a pupil from curricular activities under the teacher's 44160
supervision, without the notice and hearing requirements of 44161
division (A) or (B) of this section. As soon as practicable after 44162
making such a removal, the teacher shall submit in writing to the 44163
principal the reasons for such removal. 44164

If a pupil is removed under this division from a curricular 44165
activity or from the school premises, written notice of the 44166
hearing and of the reason for the removal shall be given to the 44167
pupil as soon as practicable prior to the hearing, which shall be 44168
held within three school days from the time the initial removal is 44169
ordered. The hearing shall be held in accordance with division (A) 44170
of this section unless it is probable that the pupil may be 44171
subject to expulsion, in which case a hearing in accordance with 44172
division (B) of this section shall be held, except that the 44173
hearing shall be held within three school days of the initial 44174
removal. The individual who ordered, caused, or requested the 44175
removal to be made shall be present at the hearing. 44176

If the superintendent or the principal reinstates a pupil in 44177
a curricular activity under the teacher's supervision prior to the 44178
hearing following a removal under this division, the teacher, upon 44179
request, shall be given in writing the reasons for such 44180
reinstatement. 44181

(D) The superintendent or principal, within one school day 44182
after the time of a pupil's expulsion or suspension, shall notify 44183
in writing the parent, guardian, or custodian of the pupil and the 44184
treasurer of the board of education of the expulsion or 44185
suspension. The notice shall include the reasons for the expulsion 44186

or suspension, notification of the right of the pupil or the 44187
pupil's parent, guardian, or custodian to appeal the expulsion or 44188
suspension to the board of education or to its designee, to be 44189
represented in all appeal proceedings, to be granted a hearing 44190
before the board or its designee in order to be heard against the 44191
suspension or expulsion, and to request that the hearing be held 44192
in executive session, notification that the expulsion may be 44193
subject to extension pursuant to division (F) of this section if 44194
the pupil is sixteen years of age or older, and notification that 44195
the superintendent may seek the pupil's permanent exclusion if the 44196
suspension or expulsion was based on a violation listed in 44197
division (A) of section 3313.662 of the Revised Code that was 44198
committed when the child was sixteen years of age or older and if 44199
the pupil is convicted of or adjudicated a delinquent child for 44200
that violation. 44201

In accordance with the policy adopted by the board of 44202
education under section 3313.661 of the Revised Code, the notice 44203
provided under this division shall specify the manner and date by 44204
which the pupil or the pupil's parent, guardian, or custodian 44205
shall notify the board of the pupil's, parent's, guardian's, or 44206
custodian's intent to appeal the expulsion or suspension to the 44207
board or its designee. 44208

Any superintendent expelling a pupil under this section for 44209
more than twenty school days or for any period of time if the 44210
expulsion will extend into the following semester or school year 44211
shall, in the notice required under this division, provide the 44212
pupil and the pupil's parent, guardian, or custodian with 44213
information about services or programs offered by public and 44214
private agencies that work toward improving those aspects of the 44215
pupil's attitudes and behavior that contributed to the incident 44216
that gave rise to the pupil's expulsion. The information shall 44217
include the names, addresses, and phone numbers of the appropriate 44218

public and private agencies. 44219

(E) A pupil or the pupil's parent, guardian, or custodian may 44220
appeal the pupil's expulsion by a superintendent or suspension by 44221
a superintendent, principal, assistant principal, or other 44222
administrator to the board of education or to its designee. If the 44223
pupil or the pupil's parent, guardian, or custodian intends to 44224
appeal the expulsion or suspension to the board or its designee, 44225
the pupil or the pupil's parent, guardian, or custodian shall 44226
notify the board in the manner and by the date specified in the 44227
notice provided under division (D) of this section. The pupil or 44228
the pupil's parent, guardian, or custodian may be represented in 44229
all appeal proceedings and shall be granted a hearing before the 44230
board or its designee in order to be heard against the suspension 44231
or expulsion. At the request of the pupil or of the pupil's 44232
parent, guardian, custodian, or attorney, the board or its 44233
designee may hold the hearing in executive session but shall act 44234
upon the suspension or expulsion only at a public meeting. The 44235
board, by a majority vote of its full membership or by the action 44236
of its designee, may affirm the order of suspension or expulsion, 44237
reinstate the pupil, or otherwise reverse, vacate, or modify the 44238
order of suspension or expulsion. 44239

The board or its designee shall make a verbatim record of 44240
hearings held under this division. The decisions of the board or 44241
its designee may be appealed under Chapter 2506. of the Revised 44242
Code. 44243

This section shall not be construed to require notice and 44244
hearing in accordance with division (A), (B), or (C) of this 44245
section in the case of normal disciplinary procedures in which a 44246
pupil is removed from a curricular activity for a period of less 44247
than one school day and is not subject to suspension or expulsion. 44248

(F)(1) If a pupil is expelled pursuant to division (B) of 44249
this section for committing any violation listed in division (A) 44250

of section 3313.662 of the Revised Code and the pupil was sixteen 44251
years of age or older at the time of committing the violation, if 44252
a complaint, indictment, or information is filed alleging that the 44253
pupil is a delinquent child based upon the commission of the 44254
violation or the pupil is prosecuted as an adult for the 44255
commission of the violation, and if the resultant juvenile court 44256
or criminal proceeding is pending at the time that the expulsion 44257
terminates, the superintendent of schools that expelled the pupil 44258
may file a motion with the court in which the proceeding is 44259
pending requesting an order extending the expulsion for the lesser 44260
of an additional eighty days or the number of school days 44261
remaining in the school year. Upon the filing of the motion, the 44262
court immediately shall schedule a hearing and give written notice 44263
of the time, date, and location of the hearing to the 44264
superintendent and to the pupil and the pupil's parent, guardian, 44265
or custodian. At the hearing, the court shall determine whether 44266
there is reasonable cause to believe that the pupil committed the 44267
alleged violation that is the basis of the expulsion and, upon 44268
determining that reasonable cause to believe the pupil committed 44269
the violation does exist, shall grant the requested extension. 44270

(2) If a pupil has been convicted of or adjudicated a 44271
delinquent child for a violation listed in division (A) of section 44272
3313.662 of the Revised Code for an act that was committed when 44273
the child was sixteen years of age or older, if the pupil has been 44274
expelled pursuant to division (B) of this section for that 44275
violation, and if the board of education of the school district of 44276
the school from which the pupil was expelled has adopted a 44277
resolution seeking the pupil's permanent exclusion, the 44278
superintendent may file a motion with the court that convicted the 44279
pupil or adjudicated the pupil a delinquent child requesting an 44280
order to extend the expulsion until an adjudication order or other 44281
determination regarding permanent exclusion is issued by the 44282
superintendent of public instruction pursuant to section 3301.121 44283

and division (D) of section 3313.662 of the Revised Code. Upon the 44284
filing of the motion, the court immediately shall schedule a 44285
hearing and give written notice of the time, date, and location of 44286
the hearing to the superintendent of the school district, the 44287
pupil, and the pupil's parent, guardian, or custodian. At the 44288
hearing, the court shall determine whether there is reasonable 44289
cause to believe the pupil's continued attendance in the public 44290
school system may endanger the health and safety of other pupils 44291
or school employees and, upon making that determination, shall 44292
grant the requested extension. 44293

(G) The failure of the superintendent or the board of 44294
education to provide the information regarding the possibility of 44295
permanent exclusion in the notice required by divisions (A), (B), 44296
and (D) of this section is not jurisdictional, and the failure 44297
shall not affect the validity of any suspension or expulsion 44298
procedure that is conducted in accordance with this section or the 44299
validity of a permanent exclusion procedure that is conducted in 44300
accordance with sections 3301.121 and 3313.662 of the Revised 44301
Code. 44302

(H) With regard to suspensions and expulsions pursuant to 44303
divisions (A) and (B) of this section by the board of education of 44304
any city, exempted village, or local school district, this section 44305
shall apply to any student, whether or not the student is enrolled 44306
in the district, attending or otherwise participating in any 44307
curricular program provided in a school operated by the board or 44308
provided on any other property owned or controlled by the board. 44309

(I) Whenever a student is expelled under this section, the 44310
expulsion shall result in removal of the student from the 44311
student's regular school setting. However, during the period of 44312
the expulsion, the board of education of the school district that 44313
expelled the student or any board of education admitting the 44314
student during that expulsion period may provide educational 44315

services to the student in an alternative setting. 44316

(J)(1) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 44317
and 3313.65 of the Revised Code, any school district, after 44318
offering an opportunity for a hearing, may temporarily deny 44319
admittance to any pupil if one of the following applies: 44320

(a) The pupil has been suspended from the schools of another 44321
district under division (A) of this section and the period of 44322
suspension, as established under that division, has not expired; 44323

(b) The pupil has been expelled from the schools of another 44324
district under division (B) of this section and the period of the 44325
expulsion, as established under that division or as extended under 44326
division (F) of this section, has not expired. 44327

If a pupil is temporarily denied admission under this 44328
division, the pupil shall be admitted to school in accordance with 44329
sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the Revised 44330
Code no later than upon expiration of the suspension or expulsion 44331
period, as applicable. 44332

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, and 44333
3313.65 of the Revised Code, any school district, after offering 44334
an opportunity for a hearing, may temporarily deny admittance to 44335
any pupil if the pupil has been expelled or otherwise removed for 44336
disciplinary purposes from a public school in another state and 44337
the period of expulsion or removal has not expired. If a pupil is 44338
temporarily denied admission under this division, the pupil shall 44339
be admitted to school in accordance with sections 3109.51 to 44340
3109.80, 3313.64, or 3313.65 of the Revised Code no later than the 44341
earlier of the following: 44342

(a) Upon expiration of the expulsion or removal period 44343
imposed by the out-of-state school; 44344

(b) Upon expiration of a period established by the district, 44345
beginning with the date of expulsion or removal from the 44346

out-of-state school, that is no greater than the period of 44347
expulsion that the pupil would have received under the policy 44348
adopted by the district under section 3313.661 of the Revised Code 44349
had the offense that gave rise to the expulsion or removal by the 44350
out-of-state school been committed while the pupil was enrolled in 44351
the district. 44352

(K) As used in this section: 44353

(1) "Permanently exclude" and "permanent exclusion" have the 44354
same meanings as in section 3313.662 of the Revised Code. 44355

(2) "In-school suspension" means the pupil will serve all of 44356
the suspension in a school setting. 44357

Sec. 3313.661. (A) The board of education of each city, 44358
exempted village, and local school district shall adopt a policy 44359
regarding suspension, expulsion, removal, and permanent exclusion 44360
that specifies the types of misconduct for which a pupil may be 44361
suspended, expelled, or removed. Not later than thirty days after 44362
the effective date of this amendment, the policy adopted under 44363
this section shall be updated to comply with the separate policy 44364
adopted by the board pursuant to division (A) of section 3313.534 44365
of the Revised Code. The types of misconduct may include 44366
misconduct by a pupil that occurs off of property owned or 44367
controlled by the district but that is connected to activities or 44368
incidents that have occurred on property owned or controlled by 44369
that district and misconduct by a pupil that, regardless of where 44370
it occurs, is directed at a district official or employee, or the 44371
property of such official or employee. The policy shall specify 44372
the reasons for which the superintendent of the district may 44373
reduce the expulsion requirement in division (B)(2) of section 44374
3313.66 of the Revised Code. If a board of education adopts a 44375
resolution pursuant to division (B)(3) of section 3313.66 of the 44376
Revised Code, the policy shall define the term "knife" or 44377

"firearm," as applicable, for purposes of expulsion under that 44378
resolution and shall specify any reasons for which the 44379
superintendent of the district may reduce any required expulsion 44380
period on a case-by-case basis. If a board of education adopts a 44381
resolution pursuant to division (B)(4) or (5) of section 3313.66 44382
of the Revised Code, the policy shall specify any reasons for 44383
which the superintendent of the district may reduce any required 44384
expulsion period on a case-by-case basis. The policy also shall 44385
set forth the acts listed in section 3313.662 of the Revised Code 44386
for which a pupil may be permanently excluded. 44387

The policy adopted under this division shall specify the date 44388
and manner by which a pupil or a pupil's parent, guardian, or 44389
custodian may notify the board of the pupil's, parent's, 44390
guardian's, or custodian's intent to appeal an expulsion or 44391
suspension to the board or its designee pursuant to division (E) 44392
of section 3313.66 of the Revised Code. In the case of any 44393
expulsion, the policy shall not specify a date that is less than 44394
fourteen days after the date of the notice provided to the pupil 44395
or the pupil's parent, guardian, or custodian under division (D) 44396
of that section. 44397

A copy of the policy shall be posted in a central location in 44398
the school and made available to pupils upon request. No pupil 44399
shall be suspended, expelled, or removed except in accordance with 44400
the policy adopted by the board of education of the school 44401
district in which the pupil attends school, and no pupil shall be 44402
permanently excluded except in accordance with sections 3301.121 44403
and 3313.662 of the Revised Code. 44404

(B) A board of education may establish a program and adopt 44405
guidelines under which a superintendent may require a pupil to 44406
perform community service in conjunction with a suspension or 44407
expulsion imposed under section 3313.66 of the Revised Code or in 44408
place of a suspension or expulsion imposed under section 3313.66 44409

of the Revised Code except for an expulsion imposed pursuant to 44410
division (B)(2) of that section. If a board adopts guidelines 44411
under this division, they shall permit, except with regard to an 44412
expulsion pursuant to division (B)(2) of section 3313.66 of the 44413
Revised Code, a superintendent to impose a community service 44414
requirement beyond the end of the school year in lieu of applying 44415
the suspension or expulsion into the following school year. Any 44416
guidelines adopted shall be included in the policy adopted under 44417
this section. 44418

(C) The written policy of each board of education that is 44419
adopted pursuant to section 3313.20 of the Revised Code shall be 44420
posted in a central location in each school that is subject to the 44421
policy and shall be made available to pupils upon request. 44422

(D) Any policy, program, or guideline adopted by a board of 44423
education under this section with regard to suspensions or 44424
expulsions pursuant to division (A) or (B) of section 3313.66 of 44425
the Revised Code shall apply to any student, whether or not the 44426
student is enrolled in the district, attending or otherwise 44427
participating in any curricular program provided in a school 44428
operated by the board or provided on any other property owned or 44429
controlled by the board. 44430

(E) As used in this section, "permanently exclude" and 44431
"permanent exclusion" have the same meanings as in section 44432
3313.662 of the Revised Code. 44433

Sec. 3313.674. (A) Except as provided in division (D) of this 44434
section, the board of education of each city, exempted village, or 44435
local school district and the governing authority of each 44436
chartered nonpublic school may require each student enrolled in 44437
kindergarten, third grade, fifth grade, and ninth grade to undergo 44438
a screening for body mass index and weight status category. 44439

44440

(B) The board or governing authority may provide any 44441
screenings authorized by this section itself, contract with 44442
another entity for provision of the screenings, or request the 44443
parent or guardian of each student subject to the screening to 44444
obtain the screening from a provider selected by the parent or 44445
guardian and to submit the results to the board or governing 44446
authority. If the board or governing authority provides the 44447
screenings itself or contracts with another entity for provision 44448
of the screenings, the board or governing authority shall protect 44449
student privacy by ensuring that each student is screened alone 44450
and not in the presence of other students or staff. 44451

(C) Each school year, each board or governing authority 44452
electing to require the screening shall provide the parent or 44453
guardian of each student subject to the screening with information 44454
about the screening program. If the board or governing authority 44455
requests parents and guardians to obtain a screening from a 44456
provider of their choosing, the board or governing authority shall 44457
provide them with a list of providers and information about 44458
screening services available in the community to parents and 44459
guardians who cannot afford a private provider. 44460

(D) If the parent or guardian of a student subject to the 44461
screening signs and submits to the board or governing authority a 44462
written statement indicating that the parent or guardian does not 44463
wish to have the student undergo the screening, the board or 44464
governing authority shall not require the student to be screened. 44465

(E) The board or governing authority shall notify the parent 44466
or guardian of each student screened under this section of any 44467
health risks associated with the student's results and shall 44468
provide the parent or guardian with information about 44469
appropriately addressing the risks. For this purpose, the 44470
department of health, in consultation with the department of 44471
education ~~and the healthy choices for healthy children council~~ 44472

~~established under section 3301.92 of the Revised Code, shall~~ 44473
develop a list of documents, pamphlets, or other resources that 44474
may be distributed to parents and guardians under this division. 44475

(F) The board or governing authority shall maintain the 44476
confidentiality of each student's individual screening results at 44477
all times. No board or governing authority shall report a 44478
student's individual screening results to any person other than 44479
the student's parent or guardian. 44480

(G) In a manner prescribed by rule of the director of health, 44481
each board or governing authority electing to require the 44482
screening shall report aggregated body mass index and weight 44483
status category data collected under this section, and any other 44484
demographic data required by the director, to the department of 44485
health. In the case of a school district, data shall be aggregated 44486
for the district as a whole and not for individual schools within 44487
the district, unless the district operates only one school. In the 44488
case of a chartered nonpublic school, data shall be aggregated for 44489
the school as a whole. The department annually may publish the 44490
data reported under this division, aggregated by county. For each 44491
county in which a district, community school, STEM school, or 44492
chartered nonpublic school has elected not to require the 44493
screening for a school year for which data is published, the 44494
department shall note that the data for the county in which the 44495
district or school is located is incomplete. The department may 44496
share data reported under this division with other governmental 44497
entities for the purpose of monitoring population health, making 44498
reports, or public health promotional activities. 44499

Sec. 3313.68. (A) The board of education of each city, 44500
exempted village, or local school district may appoint one or more 44501
school physicians and one or more school dentists. Two or more 44502
school districts may unite and employ one such physician and at 44503

least one such dentist whose duties shall be such as are 44504
prescribed by law. Said school physician shall hold a license to 44505
practice medicine in Ohio, and each school dentist shall be 44506
licensed to practice in this state. School physicians and dentists 44507
may be discharged at any time by the board of education. School 44508
physicians and dentists shall serve one year and until their 44509
successors are appointed and shall receive such compensation as 44510
the board of education determines. The board of education may also 44511
employ registered nurses, as defined by section 4723.01 and 44512
licensed as school nurses under section 3319.221 of the Revised 44513
Code, to aid in such inspection in such ways as are prescribed by 44514
it, and to aid in the conduct and coordination of the school 44515
health service program. The school dentists shall make such 44516
examinations and diagnoses and render such remedial or corrective 44517
treatment for the school children as is prescribed by the board of 44518
education; provided that all such remedial or corrective treatment 44519
shall be limited to the children whose parents cannot otherwise 44520
provide for same, and then only with the written consent of the 44521
parents or guardians of such children. School dentists may also 44522
conduct such oral hygiene educational work as is authorized by the 44523
board of education. 44524

The board of education may delegate the duties and powers 44525
provided for in this section to the board of health or officer 44526
performing the functions of a board of health within the school 44527
district, if such board or officer is willing to assume the same. 44528
Boards of education shall co-operate with boards of health in the 44529
prevention and control of epidemics. 44530

(B) Notwithstanding any provision of the Revised Code to the 44531
contrary, the board of education of each city, exempted village, 44532
or local school district may contract with an educational service 44533
center for the services of a school nurse, licensed under section 44534
3319.221 of the Revised Code, or of a registered nurse or licensed 44535

practical nurse, licensed under Chapter 4723. of the Revised Code, 44536
to provide services to students in the district pursuant to 44537
section 3313.7112 of the Revised Code. 44538

(C) In lieu of appointing or employing a school physician or 44539
dentist pursuant to division (A) of this section or entering into 44540
a contract for the services of a school nurse pursuant to division 44541
(B) of this section, the board of education of each city, exempted 44542
village, or local school district may enter into a contract under 44543
section 3313.721 of the Revised Code for the purpose of providing 44544
health care services to students. 44545

Sec. 3313.72. The board of education of a city, exempted 44546
village, or local school district may enter into a contract with a 44547
health district for the purpose of providing the services of a 44548
school physician, dentist, or nurse. The board may also enter into 44549
a contract under section 3313.721 of the Revised Code for the 44550
purpose of providing health care services to students. 44551

Sec. 3313.721. (A) Notwithstanding anything to the contrary 44552
in the Revised Code, the board of education of a school district 44553
may enter into a contract with a hospital registered under section 44554
3701.07 of the Revised Code or an appropriately licensed health 44555
care provider for the purpose of providing health care services 44556
specifically authorized by the Revised Code to students. 44557

(B) Notwithstanding anything to the contrary in the Revised 44558
Code, the board of education of a school district may enter into a 44559
contract with a federally qualified health center or federally 44560
qualified health center look-alike for the purpose of providing 44561
health care services specifically authorized by the Revised Code 44562
to students. 44563

(C) If the board enters into a contract with a hospital or 44564
health care provider under division (A) of this section or with a 44565

federally qualified health center or federally qualified health center look-alike under division (B) of this section, the requirement to obtain a school nurse license or school nurse wellness coordinator license under section 3319.221 of the Revised Code, or any rules related to this requirement, shall not apply to an employee of the hospital, health care provider, federally qualified health center, or federally qualified health center look-alike who is providing the services of a nurse under that contract. However, at a minimum, the employee shall hold a credential that is equivalent to being licensed as a registered nurse or licensed practical nurse under Chapter 4723. of the Revised Code.

(D) As used in this section, "federally qualified health center" and "federally qualified health center look-alike" have the same meanings as in section 3701.047 of the Revised Code.

Sec. 3313.902. (A) As used in this section: 44581

(1) "Approved industry credential or certificate" means a credential or certificate that is approved by the chancellor of the Ohio board of regents higher education. 44582
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(2) "Approved institution" means an eligible institution that has been approved to participate in the adult diploma pilot program under this section. 44585
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(3) "Approved program of study" means a program of study offered by an approved institution that satisfies the requirements of division (B) of this section. 44588
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(4) An eligible student's "career pathway training program amount" means the following: 44591
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(a) If the student is enrolled in a tier one career pathway training program, \$4,800; 44593
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(b) If the student is enrolled in a tier two career pathway 44595

<u>training program, \$3,200;</u>	44596
<u>(c) If the student is enrolled in a tier three career pathway training program, \$1,600.</u>	44597
<u>(5) "Eligible institution" means any of the following:</u>	44599
(a) A community college established under Chapter 3354. of the Revised Code;	44600
	44601
(b) A technical college established under Chapter 3357. of the Revised Code;	44602
	44603
(c) A state community college established under Chapter 3358. of the Revised Code;	44604
	44605
(d) An Ohio technical center recognized by the chancellor that provides post-secondary workforce education.	44606
	44607
(3) <u>(6) "Eligible student" means an individual who is at least twenty-two years of age and has not received a high school diploma or a certificate of high school equivalence, as defined in section 4109.06 of the Revised Code.</u>	44608
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<u>(7) A "tier one career pathway training program" is a career pathway training program that requires more than six hundred hours of technical training, as determined by the department of education.</u>	44612
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<u>(8) A "tier two career pathway training program" is a career pathway training program that requires more than three hundred hours of technical training but less than six hundred hours of technical training, as determined by the department.</u>	44616
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<u>(9) A "tier three career pathway training program" is a career pathway training program that requires three hundred hours or less of technical training, as determined by the department.</u>	44620
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<u>(10) An eligible student's "work readiness training amount" means the following:</u>	44623
	44624

(a) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is below the ninth grade, as determined in accordance with rules adopted under division (E) of this section, \$1,500. 44625
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(b) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is at or above the ninth grade, as determined in accordance with rules adopted under division (E) of this section, \$750. 44629
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(B) The adult ~~career opportunity diploma~~ pilot program is hereby established to permit an eligible institution to obtain approval from the ~~state board of education~~ superintendent of public instruction and the chancellor to develop and offer a program of study that allows an eligible student to obtain a high school diploma. A program shall be eligible for this approval if it satisfies all of the following requirements: 44633
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(1) The program allows an eligible student to complete the requirements for obtaining a high school diploma that are specified in rules adopted by the superintendent under division (E) of this section while also completing requirements for an approved industry credential or certificate. 44640
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(2) The program includes career advising and outreach. 44645

(3) The program includes opportunities for students to receive a competency-based education. 44646
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(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 3313.614, and 3313.618 of the Revised Code, the state board of education shall grant a high school diploma to each eligible student who enrolls in an approved program of study at an approved institution and completes the requirements for obtaining a high school diploma that are specified in rules adopted by the superintendent under division (E) of this section. 44648
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(D)(1) The department shall calculate the following amount 44655

for each eligible student enrolled in each approved institution's 44656
approved program of study: 44657

(The student's career pathway training program amount + the 44658
student's work readiness training amount) X 1.2 44659

(2) The department shall pay the amount calculated for an 44660
eligible student under division (D)(1) of this section to the 44661
approved institution in which the student is enrolled in the 44662
following manner: 44663

(a) Twenty-five per cent of the amount calculated under 44664
division (D)(1) of this section shall be paid to the approved 44665
institution after the student successfully completes the first 44666
third of the approved program of study, as determined by the 44667
department; 44668

(b) Twenty-five per cent of the amount calculated under 44669
division (D)(1) of this section shall be paid to the approved 44670
institution after the student successfully completes the second 44671
third of the approved program of study, as determined by the 44672
department; 44673

(c) Fifty per cent of the amount calculated under division 44674
(D)(1) of this section shall be paid to the approved institution 44675
after the student successfully completes the final third of the 44676
approved program of study, as determined by the department. 44677

(3) Of the amount paid to an approved institution under 44678
division (D)(2) of this section, the institution may use the 44679
amount that is in addition to the student's career pathway 44680
training amount and the student's work readiness training amount 44681
for the associated services of the approved program of study. 44682
These services include counseling, advising, assessment, and other 44683
services as determined or required by the department. 44684

(E) The superintendent of ~~public instruction~~, in consultation 44685
with the chancellor, shall adopt rules for the implementation of 44686

the adult ~~career opportunity~~ diploma pilot program, including the 44687
all of the following: 44688

(1) The requirements for applying for program approval; 44689

(2) The requirements for obtaining a high school diploma 44690
through the program, including the requirement to obtain a passing 44691
score on an assessment that is appropriate for the career pathway 44692
training program that is being completed by the eligible student, 44693
and the date on which these requirements take effect; 44694

(3) The assessment or assessments that may be used to 44695
complete the assessment requirement for each career pathway 44696
training program under division (E)(2) of this section and the 44697
score that must be obtained on each assessment in order to pass 44698
the assessment; 44699

(4) Guidelines regarding the funding of the program under 44700
division (D) of this section, including a method of funding for 44701
students who transfer from one approved institution to another 44702
approved institution prior to completing an approved program of 44703
study; 44704

(5) Circumstances under which an eligible student may be 44705
charged for tuition, supplies, or associated fees while enrolled 44706
in an approved institution's approved program of study; 44707

(6) A requirement that an eligible student may not be charged 44708
for tuition, supplies, or associated fees while enrolled in an 44709
approved institution's approved program of study except in the 44710
circumstances described under division (E)(5) of this section; 44711

(7) The payment of federal funds that are to be used by 44712
approved programs of study at approved institutions. 44713

Sec. 3313.975. As used in this section and in sections 44714
3313.976 to 3313.979 of the Revised Code, "the pilot project 44715
school district" or "the district" means any school district 44716

included in the pilot project scholarship program pursuant to this section. 44717
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(A) The superintendent of public instruction shall establish a pilot project scholarship program and shall include in such program any school districts that are or have ever been under federal court order requiring supervision and operational management of the district by the state superintendent. The program shall provide for a number of students residing in any such district to receive scholarships to attend alternative schools, and for an equal number of students to receive tutorial assistance grants while attending public school in any such district. 44719
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(B) The state superintendent shall establish an application process and deadline for accepting applications from students residing in the district to participate in the scholarship program. In the initial year of the program students may only use a scholarship to attend school in grades kindergarten through third. 44729
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The state superintendent shall award as many scholarships and tutorial assistance grants as can be funded given the amount appropriated for the program. ~~In no case, however, shall more than fifty per cent of all scholarships awarded be used by students who were enrolled in a nonpublic school during the school year of application for a scholarship.~~ 44735
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(C)(1) The pilot project program shall continue in effect each year that the general assembly has appropriated sufficient money to fund scholarships and tutorial assistance grants. In each year the program continues, new students may receive scholarships in grades kindergarten to twelve. A student who has received a scholarship may continue to receive one until the student has completed grade twelve. 44741
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(2) If the general assembly discontinues the scholarship program, all students who are attending an alternative school under the pilot project shall be entitled to continued admittance to that specific school through all grades that are provided in such school, under the same conditions as when they were participating in the pilot project. The state superintendent shall continue to make scholarship payments in accordance with division (A) or (B) of section 3313.979 of the Revised Code for students who remain enrolled in an alternative school under this provision in any year that funds have been appropriated for this purpose.

If funds are not appropriated, the tuition charged to the parents of a student who remains enrolled in an alternative school under this provision shall not be increased beyond the amount equal to the amount of the scholarship plus any additional amount charged that student's parent in the most recent year of attendance as a participant in the pilot project, except that tuition for all the students enrolled in such school may be increased by the same percentage.

(D) Notwithstanding sections 124.39 and 3311.83 of the Revised Code, if the pilot project school district experiences a decrease in enrollment due to participation in a state-sponsored scholarship program pursuant to sections 3313.974 to 3313.979 of the Revised Code, the district board of education may enter into an agreement with any teacher it employs to provide to that teacher severance pay or early retirement incentives, or both, if the teacher agrees to terminate the employment contract with the district board, provided any collective bargaining agreement in force pursuant to Chapter 4117. of the Revised Code does not prohibit such an agreement for termination of a teacher's employment contract.

Sec. 3313.981. (A) The state board of education shall adopt

rules requiring all of the following: 44779

(1) The board of education of each city, exempted village, 44780
and local school district to annually report to the department of 44781
education all of the following: 44782

(a) The number of adjacent district or other district 44783
students in grades kindergarten through twelve, as applicable, the 44784
number of adjacent district or other district students who are 44785
preschool children with disabilities, as applicable, and the 44786
number of adjacent district or other district joint vocational 44787
students, as applicable, enrolled in the district and the, in 44788
accordance with a policy adopted under division (B) of section 44789
3313.98 of the Revised Code; 44790

(b) The number of native students in grades kindergarten 44791
through twelve enrolled in adjacent or other districts and the 44792
number of native students who are preschool children with 44793
disabilities enrolled in adjacent or other districts, in 44794
accordance with a policy adopted under division (B) of section 44795
3313.98 of the Revised Code; 44796

~~(b)~~(c) Each adjacent district or other district student's or 44797
adjacent district or other district joint vocational student's 44798
date of enrollment in the district; 44799

~~(e)~~(d) The full-time equivalent number of adjacent district 44800
or other district students enrolled in each of the categories of 44801
career-technical education programs or classes described in 44802
section 3317.014 of the Revised Code; 44803

~~(d)~~(e) Each native student's date of enrollment in an 44804
adjacent or other district. 44805

(2) The board of education of each joint vocational school 44806
district to annually report to the department all of the 44807
following: 44808

(a) The number of adjacent district or other district joint vocational students, as applicable, enrolled in the district; 44809
44810

(b) The full-time equivalent number of adjacent district or other district joint vocational students enrolled in each category of career-technical education programs or classes described in section 3317.014 of the Revised Code; 44811
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(c) For each adjacent district or other district joint vocational student, the city, exempted village, or local school district in which the student is also enrolled. 44815
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(3) Prior to the end of each reporting period specified in section 3317.03 of the Revised Code, the superintendent of each city, local, or exempted village school district that admits adjacent district or other district students who are in grades kindergarten through twelve, adjacent district or other district students who are preschool children with disabilities, or adjacent district or other district joint vocational students in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code to report to the department of education each adjacent or other district's students and where those students who are enrolled in the superintendent's district under the policy are entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 44818
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The rules shall provide for the method of counting students who are enrolled for part of a school year in an adjacent or other district or as an adjacent district or other district joint vocational student. 44831
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(B) From the payments made to a city, exempted village, or local school district under Chapter 3317. of the Revised Code and, if necessary, from the payments made to the district under sections 321.24 and 323.156 of the Revised Code, the department of education shall annually subtract ~~both~~ all of the following: 44835
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(1) An amount equal to the number of the district's native students in grades kindergarten through twelve reported under division (A)(1) of this section who are enrolled in adjacent or other school districts pursuant to policies adopted by such districts under division (B) of section 3313.98 of the Revised Code multiplied by the formula amount;

(2) The excess costs computed in accordance with division (E) of this section for any such native students in grades kindergarten through twelve receiving special education and related services in adjacent or other school districts or as an adjacent district or other district joint vocational student;

(3) For ~~the~~ each of the district's native students reported under division (A)(1)~~(e)~~(d) or (2)(b) of this section as enrolled in career-technical education programs or classes described in section 3317.014 of the Revised Code, the per pupil amount prescribed by that section for the student's respective career-technical category, on a full-time equivalency basis;

(4) For each native student who is a preschool child with a disability reported under division (A)(1) of this section who is enrolled in an adjacent or other district pursuant to policies adopted by such a district under division (B) of section 3313.98 of the Revised Code, \$4,000.

(C) To the payments made to a city, exempted village, or local school district under Chapter 3317. of the Revised Code, the department of education shall annually add all of the following:

(1) An amount equal to the formula amount multiplied by the remainder obtained by subtracting the number of adjacent district or other district joint vocational students from the number of adjacent district or other district students in grades kindergarten through twelve enrolled in the district, as reported under division (A)(1) of this section;

(2) The excess costs computed in accordance with division (E) 44871
of this section for any adjacent district or other district 44872
students in grades kindergarten through twelve, except for any 44873
adjacent or other district joint vocational students, receiving 44874
special education and related services in the district; 44875

(3) For ~~the~~ each of the adjacent or other district students 44876
who are not adjacent district or other district joint vocational 44877
students and are reported under division (A)(1)~~(e)~~(d) of this 44878
section as enrolled in career-technical education programs or 44879
classes described in section 3317.014 of the Revised Code, the per 44880
pupil amount prescribed by that section for the student's 44881
respective career-technical category, on a full-time equivalency 44882
basis; 44883

(4) An amount equal to the number of adjacent district or 44884
other district joint vocational students reported under division 44885
(A)(1) of this section multiplied by an amount equal to twenty per 44886
cent of the formula amount; 44887

(5) For each adjacent district or other district student who 44888
is a preschool child with a disability reported under division 44889
(A)(1) of this section who is enrolled in the district, \$4,000. 44890

(D) To the payments made to a joint vocational school 44891
district under Chapter 3317. of the Revised Code, the department 44892
of education shall add, for each adjacent district or other 44893
district joint vocational student reported under division (A)(2) 44894
of this section, both of the following: 44895

(1) The formula amount; 44896

(2) The per pupil amount for each of the students reported 44897
pursuant to division (A)(2)(b) of this section prescribed by 44898
section 3317.014 of the Revised Code for the student's respective 44899
career-technical category, on a full-time equivalency basis. 44900

(E)(1) A city, exempted village, or local school board 44901

providing special education and related services to an adjacent or 44902
other district student in grades kindergarten through twelve in 44903
accordance with an IEP shall, pursuant to rules of the state 44904
board, compute the excess costs to educate such student as 44905
follows: 44906

(a) Subtract the formula amount from the actual costs to 44907
educate the student; 44908

(b) From the amount computed under division (E)(1)(a) of this 44909
section subtract the amount of any funds received by the district 44910
under Chapter 3317. of the Revised Code to provide special 44911
education and related services to the student. 44912

(2) The board shall report the excess costs computed under 44913
this division to the department of education. 44914

(3) If any student for whom excess costs are computed under 44915
division (E)(1) of this section is an adjacent or other district 44916
joint vocational student, the department of education shall add 44917
the amount of such excess costs to the payments made under Chapter 44918
3317. of the Revised Code to the joint vocational school district 44919
enrolling the student. 44920

(F) As provided in division (D)(1)(b) of section 3317.03 of 44921
the Revised Code, no joint vocational school district shall count 44922
any adjacent or other district joint vocational student enrolled 44923
in the district in its enrollment certified under section 3317.03 44924
of the Revised Code. 44925

(G) No city, exempted village, or local school district shall 44926
receive a payment under division (C) of this section for a 44927
student, and no joint vocational school district shall receive a 44928
payment under division (D) of this section for a student, if for 44929
the same school year that student is counted in the district's 44930
enrollment certified under section 3317.03 of the Revised Code. 44931

(H) Upon request of a parent, and provided the board offers 44932

transportation to native students of the same grade level and 44933
distance from school under section 3327.01 of the Revised Code, a 44934
city, exempted village, or local school board enrolling an 44935
adjacent or other district student shall provide transportation 44936
for the student within the boundaries of the board's district, 44937
except that the board shall be required to pick up and drop off a 44938
nonhandicapped student only at a regular school bus stop 44939
designated in accordance with the board's transportation policy. 44940
Pursuant to rules of the state board of education, such board may 44941
reimburse the parent from funds received for pupil transportation 44942
under section 3317.0212 of the Revised Code, or other provisions 44943
of law, for the reasonable cost of transportation from the 44944
student's home to the designated school bus stop if the student's 44945
family has an income below the federal poverty line. 44946

Sec. 3314.02. (A) As used in this chapter: 44947

(1) "Sponsor" means the board of education of a school 44948
district or the governing board of an educational service center 44949
that agrees to the conversion of all or part of a school or 44950
building under division (B) of this section, or an entity listed 44951
in division (C)(1) of this section, which ~~either~~ has been approved 44952
by the department of education to sponsor community schools or is 44953
exempted by section 3314.021 or 3314.027 of the Revised Code from 44954
obtaining approval, and with which the governing authority of a 44955
community school enters into a contract under section 3314.03 of 44956
the Revised Code. 44957

(2) "Pilot project area" means the school districts included 44958
in the territory of the former community school pilot project 44959
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 44960
the 122nd general assembly. 44961

(3) "Challenged school district" means any of the following: 44962

(a) A school district that is part of the pilot project area; 44963

- (b) A school district that meets one of the following conditions: 44964
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- (i) On March 22, 2013, the district was in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013; 44966
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- (ii) For two of the 2012-2013, 2013-2014, ~~and~~ 2014-2015, and 2015-2016 school years, the district received a grade of "D" or "F" for the performance index score and a grade of "F" for the value-added progress dimension under section 3302.03 of the Revised Code; 44970
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- (iii) For the ~~2015-2016~~ 2016-2017 school year and for any school year thereafter, the district has received an overall grade of "D" or "F" under division (C)(3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received a grade of "F" for the value-added progress dimension under division (C)(1)(e) of that section. 44975
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- (c) A big eight school district; 44981
- (d) A school district ranked in the lowest five per cent of school districts according to performance index score under section 3302.21 of the Revised Code. 44982
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- (4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following: 44985
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- (a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code; 44987
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- (b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code. 44991
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(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.

(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.

(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include internet-based, other computer-based, and noncomputer-based learning opportunities unless a student receives career-technical education under section 3314.086 of the Revised Code.

A community school that operates mainly as an internet- or computer-based community school and provides career-technical education under section 3314.086 of the Revised Code shall be considered an internet- or computer-based community school, even if it provides some classroom-based instruction, so long as it provides instruction via the methods described in this division.

(8) "Operator" means either of the following:

(a) An individual or organization that manages the daily operations of a community school pursuant to a contract between the operator and the school's governing authority;

(b) A nonprofit organization that provides programmatic oversight and support to a community school under a contract with

the school's governing authority and that retains the right to 45025
terminate its affiliation with the school if the school fails to 45026
meet the organization's quality standards. 45027

(9) "Alliance municipal school district" has the same meaning 45028
as in section 3311.86 of the Revised Code. 45029

(B)(1) Any person or group of individuals may initially 45030
propose under this division the conversion of all or a portion of 45031
a public school to a community school. The proposal shall be made 45032
to the board of education of the city, local, exempted village, or 45033
joint vocational school district in which the public school is 45034
proposed to be converted. 45035

(2) Any person or group of individuals may initially propose 45036
under this division the conversion of all or a portion of a 45037
building operated by an educational service center to a community 45038
school. The proposal shall be made to the governing board of the 45039
service center. 45040

~~A service center that proposes the establishment of a 45041
conversion community school located in a county within the 45042
territory of the service center or in a county contiguous to such 45043
county is exempt from approval from the department of education, 45044
except as provided under division (B)(4) of this section, and from 45045
the agreement required under division (B)(1) of section 3314.015 45046
of the Revised Code. 45047~~

~~However, a service center that proposes the establishment of 45048
a conversion community school located in a county outside of the 45049
territory of the service center or a county contiguous to such 45050
county shall be subject to approval from the department of 45051
education and from the agreement required under that section. 45052~~

~~Division (B)(2) of this section does not apply to an 45053
educational service center that sponsors community schools and 45054
that is exempted under section 3314.021 or 3314.027 of the Revised 45055~~

~~Code from the requirement to be approved for sponsorship under 45056
divisions (A)(2) and (B)(1) of section 3314.015 of the Revised 45057
Code. 45058~~

An educational service center that sponsors a community 45059
school in accordance with this division shall be approved by and 45060
enter into a written agreement with the department as described in 45061
section 3314.015 of the Revised Code. 45062

(3) Upon receipt of a proposal, a board may enter into a 45063
preliminary agreement with the person or group proposing the 45064
conversion of the public school or service center building, 45065
indicating the intention of the board to support the conversion to 45066
a community school. A proposing person or group that has a 45067
preliminary agreement under this division may proceed to finalize 45068
plans for the school, establish a governing authority for the 45069
school, and negotiate a contract with the board. Provided the 45070
proposing person or group adheres to the preliminary agreement and 45071
all provisions of this chapter, the board shall negotiate in good 45072
faith to enter into a contract in accordance with section 3314.03 45073
of the Revised Code and division (C) of this section. 45074

(4) The sponsor of a conversion community school proposed to 45075
open in an alliance municipal school district shall be subject to 45076
approval by the department of education for sponsorship of that 45077
school using the criteria established under division (A) of 45078
section 3311.87 of the Revised Code. 45079

Division (B)(4) of this section does not apply to a sponsor 45080
that ~~is~~, on or before the effective date of this amendment, was 45081
exempted under section 3314.021 or 3314.027 of the Revised Code 45082
from the requirement to be approved for sponsorship under 45083
divisions (A)(2) and (B)(1) of section 3314.015 of the Revised 45084
Code. 45085

(C)(1) Any person or group of individuals may propose under 45086

this division the establishment of a new start-up school to be 45087
located in a challenged school district. The proposal may be made 45088
to any of the following entities: 45089

(a) The board of education of the district in which the 45090
school is proposed to be located; 45091

(b) The board of education of any joint vocational school 45092
district with territory in the county in which is located the 45093
majority of the territory of the district in which the school is 45094
proposed to be located; 45095

(c) The board of education of any other city, local, or 45096
exempted village school district having territory in the same 45097
county where the district in which the school is proposed to be 45098
located has the major portion of its territory; 45099

(d) The governing board of any educational service center, 45100
regardless of the location of the proposed school, may sponsor a 45101
new start-up school in any challenged school district in the state 45102
if all of the following are satisfied: 45103

(i) If applicable, it satisfies the requirements of division 45104
(E) of section 3311.86 of the Revised Code; 45105

(ii) It is approved to do so by the department; 45106

(iii) It enters into an agreement with the department under 45107
section 3314.015 of the Revised Code. 45108

(e) A sponsoring authority designated by the board of 45109
trustees of any of the thirteen state universities listed in 45110
section 3345.011 of the Revised Code or the board of trustees 45111
itself as long as a mission of the proposed school to be specified 45112
in the contract under division (A)(2) of section 3314.03 of the 45113
Revised Code and as approved by the department under division 45114
(B)(2) of section 3314.015 of the Revised Code will be the 45115
practical demonstration of teaching methods, educational 45116

technology, or other teaching practices that are included in the 45117
curriculum of the university's teacher preparation program 45118
approved by the state board of education; 45119

(f) Any qualified tax-exempt entity under section 501(c)(3) 45120
of the Internal Revenue Code as long as all of the following 45121
conditions are satisfied: 45122

(i) The entity has been in operation for at least five years 45123
prior to applying to be a community school sponsor. 45124

(ii) The entity has assets of at least five hundred thousand 45125
dollars and a demonstrated record of financial responsibility. 45126

(iii) The department has determined that the entity is an 45127
education-oriented entity under division (B)(3) of section 45128
3314.015 of the Revised Code and the entity has a demonstrated 45129
record of successful implementation of educational programs. 45130

(iv) The entity is not a community school. 45131

(g) The mayor of a city in which the majority of the 45132
territory of a school district to which section 3311.60 of the 45133
Revised Code applies is located, regardless of whether that 45134
district has created the position of independent auditor as 45135
prescribed by that section. The mayor's sponsorship authority 45136
under this division is limited to community schools that are 45137
located in that school district. Such mayor may sponsor community 45138
schools only with the approval of the city council of that city, 45139
after establishing standards with which community schools 45140
sponsored by the mayor must comply, and after entering into a 45141
sponsor agreement with the department as prescribed under section 45142
3314.015 of the Revised Code. The mayor shall establish the 45143
standards for community schools sponsored by the mayor not later 45144
than one hundred eighty days after July 15, 2013, and shall submit 45145
them to the department upon their establishment. The department 45146
shall approve the mayor to sponsor community schools in the 45147

district, upon receipt of an application by the mayor to do so. 45148
Not later than ninety days after the department's approval of the 45149
mayor as a community school sponsor, the department shall enter 45150
into the sponsor agreement with the mayor. 45151

Any entity described in division (C)(1) of this section may 45152
enter into a preliminary agreement pursuant to division (C)(2) of 45153
this section with the proposing person or group. 45154

(2) A preliminary agreement indicates the intention of an 45155
entity described in division (C)(1) of this section to sponsor the 45156
community school. A proposing person or group that has such a 45157
preliminary agreement may proceed to finalize plans for the 45158
school, establish a governing authority as described in division 45159
(E) of this section for the school, and negotiate a contract with 45160
the entity. Provided the proposing person or group adheres to the 45161
preliminary agreement and all provisions of this chapter, the 45162
entity shall negotiate in good faith to enter into a contract in 45163
accordance with section 3314.03 of the Revised Code. 45164

(3) A new start-up school that is established in a school 45165
district described in either division (A)(3)(b) or (d) of this 45166
section may continue in existence once the school district no 45167
longer meets the conditions described in either division, provided 45168
there is a valid contract between the school and a sponsor. 45169

(4) A copy of every preliminary agreement entered into under 45170
this division shall be filed with the superintendent of public 45171
instruction. 45172

(D) A majority vote of the board of a sponsoring entity and a 45173
majority vote of the members of the governing authority of a 45174
community school shall be required to adopt a contract and convert 45175
the public school or educational service center building to a 45176
community school or establish the new start-up school. Beginning 45177
September 29, 2005, adoption of the contract shall occur not later 45178

than the fifteenth day of March, and signing of the contract shall 45179
occur not later than the fifteenth day of May, prior to the school 45180
year in which the school will open. The governing authority shall 45181
notify the department of education when the contract has been 45182
signed. Subject to sections 3314.013 and 3314.016 of the Revised 45183
Code, an unlimited number of community schools may be established 45184
in any school district provided that a contract is entered into 45185
for each community school pursuant to this chapter. 45186

(E)(1) As used in this division, "immediate relatives" are 45187
limited to spouses, children, parents, grandparents, siblings, and 45188
in-laws. 45189

Each new start-up community school established under this 45190
chapter shall be under the direction of a governing authority 45191
which shall consist of a board of not less than five individuals. 45192

No person shall serve on the governing authority or operate 45193
the community school under contract with the governing authority 45194
so long as the person owes the state any money or is in a dispute 45195
over whether the person owes the state any money concerning the 45196
operation of a community school that has closed. 45197

(2) No person shall serve on the governing authorities of 45198
more than five start-up community schools at the same time. 45199

(3) No present or former member, or immediate relative of a 45200
present or former member, of the governing authority of any 45201
community school established under this chapter shall be an owner, 45202
employee, or consultant of any sponsor or operator of a community 45203
school, unless at least one year has elapsed since the conclusion 45204
of the person's membership. 45205

(4) The governing authority of a start-up community school 45206
may provide by resolution for the compensation of its members. 45207
However, no individual who serves on the governing authority of a 45208
start-up community school shall be compensated more than four 45209

hundred twenty-five dollars per meeting of that governing 45210
authority and no such individual shall be compensated more than a 45211
total amount of five thousand dollars per year for all governing 45212
authorities upon which the individual serves. 45213

(F)(1) A new start-up school that is established prior to 45214
August 15, 2003, in an urban school district that is not also a 45215
big-eight school district may continue to operate after that date 45216
and the contract between the school's governing authority and the 45217
school's sponsor may be renewed, as provided under this chapter, 45218
after that date, but no additional new start-up schools may be 45219
established in such a district unless the district is a challenged 45220
school district as defined in this section as it exists on and 45221
after that date. 45222

(2) A community school that was established prior to June 29, 45223
1999, and is located in a county contiguous to the pilot project 45224
area and in a school district that is not a challenged school 45225
district may continue to operate after that date, provided the 45226
school complies with all provisions of this chapter. The contract 45227
between the school's governing authority and the school's sponsor 45228
may be renewed, but no additional start-up community school may be 45229
established in that district unless the district is a challenged 45230
school district. 45231

(3) Any educational service center that, on June 30, 2007, 45232
sponsors a community school that is not located in a county within 45233
the territory of the service center or in a county contiguous to 45234
such county may continue to sponsor that community school on and 45235
after June 30, 2007, and may renew its contract with the school. 45236
However, the educational service center shall not enter into a 45237
contract with any additional community school, ~~unless the school~~ 45238
~~is located in a county within the territory of the service center~~ 45239
~~or in a county contiguous to such county, or unless the governing~~ 45240
board of the service center has entered into an agreement with the 45241

department authorizing the service center to sponsor a community 45242
school in any challenged school district in the state. 45243

Sec. 3314.03. A copy of every contract entered into under 45244
this section shall be filed with the superintendent of public 45245
instruction. The department of education shall make available on 45246
its web site a copy of every approved, executed contract filed 45247
with the superintendent under this section. 45248

(A) Each contract entered into between a sponsor and the 45249
governing authority of a community school shall specify the 45250
following: 45251

(1) That the school shall be established as either of the 45252
following: 45253

(a) A nonprofit corporation established under Chapter 1702. 45254
of the Revised Code, if established prior to April 8, 2003; 45255

(b) A public benefit corporation established under Chapter 45256
1702. of the Revised Code, if established after April 8, 2003. 45257

(2) The education program of the school, including the 45258
school's mission, the characteristics of the students the school 45259
is expected to attract, the ages and grades of students, and the 45260
focus of the curriculum; 45261

(3) The academic goals to be achieved and the method of 45262
measurement that will be used to determine progress toward those 45263
goals, which shall include the statewide achievement assessments; 45264

(4) Performance standards by which the success of the school 45265
will be evaluated by the sponsor; 45266

(5) The admission standards of section 3314.06 of the Revised 45267
Code and, if applicable, section 3314.061 of the Revised Code; 45268

(6)(a) Dismissal procedures; 45269

(b) A requirement that the governing authority adopt an 45270

attendance policy that includes a procedure for automatically 45271
withdrawing a student from the school if the student without a 45272
legitimate excuse fails to participate in one hundred five 45273
consecutive hours of the learning opportunities offered to the 45274
student. 45275

(7) The ways by which the school will achieve racial and 45276
ethnic balance reflective of the community it serves; 45277

(8) Requirements for financial audits by the auditor of 45278
state. The contract shall require financial records of the school 45279
to be maintained in the same manner as are financial records of 45280
school districts, pursuant to rules of the auditor of state. 45281
Audits shall be conducted in accordance with section 117.10 of the 45282
Revised Code. 45283

(9) The facilities to be used and their locations; 45284

(10) Qualifications of teachers, including a requirement that 45285
the school's classroom teachers be licensed in accordance with 45286
sections 3319.22 to 3319.31 of the Revised Code, except that a 45287
community school may engage noncertificated persons to teach up to 45288
twelve hours per week pursuant to section 3319.301 of the Revised 45289
Code. 45290

(11) That the school will comply with the following 45291
requirements: 45292

(a) The school will provide learning opportunities to a 45293
minimum of twenty-five students for a minimum of nine hundred 45294
twenty hours per school year. 45295

(b) The governing authority will purchase liability 45296
insurance, or otherwise provide for the potential liability of the 45297
school. 45298

(c) The school will be nonsectarian in its programs, 45299
admission policies, employment practices, and all other 45300

operations, and will not be operated by a sectarian school or 45301
religious institution. 45302

(d) The school will comply with sections 9.90, 9.91, 109.65, 45303
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 45304
3301.0712, 3301.0715, 3301.948, 3313.472, 3313.50, 3313.536, 45305
3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 45306
3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 3313.66, 45307
3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 45308
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 45309
3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 45310
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 45311
3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 45312
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, 45313
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 45314
4123., 4141., and 4167. of the Revised Code as if it were a school 45315
district and will comply with section 3301.0714 of the Revised 45316
Code in the manner specified in section 3314.17 of the Revised 45317
Code. 45318

(e) The school shall comply with Chapter 102. and section 45319
2921.42 of the Revised Code. 45320

(f) The school will comply with sections 3313.61, 3313.611, 45321
and 3313.614 of the Revised Code, except that for students who 45322
enter ninth grade for the first time before July 1, 2010, the 45323
requirement in sections 3313.61 and 3313.611 of the Revised Code 45324
that a person must successfully complete the curriculum in any 45325
high school prior to receiving a high school diploma may be met by 45326
completing the curriculum adopted by the governing authority of 45327
the community school rather than the curriculum specified in Title 45328
XXXIII of the Revised Code or any rules of the state board of 45329
education. Beginning with students who enter ninth grade for the 45330
first time on or after July 1, 2010, the requirement in sections 45331
3313.61 and 3313.611 of the Revised Code that a person must 45332

successfully complete the curriculum of a high school prior to 45333
receiving a high school diploma shall be met by completing the 45334
requirements prescribed in division (C) of section 3313.603 of the 45335
Revised Code, unless the person qualifies under division (D) or 45336
(F) of that section. Each school shall comply with the plan for 45337
awarding high school credit based on demonstration of subject area 45338
competency, and beginning with the 2016-2017 school year, with the 45339
updated plan that permits students enrolled in seventh and eighth 45340
grade to meet curriculum requirements based on subject area 45341
competency adopted by the state board of education under ~~division~~ 45342
divisions (J)(1) and (2) of section 3313.603 of the Revised Code. 45343

(g) The school governing authority will submit within four 45344
months after the end of each school year a report of its 45345
activities and progress in meeting the goals and standards of 45346
divisions (A)(3) and (4) of this section and its financial status 45347
to the sponsor and the parents of all students enrolled in the 45348
school. 45349

(h) The school, unless it is an internet- or computer-based 45350
community school, will comply with section 3313.801 of the Revised 45351
Code as if it were a school district. 45352

(i) If the school is the recipient of moneys from a grant 45353
awarded under the federal race to the top program, Division (A), 45354
Title XIV, Sections 14005 and 14006 of the "American Recovery and 45355
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 45356
school will pay teachers based upon performance in accordance with 45357
section 3317.141 and will comply with section 3319.111 of the 45358
Revised Code as if it were a school district. 45359

(j) If the school operates a preschool program that is 45360
licensed by the department of education under sections 3301.52 to 45361
3301.59 of the Revised Code, the school shall comply with sections 45362
3301.50 to 3301.59 of the Revised Code and the minimum standards 45363
for preschool programs prescribed in rules adopted by the state 45364

<u>board under section 3301.53 of the Revised Code.</u>	45365
(12) Arrangements for providing health and other benefits to employees;	45366 45367
(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.	45368 45369 45370 45371
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	45372 45373
(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.	45374 45375 45376
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	45377 45378 45379
(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	45380 45381 45382 45383 45384 45385 45386 45387 45388 45389 45390
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	45391 45392 45393
(19) A provision requiring the governing authority to adopt a	45394

policy regarding the admission of students who reside outside the 45395
district in which the school is located. That policy shall comply 45396
with the admissions procedures specified in sections 3314.06 and 45397
3314.061 of the Revised Code and, at the sole discretion of the 45398
authority, shall do one of the following: 45399

(a) Prohibit the enrollment of students who reside outside 45400
the district in which the school is located; 45401

(b) Permit the enrollment of students who reside in districts 45402
adjacent to the district in which the school is located; 45403

(c) Permit the enrollment of students who reside in any other 45404
district in the state. 45405

(20) A provision recognizing the authority of the department 45406
of education to take over the sponsorship of the school in 45407
accordance with the provisions of division (C) of section 3314.015 45408
of the Revised Code; 45409

(21) A provision recognizing the sponsor's authority to 45410
assume the operation of a school under the conditions specified in 45411
division (B) of section 3314.073 of the Revised Code; 45412

(22) A provision recognizing both of the following: 45413

(a) The authority of public health and safety officials to 45414
inspect the facilities of the school and to order the facilities 45415
closed if those officials find that the facilities are not in 45416
compliance with health and safety laws and regulations; 45417

(b) The authority of the department of education as the 45418
community school oversight body to suspend the operation of the 45419
school under section 3314.072 of the Revised Code if the 45420
department has evidence of conditions or violations of law at the 45421
school that pose an imminent danger to the health and safety of 45422
the school's students and employees and the sponsor refuses to 45423
take such action. 45424

(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H)(2) of section 3314.08 of the Revised Code;

(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school. However, the sponsor shall not be required to take any action described in division (F) of section 3302.04 of the Revised Code.

(25) Beginning in the 2006-2007 school year, the school will open for operation not later than the thirtieth day of September each school year, unless the mission of the school as specified under division (A)(2) of this section is solely to serve dropouts. In its initial year of operation, if the school fails to open by the thirtieth day of September, or within one year after the adoption of the contract pursuant to division (D) of section 3314.02 of the Revised Code if the mission of the school is solely to serve dropouts, the contract shall be void.

(26) Whether the school's governing authority is planning to seek designation for the school as a STEM school equivalent under section 3326.032 of the Revised Code.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public

school or educational service center building, alternative 45456
arrangements for current public school students who choose not to 45457
attend the converted school and for teachers who choose not to 45458
teach in the school or building after conversion; 45459

(4) The instructional program and educational philosophy of 45460
the school; 45461

(5) Internal financial controls. 45462

(C) A contract entered into under section 3314.02 of the 45463
Revised Code between a sponsor and the governing authority of a 45464
community school may provide for the community school governing 45465
authority to make payments to the sponsor, which is hereby 45466
authorized to receive such payments as set forth in the contract 45467
between the governing authority and the sponsor. The total amount 45468
of such payments for oversight and monitoring of the school shall 45469
not exceed three per cent of the total amount of payments for 45470
operating expenses that the school receives from the state. 45471

(D) The contract shall specify the duties of the sponsor 45472
which shall be in accordance with the written agreement entered 45473
into with the department of education under division (B) of 45474
section 3314.015 of the Revised Code and shall include the 45475
following: 45476

(1) Monitor the community school's compliance with all laws 45477
applicable to the school and with the terms of the contract; 45478

(2) Monitor and evaluate the academic and fiscal performance 45479
and the organization and operation of the community school on at 45480
least an annual basis; 45481

(3) Report on an annual basis the results of the evaluation 45482
conducted under division (D)(2) of this section to the department 45483
of education and to the parents of students enrolled in the 45484
community school; 45485

(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;

(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;

(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

Sec. 3314.05. (A) The contract between the community school 45518
and the sponsor shall specify the facilities to be used for the 45519
community school and the method of acquisition. Except as provided 45520
in divisions (B)(3) and (4) of this section, no community school 45521
shall be established in more than one school district under the 45522
same contract. 45523

(B) Division (B) of this section shall not apply to internet- 45524
or computer-based community schools. 45525

(1) A community school may be located in multiple facilities 45526
under the same contract only if the limitations on availability of 45527
space prohibit serving all the grade levels specified in the 45528
contract in a single facility or division (B)(2), (3), or (4) of 45529
this section applies to the school. The school shall not offer the 45530
same grade level classrooms in more than one facility. 45531

(2) A community school may be located in multiple facilities 45532
under the same contract and, notwithstanding division (B)(1) of 45533
this section, may assign students in the same grade level to 45534
multiple facilities, as long as all of the following apply: 45535

(a) The governing authority has entered into and maintains a 45536
contract with an operator of the type described in division 45537
(A)(8)(b) of section 3314.02 of the Revised Code. 45538

(b) The contract with that operator qualified the school to 45539
be established pursuant to division (A) of former section 3314.016 45540
of the Revised Code. 45541

(c) The school's rating under section 3302.03 of the Revised 45542
Code does not fall below a combination of any of the following for 45543
two or more consecutive years: 45544

(i) A rating of "in need of continuous improvement" under 45545
section 3302.03 of the Revised Code, as that section existed prior 45546
to March 22, 2013; 45547

(ii) For the 2012-2013 ~~and~~, 2013-2014, 2014-2015, and
2015-2016 school years, a rating of "C" for both the performance
index score under division (A)(1)(b) or (B)(1)(b) and the
value-added dimension under division (A)(1)(e) or (B)(1)(e) of
section 3302.03 of the Revised Code; or if the building serves
only grades ten through twelve, the building received a grade of
"C" for the performance index score under division (A)(1)(b) or
(B)(1)(b) of section 3302.03 of the Revised Code;

(iii) For the ~~2014-2015~~ 2016-2017 school year and for any
school year thereafter, an overall grade of "C" under division
(C)(3) of section 3302.03 of the Revised Code or an overall
performance designation of "meets standards" under division
(E)(3)(e) of section 3314.017 of the Revised Code.

(3) A new start-up community school may be established in two
school districts under the same contract if all of the following
apply:

(a) At least one of the school districts in which the school
is established is a challenged school district;

(b) The school operates not more than one facility in each
school district and, in accordance with division (B)(1) of this
section, the school does not offer the same grade level classrooms
in both facilities; and

(c) Transportation between the two facilities does not
require more than thirty minutes of direct travel time as measured
by school bus.

In the case of a community school to which division (B)(3) of
this section applies, if only one of the school districts in which
the school is established is a challenged school district, that
district shall be considered the school's primary location and the
district in which the school is located for the purposes of
division (A)(19) of section 3314.03 and divisions (C) and (H) of

section 3314.06 of the Revised Code and for all other purposes of 45579
this chapter. If both of the school districts in which the school 45580
is established are challenged school districts, the school's 45581
governing authority shall designate one of those districts to be 45582
considered the school's primary location and the district in which 45583
the school is located for the purposes of those divisions and all 45584
other purposes of this chapter and shall notify the department of 45585
education of that designation. 45586

(4) A community school may be located in multiple facilities 45587
under the same contract and, notwithstanding division (B)(1) of 45588
this section, may assign students in the same grade level to 45589
multiple facilities, as long as both of the following apply: 45590

(a) The facilities are all located in the same county. 45591

(b) Either of the following conditions are satisfied: 45592

(i) The community school is sponsored by a board of education 45593
of a city, local, or exempted village school district having 45594
territory in the same county where the facilities of the community 45595
school are located; 45596

(ii) The community school is managed by an operator. 45597

In the case of a community school to which division (B)(4) of 45598
this section applies and that maintains facilities in more than 45599
one school district, the school's governing authority shall 45600
designate one of those districts to be considered the school's 45601
primary location and the district in which the school is located 45602
for the purposes of division (A)(19) of section 3314.03 and 45603
divisions (C) and (H) of section 3314.06 of the Revised Code and 45604
for all other purposes of this chapter and shall notify the 45605
department of that designation. 45606

(5) Any facility used for a community school shall meet all 45607
health and safety standards established by law for school 45608
buildings. 45609

(C) In the case where a community school is proposed to be 45610
located in a facility owned by a school district or educational 45611
service center, the facility may not be used for such community 45612
school unless the district or service center board owning the 45613
facility enters into an agreement for the community school to 45614
utilize the facility. Use of the facility may be under any terms 45615
and conditions agreed to by the district or service center board 45616
and the school. 45617

(D) Two or more separate community schools may be located in 45618
the same facility. 45619

(E) In the case of a community school that is located in 45620
multiple facilities, beginning July 1, 2012, the department shall 45621
assign a unique identification number to the school and to each 45622
facility maintained by the school. Each number shall be used for 45623
identification purposes only. Nothing in this division shall be 45624
construed to require the department to calculate the amount of 45625
funds paid under this chapter, or to compute any data required for 45626
the report cards issued under section 3314.012 of the Revised 45627
Code, for each facility separately. The department shall make all 45628
such calculations or computations for the school as a whole. 45629

Sec. 3314.06. The governing authority of each community 45630
school established under this chapter shall adopt admission 45631
procedures that specify the following: 45632

(A) That, except as otherwise provided in this section, 45633
admission to the school shall be open to any individual age five 45634
to twenty-two entitled to attend school pursuant to section 45635
3313.64 or 3313.65 of the Revised Code in a school district in the 45636
state. 45637

Additionally, except as otherwise provided in this section, 45638
admission to the school may be open on a tuition basis to any 45639
individual age five to twenty-two who is not a resident of this 45640

state. The school shall not receive state funds under section 45641
3314.08 of the Revised Code for any student who is not a resident 45642
of this state. 45643

An individual younger than five years of age may be admitted 45644
to the school in accordance with division (A)(2) of section 45645
3321.01 of the Revised Code. The school shall receive funds for an 45646
individual admitted under that division in the manner provided 45647
under section 3314.08 of the Revised Code. 45648

If the school operates a program that uses the Montessori 45649
method endorsed by the American Montessori society, the Montessori 45650
accreditation council for teacher education, or the association 45651
Montessori internationale as its primary method of instruction, 45652
admission to the school may be open to individuals younger than 45653
five years of age, but the school shall not receive funds under 45654
this chapter for those individuals. Notwithstanding anything to 45655
the contrary in this chapter, individuals younger than five years 45656
of age who are enrolled in a Montessori program shall be offered 45657
at least four hundred fifty-five hours of learning opportunities 45658
per school year. 45659

If the school operates a preschool program that is licensed 45660
by the department of education under sections 3301.52 to 3301.59 45661
of the Revised Code, admission to the school may be open to 45662
individuals who are general education preschool students, but the 45663
school shall not receive funds under this chapter for those 45664
individuals. 45665

(B)(1) That admission to the school may be limited to 45666
students who have attained a specific grade level or are within a 45667
specific age group; to students that meet a definition of 45668
"at-risk," as defined in the contract; to residents of a specific 45669
geographic area within the district, as defined in the contract; 45670
or to separate groups of autistic students and nondisabled 45671
students, as authorized in section 3314.061 of the Revised Code 45672

and as defined in the contract. 45673

(2) For purposes of division (B)(1) of this section, 45674
"at-risk" students may include those students identified as gifted 45675
students under section 3324.03 of the Revised Code. 45676

(C) Whether enrollment is limited to students who reside in 45677
the district in which the school is located or is open to 45678
residents of other districts, as provided in the policy adopted 45679
pursuant to the contract. 45680

(D)(1) That there will be no discrimination in the admission 45681
of students to the school on the basis of race, creed, color, 45682
disability, or sex except that: 45683

(a) The governing authority may do either of the following 45684
for the purpose described in division (G) of this section: 45685

(i) Establish a single-gender school for either sex; 45686

(ii) Establish single-gender schools for each sex under the 45687
same contract, provided substantially equal facilities and 45688
learning opportunities are offered for both boys and girls. Such 45689
facilities and opportunities may be offered for each sex at 45690
separate locations. 45691

(b) The governing authority may establish a school that 45692
simultaneously serves a group of students identified as autistic 45693
and a group of students who are not disabled, as authorized in 45694
section 3314.061 of the Revised Code. However, unless the total 45695
capacity established for the school has been filled, no student 45696
with any disability shall be denied admission on the basis of that 45697
disability. 45698

(2) That upon admission of any student with a disability, the 45699
community school will comply with all federal and state laws 45700
regarding the education of students with disabilities. 45701

(E) That the school may not limit admission to students on 45702

the basis of intellectual ability, measures of achievement or 45703
aptitude, or athletic ability, except that a school may limit its 45704
enrollment to students as described in division (B) of this 45705
section. 45706

(F) That the community school will admit the number of 45707
students that does not exceed the capacity of the school's 45708
programs, classes, grade levels, or facilities. 45709

(G) That the purpose of single-gender schools that are 45710
established shall be to take advantage of the academic benefits 45711
some students realize from single-gender instruction and 45712
facilities and to offer students and parents residing in the 45713
district the option of a single-gender education. 45714

(H) That, except as otherwise provided under division (B) of 45715
this section or section 3314.061 of the Revised Code, if the 45716
number of applicants exceeds the capacity restrictions of division 45717
(F) of this section, students shall be admitted by lot from all 45718
those submitting applications, except preference shall be given to 45719
students attending the school the previous year and to students 45720
who reside in the district in which the school is located. 45721
Preference may be given to siblings of students attending the 45722
school the previous year. 45723

Notwithstanding divisions (A) to (H) of this section, in the 45724
event the racial composition of the enrollment of the community 45725
school is violative of a federal desegregation order, the 45726
community school shall take any and all corrective measures to 45727
comply with the desegregation order. 45728

Sec. 3314.08. (A) As used in this section: 45729

(1)(a) "Category one career-technical education student" 45730
means a student who is receiving the career-technical education 45731
services described in division (A) of section 3317.014 of the 45732

Revised Code.	45733
(b) "Category two career-technical student" means a student	45734
who is receiving the career-technical education services described	45735
in division (B) of section 3317.014 of the Revised Code.	45736
(c) "Category three career-technical student" means a student	45737
who is receiving the career-technical education services described	45738
in division (C) of section 3317.014 of the Revised Code.	45739
(d) "Category four career-technical student" means a student	45740
who is receiving the career-technical education services described	45741
in division (D) of section 3317.014 of the Revised Code.	45742
(e) "Category five career-technical education student" means	45743
a student who is receiving the career-technical education services	45744
described in division (E) of section 3317.014 of the Revised Code.	45745
(2)(a) "Category one limited English proficient student"	45746
means a limited English proficient student described in division	45747
(A) of section 3317.016 of the Revised Code.	45748
(b) "Category two limited English proficient student" means a	45749
limited English proficient student described in division (B) of	45750
section 3317.016 of the Revised Code.	45751
(c) "Category three limited English proficient student" means	45752
a limited English proficient student described in division (C) of	45753
section 3317.016 of the Revised Code.	45754
(3)(a) "Category one special education student" means a	45755
student who is receiving special education services for a	45756
disability specified in division (A) of section 3317.013 of the	45757
Revised Code.	45758
(b) "Category two special education student" means a student	45759
who is receiving special education services for a disability	45760
specified in division (B) of section 3317.013 of the Revised Code.	45761
(c) "Category three special education student" means a	45762

student who is receiving special education services for a 45763
disability specified in division (C) of section 3317.013 of the 45764
Revised Code. 45765

(d) "Category four special education student" means a student 45766
who is receiving special education services for a disability 45767
specified in division (D) of section 3317.013 of the Revised Code. 45768

(e) "Category five special education student" means a student 45769
who is receiving special education services for a disability 45770
specified in division (E) of section 3317.013 of the Revised Code. 45771

(f) "Category six special education student" means a student 45772
who is receiving special education services for a disability 45773
specified in division (F) of section 3317.013 of the Revised Code. 45774

(4) "Formula amount" has the same meaning as in section 45775
3317.02 of the Revised Code. 45776

(5) "IEP" has the same meaning as in section 3323.01 of the 45777
Revised Code. 45778

(6) "Resident district" means the school district in which a 45779
student is entitled to attend school under section 3313.64 or 45780
3313.65 of the Revised Code. 45781

(7) "State education aid" has the same meaning as in section 45782
5751.20 of the Revised Code. 45783

(B) The state board of education shall adopt rules requiring 45784
both of the following: 45785

(1) The board of education of each city, exempted village, 45786
and local school district to annually report the number of 45787
students entitled to attend school in the district who are 45788
enrolled in each grade kindergarten through twelve in a community 45789
school established under this chapter, and for each child, the 45790
community school in which the child is enrolled. 45791

(2) The governing authority of each community school 45792

established under this chapter to annually report all of the	45793
following:	45794
(a) The number of students enrolled in grades one through	45795
twelve and the full-time equivalent number of students enrolled in	45796
kindergarten in the school who are not receiving special education	45797
and related services pursuant to an IEP;	45798
(b) The number of enrolled students in grades one through	45799
twelve and the full-time equivalent number of enrolled students in	45800
kindergarten, who are receiving special education and related	45801
services pursuant to an IEP;	45802
(c) The number of students reported under division (B)(2)(b)	45803
of this section receiving special education and related services	45804
pursuant to an IEP for a disability described in each of divisions	45805
(A) to (F) of section 3317.013 of the Revised Code;	45806
(d) The full-time equivalent number of students reported	45807
under divisions (B)(2)(a) and (b) of this section who are enrolled	45808
in career-technical education programs or classes described in	45809
each of divisions (A) to (E) of section 3317.014 of the Revised	45810
Code that are provided by the community school;	45811
(e) The number of students reported under divisions (B)(2)(a)	45812
and (b) of this section who are not reported under division	45813
(B)(2)(d) of this section but who are enrolled in career-technical	45814
education programs or classes described in each of divisions (A)	45815
to (E) of section 3317.014 of the Revised Code at a joint	45816
vocational school district or another district in the	45817
career-technical planning district to which the school is	45818
assigned;	45819
(f) The number of students reported under divisions (B)(2)(a)	45820
and (b) of this section who are category one to three limited	45821
English proficient students described in each of divisions (A) to	45822
(C) of section 3317.016 of the Revised Code;	45823

(g) The number of students reported under divisions (B)(2)(a) 45824
and (b) who are economically disadvantaged, as defined by the 45825
department. A student shall not be categorically excluded from the 45826
number reported under division (B)(2)(g) of this section based on 45827
anything other than family income. 45828

(h) For each student, the city, exempted village, or local 45829
school district in which the student is entitled to attend school 45830
under section 3313.64 or 3313.65 of the Revised Code. 45831

(i) The number of students enrolled in a preschool program 45832
operated by the school that is licensed by the department of 45833
education under sections 3301.52 to 3301.59 of the Revised Code 45834
who are not receiving special education and related services 45835
pursuant to an IEP. 45836

A school district board and a community school governing 45837
authority shall include in their respective reports under division 45838
(B) of this section any child admitted in accordance with division 45839
(A)(2) of section 3321.01 of the Revised Code. 45840

A governing authority of a community school shall not include 45841
in its report under ~~division (B)(2)~~ divisions (B)(2)(a) to (h) of 45842
this section any student for whom tuition is charged under 45843
division (F) of this section. 45844

(C)(1) Except as provided in division (C)(2) of this section, 45845
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 45846
section, on a full-time equivalency basis, for each student 45847
enrolled in a community school established under this chapter, the 45848
department of education annually shall deduct from the state 45849
education aid of a student's resident district and, if necessary, 45850
from the payment made to the district under sections 321.24 and 45851
323.156 of the Revised Code and pay to the community school the 45852
sum of the following: 45853

(a) An opportunity grant in an amount equal to the formula 45854

amount;	45855
(b) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;	45856 45857 45858 45859
(c) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:	45860 45861 45862
(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;	45863 45864 45865
(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;	45866 45867 45868
(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	45869 45870 45871
(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	45872 45873 45874
(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	45875 45876 45877
(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	45878 45879 45880
(d) If the student is in kindergarten through third grade, an additional amount of \$211 <u>\$305</u> , in fiscal year 2014 <u>2016</u> , and \$290 <u>\$320</u> , in fiscal year 2015 <u>2017</u> ;	45881 45882 45883
(e) If the student is economically disadvantaged, an	45884

additional amount equal to the following:	45885
(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X	45886
(the resident district's economically disadvantaged index)	45887
(f) Limited English proficiency funds as follows:	45888
(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	45889 45890 45891
(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	45892 45893 45894
(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	45895 45896 45897
(g) If the student is reported under division (B)(2)(d) of this section, career-technical education funds as follows:	45898 45899
(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	45900 45901 45902
(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	45903 45904 45905
(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	45906 45907 45908
(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	45909 45910 45911
(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	45912 45913 45914

Deduction and payment of funds under division (C)(1)(g) of 45915
this section is subject to approval by the lead district of a 45916
career-technical planning district or the department of education 45917
under section 3317.161 of the Revised Code. 45918

(2) When deducting from the state education aid of a 45919
student's resident district for students enrolled in an internet- 45920
or computer-based community school and making payments to such 45921
school under this section, the department shall make the 45922
deductions and payments described in only divisions (C)(1)(a), 45923
(c), and (g) of this section. 45924

No deductions or payments shall be made for a student 45925
enrolled in such school under division (C)(1)(b), (d), (e), or (f) 45926
of this section. 45927

(3)(a) If a community school's costs for a fiscal year for a 45928
student receiving special education and related services pursuant 45929
to an IEP for a disability described in divisions (B) to (F) of 45930
section 3317.013 of the Revised Code exceed the threshold 45931
catastrophic cost for serving the student as specified in division 45932
(B) of section 3317.0214 of the Revised Code, the school may 45933
submit to the superintendent of public instruction documentation, 45934
as prescribed by the superintendent, of all its costs for that 45935
student. Upon submission of documentation for a student of the 45936
type and in the manner prescribed, the department shall pay to the 45937
community school an amount equal to the school's costs for the 45938
student in excess of the threshold catastrophic costs. 45939

(b) The community school shall report under division 45940
(C)(3)(a) of this section, and the department shall pay for, only 45941
the costs of educational expenses and the related services 45942
provided to the student in accordance with the student's 45943
individualized education program. Any legal fees, court costs, or 45944
other costs associated with any cause of action relating to the 45945
student may not be included in the amount. 45946

(4) In any fiscal year, a community school receiving funds 45947
under division (C)(1)(g) of this section shall spend those funds 45948
only for the purposes that the department designates as approved 45949
for career-technical education expenses. Career-technical 45950
education expenses approved by the department shall include only 45951
expenses connected to the delivery of career-technical programming 45952
to career-technical students. The department shall require the 45953
school to report data annually so that the department may monitor 45954
the school's compliance with the requirements regarding the manner 45955
in which funding received under division (C)(1)(g) of this section 45956
may be spent. 45957

(5) All funds received under division (C)(1)(g) of this 45958
section shall be spent in the following manner: 45959

(a) At least seventy-five per cent of the funds shall be 45960
spent on curriculum development, purchase, and implementation; 45961
instructional resources and supplies; industry-based program 45962
certification; student assessment, credentialing, and placement; 45963
curriculum specific equipment purchases and leases; 45964
career-technical student organization fees and expenses; home and 45965
agency linkages; work-based learning experiences; professional 45966
development; and other costs directly associated with 45967
career-technical education programs including development of new 45968
programs. 45969

(b) Not more than twenty-five per cent of the funds shall be 45970
used for personnel expenditures. 45971

(6) A community school shall spend the funds it receives 45972
under division (C)(1)(e) of this section in accordance with 45973
section 3317.25 of the Revised Code. 45974

(7) If the sum of the payments computed under divisions 45975
(C)(1) and (8)(a) of this section for the students entitled to 45976
attend school in a particular school district under sections 45977

3313.64 and 3313.65 of the Revised Code exceeds the sum of that 45978
district's state education aid and its payment under sections 45979
321.24 and 323.156 of the Revised Code, the department shall 45980
calculate and apply a proration factor to the payments to all 45981
community schools under that division for the students entitled to 45982
attend school in that district. 45983

(8)(a) Subject to division (C)(7) of this section, the 45984
department annually shall pay to each community school, including 45985
each internet- or computer-based community school, an amount equal 45986
to the following: 45987

(The number of students reported by the community school 45988
under division (B)(2)(e) of this section X the formula amount X 45989
.20) 45990

(b) For each payment made to a community school under 45991
division (C)(8)(a) of this section, the department shall deduct 45992
from the state education aid of each city, local, and exempted 45993
village school district and, if necessary, from the payment made 45994
to the district under sections 321.24 and 323.156 of the Revised 45995
Code an amount equal to the following: 45996

(The number of the district's students reported by the 45997
community school under division (B)(2)(e) of this section X the 45998
formula amount X .20) 45999

(D) A board of education sponsoring a community school may 46000
utilize local funds to make enhancement grants to the school or 46001
may agree, either as part of the contract or separately, to 46002
provide any specific services to the community school at no cost 46003
to the school. 46004

(E) A community school may not levy taxes or issue bonds 46005
secured by tax revenues. 46006

(F) No community school shall charge tuition for the 46007
enrollment of any student who is a resident of this state. A 46008

community school may charge tuition for the enrollment of any 46009
student who is not a resident of this state. 46010

(G)(1)(a) A community school may borrow money to pay any 46011
necessary and actual expenses of the school in anticipation of the 46012
receipt of any portion of the payments to be received by the 46013
school pursuant to division (C) of this section. The school may 46014
issue notes to evidence such borrowing. The proceeds of the notes 46015
shall be used only for the purposes for which the anticipated 46016
receipts may be lawfully expended by the school. 46017

(b) A school may also borrow money for a term not to exceed 46018
fifteen years for the purpose of acquiring facilities. 46019

(2) Except for any amount guaranteed under section 3318.50 of 46020
the Revised Code, the state is not liable for debt incurred by the 46021
governing authority of a community school. 46022

(H) The department of education shall adjust the amounts 46023
subtracted and paid under division (C) of this section to reflect 46024
any enrollment of students in community schools for less than the 46025
equivalent of a full school year. The state board of education 46026
within ninety days after April 8, 2003, shall adopt in accordance 46027
with Chapter 119. of the Revised Code rules governing the payments 46028
to community schools under this section including initial payments 46029
in a school year and adjustments and reductions made in subsequent 46030
periodic payments to community schools and corresponding 46031
deductions from school district accounts as provided under 46032
division (C) of this section. For purposes of this section: 46033

(1) A student shall be considered enrolled in the community 46034
school for any portion of the school year the student is 46035
participating at a college under Chapter 3365. of the Revised 46036
Code. 46037

(2) A student shall be considered to be enrolled in a 46038
community school for the period of time beginning on the later of 46039

the date on which the school both has received documentation of 46040
the student's enrollment from a parent and the student has 46041
commenced participation in learning opportunities as defined in 46042
the contract with the sponsor, or thirty days prior to the date on 46043
which the student is entered into the education management 46044
information system established under section 3301.0714 of the 46045
Revised Code. For purposes of applying this division and divisions 46046
(H)(3) and (4) of this section to a community school student, 46047
"learning opportunities" shall be defined in the contract, which 46048
shall describe both classroom-based and non-classroom-based 46049
learning opportunities and shall be in compliance with criteria 46050
and documentation requirements for student participation which 46051
shall be established by the department. Any student's instruction 46052
time in non-classroom-based learning opportunities shall be 46053
certified by an employee of the community school. A student's 46054
enrollment shall be considered to cease on the date on which any 46055
of the following occur: 46056

(a) The community school receives documentation from a parent 46057
terminating enrollment of the student. 46058

(b) The community school is provided documentation of a 46059
student's enrollment in another public or private school. 46060

(c) The community school ceases to offer learning 46061
opportunities to the student pursuant to the terms of the contract 46062
with the sponsor or the operation of any provision of this 46063
chapter. 46064

Except as otherwise specified in this paragraph, beginning in 46065
the 2011-2012 school year, any student who completed the prior 46066
school year in an internet- or computer-based community school 46067
shall be considered to be enrolled in the same school in the 46068
subsequent school year until the student's enrollment has ceased 46069
as specified in division (H)(2) of this section. The department 46070
shall continue subtracting and paying amounts for the student 46071

under division (C) of this section without interruption at the 46072
start of the subsequent school year. However, if the student 46073
without a legitimate excuse fails to participate in the first one 46074
hundred five consecutive hours of learning opportunities offered 46075
to the student in that subsequent school year, the student shall 46076
be considered not to have re-enrolled in the school for that 46077
school year and the department shall recalculate the payments to 46078
the school for that school year to account for the fact that the 46079
student is not enrolled. 46080

(3) The department shall determine each community school 46081
student's percentage of full-time equivalency based on the 46082
percentage of learning opportunities offered by the community 46083
school to that student, reported either as number of hours or 46084
number of days, is of the total learning opportunities offered by 46085
the community school to a student who attends for the school's 46086
entire school year. However, no internet- or computer-based 46087
community school shall be credited for any time a student spends 46088
participating in learning opportunities beyond ten hours within 46089
any period of twenty-four consecutive hours. Whether it reports 46090
hours or days of learning opportunities, each community school 46091
shall offer not less than nine hundred twenty hours of learning 46092
opportunities during the school year. 46093

(4) With respect to the calculation of full-time equivalency 46094
under division (H)(3) of this section, the department shall waive 46095
the number of hours or days of learning opportunities not offered 46096
to a student because the community school was closed during the 46097
school year due to disease epidemic, hazardous weather conditions, 46098
law enforcement emergencies, inoperability of school buses or 46099
other equipment necessary to the school's operation, damage to a 46100
school building, or other temporary circumstances due to utility 46101
failure rendering the school building unfit for school use, so 46102
long as the school was actually open for instruction with students 46103

in attendance during that school year for not less than the 46104
minimum number of hours required by this chapter. The department 46105
shall treat the school as if it were open for instruction with 46106
students in attendance during the hours or days waived under this 46107
division. 46108

(I) The department of education shall reduce the amounts paid 46109
under this section to reflect payments made to colleges under 46110
section 3365.07 of the Revised Code. 46111

(J)(1) No student shall be considered enrolled in any 46112
internet- or computer-based community school or, if applicable to 46113
the student, in any community school that is required to provide 46114
the student with a computer pursuant to division (C) of section 46115
3314.22 of the Revised Code, unless both of the following 46116
conditions are satisfied: 46117

(a) The student possesses or has been provided with all 46118
required hardware and software materials and all such materials 46119
are operational so that the student is capable of fully 46120
participating in the learning opportunities specified in the 46121
contract between the school and the school's sponsor as required 46122
by division (A)(23) of section 3314.03 of the Revised Code; 46123

(b) The school is in compliance with division (A) of section 46124
3314.22 of the Revised Code, relative to such student. 46125

(2) In accordance with policies adopted jointly by the 46126
superintendent of public instruction and the auditor of state, the 46127
department shall reduce the amounts otherwise payable under 46128
division (C) of this section to any community school that includes 46129
in its program the provision of computer hardware and software 46130
materials to any student, if such hardware and software materials 46131
have not been delivered, installed, and activated for each such 46132
student in a timely manner or other educational materials or 46133
services have not been provided according to the contract between 46134

the individual community school and its sponsor. 46135

The superintendent of public instruction and the auditor of 46136
state shall jointly establish a method for auditing any community 46137
school to which this division pertains to ensure compliance with 46138
this section. 46139

The superintendent, auditor of state, and the governor shall 46140
jointly make recommendations to the general assembly for 46141
legislative changes that may be required to assure fiscal and 46142
academic accountability for such schools. 46143

(K)(1) If the department determines that a review of a 46144
community school's enrollment is necessary, such review shall be 46145
completed and written notice of the findings shall be provided to 46146
the governing authority of the community school and its sponsor 46147
within ninety days of the end of the community school's fiscal 46148
year, unless extended for a period not to exceed thirty additional 46149
days for one of the following reasons: 46150

(a) The department and the community school mutually agree to 46151
the extension. 46152

(b) Delays in data submission caused by either a community 46153
school or its sponsor. 46154

(2) If the review results in a finding that additional 46155
funding is owed to the school, such payment shall be made within 46156
thirty days of the written notice. If the review results in a 46157
finding that the community school owes moneys to the state, the 46158
following procedure shall apply: 46159

(a) Within ten business days of the receipt of the notice of 46160
findings, the community school may appeal the department's 46161
determination to the state board of education or its designee. 46162

(b) The board or its designee shall conduct an informal 46163
hearing on the matter within thirty days of receipt of such an 46164

appeal and shall issue a decision within fifteen days of the 46165
conclusion of the hearing. 46166

(c) If the board has enlisted a designee to conduct the 46167
hearing, the designee shall certify its decision to the board. The 46168
board may accept the decision of the designee or may reject the 46169
decision of the designee and issue its own decision on the matter. 46170

(d) Any decision made by the board under this division is 46171
final. 46172

(3) If it is decided that the community school owes moneys to 46173
the state, the department shall deduct such amount from the 46174
school's future payments in accordance with guidelines issued by 46175
the superintendent of public instruction. 46176

(L) The department shall not subtract from a school 46177
district's state aid account and shall not pay to a community 46178
school under division (C) of this section any amount for any of 46179
the following: 46180

(1) Any student who has graduated from the twelfth grade of a 46181
public or nonpublic high school; 46182

(2) Any student who is not a resident of the state; 46183

(3) Any student who was enrolled in the community school 46184
during the previous school year when assessments were administered 46185
under section 3301.0711 of the Revised Code but did not take one 46186
or more of the assessments required by that section and was not 46187
excused pursuant to division (C)(1) or (3) of that section, unless 46188
the superintendent of public instruction grants the student a 46189
waiver from the requirement to take the assessment and a parent is 46190
not paying tuition for the student pursuant to section 3314.26 of 46191
the Revised Code. The superintendent may grant a waiver only for 46192
good cause in accordance with rules adopted by the state board of 46193
education. 46194

(4) Any student who has attained the age of twenty-two years, 46195
except for veterans of the armed services whose attendance was 46196
interrupted before completing the recognized twelve-year course of 46197
the public schools by reason of induction or enlistment in the 46198
armed forces and who apply for enrollment in a community school 46199
not later than four years after termination of war or their 46200
honorable discharge. If, however, any such veteran elects to 46201
enroll in special courses organized for veterans for whom tuition 46202
is paid under federal law, or otherwise, the department shall not 46203
subtract from a school district's state aid account and shall not 46204
pay to a community school under division (C) of this section any 46205
amount for that veteran. 46206

Sec. 3314.085. (A) For purposes of this section: 46207

(1) "Formula amount" has the same meaning as in section 46208
3317.02 of the Revised Code. 46209

(2) "Four-year adjusted cohort graduation rate" has the same 46210
meaning as in section 3302.01 of the Revised Code. 46211

(3) A community school's "third-grade reading proficiency 46212
percentage" means the following quotient: 46213

The number of the school's students scoring at a proficient level 46214
of skill or higher on the third-grade English language arts 46215
assessment prescribed under division (A)(1)(a) of section 46216
3301.0710 of the Revised Code for the immediately preceding school 46217
year / the total number of the school's students required to take 46218
that assessment for the immediately preceding school year 46219

(B) In addition to the payments made under section 3314.08 of 46220
the Revised Code, the department of education shall annually pay 46221
to each community school both of the following: 46222

(1) A graduation bonus calculated according to the following 46223
formula: 46224

The school's four-year adjusted cohort graduation rate on its most 46225
recent report card issued by the department under section 3302.03 46226
or 3314.017 of the Revised Code X 0.05 X the formula amount X the 46227
number of the school's graduates reported to the department, in 46228
accordance with the guidelines adopted under section 3301.0714 of 46229
the Revised Code, for the same school year for which the most 46230
recent report card was issued 46231

(2) A third-grade reading bonus calculated according to the 46232
following formula: 46233

The school's third-grade reading proficiency percentage X 0.15 X 46234
the formula amount X the number of the school's students scoring 46235
at a proficient level or higher on the third-grade English 46236
language arts assessment prescribed under division (A)(1)(a) of 46237
section 3301.0710 of the Revised Code for the immediately 46238
preceding school year 46239

Sec. 3314.091. (A) A school district is not required to 46240
provide transportation for any native student enrolled in a 46241
community school if the district board of education has entered 46242
into an agreement with the community school's governing authority 46243
that designates the community school as responsible for providing 46244
or arranging for the transportation of the district's native 46245
students to and from the community school. For any such agreement 46246
to be effective, it must be certified by the superintendent of 46247
public instruction as having met all of the following 46248
requirements: 46249

(1) It is submitted to the department of education by a 46250
deadline which shall be established by the department. 46251

(2) In accordance with divisions (C)(1) and (2) of this 46252
section, it specifies qualifications, such as residing a minimum 46253
distance from the school, for students to have their 46254
transportation provided or arranged. 46255

(3) The transportation provided by the community school is 46256
subject to all provisions of the Revised Code and all rules 46257
adopted under the Revised Code pertaining to pupil transportation. 46258

(4) The sponsor of the community school also has signed the 46259
agreement. 46260

(B)(1) For the school year that begins on July 1, 2007, a 46261
school district is not required to provide transportation for any 46262
native student enrolled in a community school, if the community 46263
school during the previous school year transported the students 46264
enrolled in the school or arranged for the students' 46265
transportation, even if that arrangement consisted of having 46266
parents transport their children to and from the school, but did 46267
not enter into an agreement to transport or arrange for 46268
transportation for those students under division (A) of this 46269
section, and if the governing authority of the community school by 46270
July 15, 2007, submits written notification to the district board 46271
of education stating that the governing authority is accepting 46272
responsibility for providing or arranging for the transportation 46273
of the district's native students to and from the community 46274
school. 46275

(2) Except as provided in division (B)(4) of this section, 46276
for any school year subsequent to the school year that begins on 46277
July 1, 2007, a school district is not required to provide 46278
transportation for any native student enrolled in a community 46279
school if the governing authority of the community school, by the 46280
thirty-first day of January of the previous school year, submits 46281
written notification to the district board of education stating 46282
that the governing authority is accepting responsibility for 46283
providing or arranging for the transportation of the district's 46284
native students to and from the community school. If the governing 46285
authority of the community school has previously accepted 46286
responsibility for providing or arranging for the transportation 46287

of a district's native students to and from the community school, 46288
under division (B)(1) or (2) of this section, and has since 46289
relinquished that responsibility under division (B)(3) of this 46290
section, the governing authority shall not accept that 46291
responsibility again unless the district board consents to the 46292
governing authority's acceptance of that responsibility. 46293

(3) A governing authority's acceptance of responsibility 46294
under division (B)(1) or (2) of this section shall cover an entire 46295
school year, and shall remain in effect for subsequent school 46296
years unless the governing authority submits written notification 46297
to the district board that the governing authority is 46298
relinquishing the responsibility. However, a governing authority 46299
shall not relinquish responsibility for transportation before the 46300
end of a school year, and shall submit the notice relinquishing 46301
responsibility by the thirty-first day of January, in order to 46302
allow the school district reasonable time to prepare 46303
transportation for its native students enrolled in the school. 46304

(4)(a) For any school year that begins on or after July 1, 46305
2014, a school district is not required to provide transportation 46306
for any native student enrolled in a community school scheduled to 46307
open for operation in the current school year, if the governing 46308
authority of the community school, by the fifteenth day of April 46309
of the previous school year, submits written notification to the 46310
district board of education stating that the governing authority 46311
is accepting responsibility for providing or arranging for the 46312
transportation of the district's native students to and from the 46313
community school. 46314

(b) The governing authority of a community school that 46315
accepts responsibility for transporting its students under 46316
division (B)(4)(a) of this section shall comply with divisions 46317
(B)(2) and (3) of this section to renew or relinquish that 46318
authority for subsequent school years. 46319

(C)(1) A community school governing authority that enters 46320
into an agreement under division (A) of this section, or that 46321
accepts responsibility under division (B) of this section, shall 46322
provide or arrange transportation free of any charge for each of 46323
its enrolled students who is required to be transported under 46324
section 3327.01 of the Revised Code ~~or who would otherwise be~~ 46325
~~transported by the school district under the district's~~ 46326
~~transportation policy.~~ The governing authority shall report to the 46327
department of education the number of students transported or for 46328
whom transportation is arranged under this section in accordance 46329
with rules adopted by the state board of education. 46330

(2) The governing authority may provide or arrange 46331
transportation for any other enrolled student who is not eligible 46332
for transportation in accordance with division (C)(1) of this 46333
section and may charge a fee for such service up to the actual 46334
cost of the service. 46335

(3) Notwithstanding anything to the contrary in division 46336
(C)(1) or (2) of this section, a community school governing 46337
authority shall provide or arrange transportation free of any 46338
charge for any disabled student enrolled in the school for whom 46339
the student's individualized education program developed under 46340
Chapter 3323. of the Revised Code specifies transportation. 46341

(D)(1) If a school district board and a community school 46342
governing authority elect to enter into an agreement under 46343
division (A) of this section, the department of education shall 46344
make payments to the community school according to the terms of 46345
the agreement for each student actually transported under division 46346
(C)(1) of this section. 46347

If a community school governing authority accepts 46348
transportation responsibility under division (B) of this section, 46349
the department shall make payments to the community school for 46350
each student actually transported or for whom transportation is 46351

arranged by the community school under division (C)(1) of this section, calculated as follows:

(a) For any fiscal year which the general assembly has specified that transportation payments to school districts be based on an across-the-board percentage of the district's payment for the previous school year, the per pupil payment to the community school shall be the following quotient:

(i) The total amount calculated for the school district in which the child is entitled to attend school for student transportation other than transportation of children with disabilities; divided by

(ii) The number of students included in the district's transportation ADM for the current fiscal year, as calculated under section 3317.03 of the Revised Code, plus the number of students enrolled in the community school not counted in the district's transportation ADM who are transported under division (B)(1) or (2) of this section.

(b) For any fiscal year which the general assembly has specified that the transportation payments to school districts be calculated in accordance with section 3317.0212 of the Revised Code and any rules of the state board of education implementing that section, the payment to the community school shall be the amount so calculated on a per rider basis that otherwise would be paid to the school district in which the student is entitled to attend school by the method of transportation the district would have used. The community school, however, is not required to use the same method to transport that student.

(c) Divisions (D)(1)(a) and (b) of this section do not apply to fiscal years 2012 and 2013. Rather, for each of those fiscal years, the per pupil payment to a community school for transporting a student shall be the total amount paid under former

section 3306.12 of the Revised Code for fiscal year 2011 to the 46383
school district in which the child is entitled to attend school 46384
divided by that district's "qualifying ridership," as defined in 46385
that section for fiscal year 2011. 46386

As used in this division "entitled to attend school" means 46387
entitled to attend school under section 3313.64 or 3313.65 of the 46388
Revised Code. 46389

(2) The department shall deduct the payment under division 46390
(D)(1) of this section from the state education aid, as defined in 46391
section 3314.08 of the Revised Code, and, if necessary, the 46392
payment under sections 321.14 and 323.156 of the Revised Code, 46393
that is otherwise paid to the school district in which the student 46394
enrolled in the community school is entitled to attend school. The 46395
department shall include the number of the district's native 46396
students for whom payment is made to a community school under 46397
division (D)(1) of this section in the calculation of the 46398
district's transportation payment under section 3317.0212 of the 46399
Revised Code and the operating appropriations act. 46400

(3) A community school shall be paid under division (D)(1) of 46401
this section only for students who are eligible as specified in 46402
section 3327.01 of the Revised Code and division (C)(1) of this 46403
section, and whose transportation to and from school is actually 46404
provided, who actually utilized transportation arranged, or for 46405
whom a payment in lieu of transportation is made by the community 46406
school's governing authority. To qualify for the payments, the 46407
community school shall report to the department, in the form and 46408
manner required by the department, data on the number of students 46409
transported or whose transportation is arranged, the number of 46410
miles traveled, cost to transport, and any other information 46411
requested by the department. 46412

(4) A community school shall use payments received under this 46413
section solely to pay the costs of providing or arranging for the 46414

transportation of students who are eligible as specified in 46415
section 3327.01 of the Revised Code and division (C)(1) of this 46416
section, which may include payments to a parent, guardian, or 46417
other person in charge of a child in lieu of transportation. 46418

(E) Except when arranged through payment to a parent, 46419
guardian, or person in charge of a child, transportation provided 46420
or arranged for by a community school pursuant to an agreement 46421
under this section is subject to all provisions of the Revised 46422
Code, and all rules adopted under the Revised Code, pertaining to 46423
the construction, design, equipment, and operation of school buses 46424
and other vehicles transporting students to and from school. The 46425
drivers and mechanics of the vehicles are subject to all 46426
provisions of the Revised Code, and all rules adopted under the 46427
Revised Code, pertaining to drivers and mechanics of such 46428
vehicles. The community school also shall comply with sections 46429
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 46430
of section 3327.16 of the Revised Code and, subject to division 46431
(C)(1) of this section, sections 3327.01 and 3327.02 of the 46432
Revised Code, as if it were a school district. 46433

Sec. 3314.38. (A) An individual who is at least twenty-two 46434
years of age and who is an eligible individual as defined in 46435
section 3317.23 of the Revised Code may enroll for up to two 46436
~~cumulative~~ consecutive school years in a dropout prevention and 46437
recovery program operated by a community school that is designed 46438
to allow enrollees to earn a high school diploma. An individual 46439
enrolled under this division may elect to satisfy the requirements 46440
to earn a high school diploma by successfully completing a 46441
competency-based ~~instructional~~ educational program, as defined in 46442
section 3317.23 of the Revised Code, that complies with the 46443
standards adopted by the ~~state board~~ department of education under 46444
section 3317.231 of the Revised Code. The community school shall 46445
report that individual's enrollment on a full-time equivalency 46446

basis to the department ~~of education~~. This report shall be in 46447
addition to the report required under division (B) of section 46448
3314.08 of the Revised Code. An individual enrolled under this 46449
division shall not be assigned to classes or settings with 46450
students who are younger than eighteen years of age. 46451

(B)(1) For each community school that enrolls individuals 46452
under division (A) of this section, the department ~~of education~~ 46453
annually shall certify the enrollment and attendance, on a 46454
full-time equivalency basis, of each individual reported by the 46455
school under that division. 46456

(2) For each individual enrolled in a community school under 46457
division (A) of this section, the department annually shall pay ~~to~~ 46458
the community school ~~an amount equal to the following:~~ 46459

~~\$5,000 X the individual's enrollment on a full-time 46460
equivalency basis as certified under division (B)(1) of this 46461
section X the portion of the school year in which the individual 46462
is enrolled in the school expressed as a percentage up to \$5,000, 46463
as determined by the department based on the extent of the 46464
individual's successful completion of the graduation requirements 46465
prescribed under division (A)(11)(f) of section 3314.03 of the 46466
Revised Code.~~ 46467

(C) A community school that enrolls individuals under 46468
division (A) of this section shall be subject to the program 46469
administration standards adopted by the ~~state board~~ department 46470
under section 3317.231 of the Revised Code, as applicable. 46471

Sec. 3315.08. In any school district the salaries of all 46472
employees and officers of the board of education and all payrolls 46473
may be paid in such manner as the board may authorize. To provide 46474
money for such payment if made in cash, the president and the 46475
treasurer of the board shall, upon receipt of the proper payroll 46476
and warrant, issue checks upon the depositories payable to the 46477

treasurer of the board for the aggregate amounts stated in such 46478
payrolls. The treasurer may thereupon make payments to employees 46479
and officers in cash, or the board may provide that the sums 46480
called for by such checks, instead of being paid to the treasurer, 46481
shall be transferred to special payroll accounts established in 46482
depositories by the board upon such terms with the respective 46483
banks as to interest upon daily cash balances in said special 46484
payroll accounts, and under such other conditions as the board 46485
prescribes. In the event such special payroll accounts are 46486
established by a board, such accounts may be drawn against by 46487
check of the treasurer of the board according to such procedure as 46488
the board may prescribe. In the event a board creates a payroll 46489
account, any bond given by the depository, under section 135.18 46490
~~or~~, 135.181, or 135.182 of the Revised Code, shall also be for the 46491
protection of such special payroll account as may be deposited in 46492
said bank. The aggregate of all board deposits in a bank, 46493
including special payroll accounts as authorized in this section, 46494
must not exceed the aggregate of the bond given by the bank. The 46495
aggregate of all deposits in a bank, including special payroll 46496
accounts, shall be subject to sections 135.01 to 135.21 of the 46497
Revised Code. 46498

Sec. 3317.01. As used in this section, "school district," 46499
unless otherwise specified, means any city, local, exempted 46500
village, joint vocational, or cooperative education school 46501
district and any educational service center. 46502

This chapter shall be administered by the state board of 46503
education. The superintendent of public instruction shall 46504
calculate the amounts payable to each school district and shall 46505
certify the amounts payable to each eligible district to the 46506
treasurer of the district as provided by this chapter. As soon as 46507
possible after such amounts are calculated, the superintendent 46508
shall certify to the treasurer of each school district the 46509

district's adjusted charge-off increase, as defined in section 46510
5705.211 of the Revised Code. Certification of moneys pursuant to 46511
this section shall include the amounts payable to each school 46512
building, at a frequency determined by the superintendent, for 46513
each subgroup of students, as defined in section 3317.40 of the 46514
Revised Code, receiving services, provided for by state funding, 46515
from the district or school. No moneys shall be distributed 46516
pursuant to this chapter without the approval of the controlling 46517
board. 46518

The state board of education shall, in accordance with 46519
appropriations made by the general assembly, meet the financial 46520
obligations of this chapter. 46521

Moneys distributed to school districts pursuant to this 46522
chapter shall be calculated based on the annual enrollment 46523
calculated from the three reports required under sections 3317.03 46524
and 3317.036 of the Revised Code and paid on a fiscal year basis, 46525
beginning with the first day of July and extending through the 46526
thirtieth day of June. In any given fiscal year, prior to school 46527
districts submitting the first report required under section 46528
3317.03 of the Revised Code, enrollment for the districts shall be 46529
calculated based on the third report submitted by the districts 46530
for the previous fiscal year. The moneys appropriated for each 46531
fiscal year shall be distributed periodically to each school 46532
district unless otherwise provided for. The state board, in June 46533
of each year, shall submit to the controlling board the state 46534
board's year-end distributions pursuant to this chapter. 46535

Except as otherwise provided, payments under this chapter 46536
shall be made only to those school districts in which: 46537

(A) The school district, except for any educational service 46538
center and any joint vocational or cooperative education school 46539
district, levies for current operating expenses at least twenty 46540
mills. Levies for joint vocational or cooperative education school 46541

districts or county school financing districts, limited to or to 46542
the extent apportioned to current expenses, shall be included in 46543
this qualification requirement. School district income tax levies 46544
under Chapter 5748. of the Revised Code, limited to or to the 46545
extent apportioned to current operating expenses, shall be 46546
included in this qualification requirement to the extent 46547
determined by the tax commissioner under division (D) of section 46548
3317.021 of the Revised Code. 46549

(B) The school year next preceding the fiscal year for which 46550
such payments are authorized meets the requirement of section 46551
3313.48 of the Revised Code, with regard to the minimum number of 46552
hours school must be open for instruction with pupils in 46553
attendance, for individualized parent-teacher conference and 46554
reporting periods, and for professional meetings of teachers. 46555

A school district shall not be considered to have failed to 46556
comply with this division because schools were open for 46557
instruction but either twelfth grade students were excused from 46558
attendance for up to the equivalent of three school days or only a 46559
portion of the kindergarten students were in attendance for up to 46560
the equivalent of three school days in order to allow for the 46561
gradual orientation to school of such students. 46562

A board of education or governing board of an educational 46563
service center which has not conformed with other law and the 46564
rules pursuant thereto, shall not participate in the distribution 46565
of funds authorized by this chapter, except for good and 46566
sufficient reason established to the satisfaction of the state 46567
board of education and the state controlling board. 46568

All funds allocated to school districts under this chapter, 46569
except those specifically allocated for other purposes, shall be 46570
used to pay current operating expenses only. 46571

Sec. 3317.013. The amounts for the following categories of 46572

special education programs, as these programs are defined for 46573
purposes of Chapter 3323. of the Revised Code, are as follows: 46574

(A) An amount of ~~\$1,503~~ \$1,547, in fiscal year ~~2014~~ 2016, or 46575
~~\$1,517~~ \$1,578, in fiscal year ~~2015~~ 2017, for each student whose 46576
primary or only identified disability is a speech and language 46577
disability, as this term is defined pursuant to Chapter 3323. of 46578
the Revised Code; 46579

(B) An amount of ~~\$3,813~~ \$3,926, in fiscal year ~~2014~~ 2016, or 46580
~~\$3,849~~ \$4,005, in fiscal year ~~2015~~ 2017, for each student 46581
identified as specific learning disabled or developmentally 46582
disabled, as these terms are defined pursuant to Chapter 3323. of 46583
the Revised Code, identified as having an other health 46584
impairment-minor, or identified as a preschool child who is 46585
developmentally delayed; 46586

(C) An amount of ~~\$9,160~~ \$9,433, in fiscal year ~~2014~~ 2016, or 46587
~~\$9,248~~ \$9,622, in fiscal year ~~2015~~ 2017, for each student 46588
identified as hearing disabled or severe behavior disabled, as 46589
these terms are defined pursuant to Chapter 3323. of the Revised 46590
Code; 46591

(D) An amount of ~~\$12,225~~ \$12,589, in fiscal year ~~2014~~ 2016, 46592
or ~~\$12,342~~ \$12,841, in fiscal year ~~2015~~ 2017, for each student 46593
identified as vision impaired, as this term is defined pursuant to 46594
Chapter 3323. of the Revised Code, or as having an other health 46595
impairment-major; 46596

(E) An amount of ~~\$16,557~~ \$17,049, in fiscal year ~~2014~~ 2016, 46597
or ~~\$16,715~~ \$17,390, in fiscal year ~~2015~~ 2017, for each student 46598
identified as orthopedically disabled or as having multiple 46599
disabilities, as these terms are defined pursuant to Chapter 3323. 46600
of the Revised Code; 46601

(F) An amount of ~~\$24,407~~ \$25,134, in fiscal year ~~2014~~ 2016, 46602
or ~~\$24,641~~ \$25,637, in fiscal year ~~2015~~ 2017, for each student 46603

identified as autistic, having traumatic brain injuries, or as 46604
both visually and hearing impaired, as these terms are defined 46605
pursuant to Chapter 3323. of the Revised Code. 46606

Sec. 3317.014. The career-technical education additional 46607
amount per pupil for each student enrolled in career-technical 46608
education programs approved by the department of education under 46609
section 3317.161 of the Revised Code shall be as follows: 46610

(A) An amount of ~~\$4,750~~ \$4,992, in fiscal year ~~2014~~ 2016, or 46611
~~\$4,800~~ \$5,192, in fiscal year ~~2015~~ 2017, for each student enrolled 46612
in career-technical education workforce development programs in 46613
agricultural and environmental systems, construction technologies, 46614
engineering and science technologies, finance, health science, 46615
information technology, and manufacturing technologies, each of 46616
which shall be defined by the department in consultation with the 46617
governor's office of workforce transformation; 46618

(B) An amount of ~~\$4,500~~ \$4,732, in fiscal year ~~2014~~ 2016, or 46619
~~\$4,550~~ \$4,921, in fiscal year ~~2015~~ 2017, for each student enrolled 46620
in workforce development programs in business and administration, 46621
hospitality and tourism, human services, law and public safety, 46622
transportation systems, and arts and communications, each of which 46623
shall be defined by the department in consultation with the 46624
governor's office of workforce transformation; 46625

(C) An amount of ~~\$1,650~~ \$1,726, in fiscal year ~~2014~~ 2016, or 46626
~~\$1,660~~ \$1,795, in fiscal year ~~2015~~ 2017, for students enrolled in 46627
career-based intervention programs, which shall be defined by the 46628
department in consultation with the governor's office of workforce 46629
transformation; 46630

(D) An amount of ~~\$1,400~~ \$1,466, in fiscal year ~~2014~~ 2016, or 46631
~~\$1,410~~ \$1,525, in fiscal year ~~2015~~ 2017, for students enrolled in 46632
workforce development programs in education and training, 46633
marketing, workforce development academics, public administration, 46634

and career development, each of which shall be defined by the 46635
department of education in consultation with the governor's office 46636
of workforce transformation; 46637

(E) An amount of ~~\$1,200~~ \$1,258, in fiscal year ~~2014~~ 2016, or 46638
~~\$1,210~~ \$1,308, in fiscal year ~~2015~~ 2017, for students enrolled in 46639
family and consumer science programs, which shall be defined by 46640
the department of education in consultation with the governor's 46641
office of workforce transformation. 46642

The amount for career-technical education associated 46643
services, as defined by the department, shall be ~~\$225~~ \$236, in 46644
fiscal year ~~2014~~ 2016, or ~~\$227~~ \$245, in fiscal year ~~2015~~ 2017. 46645

Sec. 3317.016. The amounts for limited English proficient 46646
students shall be as follows: 46647

(A) An amount of ~~\$1,500, in fiscal year 2014, and \$1,515, in~~ 46648
~~fiscal year 2015,~~ for each student who has been enrolled in 46649
schools in the United States for 180 school days or less and was 46650
not previously exempted from taking the spring administration of 46651
either of the state's English language arts assessments prescribed 46652
by section 3301.0710 of the Revised Code (reading or writing). 46653

(B) An amount of ~~\$1,125, in fiscal year 2014, and \$1,136, in~~ 46654
~~fiscal year 2015,~~ for each student who has been enrolled in 46655
schools in the United States for more than 180 school days or was 46656
previously exempted from taking the spring administration of 46657
either of the state's English language arts assessments prescribed 46658
by section 3301.0710 of the Revised Code (reading or writing). 46659

(C) An amount of ~~\$750, in fiscal year 2014, and \$758, in~~ 46660
~~fiscal year 2015,~~ for each student who does not qualify for 46661
inclusion under division (A) or (B) of this section and is in a 46662
trial-mainstream period, as defined by the department. 46663

Sec. 3317.017. The department of education shall compute a 46664

school district's state share index as follows: 46665

(A) Calculate the district's valuation index, which equals 46666
the following quotient: 46667

(The district's three-year average valuation / the district's 46668
total ADM) / (the statewide three-year average valuation for 46669
school districts with a total ADM greater than zero / the 46670
statewide total ADM) 46671

(B)(1) Calculate the district's median income index, which 46672
equals the following quotient: 46673

(The district's median Ohio adjusted gross income / the 46674
median of the median Ohio adjusted gross income of all districts 46675
statewide with a total ADM greater than zero) 46676

(2) Calculate the district's income index, which equals the 46677
following sum: 46678

(The district's median income index X 0.5) + [(the three-year 46679
average federal adjusted gross income of the school district's 46680
residents / the district's formula ADM) / (the three-year average 46681
federal adjusted gross income of all districts statewide with a 46682
formula ADM greater than zero / the statewide formula ADM)] X 0.5} 46683

(C) Determine the district's wealth index as follows: 46684

(1) If the district's ~~median~~ income index is less than the 46685
district's valuation index and the district's median income index 46686
is less than or equal to 1.5, then the district's wealth index 46687
shall be equal to [(1/3 0.4 X the district's ~~median~~ income index) 46688
+ (2/3 0.6 X the district's valuation index)]. 46689

(2) If the district's ~~median~~ income index ~~is greater than or 46690
equal to the district's valuation index~~ does not meet both of the 46691
conditions described in division (C)(1) of this section, then the 46692
district's wealth index shall be equal to the district's valuation 46693
index. 46694

(D) Determine the district's state share index as follows: 46695

(1) If the district's wealth index is less than or equal to 46696
0.35, then the district's state share index shall be equal to 46697
0.90. 46698

(2) If the district's wealth index is greater than 0.35 but 46699
less than or equal to 0.90, then the district's state share index 46700
shall be equal to $\{0.40 \times [(0.90 - \text{the district's wealth index}) /$ 46701
 $0.55]\} + 0.50$. 46702

(3) If the district's wealth index is greater than 0.90 but 46703
less than 1.8, then the district's state share index shall be 46704
equal to $\{0.45 \times [(1.8 - \text{the district's wealth index}) / 0.9]\} +$ 46705
0.05. 46706

(4) If the district's wealth index is greater than or equal 46707
to 1.8, then the district's state share index shall be equal to 46708
0.05. 46709

(E)(1) For each school district for which the tax-exempt 46710
value of the district, as certified under division (A)(4) of 46711
section 3317.021 of the Revised Code, equals or exceeds thirty per 46712
cent of the potential value of the district, the department shall 46713
calculate the difference between the district's tax-exempt value 46714
and thirty per cent of the district's potential value. For this 46715
purpose, the "potential value" of a school district is the 46716
three-year average valuation of the district plus the tax-exempt 46717
value of the district. 46718

(2) For each school district to which division (E)(1) of this 46719
section applies, the department shall adjust the three-year 46720
average valuation used in the calculation under division (A) of 46721
this section by subtracting from it the amount calculated under 46722
division (E)(1) of this section. 46723

(F) When performing the calculations required under this 46724
section, the department shall not round to fewer than four decimal 46725

places. 46726

For purposes of these calculations for fiscal years ~~2014~~ 2016 46727
and ~~2015~~ 2017, "~~three-year average valuation~~" means the average of 46728
~~total taxable value for fiscal years 2012, 2013, and 2014~~; "total 46729
ADM" means the total ADM for fiscal year ~~2014~~ 2015; "median Ohio 46730
adjusted gross income" means the median Ohio adjusted gross 46731
income, as that term is defined in section 5747.01 of the Revised 46732
Code, for tax year ~~2011~~ 2013; "three-year average federal adjusted 46733
gross income" means the average of the federal adjusted gross 46734
income for tax years 2011, 2012, and 2013 as reported under 46735
section 3317.021 of the Revised Code; and "tax-exempt value" means 46736
the tax-exempt value for ~~fiscal~~ tax year 2014. 46737

Sec. 3317.018. The department of education shall compute a 46738
school district's capacity measure as follows: 46739

(A) Calculate the district's valuation index, which equals 46740
the following quotient: 46741

(The district's three-year average valuation / the district's 46742
total ADM) / (the statewide three-year average valuation for 46743
school districts with a total ADM greater than zero / the 46744
statewide total ADM) 46745

(B) Calculate the district's median income index, which 46746
equals the following quotient: 46747

(The district's median Ohio adjusted gross income / the 46748
median of the median Ohio adjusted gross income of all districts 46749
statewide with a total ADM greater than zero) 46750

(C) Determine the district's capacity measure as follows: 46751

(1) If the district's median income index is less than the 46752
lower limit, then the district's capacity measure shall be equal 46753
to [the district's valuation index - (the lower limit - the 46754
district's median income index)]. 46755

(2) If the district's median income index is greater than or equal to the lower limit and less than or equal to the upper limit, then the district's capacity measure shall be equal to the district's valuation index. 46756
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(3) If the district's median income index is greater than the upper limit, then the district's capacity measure shall be equal to {the district's valuation index + [(the district's median income index - the upper limit) X (0.20 in fiscal year 2016 or 0.40 in fiscal year 2017)]}. 46760
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For purposes of these calculations, "upper limit" and "lower limit" shall be computed pursuant to section 3317.019 of the Revised Code. 46765
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(D) Unless otherwise specified in this section, when performing the calculations required under this section, the department shall not round to fewer than four decimal places. 46768
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(E) For purposes of these calculations: 46771

(1) For fiscal year 2016, "total ADM" means the total ADM for fiscal year 2015. 46772
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(2) For fiscal year 2017, "total ADM" means the total ADM for fiscal year 2016. 46774
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(3) "Median Ohio adjusted gross income" means the median Ohio adjusted gross income for tax year 2012 or 2013, whichever is the most recent tax year for which data is available. 46776
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(4) "Tax-exempt value" means the tax-exempt value for the most recent tax year for which data is available. 46779
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Sec. 3317.019. (A) The department of education shall calculate the mean and standard deviation of the median income indices calculated for all school districts in this state under division (B) of section 3317.018 of the Revised Code other than kelley's island local school district, Erie county. 46781
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(B) The department shall add one-half of the standard deviation determined under division (A) of this section to the mean determined under division (A) of this section and then round up the sum to two decimal places. This number shall be the "upper limit" for purposes of the calculations in division (C) of section 3317.018 of the Revised Code.

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(C) The department shall subtract one-half of the standard deviation determined under division (A) of this section from the mean determined under division (A) of this section and then round down the difference to two decimal places. This number shall be the "lower limit" for purposes of the calculations in division (C) of section 3317.018 of the Revised Code.

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Sec. 3317.02. As used in this chapter: 46798

(A)(1) "Category one career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A) of section 3317.014 of the Revised Code and certified under division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised Code.

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(2) "Category two career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (B) of section 3317.014 of the Revised Code and certified under division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised Code.

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(3) "Category three career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (C) of section 3317.014 of the Revised Code and certified under division (B)(13) or (D)(2)(j) of section 3317.03 of the Revised Code.

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(4) "Category four career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (D) of section 3317.014 of the Revised Code and certified under division (B)(14) or (D)(2)(k) of section 3317.03 of the Revised Code.

(5) "Category five career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (E) of section 3317.014 of the Revised Code and certified under division (B)(15) or (D)(2)(l) of section 3317.03 of the Revised Code.

(B)(1) "Category one limited English proficient ADM" means the full-time equivalent number of limited English proficient students described in division (A) of section 3317.016 of the Revised Code and certified under division (B)(16) or (D)(2)(m) of section 3317.03 of the Revised Code.

(2) "Category two limited English proficient ADM" means the full-time equivalent number of limited English proficient students described in division (B) of section 3317.016 of the Revised Code and certified under division (B)(17) or (D)(2)(n) of section 3317.03 of the Revised Code.

(3) "Category three limited English proficient ADM" means the full-time equivalent number of limited English proficient students described in division (C) of section 3317.016 of the Revised Code and certified under division (B)(18) or (D)(2)(o) of section 3317.03 of the Revised Code.

(C)(1) "Category one special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for the disability specified in division (A) of section 3317.013 of the Revised Code and

certified under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. 46848
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(2) "Category two special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for those disabilities specified in division (B) of section 3317.013 of the Revised Code and certified under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code. 46850
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(3) "Category three special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (C) of section 3317.013 of the Revised Code, and certified under division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code. 46856
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(4) "Category four special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (D) of section 3317.013 of the Revised Code and certified under division (B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code. 46862
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(5) "Category five special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (E) of section 3317.013 of the Revised Code and certified under division (B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code. 46867
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(6) "Category six special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (F) of section 3317.013 of the Revised Code and certified under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code. 46872
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(D) "County DD board" means a county board of developmental disabilities. 46877
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(E) "Economically disadvantaged index for a school district" 46879
means the square of the quotient of that district's percentage of 46880
students in its total ADM who are identified as economically 46881
disadvantaged as defined by the department of education, divided 46882
by the statewide percentage of students identified as economically 46883
disadvantaged. 46884

(F)(1) "Formula ADM" means, for a city, local, or exempted 46885
village school district, the enrollment reported under division 46886
(A) of section 3317.03 of the Revised Code, as verified by the 46887
superintendent of public instruction and adjusted if so ordered 46888
under division (K) of that section, and as further adjusted by the 46889
department of education, as follows: 46890

(a) Count only twenty per cent of the number of joint 46891
vocational school district students counted under division (A)(3) 46892
of section 3317.03 of the Revised Code; 46893

(b) Add twenty per cent of the number of students who are 46894
entitled to attend school in the district under section 3313.64 or 46895
3313.65 of the Revised Code and are enrolled in another school 46896
district under a career-technical education compact. 46897

(2) "Formula ADM" means, for a joint vocational school 46898
district, the final number verified by the superintendent of 46899
public instruction, based on the enrollment reported and certified 46900
under division (D) of section 3317.03 of the Revised Code, as 46901
adjusted, if so ordered, under division (K) of that section. 46902

(G) "Formula amount" means ~~\$5,745~~ \$5,900, for fiscal year 46903
~~2014~~ 2016, and ~~\$5,800~~ \$6,000, for fiscal year ~~2015~~ 2017. 46904

(H) "FTE basis" means a count of students based on full-time 46905
equivalency, in accordance with rules adopted by the department of 46906
education pursuant to section 3317.03 of the Revised Code. In 46907
adopting its rules under this division, the department shall 46908
provide for counting any student in category one, two, three, 46909

four, five, or six special education ADM or in category one, two, 46910
three, four, or five career technical education ADM in the same 46911
proportion the student is counted in formula ADM. 46912

(I) "Internet- or computer-based community school" has the 46913
same meaning as in section 3314.02 of the Revised Code. 46914

(J) "Medically fragile child" means a child to whom all of 46915
the following apply: 46916

(1) The child requires the services of a doctor of medicine 46917
or osteopathic medicine at least once a week due to the 46918
instability of the child's medical condition. 46919

(2) The child requires the services of a registered nurse on 46920
a daily basis. 46921

(3) The child is at risk of institutionalization in a 46922
hospital, skilled nursing facility, or intermediate care facility 46923
for individuals with intellectual disabilities. 46924

(K)(1) A child may be identified as having an "other health 46925
impairment-major" if the child's condition meets the definition of 46926
"other health impaired" established in rules previously adopted by 46927
the state board of education and if either of the following apply: 46928

(a) The child is identified as having a medical condition 46929
that is among those listed by the superintendent of public 46930
instruction as conditions where a substantial majority of cases 46931
fall within the definition of "medically fragile child." 46932

(b) The child is determined by the superintendent of public 46933
instruction to be a medically fragile child. A school district 46934
superintendent may petition the superintendent of public 46935
instruction for a determination that a child is a medically 46936
fragile child. 46937

(2) A child may be identified as having an "other health 46938
impairment-minor" if the child's condition meets the definition of 46939

"other health impaired" established in rules previously adopted by 46940
the state board of education but the child's condition does not 46941
meet either of the conditions specified in division (K)(1)(a) or 46942
(b) of this section. 46943

(L) "Preschool child with a disability" means a child with a 46944
disability, as defined in section 3323.01 of the Revised Code, who 46945
is at least age three but is not of compulsory school age, as 46946
defined in section 3321.01 of the Revised Code, and who is not 46947
currently enrolled in kindergarten. 46948

(M) "Preschool scholarship ADM" means the number of preschool 46949
children with disabilities certified under division (B)(3)(h) of 46950
section 3317.03 of the Revised Code. 46951

(N) "Related services" includes: 46952

(1) Child study, special education supervisors and 46953
coordinators, speech and hearing services, adaptive physical 46954
development services, occupational or physical therapy, teacher 46955
assistants for children with disabilities whose disabilities are 46956
described in division (B) of section 3317.013 or division (B)(3) 46957
of this section, behavioral intervention, interpreter services, 46958
work study, nursing services, and specialized integrative services 46959
as those terms are defined by the department; 46960

(2) Speech and language services provided to any student with 46961
a disability, including any student whose primary or only 46962
disability is a speech and language disability; 46963

(3) Any related service not specifically covered by other 46964
state funds but specified in federal law, including but not 46965
limited to, audiology and school psychological services; 46966

(4) Any service included in units funded under former 46967
division (O)(1) of section 3317.024 of the Revised Code; 46968

(5) Any other related service needed by children with 46969

disabilities in accordance with their individualized education programs. 46970
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(O) "School district," unless otherwise specified, means city, local, and exempted village school districts. 46972
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(P) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 46974
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(Q) "State share index" means the state share index calculated for a district under section 3317.017 of the Revised Code. 46976
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(R) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property. 46979
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(S)(1) For purposes of section 3317.017 of the Revised Code, "three-year average valuation" means the average of total taxable value for tax years 2012, 2013, and 2014. 46983
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(2) For purposes of section 3317.018 of the Revised Code, "three-year average valuation" means the following: 46986
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(a) For fiscal year 2016, the average of total taxable value for tax years 2013, 2014, and 2015; 46988
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(b) For fiscal year 2017, the average of total taxable value for tax years 2014, 2015, and 2016. 46990
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(3) For purposes of sections 3317.0217, 3317.0218, and 3317.16 of the Revised Code, "three-year average valuation" means the following: 46992
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(a) For fiscal year 2016, the average of total taxable value for tax years 2012, 2013, and 2014; 46995
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(b) For fiscal year 2017, the average of total taxable value for tax years 2013, 2014, and 2015. 46997
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(T) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section.

~~(T)~~(U) "Total special education ADM" means the sum of categories one through six special education ADM.

~~(U)~~(V) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

Sec. 3317.022. (A) The department of education shall compute and distribute state core foundation funding to each eligible school district for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins, as prescribed in the following divisions:

(1) An opportunity grant calculated according to the following formula:

The formula amount X (formula ADM + preschool scholarship ADM) X the district's state share index

(2) Targeted assistance funds calculated under divisions (A) and (B) of section 3317.0217 of the Revised Code;

(3) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as the sum of the following:

(a) The district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code X the district's state share index;

(b) The district's category two special education ADM X the

amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share index;

(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share index;

(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share index;

(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share index;

(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share index.

(4) Kindergarten through third grade literacy funds calculated according to the following formula:

$$[(\text{\$125 } \text{\$184}, \text{ in fiscal year } \text{2014 } \text{2016}, \text{ or } \text{\$175 } \text{\$193}, \text{ in fiscal year } \text{2015 } \text{2017}) \text{ X formula ADM for grades kindergarten through three X the district's state share index}] + [(\text{\$100 } \text{\$121}, \text{ in fiscal year } \text{2014 } \text{2016}, \text{ or } \text{\$160 } \text{\$127}, \text{ in fiscal year } \text{2015 } \text{2017}) \text{ X formula ADM for grades kindergarten through three}]$$

For purposes of this calculation, the department shall subtract from a district's formula ADM for grades kindergarten through three the number of students reported under division (B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an internet- or computer-based community school who are in grades kindergarten through three.

(5) Economically disadvantaged funds calculated according to the following formula:

~~(\$250, in fiscal year 2014, or \$253, in fiscal year 2015)~~

\$272 X (the district's economically disadvantaged index) X the 47059
number of students who are economically disadvantaged as certified 47060
under division (B)(21) of section 3317.03 of the Revised Code 47061

(6) Limited English proficiency funds calculated as the sum 47062
of the following: 47063

(a) The district's category one limited English proficient 47064
ADM X the amount specified in division (A) of section 3317.016 of 47065
the Revised Code X the district's state share index; 47066

(b) The district's category two limited English proficient 47067
ADM X the amount specified in division (B) of section 3317.016 of 47068
the Revised Code X the district's state share index; 47069

(c) The district's category three limited English proficient 47070
ADM X the amount specified in division (C) of section 3317.016 of 47071
the Revised Code X the district's state share index. 47072

(7)(a) Gifted identification funds calculated according to 47073
the following formula: 47074
~~(\$5, in fiscal year 2014, or \$5.05, in fiscal year 2015)~~ X the 47075
district's formula ADM 47076

(b) Gifted unit funding calculated under section 3317.051 of 47077
the Revised Code. 47078

(8) Career-technical education funds calculated as the sum of 47079
the following: 47080

(a) The district's category one career-technical education 47081
ADM X the amount specified in division (A) of section 3317.014 of 47082
the Revised Code X the district's state share index; 47083

(b) The district's category two career-technical education 47084
ADM X the amount specified in division (B) of section 3317.014 of 47085
the Revised Code X the district's state share index; 47086

(c) The district's category three career-technical education 47087
ADM X the amount specified in division (C) of section 3317.014 of 47088

the Revised Code X the district's state share index; 47089

(d) The district's category four career-technical education 47090
ADM X the amount specified in division (D) of section 3317.014 of 47091
the Revised Code X the district's state share index; 47092

(e) The district's category five career-technical education 47093
ADM X the amount specified in division (E) of section 3317.014 of 47094
the Revised Code X the district's state share index. 47095

Payment of funds under division (A)(8) of this section is 47096
subject to approval under section 3317.161 of the Revised Code. 47097

(9) Career-technical education associated services funds 47098
calculated according to the following formula: 47099
The district's state share index X the amount for career-technical 47100
education associated services specified in section 3317.014 of the 47101
Revised Code X the sum of categories one through five 47102
career-technical education ADM 47103

(10) Capacity aid funds calculated under section 3317.0218 of 47104
the Revised Code; 47105

(11) A graduation bonus calculated under section 3317.0215 of 47106
the Revised Code; 47107

(12) A third-grade reading bonus calculated under section 47108
3317.0216 of the Revised Code; 47109

(13) A technology supplement calculated according to the 47110
following formula: 47111
A district's transportation supplement percentage calculated under 47112
division (G)(1) of section 3317.0212 of the Revised Code X the 47113
formula amount X 0.11 X the district's formula ADM 47114

(B) In any fiscal year, a school district shall spend for 47115
purposes that the department designates as approved for special 47116
education and related services expenses at least the amount 47117
calculated as follows: 47118

(The formula amount X the total special education ADM) + (the 47119
district's category one special education ADM X the amount 47120
specified in division (A) of section 3317.013 of the Revised Code) 47121
+ (the district's category two special education ADM X the amount 47122
specified in division (B) of section 3317.013 of the Revised Code) 47123
+ (the district's category three special education ADM X the 47124
amount specified in division (C) of section 3317.013 of the 47125
Revised Code) + (the district's category four special education 47126
ADM X the amount specified in division (D) of section 3317.013 of 47127
the Revised Code) + (the district's category five special 47128
education ADM X the amount specified in division (E) of section 47129
3317.013 of the Revised Code) + (the district's category six 47130
special education ADM X the amount specified in division (F) of 47131
section 3317.013 of the Revised Code) 47132

The purposes approved by the department for special education 47133
expenses shall include, but shall not be limited to, 47134
identification of children with disabilities, compliance with 47135
state rules governing the education of children with disabilities 47136
and prescribing the continuum of program options for children with 47137
disabilities, provision of speech language pathology services, and 47138
the portion of the school district's overall administrative and 47139
overhead costs that are attributable to the district's special 47140
education student population. 47141

The scholarships deducted from the school district's account 47142
under sections 3310.41 and 3310.55 of the Revised Code shall be 47143
considered to be an approved special education and related 47144
services expense for the purpose of the school district's 47145
compliance with this division. 47146

(C) In any fiscal year, a school district receiving funds 47147
under division (A)(8) of this section shall spend those funds only 47148
for the purposes that the department designates as approved for 47149
career-technical education expenses. Career-technical ~~educational~~ 47150

education expenses approved by the department shall include only 47151
expenses connected to the delivery of career-technical programming 47152
to career-technical students. The department shall require the 47153
school district to report data annually so that the department may 47154
monitor the district's compliance with the requirements regarding 47155
the manner in which funding received under division (A)(8) of this 47156
section may be spent. 47157

(D) In any fiscal year, a school district receiving funds 47158
under division (A)(9) of this section, or through a transfer of 47159
funds pursuant to division (I) of section 3317.023 of the Revised 47160
Code, shall spend those funds only for the purposes that the 47161
department designates as approved for career-technical education 47162
associated services expenses, which may include such purposes as 47163
apprenticeship coordinators, coordinators for other 47164
career-technical education services, career-technical evaluation, 47165
and other purposes designated by the department. The department 47166
may deny payment under division (A)(9) of this section to any 47167
district that the department determines is not operating those 47168
services or is using funds paid under division (A)(9) of this 47169
section, or through a transfer of funds pursuant to division (I) 47170
of section 3317.023 of the Revised Code, for other purposes. 47171

(E) All funds received under division (A)(8) of this section 47172
shall be spent in the following manner: 47173

(1) At least seventy-five per cent of the funds shall be 47174
spent on curriculum development, purchase, and implementation; 47175
instructional resources and supplies; industry-based program 47176
certification; student assessment, credentialing, and placement; 47177
curriculum specific equipment purchases and leases; 47178
career-technical student organization fees and expenses; home and 47179
agency linkages; work-based learning experiences; professional 47180
development; and other costs directly associated with 47181
career-technical education programs including development of new 47182

programs.	47183
(2) Not more than twenty-five per cent of the funds shall be used for personnel expenditures.	47184 47185
(F) A school district shall spend the funds it receives under division (A)(5) of this section in accordance with section 3317.25 of the Revised Code.	47186 47187 47188
Sec. 3317.0212. (A) As used in this section:	47189
(1) "Qualifying riders" means resident students enrolled in regular education in grades kindergarten to twelve who are provided school bus service by a school district and who live more than one mile from the school they attend, including students with dual enrollment in a joint vocational school district or a cooperative education school district, and students enrolled in a community school, STEM school, or nonpublic school.	47190 47191 47192 47193 47194 47195 47196
(2) "Qualifying ridership" means the average number of qualifying riders who are provided school bus service by a school district during the first full week of October.	47197 47198 47199
(3) "Rider density" means the total ADM per square mile of a school district.	47200 47201
(4) "School bus service" means a school district's transportation of qualifying riders in any of the following types of vehicles:	47202 47203 47204
(a) School buses owned or leased by the district;	47205
(b) School buses operated by a private contractor hired by the district;	47206 47207
(c) School buses operated by another school district or entity with which the district has contracted, either as part of a consortium for the provision of transportation or otherwise.	47208 47209 47210
<u>(5) "Total riders" means resident students enrolled in</u>	47211

regular education in grades kindergarten to twelve who are 47212
provided school bus service by a school district, including 47213
students with dual enrollment in a joint vocational school 47214
district or a cooperative education school district, and students 47215
enrolled in a community school, STEM school, or nonpublic school. 47216

(6) "Total ridership" means the average number of total 47217
riders who are provided school bus service by a school district 47218
during the first full week of October. 47219

(B) Not later than the fifteenth day of October each year, 47220
each city, local, and exempted village school district shall 47221
report to the department of education its qualifying and total 47222
ridership and any other information requested by the department. 47223
Subsequent adjustments to the reported numbers shall be made only 47224
in accordance with rules adopted by the department. 47225

(C) The department shall calculate the statewide 47226
transportation cost per student as follows: 47227

(1) Determine each city, local, and exempted village school 47228
district's transportation cost per student by dividing the 47229
district's total costs for school bus service in the previous 47230
fiscal year by its ~~qualifying~~ total ridership in the previous 47231
fiscal year. 47232

(2) After excluding districts that do not provide school bus 47233
service and the ten districts with the highest transportation 47234
costs per student and the ten districts with the lowest 47235
transportation costs per student, divide the aggregate cost for 47236
school bus service for the remaining districts in the previous 47237
fiscal year by the aggregate ~~qualifying~~ total ridership of those 47238
districts in the previous fiscal year. 47239

(D) The department shall calculate the statewide 47240
transportation cost per mile as follows: 47241

(1) Determine each city, local, and exempted village school 47242

district's transportation cost per mile by dividing the district's 47243
total costs for school bus service in the previous fiscal year by 47244
its total number of miles driven for school bus service in the 47245
previous fiscal year. 47246

(2) After excluding districts that do not provide school bus 47247
service and the ten districts with the highest transportation 47248
costs per mile and the ten districts with the lowest 47249
transportation costs per mile, divide the aggregate cost for 47250
school bus service for the remaining districts in the previous 47251
fiscal year by the aggregate miles driven for school bus service 47252
in those districts in the previous fiscal year. 47253

(E) The department shall calculate each city, local, and 47254
exempted village school district's transportation payment as 47255
follows: 47256

(1) Multiply the statewide transportation cost per student by 47257
the district's qualifying ridership for the current fiscal year. 47258

(2) Multiply the statewide transportation cost per mile by 47259
the district's total number of miles driven for school bus service 47260
in the current fiscal year. 47261

(3) Multiply the greater of the amounts calculated under 47262
divisions (E)(1) and (2) of this section by the greater of ~~sixty~~ 47263
fifty per cent or the district's state share index, as defined in 47264
section 3317.02 of the Revised Code. 47265

(F) In addition to funds paid under division (E) of this 47266
section, each city, local, and exempted village district shall 47267
receive in accordance with rules adopted by the state board of 47268
education a payment for students transported by means other than 47269
school bus service and whose transportation is not funded under 47270
division (C) of section 3317.024 of the Revised Code. The rules 47271
shall include provisions for school district reporting of such 47272
students. 47273

~~(G)(1) In fiscal years 2014 and 2015, the department shall pay each district a pro rata portion of the amounts calculated under division (E) of this section and described in division (F) of this section, based on state appropriations.~~

~~(2) In addition to the prorated payment under division (G)(1) of this section, in fiscal years 2014 and 2015, the department shall pay each school district that meets the conditions prescribed in division (G)(3) of this section an additional amount equal to the difference of (a) the amounts calculated under division (E) of this section and prescribed in division (F) of this section minus (b) that prorated payment.~~

~~(3) Division (G)(2) of this section applies to each school district that meets all of the following conditions:~~

~~(a) The district qualifies for the calculation of a payment under division (E) of this section because it transports students on board owned or contractor owned school buses.~~

~~(b) The district's state share index is greater than or equal to 0.50.~~

~~(c) The district's rider density is at or below the median rider density of all districts that qualify for calculation of a payment under division (E) of this section.~~

~~(H) Each city, local, and exempted village school district shall report all data used to calculate funding for transportation under this section through the education management information system pursuant to section 3301.0714 of the Revised Code. For purposes of division (G) of this section, a school district's "transportation supplement percentage" means the following quotient:~~

~~$$\frac{[(35, \text{ in fiscal year 2016, or } 50, \text{ in fiscal year 2017}) - \text{the district's rider density}] / 100}{\text{the district's rider density}}$$~~

~~If the result of the calculation for a district under~~

division (G)(1) of this section is less than zero, the district's 47305
transportation supplement percentage shall be zero. 47306

(2) The department shall pay each district a transportation 47307
supplement calculated according to the following formula: 47308

The district's transportation supplement percentage X the amount 47309
calculated for the district under division (E)(2) of this section 47310
X 0.25 47311

Sec. 3317.0213. (A) The department of education shall compute 47312
and pay in accordance with this section additional state aid for 47313
preschool ~~special education~~ children with disabilities to each 47314
city, local, and exempted village school district and to each 47315
institution, as defined in section 3323.091 of the Revised Code. 47316
Funding shall be provided for children who are not enrolled in 47317
kindergarten and who are under age six on the thirtieth day of 47318
September of the academic year, or on the first day of August of 47319
the academic year if the school district in which the child is 47320
enrolled has adopted a resolution under division (A)(3) of section 47321
3321.01 of the Revised Code, but not less than age three on the 47322
first day of December of the academic year. 47323

The additional state aid shall be calculated under the 47324
following formula: 47325

(\$4,000 X the number of students who are preschool ~~special~~ 47326
education children with disabilities) + the sum of the following: 47327

(1) The district's or institution's category one special 47328
education ~~preschool~~ students who are preschool children with 47329
disabilities X the amount specified in division (A) of section 47330
3317.013 of the Revised Code X the district's state share index X 47331
0.50; 47332

(2) The district's or institution's category two special 47333
education ~~preschool~~ students who are preschool children with 47334

disabilities X the amount specified in division (B) of section 47335
3317.013 of the Revised Code X the district's state share index X 47336
0.50; 47337

(3) The district's or institution's category three special 47338
education ~~preschool~~ students who are preschool children with 47339
disabilities X the amount specified in division (C) of section 47340
3317.013 of the Revised Code X the district's state share index X 47341
0.50; 47342

(4) The district's or institution's category four special 47343
education ~~preschool~~ students who are preschool children with 47344
disabilities X the amount specified in division (D) of section 47345
3317.013 of the Revised Code X the district's state share index X 47346
0.50; 47347

(5) The district's or institution's category five special 47348
education ~~preschool~~ students who are preschool children with 47349
disabilities X the amount specified in division (E) of section 47350
3317.013 of the Revised Code X the district's state share index X 47351
0.50; 47352

(6) The district's or institution's category six special 47353
education ~~preschool~~ students who are preschool children with 47354
disabilities X the amount specified in division (F) of section 47355
3317.013 of the Revised Code X the district's state share index X 47356
0.50. 47357

The special education disability categories for preschool 47358
children used in this section are the same categories prescribed 47359
in section 3317.013 of the Revised Code. 47360

As used in division (A) of this section, the state share 47361
index of a student enrolled in an institution is the state share 47362
index of the school district in which the student is entitled to 47363
attend school under section 3313.64 or 3313.65 of the Revised 47364
Code. 47365

(B) If an educational service center is providing services to preschool special education students who are preschool children with disabilities under agreement with the city, local, or exempted village school district in which the students are entitled to attend school, that district may authorize the department to transfer funds computed under this section to the service center providing those services.

(C) If a county DD board is providing services to preschool special education students who are preschool children with disabilities under agreement with the city, local, or exempted village school district in which the students are entitled to attend school, the department shall deduct from the district's payment computed under division (A) of this section the total amount of those funds that are attributable to the students served by the county DD board and pay that amount to that board.

Sec. 3317.0215. (A) For purposes of this section, "four-year adjusted cohort graduation rate" has the same meaning as in section 3302.01 of the Revised Code.

(B) The department of education shall annually calculate a graduation bonus for each city, local, and exempted village school district according to the following formula:

The district's four-year adjusted cohort graduation rate on its most recent report card issued by the department under section 3302.03 of the Revised Code X 0.05 X the formula amount X the number of the district's graduates reported to the department, in accordance with the guidelines adopted under section 3301.0714 of the Revised Code, for the same school year for which the most recent report card was issued

Sec. 3317.0216. (A) For purposes of this section, a city, local, or exempted village school district's "third-grade reading

proficiency percentage" means the following quotient: 47396

The number of the district's students scoring at a proficient 47397
level of skill or higher on the third-grade English language arts 47398
assessment prescribed under division (A)(1)(a) of section 47399
3301.0710 of the Revised Code for the immediately preceding school 47400
year / the total number of the district's students required to 47401
take that assessment for the immediately preceding school year 47402

(B) The department of education shall annually calculate a 47403
third-grade reading bonus for each city, local, and exempted 47404
village school district according to the following formula: 47405
The district's third-grade reading proficiency percentage X 0.15 X 47406
the formula amount X the number of the district's students scoring 47407
at a proficient level of skill or higher on the third-grade 47408
English language arts assessment prescribed under division 47409
(A)(1)(a) of section 3301.0710 of the Revised Code for the 47410
immediately preceding school year X the district's state share 47411
index 47412

Sec. 3317.0217. Payment of the amount calculated for a school 47413
district under this section shall be made under division (A) of 47414
section 3317.022 of the Revised Code. 47415

(A) The department of education shall annually compute 47416
targeted assistance funds to school districts, as follows: 47417

(1) Calculate the local wealth per pupil of each school 47418
district, which equals the following sum: 47419

(a) One-half times the quotient of (i) the district's 47420
three-year average valuation divided by (ii) its formula ADM; plus 47421

(b) One-half times the quotient of (i) the average of the 47422
total federal adjusted gross income of the school district's 47423
residents for the three years most recently reported under section 47424
3317.021 of the Revised Code divided by (ii) its formula ADM. 47425

(2) Rank all school districts in order of local wealth per pupil, from the district with the lowest local wealth per pupil to the district with the highest local wealth per pupil.

(3) Compute the statewide wealth per pupil, which equals the following sum:

(a) One-half times the quotient of (i) the sum of the three-year average valuations for all school districts divided by (ii) the sum of formula ADM counts for all school districts; plus

(b) One-half times the quotient of (i) the sum of the three-year average total federal adjusted gross incomes for all school districts divided by (ii) the sum of formula ADM counts for all school districts.

(4) Compute each district's wealth index by dividing the statewide wealth per pupil by the district's local wealth per pupil.

(5) Compute the per pupil targeted assistance for each eligible school district in accordance with the following formula:

(Threshold local wealth per pupil - the district's local wealth per pupil)

X target millage X the district's wealth index

Where:

(a) An "eligible school district" means a school district with a local wealth per pupil less than that of the school district with the 490th lowest local wealth per pupil.

(b) "Threshold local wealth per pupil" means the local wealth per pupil of the school district with the 490th lowest local wealth per pupil.

(c) "Target millage" means 0.006.

If the result of the calculation for a school district under division (A)(5) of this section is less than zero, the district's

targeted assistance shall be zero. 47456

(6) Calculate the aggregate amount to be paid as targeted 47457
assistance funds to each school district under division (A) of 47458
section 3317.022 of the Revised Code by multiplying the per pupil 47459
targeted assistance computed under division (A)(5) of this section 47460
by the district's net formula ADM. 47461

As used in this division, a district's "net formula ADM" 47462
means its formula ADM minus the number of community school 47463
students certified under division (B)(3)(d) of section 3317.03 of 47464
the Revised Code X 0.75, the number of internet- and 47465
computer-based community school students certified under division 47466
(B)(3)(e) of that section, the number of science, technology, 47467
engineering, and mathematics school students certified under 47468
division (B)(3)(j) of that section X 0.75, and the number of 47469
scholarship students certified under divisions (B)(3)(f), (g), and 47470
(l) of that section. 47471

(B) The department shall annually compute supplemental 47472
targeted assistance funds to school districts, as follows: 47473

(1) Compute each district's agricultural percentage as the 47474
quotient of (a) the three-year average ~~tax~~ valuation of real 47475
property in the district that is classified as agricultural 47476
property divided by (b) the three-year average ~~tax~~ valuation of 47477
all of the real property in the district. ~~For purposes of this~~ 47478
~~computation, a district's "three-year average tax valuation" means~~ 47479
~~the average of a district's tax valuation for fiscal years 2012,~~ 47480
~~2013, and 2014.~~ 47481

~~(2) Determine each district's agricultural targeted~~ 47482
~~percentage as follows:~~ 47483

~~(a) If a district's agricultural percentage is greater than~~ 47484
~~or equal to 0.10, then the district's agricultural targeted~~ 47485
~~percentage shall be equal to 0.40.~~ 47486

~~(b) If a district's agricultural percentage is less than 0.10, then the district's agricultural targeted percentage shall be equal to 4 X the district's agricultural percentage.~~

~~(3) Calculate the aggregate amount to be paid as supplemental targeted assistance funds to each school district under division (A) of section 3317.022 of the Revised Code by multiplying the district's agricultural targeted percentage by the amount calculated for the district under division (A)(6) of this section., as follows:~~

~~(The district's agricultural percentage - 0.1) X (0.4 X the formula amount) X the district's net formula ADM, as that term is defined in division (A) of this section~~

Sec. 3317.0218. The department of education shall annually compute capacity aid funds to school districts, as follows:

(A) For each school district, multiply the district's three-year average valuation by 0.001;

(B) Determine the median amount of all of the amounts calculated under division (A) of this section;

(C) Calculate each school district's capacity ratio, which equals the greater of zero or the amount calculated as follows:

(The amount determined under division (B) of this section / the amount calculated for the district under division (A) of this section) - 1

If the result of a calculation for a school district under division (C) of this section is greater than 2.5, the district's capacity ratio shall be 2.5.

(D) Calculate the capacity aid per pupil amount, which equals the following quotient:

(The amount determined under division (B) of this section) / (the average of the formula ADMs of all of the districts for which the

amount calculated under division (A) of this section is less than 47517
the amount determined under division (B) of this section) 47518
(E) Calculate each school district's capacity aid, which 47519
equals the following product: 47520
The capacity aid per pupil amount calculated under division (D) of 47521
this section X the district's formula ADM X 2 X the district's 47522
capacity ratio calculated under division (C) of this section 47523

Sec. 3317.051. (A) As used in this section, "gifted unit ADM" 47524
means a school district's formula ADM minus the number of students 47525
reported by a district under divisions (A)(2)(a) and (i) of 47526
section 3317.03 of the Revised Code. 47527

(B) The department of education shall compute and pay to a 47528
school district funds based on units for services to students 47529
identified as gifted under Chapter 3324. of the Revised Code as 47530
prescribed by this section. 47531

(C) The department shall allocate gifted units for a school 47532
district as follows: 47533

(1) One gifted coordinator unit shall be allocated for every 47534
3,300 students in a district's gifted unit ADM, with a minimum of 47535
0.5 units and a maximum of 8 units allocated for the district. 47536

(2) One gifted intervention specialist unit shall be 47537
allocated for every 1,100 students in a district's gifted unit 47538
ADM, with a minimum of 0.3 units allocated for the district. 47539

(D) The department shall pay the following amount to a school 47540
district for gifted units: 47541

~~(1) In fiscal year 2014, \$37,000 multiplied by the number of~~ 47542
~~units allocated to a school district under division (C) of this~~ 47543
~~section;~~ 47544

~~(2) In fiscal year 2015, \$37,370 multiplied by the number of units~~ 47545
~~allocated to a school district under division (C) of this section.~~ 47546

(E) A school district may assign gifted unit funding that it receives under division (D) of this section to another school district, an educational service center, a community school, or a STEM school as part of an arrangement to provide services to the district.

Sec. 3317.06. Moneys paid to school districts under division (E) of section 3317.024 of the Revised Code shall be used for the following independent and fully severable purposes:

(A) To purchase such secular textbooks or digital texts as have been approved by the superintendent of public instruction for use in public schools in the state and to loan such textbooks or digital texts to pupils attending nonpublic schools within the district or to their parents and to hire clerical personnel to administer such lending program. Such loans shall be based upon individual requests submitted by such nonpublic school pupils or parents. Such requests shall be submitted to the school district in which the nonpublic school is located. Such individual requests for the loan of textbooks or digital texts shall, for administrative convenience, be submitted by the nonpublic school pupil or the pupil's parent to the nonpublic school, which shall prepare and submit collective summaries of the individual requests to the school district. As used in this section:

(1) "Textbook" means any book or book substitute that a pupil uses as a consumable or nonconsumable text, text substitute, or text supplement in a particular class or program in the school the pupil regularly attends.

(2) "Digital text" means a consumable book or book substitute that a student accesses through the use of a computer or other electronic medium or that is available through an internet-based provider of course content, or any other material that contributes to the learning process through electronic means.

(B) To provide speech and hearing diagnostic services to pupils attending nonpublic schools within the district. Such service shall be provided in the nonpublic school attended by the pupil receiving the service.

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(C) To provide physician, nursing, dental, and optometric services to pupils attending nonpublic schools within the district. Such services shall be provided in the school attended by the nonpublic school pupil receiving the service.

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(D) To provide diagnostic psychological services to pupils attending nonpublic schools within the district. Such services shall be provided in the school attended by the pupil receiving the service.

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(E) To provide therapeutic psychological and speech and hearing services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

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(F) To provide guidance, counseling, and social work services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

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(G) To provide remedial services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools, in public

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centers, or in mobile units located on or off of the nonpublic 47609
premises. If such services are provided in the public school or in 47610
public centers, transportation to and from such facilities shall 47611
be provided by the school district in which the nonpublic school 47612
is located. 47613

(H) To supply for use by pupils attending nonpublic schools 47614
within the district such standardized tests and scoring services 47615
as are in use in the public schools of the state; 47616

(I) To provide programs for children who attend nonpublic 47617
schools within the district and are children with disabilities as 47618
defined in section 3323.01 of the Revised Code or gifted children. 47619
Such programs shall be provided in the public school, in nonpublic 47620
schools, in public centers, or in mobile units located on or off 47621
of the nonpublic premises. If such programs are provided in the 47622
public school or in public centers, transportation to and from 47623
such facilities shall be provided by the school district in which 47624
the nonpublic school is located. 47625

(J) To hire clerical personnel to assist in the 47626
administration of programs pursuant to divisions (B), (C), (D), 47627
(E), (F), (G), and (I) of this section and to hire supervisory 47628
personnel to supervise the providing of services and textbooks 47629
pursuant to this section. 47630

(K) To purchase or lease any secular, neutral, and 47631
nonideological computer application software designed to assist 47632
students in performing a single task or multiple related tasks, 47633
device management software, learning management software, 47634
site-licensing, digital video on demand (DVD), wide area 47635
connectivity and related technology as it relates to internet 47636
access, mathematics or science equipment and materials, 47637
instructional materials, and school library materials that are in 47638
general use in the public schools of the state and loan such items 47639
to pupils attending nonpublic schools within the district or to 47640

their parents, and to hire clerical personnel to administer the 47641
lending program. Only such items that are incapable of diversion 47642
to religious use and that are susceptible of loan to individual 47643
pupils and are furnished for the use of individual pupils shall be 47644
purchased and loaned under this division. As used in this section, 47645
"instructional materials" means prepared learning materials that 47646
are secular, neutral, and nonideological in character and are of 47647
benefit to the instruction of school children. "Instructional 47648
materials" includes media content that a student may access 47649
through the use of a computer or electronic device. 47650

Mobile applications that are secular, neutral, and 47651
nonideological in character and that are purchased for less than 47652
~~ten~~ twenty dollars for instructional use shall be considered to be 47653
consumable and shall be distributed to students without the 47654
expectation that the applications must be returned. 47655

(L) To purchase or lease instructional equipment, including 47656
computer hardware and related equipment in general use in the 47657
public schools of the state, for use by pupils attending nonpublic 47658
schools within the district and to loan such items to pupils 47659
attending nonpublic schools within the district or to their 47660
parents, and to hire clerical personnel to administer the lending 47661
program. "Computer hardware and related equipment" includes 47662
desktop computers and workstations; laptop computers, computer 47663
tablets, and other mobile handheld devices; ~~and~~ their operating 47664
systems and accessories; and any equipment designed to make 47665
accessible the environment of a classroom to a student, who is 47666
physically unable to attend classroom activities due to 47667
hospitalization or other circumstances, by allowing real-time 47668
interaction with other students both one-on-one and in group 47669
discussion. 47670

(M) To purchase mobile units to be used for the provision of 47671
services pursuant to divisions (E), (F), (G), and (I) of this 47672

section and to pay for necessary repairs and operating costs 47673
associated with these units. 47674

(N) To reimburse costs the district incurred to store the 47675
records of a chartered nonpublic school that closes. 47676
Reimbursements under this division shall be made one time only for 47677
each chartered nonpublic school that closes. 47678

(O) To purchase life-saving medical or other emergency 47679
equipment for placement in nonpublic schools within the district 47680
or to maintain such equipment. 47681

Clerical and supervisory personnel hired pursuant to division 47682
(J) of this section shall perform their services in the public 47683
schools, in nonpublic schools, public centers, or mobile units 47684
where the services are provided to the nonpublic school pupil, 47685
except that such personnel may accompany pupils to and from the 47686
service sites when necessary to ensure the safety of the children 47687
receiving the services. 47688

All services provided pursuant to this section may be 47689
provided under contract with educational service centers, the 47690
department of health, city or general health districts, or private 47691
agencies whose personnel are properly licensed by an appropriate 47692
state board or agency. 47693

Transportation of pupils provided pursuant to divisions (E), 47694
(F), (G), and (I) of this section shall be provided by the school 47695
district from its general funds and not from moneys paid to it 47696
under division (E) of section 3317.024 of the Revised Code unless 47697
a special transportation request is submitted by the parent of the 47698
child receiving service pursuant to such divisions. If such an 47699
application is presented to the school district, it may pay for 47700
the transportation from moneys paid to it under division (E) of 47701
section 3317.024 of the Revised Code. 47702

No school district shall provide health or remedial services 47703

to nonpublic school pupils as authorized by this section unless 47704
such services are available to pupils attending the public schools 47705
within the district. 47706

Materials, equipment, computer hardware or software, 47707
textbooks, digital texts, and health and remedial services 47708
provided for the benefit of nonpublic school pupils pursuant to 47709
this section and the admission of pupils to such nonpublic schools 47710
shall be provided without distinction as to race, creed, color, or 47711
national origin of such pupils or of their teachers. 47712

No school district shall provide services, materials, or 47713
equipment that contain religious content for use in religious 47714
courses, devotional exercises, religious training, or any other 47715
religious activity. 47716

As used in this section, "parent" includes a person standing 47717
in loco parentis to a child. 47718

Notwithstanding section 3317.01 of the Revised Code, payments 47719
shall be made under this section to any city, local, or exempted 47720
village school district within which is located one or more 47721
nonpublic elementary or high schools and any payments made to 47722
school districts under division (E) of section 3317.024 of the 47723
Revised Code for purposes of this section may be disbursed without 47724
submission to and approval of the controlling board. 47725

The allocation of payments for materials, equipment, 47726
textbooks, digital texts, health services, and remedial services 47727
to city, local, and exempted village school districts shall be on 47728
the basis of the state board of education's estimated annual 47729
average daily membership in nonpublic elementary and high schools 47730
located in the district. 47731

Payments made to city, local, and exempted village school 47732
districts under this section shall be equal to specific 47733
appropriations made for the purpose. All interest earned by a 47734

school district on such payments shall be used by the district for 47735
the same purposes and in the same manner as the payments may be 47736
used. 47737

The department of education shall adopt guidelines and 47738
procedures under which such programs and services shall be 47739
provided, under which districts shall be reimbursed for 47740
administrative costs incurred in providing such programs and 47741
services, and under which any unexpended balance of the amounts 47742
appropriated by the general assembly to implement this section may 47743
be transferred to the auxiliary services personnel unemployment 47744
compensation fund established pursuant to section 4141.47 of the 47745
Revised Code. The department shall also adopt guidelines and 47746
procedures limiting the purchase and loan of the items described 47747
in division (K) of this section to items that are in general use 47748
in the public schools of the state, that are incapable of 47749
diversion to religious use, and that are susceptible to individual 47750
use rather than classroom use. Within thirty days after the end of 47751
each biennium, each board of education shall remit to the 47752
department all moneys paid to it under division (E) of section 47753
3317.024 of the Revised Code and any interest earned on those 47754
moneys that are not required to pay expenses incurred under this 47755
section during the biennium for which the money was appropriated 47756
and during which the interest was earned. If a board of education 47757
subsequently determines that the remittal of moneys leaves the 47758
board with insufficient money to pay all valid expenses incurred 47759
under this section during the biennium for which the remitted 47760
money was appropriated, the board may apply to the department of 47761
education for a refund of money, not to exceed the amount of the 47762
insufficiency. If the department determines the expenses were 47763
lawfully incurred and would have been lawful expenditures of the 47764
refunded money, it shall certify its determination and the amount 47765
of the refund to be made to the director of job and family 47766
services who shall make a refund as provided in section 4141.47 of 47767

the Revised Code. 47768

Each school district shall label materials, equipment, 47769
computer hardware or software, textbooks, and digital texts 47770
purchased or leased for loan to a nonpublic school under this 47771
section, acknowledging that they were purchased or leased with 47772
state funds under this section. However, a district need not label 47773
materials, equipment, computer hardware or software, textbooks, or 47774
digital texts that the district determines are consumable in 47775
nature or have a value of less than two hundred dollars. 47776

Sec. 3317.16. (A) The department of education shall compute 47777
and distribute state core foundation funding to each joint 47778
vocational school district for the fiscal year as prescribed in 47779
the following divisions: 47780

(1) An opportunity grant calculated according to the 47781
following formula: 47782

(The formula amount X formula ADM) - (0.0005 X the 47783
district's three-year average valuation) 47784

~~If the result of the calculation for a joint vocational 47785
school district under division (A)(1) of this section is less than 47786
zero, the joint vocational school district's opportunity grant 47787
shall be zero. 47788~~

However, no district shall receive an opportunity grant that 47789
is less than 0.05 times the formula amount times formula ADM. 47790

(2) Additional state aid for special education and related 47791
services provided under Chapter 3323. of the Revised Code 47792
calculated as the sum of the following: 47793

(a) The district's category one special education ADM X the 47794
amount specified in division (A) of section 3317.013 of the 47795
Revised Code X the district's state share percentage; 47796

(b) The district's category two special education ADM X the 47797

amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share percentage; 47798
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(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share percentage; 47800
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(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share percentage; 47803
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(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share percentage; 47806
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(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share percentage. 47809
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(3) Economically disadvantaged funds calculated according to the following formula: 47812
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~~(\$250, in fiscal year 2014, or \$253, in fiscal year 2015)~~ \$272 X
~~the district's economically disadvantaged index~~ X the number of 47814
47815
students who are economically disadvantaged as certified 47816
under division (D)(2)(p) of section 3317.03 of the Revised Code 47817

(4) Limited English proficiency funds calculated as the sum of the following: 47818
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(a) The district's category one limited English proficient ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share percentage; 47820
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(b) The district's category two limited English proficient ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share percentage; 47823
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(c) The district's category three limited English proficient ADM X the amount specified in division (C) of section 3317.016 of 47826
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the Revised Code X the district's state share percentage;	47828
(5) Career-technical education funds calculated as the sum of the following:	47829 47830
(a) The district's category one career-technical education ADM X the amount specified in division (A) of section 3317.014 of the Revised Code X the district's state share percentage;	47831 47832 47833
(b) The district's category two career-technical education ADM X the amount specified in division (B) of section 3317.014 of the Revised Code X the district's state share percentage;	47834 47835 47836
(c) The district's category three career-technical education ADM X the amount specified in division (C) of section 3317.014 of the Revised Code X the district's state share percentage;	47837 47838 47839
(d) The district's category four career-technical education ADM X the amount specified in division (D) of section 3317.014 of the Revised Code X the district's state share percentage;	47840 47841 47842
(e) The district's category five career-technical education ADM X the amount specified in division (E) of section 3317.014 of the Revised Code X the district's state share percentage.	47843 47844 47845
Payment of funds under division (A)(5) of this section is subject to approval under section 3317.161 of the Revised Code.	47846 47847
(6) Career-technical education associated services funds calculated under the following formula:	47848 47849
The district's state share percentage X the amount for career-technical education associated services specified in section 3317.014 of the Revised Code X the sum of categories one through five career-technical education ADM	47850 47851 47852 47853 47854
<u>(7) A graduation bonus calculated according to the following formula:</u>	47855 47856
<u>The district's graduation rate as reported on its most recent</u>	47857

report card issued by the department under section 3302.033 of the 47858
Revised Code X 0.05 X the formula amount X the number of the 47859
district's students who received high school or honors high school 47860
diplomas as reported by the district to the department, in 47861
accordance with the guidelines adopted under section 3301.0714 of 47862
the Revised Code, for the same school year for which the most 47863
recent report card was issued 47864

(B)(1) If a joint vocational school district's costs for a 47865
fiscal year for a student in its categories two through six 47866
special education ADM exceed the threshold catastrophic cost for 47867
serving the student, as specified in division (B) of section 47868
3317.0214 of the Revised Code, the district may submit to the 47869
superintendent of public instruction documentation, as prescribed 47870
by the superintendent, of all of its costs for that student. Upon 47871
submission of documentation for a student of the type and in the 47872
manner prescribed, the department shall pay to the district an 47873
amount equal to the sum of the following: 47874

(a) One-half of the district's costs for the student in 47875
excess of the threshold catastrophic cost; 47876

(b) The product of one-half of the district's costs for the 47877
student in excess of the threshold catastrophic cost multiplied by 47878
the district's state share percentage. 47879

(2) The district shall report under division (B)(1) of this 47880
section, and the department shall pay for, only the costs of 47881
educational expenses and the related services provided to the 47882
student in accordance with the student's individualized education 47883
program. Any legal fees, court costs, or other costs associated 47884
with any cause of action relating to the student may not be 47885
included in the amount. 47886

(C)(1) For each student with a disability receiving special 47887
education and related services under an individualized education 47888
program, as defined in section 3323.01 of the Revised Code, at a 47889

joint vocational school district, the resident district or, if the 47890
student is enrolled in a community school, the community school 47891
shall be responsible for the amount of any costs of providing 47892
those special education and related services to that student that 47893
exceed the sum of the amount calculated for those services 47894
attributable to that student under division (A) of this section. 47895

Those excess costs shall be calculated ~~by subtracting the sum~~ 47896
~~of the following from the actual cost to provide special education~~ 47897
~~and related services to the student:~~ 47898

~~(a) The formula amount;~~ 47899

~~(b) The amount specified in section 3317.013 of the Revised~~ 47900
~~Code that is applicable to the student;~~ 47901

~~(c) Any funds paid under section 3317.0214 for the student~~ 47902
~~using a formula approved by the department.~~ 47903

(2) The board of education of the joint vocational school 47904
district may report the excess costs calculated under division 47905
(C)(1) of this section to the department of education. 47906

(3) If the board of education of the joint vocational school 47907
district reports excess costs under division (C)(2) of this 47908
section, the department shall pay the amount of excess cost 47909
calculated under division (C)(2) of this section to the joint 47910
vocational school district and shall deduct that amount as 47911
provided in division (C)(3)(a) or (b) of this section, as 47912
applicable: 47913

(a) If the student is not enrolled in a community school, the 47914
department shall deduct the amount from the account of the 47915
student's resident district pursuant to division (J) of section 47916
3317.023 of the Revised Code. 47917

(b) If the student is enrolled in a community school, the 47918
department shall deduct the amount from the account of the 47919

community school pursuant to section 3314.083 of the Revised Code. 47920

(D)~~(1)~~ In any fiscal year, a school district receiving funds 47921
under division (A)(5) of this section shall spend those funds only 47922
for the purposes that the department designates as approved for 47923
career-technical education expenses. Career-technical ~~educational~~ 47924
education expenses approved by the department shall include only 47925
expenses connected to the delivery of career-technical programming 47926
to career-technical students. The department shall require the 47927
school district to report data annually so that the department may 47928
monitor the district's compliance with the requirements regarding 47929
the manner in which funding received under division (A)(5) of this 47930
section may be spent. 47931

~~(2) All funds received under division (A)(5) of this section 47932
shall be spent in the following manner:~~ 47933

~~(a) At least seventy five per cent of the funds shall be 47934
spent on curriculum development, purchase, and implementation; 47935
instructional resources and supplies; industry based program 47936
certification; student assessment, credentialing, and placement; 47937
curriculum specific equipment purchases and leases; 47938
career technical student organization fees and expenses; home and 47939
agency linkages; work based learning experiences; professional 47940
development; and other costs directly associated with 47941
career technical education programs including development of new 47942
programs.~~ 47943

~~(b) Not more than twenty five per cent of the funds shall be 47944
used for personnel expenditures.~~ 47945

(E) In any fiscal year, a school district receiving funds 47946
under division (A)(6) of this section, or through a transfer of 47947
funds pursuant to division (I) of section 3317.023 of the Revised 47948
Code, shall spend those funds only for the purposes that the 47949
department designates as approved for career-technical education 47950

associated services expenses, which may include such purposes as 47951
apprenticeship coordinators, coordinators for other 47952
career-technical education services, career-technical evaluation, 47953
and other purposes designated by the department. The department 47954
may deny payment under division (A)(6) of this section to any 47955
district that the department determines is not operating those 47956
services or is using funds paid under division (A)(6) of this 47957
section, or through a transfer of funds pursuant to division (I) 47958
of section 3317.023 of the Revised Code, for other purposes. 47959

(F) A joint vocational school district shall spend the funds 47960
it receives under division (A)(3) of this section in accordance 47961
with section 3317.25 of the Revised Code. 47962

(G) As used in this section: 47963

(1) "Community school" means a community school established 47964
under Chapter 3314. of the Revised Code. 47965

(2) "Resident district" means the city, local, or exempted 47966
village school district in which a student is entitled to attend 47967
school under section 3313.64 or 3313.65 of the Revised Code. 47968

(3) "State share percentage" is equal to the following: 47969

The amount computed under division (A)(1) of this section / 47970
(the formula amount X formula ADM) 47971

Sec. 3317.161. (A) As used in this section, "lead district" 47972
has the same meaning as in section 3317.023 of the Revised Code. 47973

(B)(1) A career-technical education program of a city, local, 47974
or exempted village school district, community school, or STEM 47975
school shall be subject to approval under this section in order 47976
for the district or school to qualify for state funding for the 47977
program. Approval granted under this section shall be valid for 47978
the five fiscal years following the fiscal year in which the 47979
program is approved and may be renewed. Approval shall be subject 47980

to annual review under division (E) of this section. 47981

(2) If a district or school becomes a new member of a 47982
career-technical planning district, its career-technical education 47983
programs shall be approved or disapproved by the lead district of 47984
the career-technical planning district during the fiscal year in 47985
which the district or school becomes a member of the 47986
career-technical planning district. Any program of the district or 47987
school that was approved by the department of education for an 47988
approval period that includes the fiscal year in which the 47989
district or school becomes a new member of the career-technical 47990
planning district shall retain its approved status during that 47991
fiscal year. 47992

(3) If an existing member of a career-technical planning 47993
district develops a new career-technical education program, that 47994
program shall be approved or disapproved by the lead district of 47995
the career-technical planning district prior to the first fiscal 47996
year for which the district or school is seeking funding for the 47997
program. 47998

(4) Except as provided in division (B)(2) of this section, if 47999
a career-technical education program was approved by the 48000
department prior to ~~the effective date of this section~~ September 48001
29, 2013, that approval remains valid for the unexpired remainder 48002
of the approval period specified by the department. Approval of 48003
that program may then be renewed in accordance with this section 48004
on a date prior to the expiration of the approval period. 48005

(C)(1) The lead district of a career-technical planning 48006
district shall approve or disapprove for a five-year period each 48007
career-technical education program of the city, local, and 48008
exempted village school districts, community schools, and STEM 48009
schools that are assigned by the department to the 48010
career-technical planning district. The lead district's decision 48011
to approve or disapprove a program shall be based on requirements 48012

for career-technical education programs that are specified in 48013
rules adopted by the department. These requirements shall include, 48014
but are not limited to, all of the following: 48015

(a) Demand for the career-technical education program by 48016
industries in the state; 48017

(b) Quality of the program; 48018

(c) Potential for a student enrolled in the program to 48019
receive the training that will qualify the student for industry 48020
credentials or post-secondary education; 48021

(d) Admission requirements of the lead district; 48022

(e) Past performance of the district or school that is 48023
offering the program; 48024

(f) Traveling distance; 48025

(g) Sustainability; 48026

(h) Capacity; 48027

(i) Availability of the program within the career-technical 48028
planning district; 48029

(j) In the case of a new program, the cost to begin the 48030
program. 48031

(2) The lead district shall approve or disapprove each 48032
program not later than the first day of March prior to the first 48033
fiscal year for which the district or school is seeking funding 48034
for the program. If a program is approved, the lead district shall 48035
notify the department of its decision. If a program is 48036
disapproved, the lead district shall notify the district or school 48037
of its decision. 48038

If the lead district disapproves the program or does not take 48039
any action to approve or disapprove the program by the first day 48040
of March, the district or school may appeal the lead district's 48041

decision or failure to take action to the department by the 48042
fifteenth day of March. 48043

(D)(1) Upon receiving notification of a lead district's 48044
approval of a district's or school's career-technical education 48045
program, the department shall review the lead district's decision 48046
and determine whether to approve or disapprove the program not 48047
later than the fifteenth day of May prior to the first fiscal year 48048
for which the district or school is seeking funding for the 48049
program. The department shall notify the district or school and 48050
the lead district of the district's or school's career-technical 48051
planning district of its determination. 48052

(2) Upon receiving an appeal from a district or school of a 48053
lead district's disapproval of a career-technical education 48054
program or failure to take action to approve or disapprove the 48055
program, the department shall review the lead district's 48056
disapproval or failure to take action. The department shall decide 48057
whether to approve or disapprove the program as a result of this 48058
review not later than the fifteenth day of May prior to the first 48059
fiscal year for which the district or school is seeking funding 48060
for the program. The department shall notify the lead district and 48061
the appealing district or school of its determination. 48062

(3) In conducting a review under division (D)(1) or (2) of 48063
this section, the department shall consider the criteria 48064
prescribed under division (C)(1) of this section. 48065

(4) If the department approves a program under division 48066
(D)(1) or (2) of this section, it shall authorize the payment to 48067
the district, or the deduction from the state education aid of a 48068
district and payment to a community school or STEM school, of the 48069
funds attributed to the career-technical students enrolled in that 48070
program in the next fiscal year according to a payment schedule 48071
prescribed by the department. 48072

(5) The department's decisions under divisions (D)(1) and (2) 48073
of this section shall be final and not appealable. 48074

(6) The superintendent of public instruction may adopt 48075
guidelines identifying circumstances in which the department may, 48076
after consulting with a lead district, approve or disapprove a 48077
program that has been approved or disapproved by the lead district 48078
after the deadline prescribed in division (D)(1) or (2) of this 48079
section has passed. 48080

(E) The department and the lead district of each 48081
career-technical planning district shall conduct an annual review 48082
of each career-technical education program in the lead district's 48083
career-technical planning district that receives approval under 48084
this section. Continued funding of the program during the 48085
five-year approval period shall be subject to the school's 48086
compliance with any directives for performance improvement that 48087
are issued by the department or the lead district as a result of 48088
any review conducted under this section. 48089

Sec. 3317.23. (A) For purposes of this section, ~~an~~ 48090

(1) "Competency-based educational program" means any system 48091
of academic instruction, assessment, grading, and reporting where 48092
students receive credit based on demonstrations and assessments of 48093
their learning rather than the amount of time they spend studying 48094
a subject. A competency-based educational program shall encourage 48095
accelerated learning among students who master academic materials 48096
quickly while providing additional instructional support time for 48097
students who need it. 48098

(2) An "eligible individual" is an individual who satisfies 48099
both of the following criteria: 48100

~~(1)~~(a) The individual is at least twenty-two years of age. 48101

~~(2)~~(b) The individual has not been awarded a high school 48102

diploma or a certificate of high school equivalence as defined in 48103
section 4109.06 of the Revised Code. 48104

(B) An eligible individual may enroll in a city, local, or 48105
exempted village school district that operates a dropout 48106
prevention and recovery program for up to two ~~cumulative~~ 48107
consecutive school years for the purpose of earning a high school 48108
diploma. An individual enrolled under this division may elect to 48109
satisfy the requirements to earn a high school diploma by 48110
successfully completing a competency-based ~~instructional~~ 48111
educational program that complies with the standards adopted by 48112
the ~~state board~~ department of education under section 3317.231 of 48113
the Revised Code. The district shall report that individual's 48114
enrollment on a full-time equivalency basis under division (A) of 48115
section 3317.036 of the Revised Code and shall not report that 48116
individual's enrollment under section 3317.03 of the Revised Code. 48117
An individual enrolled under this division shall not be assigned 48118
to classes or settings with students who are younger than eighteen 48119
years of age. 48120

(C)(1) For each district that enrolls individuals under 48121
division (B) of this section, the department ~~of education~~ annually 48122
shall certify the enrollment and attendance, on a full-time 48123
equivalency basis, of each individual reported by the district 48124
under division (A) of section 3317.036 of the Revised Code. 48125

(2) For each individual enrolled in a district under division 48126
(B) of this section, the department annually shall pay ~~to~~ the 48127
district ~~an amount equal to the following:~~ 48128

~~\$5,000 X the individual's enrollment on a full time~~ 48129
~~equivalency basis as certified under division (C)(1) of this~~ 48130
~~section X the portion of the school year in which the individual~~ 48131
~~is enrolled in the district expressed as a percentage up to~~ 48132
\$5,000, as determined by the department based on the extent of the 48133
individual's successful completion of the graduation requirements 48134

prescribed under sections 3313.603, 3313.61, 3313.611, and 48135
3313.614 of the Revised Code. 48136

(D) A district that enrolls individuals under division (B) of 48137
this section shall be subject to the program administration 48138
standards adopted by the ~~state board~~ department under section 48139
3317.231 of the Revised Code, as applicable. 48140

Sec. 3317.231. ~~Not later than December 31, 2014, the state 48141~~
~~board~~ The department of education shall adopt rules regarding the 48142
administration of programs that enroll individuals who are at 48143
least twenty-two years of age under sections 3314.38, 3317.23, 48144
3317.24, and 3345.86 of the Revised Code, including ~~data~~ 48145
~~collection, the reporting and certification of enrollment in the~~ 48146
~~programs, the measurement of the academic performance of~~ 48147
~~individuals enrolled in the programs~~ eligibility for the programs, 48148
application for the programs, accountability criteria and 48149
measurements for the programs, monitoring of the programs, data 48150
reporting for the programs including the reporting of student 48151
enrollment demographics, program outcomes, and the standards of 48152
practice for competency-based ~~instructional~~ educational programs, 48153
as defined in section 3317.23 of the Revised Code. 48154

Sec. 3317.24. (A) For purposes of this section, ~~an~~ 48155
"competency-based educational program" and "eligible individual" 48156
~~has~~ have the same ~~meaning~~ meanings as in section 3317.23 of the 48157
Revised Code. 48158

(B) An eligible individual may enroll in a joint vocational 48159
school district that operates an adult education program for up to 48160
two cumulative school years for the purpose of completing the 48161
requirements to earn a high school diploma. An individual enrolled 48162
under this division may elect to satisfy these requirements by 48163
successfully completing a competency-based ~~instructional~~ 48164

educational program that complies with the standards adopted by 48165
the ~~state board~~ department of education under section 3317.231 of 48166
the Revised Code. The district shall report an individual's 48167
enrollment under this division on a full-time equivalency basis 48168
under division (B) of section 3317.036 of the Revised Code and 48169
shall not report that individual's enrollment under section 48170
3317.03 of the Revised Code. An individual enrolled under this 48171
division shall not be assigned to classes or settings with 48172
students who are younger than eighteen years of age. 48173

(C)(1) For each joint vocational school district that enrolls 48174
individuals under division (B) of this section, the department ~~of~~ 48175
~~education~~ annually shall certify the enrollment and attendance, on 48176
a full-time equivalency basis, of each individual reported by the 48177
district under division (B) of section 3317.036 of the Revised 48178
Code. 48179

(2) For each individual enrolled in a joint vocational school 48180
district under division (B) of this section, the department 48181
annually shall pay ~~to~~ the district ~~an amount equal to the~~ 48182
~~following:~~ 48183

~~\$5,000 X the individual's enrollment on a full time~~ 48184
~~equivalency basis as certified under division (C)(1) of this~~ 48185
~~section X the portion of the school year in which the individual~~ 48186
~~is enrolled in the district expressed as a percentage up to~~ 48187
\$5,000, as determined by the department based on the extent of the 48188
individual's successful completion of the graduation requirements 48189
prescribed under sections 3313.603, 3313.61, 3313.611, and 48190
3313.614 of the Revised Code. 48191

(D) If an individual enrolled in a joint vocational school 48192
district under division (B) of this section completes the 48193
requirements to earn a high school diploma, the joint vocational 48194
school district shall certify the completion of those requirements 48195
to the city, local, or exempted village school district in which 48196

the individual resides. Upon receiving certification under this 48197
division, the city, local, or exempted village school district in 48198
which the individual resides shall issue a high school diploma to 48199
the individual within sixty days of receiving the certification. 48200

(E) A joint vocational school district that enrolls 48201
individuals under division (B) of this section shall be subject to 48202
the program administration standards adopted by the ~~state board~~ 48203
department under section 3317.231 of the Revised Code, as 48204
applicable. 48205

Sec. 3317.26. (A) The department of education shall pay a 48206
city, local, or exempted village school district additional funds 48207
computed as follows: 48208

[(0.20 X the formula amount) - (the sum of the district's payments 48209
under sections 3317.022 and 3317.0212 of the Revised Code and 48210
Section 263.230 of H.B. 64 of the 131st general assembly / its 48211
formula ADM)] X the district's formula ADM 48212

If the result is a negative number, no payment shall be made 48213
under this section. 48214

(B) The department shall pay a joint vocational school 48215
district additional funds computed as follows: 48216

[(0.20 X the formula amount) - (the sum of the district's payments 48217
under section 3317.16 of the Revised Code and Section 263.240 of 48218
H.B. 64 of the 131st general assembly / its formula ADM)] X the 48219
district's formula ADM 48220

If the result is a negative number, no payment shall be made 48221
under this section. 48222

(C)(1) For fiscal year 2016, the department shall pay a city, 48223
local, or exempted village school district fifteen per cent of the 48224
amount calculated under division (A) of this section and shall pay 48225
a joint vocational school district fifteen per cent of the amount 48226

calculated under division (B) of this section. 48227

(2) For fiscal year 2017, the department shall pay a city, 48228
local, or exempted village school district twenty-five per cent of 48229
the amount calculated under division (A) of this section and shall 48230
pay a joint vocational school district twenty-five per cent of the 48231
amount calculated under division (B) of this section. 48232

Sec. 3318.02. (A) For purposes of sections 3318.01 to ~~3318.33~~ 48233
3318.32 of the Revised Code, the Ohio school facilities commission 48234
shall periodically perform an assessment of the classroom facility 48235
needs in the state to identify school districts in need of 48236
additional classroom facilities, or replacement or reconstruction 48237
of existent classroom facilities, and the cost to each such 48238
district of constructing or acquiring such additional facilities 48239
or making such renovations. 48240

(B) Based upon the most recent assessment conducted pursuant 48241
to division (A) of this section, the commission shall conduct 48242
on-site visits to school districts identified as having classroom 48243
facility needs to confirm the findings of the periodic assessment 48244
and further evaluate the classroom facility needs of the district. 48245
The evaluation shall assess the district's need to construct or 48246
acquire new classroom facilities and may include an assessment of 48247
the district's need for building additions or for the 48248
reconstruction of existent buildings in lieu of constructing or 48249
acquiring replacement buildings. 48250

(C)(1) Except as provided in division (C)(2) of this section, 48251
on-site visits performed on or after May 20, 1997, shall be 48252
performed in the order specified in this division. The first round 48253
of on-site visits first succeeding the effective date of this 48254
amendment, May 20, 1997, shall be limited to the school districts 48255
in the first through fifth percentiles, excluding districts that 48256
are ineligible for funding under this chapter pursuant to section 48257

3318.04 of the Revised Code. The second round of on-site visits 48258
shall be limited to the school districts in the first through 48259
tenth percentiles, excluding districts that are ineligible for 48260
funding under this chapter pursuant to section 3318.04 of the 48261
Revised Code. Each succeeding round of on-site visits shall be 48262
limited to the percentiles included in the immediately preceding 48263
round of on-site visits plus the next five percentiles. Except for 48264
the first round of on-site visits, no round of on-site visits 48265
shall commence unless eighty per cent of the districts for which 48266
on-site visits were performed during the immediately preceding 48267
round, have had projects approved under section 3318.04 of the 48268
Revised Code. 48269

(2) Notwithstanding division (C)(1) of this section, the 48270
commission may perform on-site visits for school districts in the 48271
next highest percentile to the percentiles included in the current 48272
round of on-site visits, and then to succeeding percentiles one at 48273
a time, not to exceed the twenty-fifth percentile, if all of the 48274
following apply: 48275

(a) Less than eighty per cent of the districts for which 48276
on-site visits were performed in the current round, and in any 48277
percentiles for which on-site visits were performed in addition to 48278
the current round pursuant to this division, have had projects 48279
approved under section 3318.04 of the Revised Code; 48280

(b) There are funds appropriated for the purpose of sections 48281
3318.01 to 3318.20 of the Revised Code that are not reserved and 48282
encumbered for projects pursuant to section 3318.04 of the Revised 48283
Code; 48284

(c) The commission makes a finding that such available funds 48285
would be more thoroughly utilized if on-site visits were extended 48286
to the next highest percentile. 48287

(D) Notwithstanding divisions (B) and (C) of this section, in 48288

any fiscal year, the commission may limit the number of districts 48289
for which it conducts on-site visits based upon its projections of 48290
the moneys available and moneys necessary to undertake projects 48291
under sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised Code for 48292
that year. 48293

Sec. 3318.024. In the first year of a capital biennium, any 48294
funds appropriated to the Ohio school facilities commission for 48295
classroom facilities projects under this chapter in the previous 48296
capital biennium that were not spent or encumbered, or for which 48297
an encumbrance has been canceled under section 3318.05 of the 48298
Revised Code, shall be used by the commission only for projects 48299
under sections 3318.01 to 3318.20 of the Revised Code, subject to 48300
appropriation by the general assembly. 48301

In the second year of a capital biennium, any funds 48302
appropriated to the Ohio school facilities commission for 48303
classroom facilities projects under this chapter that were not 48304
spent or encumbered in the first year of the biennium and which 48305
are in excess of an amount equal to half of the appropriations for 48306
the capital biennium, or for which an encumbrance has been 48307
canceled under section 3318.05 of the Revised Code, shall be used 48308
by the commission only for projects under sections 3318.01 to 48309
3318.20, 3318.32, 3318.351, 3318.364, 3318.37, 3318.371, 3318.38, 48310
and 3318.40 to 3318.46 of the Revised Code, subject to 48311
appropriation by the general assembly. 48312

Sec. 3318.054. (A) If conditional approval of a city, 48313
exempted village, or local school district's project lapses as 48314
provided in section 3318.05 of the Revised Code, or if conditional 48315
approval of a joint vocational school district's project lapses as 48316
provided in division (D) of section 3318.41 of the Revised Code, 48317
because the district's electors have not approved the ballot 48318
measures necessary to generate the district's portion of the basic 48319

project cost, and if the district board desires to seek a new 48320
conditional approval of the project, the district board shall 48321
request that the Ohio school facilities commission set the scope, 48322
basic project cost, and school district portion of the basic 48323
project cost prior to resubmitting the ballot measures to the 48324
electors. To do so, the commission shall use the district's 48325
current assessed tax valuation and the district's percentile for 48326
the prior fiscal year. For a district that has entered into an 48327
agreement under section 3318.36 of the Revised Code and desires to 48328
proceed with a project under sections 3318.01 to 3318.20 of the 48329
Revised Code, the district's portion of the basic project cost 48330
shall be the percentage specified in that agreement. The project 48331
scope and basic costs established under this division shall be 48332
valid for ~~one year~~ thirteen months from the date the commission 48333
approves them. 48334

(B) Upon the commission's approval under division (A) of this 48335
section, the district board may submit the ballot measures to the 48336
district's electors for approval of the project based on the new 48337
project scope and estimated costs. Upon electoral approval of 48338
those measures, the district shall be given first priority for 48339
project funding as such funds become available. 48340

(C) When the commission determines that funds are available 48341
for the district's project, the commission shall do all of the 48342
following: 48343

(1) Determine the school district portion of the basic 48344
project cost under section 3318.032 of the Revised Code, in the 48345
case of a city, exempted village, or local school district, or 48346
under section 3318.42 of the Revised Code, in the case of a joint 48347
vocational school district; 48348

(2) Conditionally approve the project and submit it to the 48349
controlling board for approval pursuant to section 3318.04 of the 48350

Revised Code; 48351

(3) Encumber funds for the project under section 3318.11 of 48352
the Revised Code; 48353

(4) Enter into an agreement with the district board under 48354
section 3318.08 of the Revised Code. 48355

Sec. 3318.30. (A) There is hereby created the Ohio school 48356
facilities commission as an independent agency of the state within 48357
the Ohio facilities construction commission, which is created 48358
under section 123.20 of the Revised Code. The Ohio school 48359
facilities commission shall administer the provision of financial 48360
assistance to school districts for the acquisition or construction 48361
of classroom facilities in accordance with sections 3318.01 to 48362
~~3318.33~~ 3318.32 of the Revised Code. 48363

The Ohio school facilities commission is a body corporate and 48364
politic, an agency of state government and an instrumentality of 48365
the state, performing essential governmental functions of this 48366
state. The carrying out of the purposes and the exercise by the 48367
Ohio school facilities commission of its powers conferred by 48368
sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised Code are 48369
essential public functions and public purposes of the state. The 48370
Ohio school facilities commission may, in its own name, sue and be 48371
sued, enter into contracts, and perform all the powers and duties 48372
given to it by sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised 48373
Code, but it does not have and shall not exercise the power of 48374
eminent domain. In its discretion and as it determines 48375
appropriate, the Ohio school facilities commission may delegate to 48376
any of its members, executive director, or other employees any of 48377
the Ohio school facilities commission's powers and duties to carry 48378
out its functions. 48379

(B) The Ohio school facilities commission shall consist of 48380
seven members, three of whom are voting members. The voting 48381

members of the Ohio school facilities commission shall be the 48382
director of the office of budget and management, the director of 48383
administrative services, and the superintendent of public 48384
instruction, or their designees. Of the nonvoting members, two 48385
shall be members of the senate appointed by the president of the 48386
senate, and two shall be members of the house of representatives 48387
appointed by the speaker of the house. Each of the appointees of 48388
the president, and each of the appointees of the speaker, shall be 48389
members of different political parties. 48390

Nonvoting members shall serve as members of the Ohio school 48391
facilities commission during the legislative biennium for which 48392
they are appointed, except that any such member who ceases to be a 48393
member of the legislative house from which the member was 48394
appointed shall cease to be a member of the Ohio school facilities 48395
commission. Each nonvoting member shall be appointed within 48396
thirty-one days of the end of the term of that member's 48397
predecessor. Such members may be reappointed. Vacancies of 48398
nonvoting members shall be filled in the manner provided for 48399
original appointments. 48400

Members of the Ohio school facilities commission shall serve 48401
without compensation. 48402

After the initial nonvoting members of the Ohio school 48403
facilities commission have been appointed, the Ohio school 48404
facilities commission shall meet and organize by electing voting 48405
members as the chairperson and vice-chairperson of the Ohio school 48406
facilities commission, who shall hold their offices until the next 48407
organizational meeting of the Ohio school facilities commission. 48408
Organizational meetings of the Ohio school facilities commission 48409
shall be held at the first meeting of each calendar year. At each 48410
organizational meeting, the Ohio school facilities commission 48411
shall elect from among its voting members a chairperson and 48412
vice-chairperson, who shall serve until the next annual 48413

organizational meeting. The Ohio school facilities commission 48414
shall adopt rules pursuant to section 111.15 of the Revised Code 48415
for the conduct of its internal business and shall keep a journal 48416
of its proceedings. Including the organizational meeting, the Ohio 48417
school facilities commission shall meet at least once each 48418
calendar quarter. 48419

Two voting members of the Ohio school facilities commission 48420
constitute a quorum, and the affirmative vote of two members is 48421
necessary for approval of any action taken by the Ohio school 48422
facilities commission. A vacancy in the membership of the Ohio 48423
school facilities commission does not impair a quorum from 48424
exercising all the rights and performing all the duties of the 48425
Ohio school facilities commission. Meetings of the Ohio school 48426
facilities commission may be held anywhere in the state and shall 48427
be held in compliance with section 121.22 of the Revised Code. 48428

(C) The Ohio school facilities commission shall file an 48429
annual report of its activities and finances with the governor, 48430
speaker of the house of representatives, president of the senate, 48431
and chairpersons of the house and senate finance committees. 48432

(D) The Ohio school facilities commission shall be exempt 48433
from the requirements of sections 101.82 to 101.87 of the Revised 48434
Code. 48435

(E) The Ohio school facilities commission may share employees 48436
and facilities with the Ohio facilities construction commission. 48437

Sec. 3318.40. (A)(1) Sections 3318.40 to 3318.45 of the 48438
Revised Code apply only to joint vocational school districts. 48439

(2) As used in sections 3318.40 to 3318.45 of the Revised 48440
Code: 48441

(a) "Ohio school facilities commission," "classroom 48442
facilities," "project," and "basic project cost" have the same 48443

meanings as in section 3318.01 of the Revised Code. 48444

(b) "Acquisition of classroom facilities" means constructing, 48445
reconstructing, repairing, or making additions to classroom 48446
facilities. 48447

(B) There is hereby established the vocational school 48448
facilities assistance program. Under the program, the Ohio school 48449
facilities commission shall provide assistance to joint vocational 48450
school districts for the acquisition of classroom facilities 48451
suitable to the vocational education programs of the districts in 48452
accordance with sections 3318.40 to 3318.45 of the Revised Code. 48453
For purposes of the program, beginning July 1, 2003, the 48454
commission annually may set aside up to two per cent of the 48455
aggregate amount appropriated to it for classroom facilities 48456
assistance projects in ~~the education facilities trust fund,~~ 48457
~~established under section 183.26 of the Revised Code;~~ the public 48458
school building fund, established under section 3318.15 of the 48459
Revised Code~~;~~ and the school building program assistance fund, 48460
established under section 3318.25 of the Revised Code. 48461

(C) The commission shall not provide assistance for any 48462
distinct part of a project under sections 3318.40 to 3318.45 of 48463
the Revised Code that when completed will be used exclusively for 48464
an adult education program or exclusively for operation of a 48465
driver training school for instruction leading to the issuance of 48466
a commercial driver's license under Chapter 4506. of the Revised 48467
Code, except for life safety items and basic building components 48468
necessary for complete and continuous construction or renovation 48469
of a classroom facility as determined by the commission. 48470

(D) The commission shall not provide assistance under 48471
sections 3318.40 to 3318.45 of the Revised Code to acquire 48472
classroom facilities for vocational educational instruction at a 48473
location under the control of a school district that is a member 48474
of a joint vocational school district. Any assistance to acquire 48475

classroom facilities for vocational educational instruction at 48476
such location shall be provided to the school district that is a 48477
member of the joint vocational school district through other 48478
provisions of this chapter when that member school district is 48479
eligible for assistance under those provisions. 48480

(E) By September 1, 2003, the commission shall assess the 48481
classroom facilities needs of at least five joint vocational 48482
school districts, according to the order of priority prescribed in 48483
division (B) of section 3318.42 of the Revised Code, and based on 48484
the results of those assessments shall determine the extent to 48485
which amendments to the specifications adopted under section 48486
3318.311 of the Revised Code are warranted. The commission, 48487
thereafter, may amend the specifications as provided in that 48488
section. 48489

(F) After the commission has conducted the assessments 48490
prescribed in division (E) of this section, the commission shall 48491
establish, by rule adopted in accordance with section 111.15 of 48492
the Revised Code, guidelines for the commission to use in deciding 48493
whether to waive compliance with the design specifications adopted 48494
under section 3318.311 of the Revised Code when determining the 48495
number of facilities and the basic project cost of projects as 48496
prescribed in division (A)(1)(a) of section 3318.41 of the Revised 48497
Code. The guidelines shall address the following situations: 48498

(1) Under what circumstances, if any, particular classroom 48499
facilities are adequate to meet the needs of the school district 48500
even though the facilities do not comply with the specifications 48501
adopted under section 3318.311 of the Revised Code; 48502

(2) Under what circumstances, if any, particular classroom 48503
facilities will be renovated or repaired rather than replaced by 48504
construction of new facilities. 48505

Sec. 3318.71. (A) As used in this section: 48506

(1) "Acquisition of classroom facilities" has the same meaning as in section 3318.40 of the Revised Code. 48507
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(2) "Classroom facilities" has the same meaning as in section 3318.01 of the Revised Code. 48509
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(3) "Qualifying partnership" means a group of city, exempted village, or local school districts that are part of a career-technical education compact and have entered into an agreement for joint or cooperative establishment and operation of a science, technology, engineering, and mathematics education program under section 3313.842 of the Revised Code. The aggregate territory of the school districts composing a qualifying partnership shall be located in two adjacent counties, each having a population greater than forty thousand, but less than fifty thousand, and at least one of which borders another state. 48511
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(B) The Ohio school facilities commission shall establish guidelines for assisting a qualifying partnership in the acquisition of classroom facilities to be used for a joint science, technology, engineering, and mathematics education program. 48521
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(C) Upon receipt of a written proposal from a qualifying partnership, the commission, subject to approval of the controlling board, shall provide funding to assist that qualifying partnership in the acquisition of classroom facilities described in division (B) of this section. The proposal of the qualifying partnership shall be submitted in a form and in the manner prescribed by the commission. The proposal shall indicate both the total amount of funding requested from the commission and the amount of other funding pledged for the acquisition of the classroom facilities, the latter of which shall not be less than the total amount of funding requested from the commission. Once the commission determines a proposal meets its established guidelines and if the controlling board approves that funding, the 48526
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commission shall enter into an agreement with the qualifying partnership for the acquisition of the classroom facilities and shall encumber, in accordance with section 3318.11 of the Revised Code, the approved funding from the amounts appropriated to the commission for classroom facilities assistance projects. The agreement shall include a stipulation of the ownership of the classroom facilities in the event the qualifying partnership ceases to exist. 48539
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(D) A qualifying partnership may levy taxes under section 5705.2112 of the Revised Code to use for all or part of the funding pledged for the acquisition of classroom facilities under division (C) of this section. If a qualifying partnership chooses to levy taxes for this purpose, it shall select one of the districts that is a member of the qualifying partnership to be the fiscal agent of the qualifying partnership for purposes of section 5705.2112 of the Revised Code. 48547
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Sec. 3319.113. (A) Not later than May 31, 2016, the state board of education shall develop a standards-based state framework for the evaluation of school counselors. The state board may update the framework periodically by adoption of a resolution. The framework shall establish an evaluation system that does the following: 48555
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(1) Requires school counselors to demonstrate their ability to produce positive student outcomes using metrics, including those from the school or school district's report card issued under section 3302.03 of the Revised Code when appropriate; 48561
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(2) Is aligned with the standards for school counselors adopted under section 3319.61 of the Revised Code and requires school counselors to demonstrate their ability in all the areas identified by those standards; 48565
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(3) Requires that all school counselors be evaluated 48569

<u>annually, except as otherwise appropriate for high-performing</u>	48570
<u>school counselors;</u>	48571
<u>(4) Assigns a rating on each evaluation in accordance with</u>	48572
<u>division (B) of this section;</u>	48573
<u>(5) Designates the personnel that may conduct evaluations of</u>	48574
<u>school counselors in accordance with this framework;</u>	48575
<u>(6) Requires that each school counselor be provided with a</u>	48576
<u>written report of the results of that school counselor's</u>	48577
<u>evaluation;</u>	48578
<u>(7) Provides for professional development to accelerate and</u>	48579
<u>continue school counselor growth and provide support to poorly</u>	48580
<u>performing school counselors.</u>	48581
<u>(B)(1) The state board shall develop specific standards and</u>	48582
<u>criteria that distinguish between the following levels of</u>	48583
<u>performance for school counselors for the purposes of assigning</u>	48584
<u>ratings on the evaluations conducted under this section:</u>	48585
<u>(a) Accomplished;</u>	48586
<u>(b) Skilled;</u>	48587
<u>(c) Developing;</u>	48588
<u>(d) Ineffective.</u>	48589
<u>(2) The state board shall consult with experts, school</u>	48590
<u>counselors and principals employed in public schools, and</u>	48591
<u>representatives of stakeholder groups in developing the standards</u>	48592
<u>and criteria required by division (B)(1) of this section.</u>	48593
<u>(C)(1) Not later than September 30, 2016, each school</u>	48594
<u>district board of education shall adopt a standards-based school</u>	48595
<u>counselor evaluation policy that conforms with the framework for</u>	48596
<u>the evaluation of school counselors developed under this section.</u>	48597
<u>The policy shall become operative at the expiration of any</u>	48598
<u>collective bargaining agreement covering school counselors</u>	48599

employed by the board that is in effect on the effective date of 48600
this section and shall be included in any renewal or extension of 48601
such an agreement. 48602

(2) A district board shall include both of the following in 48603
its evaluation policy: 48604

(a) The implementation of the framework for the evaluation of 48605
school counselors developed under this section beginning in the 48606
2016-2017 school year; 48607

(b) Procedures for using the evaluation results, beginning in 48608
the 2017-2018 school year, for both of the following: 48609

(i) Decisions regarding retention and promotion of school 48610
counselors; 48611

(ii) Removal of poorly performing school counselors. 48612

(D) Each district board shall annually submit a report to the 48613
department of education, in a form and manner prescribed by the 48614
department, regarding its implementation of division (C) of this 48615
section. At no time shall the department permit or require that 48616
the name or personally identifiable information of any school 48617
counselor be reported to the department under this division. 48618

(E) Notwithstanding any provision to the contrary in Chapter 48619
4117. of the Revised Code, the requirements of this section 48620
prevail over any conflicting provision of a collective bargaining 48621
agreement entered into on or after the effective date of this 48622
section. 48623

Sec. 3319.22. (A)(1) The state board of education shall issue 48624
the following educator licenses: 48625

(a) A resident educator license, which shall be valid for 48626
four years and shall be renewable for reasons specified by rules 48627
adopted by the state board pursuant to division (A)(3) of this 48628
section. The state board, on a case-by-case basis, may extend the 48629

license's duration as necessary to enable the license holder to 48630
complete the Ohio teacher residency program established under 48631
section 3319.223 of the Revised Code; 48632

(b) A professional educator license, which shall be valid for 48633
five years and shall be renewable; 48634

(c) A senior professional educator license, which shall be 48635
valid for five years and shall be renewable; 48636

(d) A lead professional educator license, which shall be 48637
valid for five years and shall be renewable. 48638

(2) The state board may issue any additional educator 48639
licenses of categories, types, and levels the board elects to 48640
provide. 48641

(3) The state board shall adopt rules establishing the 48642
standards and requirements for obtaining each educator license 48643
issued under this section. The rules shall also include the 48644
reasons for which a resident educator license may be renewed under 48645
division (A)(1)(a) of this section. 48646

(B) The rules adopted under this section shall require at 48647
least the following standards and qualifications for the educator 48648
licenses described in division (A)(1) of this section: 48649

(1) An applicant for a resident educator license shall hold 48650
at least a bachelor's degree from an accredited teacher 48651
preparation program or be a participant in the teach for America 48652
program and meet the qualifications required under section 48653
3319.227 of the Revised Code. 48654

(2) An applicant for a professional educator license shall: 48655

(a) Hold at least a bachelor's degree from an institution of 48656
higher education accredited by a regional accrediting 48657
organization; 48658

(b) Have successfully completed the Ohio teacher residency 48659

program established under section 3319.223 of the Revised Code, if 48660
the applicant's current or most recently issued license is a 48661
resident educator license issued under this section or an 48662
alternative resident educator license issued under section 3319.26 48663
of the Revised Code. 48664

(3) An applicant for a senior professional educator license 48665
shall: 48666

(a) Hold at least a master's degree from an institution of 48667
higher education accredited by a regional accrediting 48668
organization; 48669

(b) Have previously held a professional educator license 48670
issued under this section or section 3319.222 or under former 48671
section 3319.22 of the Revised Code; 48672

(c) Meet the criteria for the accomplished or distinguished 48673
level of performance, as described in the standards for teachers 48674
adopted by the state board under section 3319.61 of the Revised 48675
Code. 48676

(4) An applicant for a lead professional educator license 48677
shall: 48678

(a) Hold at least a master's degree from an institution of 48679
higher education accredited by a regional accrediting 48680
organization; 48681

(b) Have previously held a professional educator license or a 48682
senior professional educator license issued under this section or 48683
a professional educator license issued under section 3319.222 or 48684
former section 3319.22 of the Revised Code; 48685

(c) Meet the criteria for the distinguished level of 48686
performance, as described in the standards for teachers adopted by 48687
the state board under section 3319.61 of the Revised Code; 48688

(d) Either hold a valid certificate issued by the national 48689

board for professional teaching standards or meet the criteria for 48690
a master teacher or other criteria for a lead teacher adopted by 48691
the educator standards board under division (F)(4) or (5) of 48692
section 3319.61 of the Revised Code. 48693

(C) The state board shall align the standards and 48694
qualifications for obtaining a principal license with the 48695
standards for principals adopted by the state board under section 48696
3319.61 of the Revised Code. 48697

(D) If the state board requires any examinations for educator 48698
licensure, the department of education shall provide the results 48699
of such examinations received by the department to the chancellor 48700
of ~~the Ohio board of regents~~ higher education, in the manner and 48701
to the extent permitted by state and federal law. 48702

(E) Any rules the state board of education adopts, amends, or 48703
rescinds for educator licenses under this section, division (D) of 48704
section 3301.07 of the Revised Code, or any other law shall be 48705
adopted, amended, or rescinded under Chapter 119. of the Revised 48706
Code except as follows: 48707

(1) Notwithstanding division (E) of section 119.03 and 48708
division (A)(1) of section 119.04 of the Revised Code, in the case 48709
of the adoption of any rule or the amendment or rescission of any 48710
rule that necessitates institutions' offering preparation programs 48711
for educators and other school personnel that are approved by the 48712
chancellor of ~~the Ohio board of regents~~ higher education under 48713
section 3333.048 of the Revised Code to revise the curriculum of 48714
those programs, the effective date shall not be as prescribed in 48715
division (E) of section 119.03 and division (A)(1) of section 48716
119.04 of the Revised Code. Instead, the effective date of such 48717
rules, or the amendment or rescission of such rules, shall be the 48718
date prescribed by section 3333.048 of the Revised Code. 48719

(2) Notwithstanding the authority to adopt, amend, or rescind 48720

emergency rules in division (G) of section 119.03 of the Revised Code, this authority shall not apply to the state board of education with regard to rules for educator licenses.

(F)(1) The rules adopted under this section establishing standards requiring additional coursework for the renewal of any educator license shall require a school district and a chartered nonpublic school to establish local professional development committees. In a nonpublic school, the chief administrative officer shall establish the committees in any manner acceptable to such officer. The committees established under this division shall determine whether coursework that a district or chartered nonpublic school teacher proposes to complete meets the requirement of the rules. The department of education shall provide technical assistance and support to committees as the committees incorporate the professional development standards adopted by the state board of education pursuant to section 3319.61 of the Revised Code into their review of coursework that is appropriate for license renewal. The rules shall establish a procedure by which a teacher may appeal the decision of a local professional development committee.

(2) In any school district in which there is no exclusive representative established under Chapter 4117. of the Revised Code, the professional development committees shall be established as described in division (F)(2) of this section.

Not later than the effective date of the rules adopted under this section, the board of education of each school district shall establish the structure for one or more local professional development committees to be operated by such school district. The committee structure so established by a district board shall remain in effect unless within thirty days prior to an anniversary of the date upon which the current committee structure was established, the board provides notice to all affected district

employees that the committee structure is to be modified. 48753
Professional development committees may have a district-level or 48754
building-level scope of operations, and may be established with 48755
regard to particular grade or age levels for which an educator 48756
license is designated. 48757

Each professional development committee shall consist of at 48758
least three classroom teachers employed by the district, one 48759
principal employed by the district, and one other employee of the 48760
district appointed by the district superintendent. For committees 48761
with a building-level scope, the teacher and principal members 48762
shall be assigned to that building, and the teacher members shall 48763
be elected by majority vote of the classroom teachers assigned to 48764
that building. For committees with a district-level scope, the 48765
teacher members shall be elected by majority vote of the classroom 48766
teachers of the district, and the principal member shall be 48767
elected by a majority vote of the principals of the district, 48768
unless there are two or fewer principals employed by the district, 48769
in which case the one or two principals employed shall serve on 48770
the committee. If a committee has a particular grade or age level 48771
scope, the teacher members shall be licensed to teach such grade 48772
or age levels, and shall be elected by majority vote of the 48773
classroom teachers holding such a license and the principal shall 48774
be elected by all principals serving in buildings where any such 48775
teachers serve. The district superintendent shall appoint a 48776
replacement to fill any vacancy that occurs on a professional 48777
development committee, except in the case of vacancies among the 48778
elected classroom teacher members, which shall be filled by vote 48779
of the remaining members of the committee so selected. 48780

Terms of office on professional development committees shall 48781
be prescribed by the district board establishing the committees. 48782
The conduct of elections for members of professional development 48783
committees shall be prescribed by the district board establishing 48784

the committees. A professional development committee may include 48785
additional members, except that the majority of members on each 48786
such committee shall be classroom teachers employed by the 48787
district. Any member appointed to fill a vacancy occurring prior 48788
to the expiration date of the term for which a predecessor was 48789
appointed shall hold office as a member for the remainder of that 48790
term. 48791

The initial meeting of any professional development 48792
committee, upon election and appointment of all committee members, 48793
shall be called by a member designated by the district 48794
superintendent. At this initial meeting, the committee shall 48795
select a chairperson and such other officers the committee deems 48796
necessary, and shall adopt rules for the conduct of its meetings. 48797
Thereafter, the committee shall meet at the call of the 48798
chairperson or upon the filing of a petition with the district 48799
superintendent signed by a majority of the committee members 48800
calling for the committee to meet. 48801

(3) In the case of a school district in which an exclusive 48802
representative has been established pursuant to Chapter 4117. of 48803
the Revised Code, professional development committees shall be 48804
established in accordance with any collective bargaining agreement 48805
in effect in the district that includes provisions for such 48806
committees. 48807

If the collective bargaining agreement does not specify a 48808
different method for the selection of teacher members of the 48809
committees, the exclusive representative of the district's 48810
teachers shall select the teacher members. 48811

If the collective bargaining agreement does not specify a 48812
different structure for the committees, the board of education of 48813
the school district shall establish the structure, including the 48814
number of committees and the number of teacher and administrative 48815
members on each committee; the specific administrative members to 48816

be part of each committee; whether the scope of the committees 48817
will be district levels, building levels, or by type of grade or 48818
age levels for which educator licenses are designated; the lengths 48819
of terms for members; the manner of filling vacancies on the 48820
committees; and the frequency and time and place of meetings. 48821
However, in all cases, except as provided in division (F)(4) of 48822
this section, there shall be a majority of teacher members of any 48823
professional development committee, there shall be at least five 48824
total members of any professional development committee, and the 48825
exclusive representative shall designate replacement members in 48826
the case of vacancies among teacher members, unless the collective 48827
bargaining agreement specifies a different method of selecting 48828
such replacements. 48829

(4) Whenever an administrator's coursework plan is being 48830
discussed or voted upon, the local professional development 48831
committee shall, at the request of one of its administrative 48832
members, cause a majority of the committee to consist of 48833
administrative members by reducing the number of teacher members 48834
voting on the plan. 48835

(G)(1) The department of education, educational service 48836
centers, county boards of developmental disabilities, regional 48837
professional development centers, special education regional 48838
resource centers, college and university departments of education, 48839
head start programs, and the Ohio education computer network may 48840
establish local professional development committees to determine 48841
whether the coursework proposed by their employees who are 48842
licensed or certificated under this section or section 3319.222 of 48843
the Revised Code, or under the former version of either section as 48844
it existed prior to October 16, 2009, meet the requirements of the 48845
rules adopted under this section. They may establish local 48846
professional development committees on their own or in 48847
collaboration with a school district or other agency having 48848

authority to establish them. 48849

Local professional development committees established by 48850
county boards of developmental disabilities shall be structured in 48851
a manner comparable to the structures prescribed for school 48852
districts in divisions (F)(2) and (3) of this section, as shall 48853
the committees established by any other entity specified in 48854
division (G)(1) of this section that provides educational services 48855
by employing or contracting for services of classroom teachers 48856
licensed or certificated under this section or section 3319.222 of 48857
the Revised Code, or under the former version of either section as 48858
it existed prior to October 16, 2009. All other entities specified 48859
in division (G)(1) of this section shall structure their 48860
committees in accordance with guidelines which shall be issued by 48861
the state board. 48862

(2) Any public agency that is not specified in division 48863
(G)(1) of this section but provides educational services and 48864
employs or contracts for services of classroom teachers licensed 48865
or certificated under this section or section 3319.222 of the 48866
Revised Code, or under the former version of either section as it 48867
existed prior to October 16, 2009, may establish a local 48868
professional development committee, subject to the approval of the 48869
department of education. The committee shall be structured in 48870
accordance with guidelines issued by the state board. 48871

(H) Not later than July 1, 2016, the state board, in 48872
accordance with Chapter 119. of the Revised Code, shall adopt 48873
rules pursuant to division (A)(3) of this section that do both of 48874
the following: 48875

(1) Exempt consistently high-performing teachers from the 48876
requirement to complete any additional coursework for the renewal 48877
of an educator license issued under this section or section 48878
3319.26 of the Revised Code. The rules also shall specify that 48879
such teachers are exempt from any requirements prescribed by 48880

professional development committees established under divisions 48881
(F) and (G) of this section. 48882

(2) For purposes of division (H)(1) of this section, the 48883
state board shall define the term "consistently high-performing 48884
teacher." 48885

Sec. 3319.223. (A) Not later than January 1, 2011, the 48886
superintendent of public instruction and the chancellor of ~~the~~ 48887
~~Ohio board of regents~~ higher education jointly shall establish the 48888
Ohio teacher residency program, which shall be a four-year, 48889
entry-level program for classroom teachers. The teacher residency 48890
program shall include at least the following components: 48891

(1) Mentoring by teachers ~~who hold a lead professional~~ 48892
~~educator license issued under section 3319.22 of the Revised Code~~ 48893
for the first two years of the program; 48894

(2) Counseling, as determined necessary by the school 48895
district or school, to ensure that program participants receive 48896
needed professional development; 48897

(3) Measures of appropriate progression through the program, 48898
which shall include the performance-based assessment prescribed by 48899
the state board of education for resident educators in the third 48900
year of the program. 48901

An individual who is teaching career-technical courses under 48902
an alternative resident educator license issued under section 48903
3319.26 of the Revised Code shall not be required to complete the 48904
conditions of the Ohio teacher residency program that a 48905
participant, as of the effective date of this amendment, would 48906
have been required to complete during the participant's first and 48907
second year of teaching under an alternative resident educator 48908
license. Such an individual shall complete all the conditions 48909
that, as of the effective date of this amendment, were necessary 48910

for a participant in the third and fourth year of the program 48911
prior to applying for a professional educator license under 48912
division (A)(2) of section 3319.22 of the Revised Code. 48913

(B) The teacher residency program shall be aligned with the 48914
standards for teachers adopted by the state board ~~of education~~ 48915
under section 3319.61 of the Revised Code and best practices 48916
identified by the superintendent of public instruction. 48917

(C) Each person who holds a resident educator license issued 48918
under section 3319.22 or 3319.227 of the Revised Code or an 48919
alternative resident educator license issued under section 3319.26 48920
of the Revised Code shall participate in the teacher residency 48921
program. Successful completion of the program shall be required to 48922
qualify any such person for a professional educator license issued 48923
under section 3319.22 of the Revised Code. 48924

Sec. 3319.271. (A) As used in this section, the "bright new 48925
leaders for Ohio schools program" means the program created and 48926
implemented by the nonprofit corporation incorporated pursuant to 48927
Section 733.40 of Am. Sub. H.B. 59 of the 130th general assembly 48928
to provide an alternative path for individuals to receive training 48929
and development in the administration of primary and secondary 48930
education and leadership, enable those individuals to earn degrees 48931
and obtain licenses in public school administration, and promote 48932
the placement of those individuals in public schools that have a 48933
poverty percentage greater than fifty per cent. 48934

(B) The state board of education shall issue an alternative 48935
principal license or an alternative administrator license, as 48936
applicable, to an individual who successfully completes the bright 48937
new leaders for Ohio schools program and satisfies the 48938
requirements in rules adopted by the state board under division 48939
(C) of this section. 48940

(C) The state board, in consultation with the board of 48941

directors of the bright new leaders for Ohio schools program, 48942
shall adopt rules that prescribe the requirements for obtaining an 48943
alternative principal license or an alternative administrator 48944
license under this section. The state board shall use the rules 48945
adopted under section 3319.27 of the Revised Code as guidance in 48946
developing the rules adopted under this division. 48947

Sec. 3319.303. (A) The state board of education shall adopt 48948
rules establishing standards and requirements for obtaining a 48949
pupil-activity program permit for any individual who does not hold 48950
a valid educator license, certificate, or permit issued by the 48951
state board under section 3319.22, 3319.26, or 3319.27 of the 48952
Revised Code. The permit issued under this section shall be valid 48953
for coaching, supervising, or directing a pupil-activity program 48954
under section 3313.53 of the Revised Code. Subject to the 48955
provisions of section 3319.31 of the Revised Code, a permit issued 48956
under this ~~section~~ division shall be valid for three years and 48957
shall be renewable. 48958

(B) The state board shall adopt rules applicable to 48959
individuals who hold valid educator licenses, certificates, or 48960
permits issued by the state board under section 3319.22, 3319.26, 48961
or 3319.27 of the Revised Code setting forth standards to assure 48962
any such individual's competence to direct, supervise, or coach a 48963
pupil-activity program described in section 3313.53 of the Revised 48964
Code. The rules adopted under this division shall not be more 48965
stringent than the standards set forth in rules applicable to 48966
individuals who do not hold such licenses, certificates, or 48967
permits adopted under division (A) of this section. Subject to the 48968
provisions of section 3319.31 of the Revised Code, a permit issued 48969
to an individual under this division shall be valid for the same 48970
number of years as the individual's educator license, certificate, 48971
or permit issued under section 3319.22, 3319.26, or 3319.27 of the 48972
Revised Code and shall be renewable. 48973

(C) As a condition to issuing or renewing a pupil-activity program permit to coach interscholastic athletics: 48974
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(1) The state board shall require each individual applying for a first permit on or after April 26, 2013, to successfully complete a training program that is specifically focused on brain trauma and brain injury management. 48976
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(2) The state board shall require each individual applying for a permit renewal on or after that date to present evidence that the individual has successfully completed, within the previous three years, a training program in recognizing the symptoms of concussions and head injuries to which the department of health has provided a link on its internet web site under section 3707.52 of the Revised Code or a training program authorized and required by an organization that regulates interscholastic athletic competition and conducts interscholastic athletic events. 48980
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Sec. 3319.51. (A)(1) The state board of education shall annually establish the amount of the fees required to be paid for any license, certificate, or permit issued under this chapter or division (B) of section 3301.071 or section 3301.074 of the Revised Code. ~~The~~ Except as provided in division (A)(2) of this section, the amount of these fees shall be such that they, along with any appropriation made to the fund established under division (B) of this section, will be sufficient to cover the annual estimated cost of administering the requirements described under division (B) of this section. 48990
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(2) The state board shall not require any fee to be paid under division (A)(1) of this section for a license, certificate, or permit issued for the purpose of teaching in a junior reserve officer training corps (JROTC) program approved by the congress of the United States under title 10 of the United States Code. 49000
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(B) There is hereby established in the state treasury the state board of education licensure fund, which shall be used by the state board of education solely to pay the cost of administering requirements related to the issuance and renewal of licenses, certificates, and permits described in this chapter and sections 3301.071 and 3301.074 of the Revised Code. The fund shall consist of the amounts paid into the fund pursuant to division (B) of section 3301.071 and sections 3301.074 and 3319.29 of the Revised Code and any appropriations to the fund by the general assembly.

Sec. 3319.61. (A) The educator standards board, in consultation with the chancellor of ~~the Ohio board of regents~~ higher education, shall do all of the following:

(1) Develop state standards for teachers and principals that reflect what teachers and principals are expected to know and be able to do at all stages of their careers. These standards shall be aligned with the statewide academic content standards for students adopted pursuant to section 3301.079 of the Revised Code, be primarily based on educator performance instead of years of experience or certain courses completed, and rely on evidence-based factors. These standards shall also be aligned with the operating standards adopted under division (D)(3) of section 3301.07 of the Revised Code.

(a) The standards for teachers shall reflect the following additional criteria:

(i) Alignment with the interstate new teacher assessment and support consortium standards;

(ii) Differentiation among novice, experienced, and advanced teachers;

(iii) Reliance on competencies that can be measured;

(iv) Reliance on content knowledge, teaching skills,	49035
discipline-specific teaching methods, and requirements for	49036
professional development;	49037
(v) Alignment with a career-long system of professional	49038
development and evaluation that ensures teachers receive the	49039
support and training needed to achieve the teaching standards as	49040
well as reliable feedback about how well they meet the standards;	49041
(vi) The standards under section 3301.079 of the Revised	49042
Code, including standards on collaborative learning environments	49043
and interdisciplinary, project-based, real-world learning and	49044
differentiated instruction;	49045
(vii) The Ohio leadership framework.	49046
(b) The standards for principals shall be aligned with the	49047
interstate school leaders licensing consortium standards.	49048
(2) Develop standards for school district superintendents	49049
that reflect what superintendents are expected to know and be able	49050
to do at all stages of their careers. The standards shall reflect	49051
knowledge of systems theory and effective management principles	49052
and be aligned with the buckeye association of school	49053
administrators standards and the operating standards developed	49054
under division (D)(3) of section 3301.07 of the Revised Code.	49055
(3) Develop standards for school district treasurers and	49056
business managers that reflect what treasurers and business	49057
managers are expected to know and be able to do at all stages of	49058
their careers. The standards shall reflect knowledge of systems	49059
theory and effective management principles and be aligned with the	49060
association of school business officials international standards	49061
and the operating standards developed under division (D)(3) of	49062
section 3301.07 of the Revised Code.	49063
(4) Develop standards for the renewal of licenses under	49064
sections 3301.074 and 3319.22 of the Revised Code;	49065

(5) Develop standards for educator professional development;	49066
(6) Investigate and make recommendations for the creation, expansion, and implementation of school building and school district leadership academies;	49067 49068 49069
<u>(7) Develop standards for school counselors that reflect what school counselors are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of academic, personal, and social counseling for students and effective principles to implement an effective school counseling program. The standards also shall reflect Ohio-specific knowledge of career counseling for students and education options that provide flexibility for earning credit, such as earning units of high school credit using the methods adopted by the state board of education under division (J) of section 3313.603 of the Revised Code and earning college credit through the college credit plus program established under Chapter 3365. of the Revised Code. The standards shall align with the American school counselor association's professional standards and the operating standards developed under division (D)(3) of section 3301.07 of the Revised Code.</u>	49070 49071 49072 49073 49074 49075 49076 49077 49078 49079 49080 49081 49082 49083 49084 49085
The superintendent of public instruction, the chancellor of the Ohio board of regents <u>higher education</u> , or the education standards board itself may request that the educator standards board update, review, or reconsider any standards developed under this section.	49086 49087 49088 49089 49090
(B) The educator standards board shall incorporate indicators of cultural competency into the standards developed under division (A) of this section. For this purpose, the educator standards board shall develop a definition of cultural competency based upon content and experiences that enable educators to know, understand, and appreciate the students, families, and communities that they serve and skills for addressing cultural diversity in ways that	49091 49092 49093 49094 49095 49096 49097

respond equitably and appropriately to the cultural needs of 49098
individual students. 49099

(C) In developing the standards under division (A) of this 49100
section, the educator standards board shall consider the impact of 49101
the standards on closing the achievement gap between students of 49102
different subgroups. 49103

(D) In developing the standards under division (A) of this 49104
section, the educator standards board shall ensure both of the 49105
following: 49106

(1) That teachers have sufficient knowledge to provide 49107
appropriate instruction for students identified as gifted pursuant 49108
to Chapter 3324. of the Revised Code and to assist in the 49109
identification of such students, and have sufficient knowledge 49110
that will enable teachers to provide learning opportunities for 49111
all children to succeed; 49112

(2) That principals, superintendents, school treasurers, and 49113
school business managers have sufficient knowledge to provide 49114
principled, collaborative, foresighted, and data-based leadership 49115
that will provide learning opportunities for all children to 49116
succeed. 49117

(E) The standards for educator professional development 49118
developed under division (A)(5) of this section shall include the 49119
following: 49120

(1) Standards for the inclusion of local professional 49121
development committees established under section 3319.22 of the 49122
Revised Code in the planning and design of professional 49123
development; 49124

(2) Standards that address the crucial link between academic 49125
achievement and mental health issues. 49126

(F) The educator standards board shall also perform the 49127

following functions:	49128
(1) Monitor compliance with the standards developed under	49129
division (A) of this section and make recommendations to the state	49130
board of education for appropriate corrective action if such	49131
standards are not met;	49132
(2) Research, develop, and recommend policies on the	49133
professions of teaching and school administration;	49134
(3) Recommend policies to close the achievement gap between	49135
students of different subgroups;	49136
(4) Define a "master teacher" in a manner that can be used	49137
uniformly by all school districts;	49138
(5) Adopt criteria that a candidate for a lead professional	49139
educator license under section 3319.22 of the Revised Code who	49140
does not hold a valid certificate issued by the national board for	49141
professional teaching standards must meet to be considered a lead	49142
teacher for purposes of division (B)(4)(d) of that section. It is	49143
the intent of the general assembly that the educator standards	49144
board shall adopt multiple, equal-weighted criteria to use in	49145
determining whether a person is a lead teacher. The criteria shall	49146
be in addition to the other standards and qualifications	49147
prescribed in division (B)(4) of section 3319.22 of the Revised	49148
Code. The criteria may include, but shall not be limited to,	49149
completion of educational levels beyond a master's degree or other	49150
professional development courses or demonstration of a leadership	49151
role in the teacher's school building or district. The board shall	49152
determine the number of criteria that a teacher shall satisfy to	49153
be recognized as a lead teacher, which shall not be the total	49154
number of criteria adopted by the board.	49155
(6) Develop model teacher and principal evaluation	49156
instruments and processes. The models shall be based on the	49157
standards developed under division (A) of this section.	49158

(7) Develop a method of measuring the academic improvement 49159
made by individual students during a one-year period and make 49160
recommendations for incorporating the measurement as one of 49161
multiple evaluation criteria into each of the following: 49162

(a) Eligibility for a professional educator license, senior 49163
professional educator license, lead professional educator license, 49164
or principal license issued under section 3319.22 of the Revised 49165
Code; 49166

(b) The Ohio teacher residency program established under 49167
section 3319.223 of the Revised Code; 49168

(c) The model teacher and principal evaluation instruments 49169
and processes developed under division (F)(6) of this section. 49170

(G) The educator standards board shall submit recommendations 49171
of standards developed under division (A) of this section to the 49172
state board of education not later than September 1, 2010. The 49173
state board of education shall review those recommendations at the 49174
state board's regular meeting that next succeeds the date that the 49175
recommendations are submitted to the state board. At that meeting, 49176
the state board of education shall vote to either adopt standards 49177
based on those recommendations or request that the educator 49178
standards board reconsider its recommendations. The state board of 49179
education shall articulate reasons for requesting reconsideration 49180
of the recommendations but shall not direct the content of the 49181
recommendations. The educator standards board shall reconsider its 49182
recommendations if the state board of education so requests, may 49183
revise the recommendations, and shall resubmit the 49184
recommendations, whether revised or not, to the state board not 49185
later than two weeks prior to the state board's regular meeting 49186
that next succeeds the meeting at which the state board requested 49187
reconsideration of the initial recommendations. The state board of 49188
education shall review the recommendations as resubmitted by the 49189
educator standards board at the state board's regular meeting that 49190

next succeeds the meeting at which the state board requested 49191
reconsideration of the initial recommendations and may adopt the 49192
standards as resubmitted or, if the resubmitted standards have not 49193
addressed the state board's concerns, the state board may modify 49194
the standards prior to adopting them. The final responsibility to 49195
determine whether to adopt standards as described in division (A) 49196
of this section and the content of those standards, if adopted, 49197
belongs solely to the state board of education. 49198

Sec. 3319.67. (A) The state board of education may establish 49199
an annual teacher of the year recognition program for outstanding 49200
teachers. 49201

(B) Notwithstanding division (A) of section 2921.43 of the 49202
Revised Code, a person or entity may make a voluntary contribution 49203
to the recognition program described in division (A) of this 49204
section. 49205

(C) Notwithstanding division (A) of section 2921.43 of the 49206
Revised Code, a teacher who is recognized as a teacher of the year 49207
by the recognition program described in division (A) of this 49208
section may accept gifts and privileges as part of the recognition 49209
program. 49210

Sec. 3323.13. (A) If a child who is a school resident of one 49211
school district receives special education from another district, 49212
the board of education of the district providing the education, 49213
subject to division (C) of this section, may require the payment 49214
by the board of education of the district of residence of a sum 49215
not to exceed one of the following, as applicable: 49216

(1) For any child except a preschool child with a disability 49217
described in division (A)(2) of this section, the tuition of the 49218
district providing the education for a child of normal needs of 49219
the same school grade. The determination of the amount of such 49220

tuition shall be in the manner provided for by division (A) of 49221
section 3317.08 of the Revised Code. 49222

(2) For any preschool child with a disability, the tuition of 49223
the district providing the education for the child as calculated 49224
under division (B) of section 3317.08 of the Revised Code, 49225
~~multiplied by 0.50.~~ 49226

(B) The board of the district of residence may contract with 49227
the board of another district for the transportation of such child 49228
into any school in such other district, on terms agreed upon by 49229
such boards. Upon direction of the state board of education, the 49230
board of the district of residence shall pay for the child's 49231
transportation and the tuition. 49232

(C) The board of education of a district providing the 49233
education for a child shall be entitled to require payment from 49234
the district of residence under this section or section 3323.14 of 49235
the Revised Code only if the district providing the education has 49236
done at least one of the following: 49237

(1) Invited the district of residence to send representatives 49238
to attend the meetings of the team developing the child's 49239
individualized education program; 49240

(2) Received from the district of residence a copy of the 49241
individualized education program or a multifactored evaluation 49242
developed for the child by the district of residence; 49243

(3) Informed the district of residence in writing that the 49244
district is providing the education for the child. 49245

As used in division (C)(2) of this section, "multifactored 49246
evaluation" means an evaluation, conducted by a multidisciplinary 49247
team, of more than one area of the child's functioning so that no 49248
single procedure shall be the sole criterion for determining an 49249
appropriate educational program placement for the child. 49250

Sec. 3326.10. Each science, technology, engineering, and 49251
mathematics school shall adopt admission procedures that specify 49252
the following: 49253

(A)(1) Admission shall be open to individuals entitled and 49254
eligible to attend school pursuant to section 3313.64 or 3313.65 49255
of the Revised Code in a school district in the state. 49256

~~(2) Students who are not residents of Ohio shall not be 49257
permitted to enroll in a science, technology, engineering, and 49258
mathematics school~~ (a) Admission may be open on a tuition basis to 49259
individuals who are not residents of this state. The school shall 49260
not receive state funds under sections 3326.33 to 3326.51 of the 49261
Revised Code for any student who is not a resident of this state. 49262

(b) The school shall charge tuition for a student who is not 49263
a resident of this state in an amount equal to the amount 49264
calculated by the department of education under section 3326.101 49265
of the Revised Code. 49266

(B) There will be no discrimination in the admission of 49267
students to the school on the basis of race, creed, color, 49268
disability, or sex. 49269

(C) The school will comply with all federal and state laws 49270
regarding the education of students with disabilities. 49271

(D) Unless the school serves only students identified as 49272
gifted under Chapter 3324. of the Revised Code, the school will 49273
not limit admission to students on the basis of intellectual 49274
ability, measures of achievement or aptitude, or athletic or 49275
artistic ability. 49276

(E) The school will assert its best effort to attract a 49277
diverse student body that reflects the community, and the school 49278
will recruit students from disadvantaged and underrepresented 49279
groups. 49280

Sec. 3326.101. For each student who is not a resident of this 49281
state and is enrolled in a science, technology, engineering, and 49282
mathematics school under division (A)(2) of section 3326.10 of the 49283
Revised Code, the department of education shall calculate the 49284
amount that the school would have received for that student under 49285
section 3326.33 of the Revised Code if that student were a 49286
resident of this state. The department shall not pay that amount 49287
to the school, but the school shall charge that amount to the 49288
student as tuition. 49289

Sec. 3326.11. Each science, technology, engineering, and 49290
mathematics school established under this chapter and its 49291
governing body shall comply with sections 9.90, 9.91, 109.65, 49292
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 49293
3301.0714, 3301.0715, 3301.948, 3313.14, 3313.15, 3313.16, 49294
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 49295
3313.50, 3313.536, 3313.539, 3313.608, 3313.6012, 3313.6013, 49296
3313.6014, 3313.6015, 3313.6020, 3313.61, 3313.611, 3313.614, 49297
3313.615, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 49298
3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 49299
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 49300
3313.7112, 3317.721, 3313.80, 3313.801, 3313.814, 3313.816, 49301
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 49302
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 49303
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 49304
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 49305
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 49306
4123., 4141., and 4167. of the Revised Code as if it were a school 49307
district. 49308

Sec. 3326.32. Each science, technology, engineering, and 49309
mathematics school shall report to the department of education, in 49310

the form and manner required by the department, all of the 49311
following information: 49312

(A) The total number of students enrolled in the school who 49313
are residents of this state; 49314

(B) The number of students reported under division (A) of 49315
this section who are receiving special education and related 49316
services pursuant to an IEP; 49317

(C) For each student reported under division (B) of this 49318
section, which category specified in divisions (A) to (F) of 49319
section 3317.013 of the Revised Code applies to the student; 49320

(D) The full-time equivalent number of students reported 49321
under division (A) of this section who are enrolled in 49322
career-technical education programs or classes described in each 49323
of divisions (A), (B), (C), (D), and (E) of section 3317.014 of 49324
the Revised Code that are provided by the STEM school; 49325

(E) The number of students reported under division (A) of 49326
this section who are limited English proficient students and which 49327
category specified in divisions (A) to (C) of section 3317.016 of 49328
the Revised Code applies to each student; 49329

(F) The number of students reported under division (A) of 49330
this section who are economically disadvantaged, as defined by the 49331
department. A student shall not be categorically excluded from the 49332
number reported under division (F) of this section based on 49333
anything other than family income. 49334

(G) The resident district of each student reported under 49335
division (A) of this section; 49336

(H) The total number of students enrolled in the school who 49337
are not residents of this state and any additional information 49338
regarding these students that the department requires the school 49339
to report. The school shall not receive any payments under this 49340

<u>chapter for students reported under this division.</u>	49341
(I) Any additional information the department determines necessary to make payments under this chapter.	49342 49343
Sec. 3326.33. For each student enrolled in a science, technology, engineering, and mathematics school established under this chapter, on a full-time equivalency basis, the department of education annually shall deduct from the state education aid of a student's resident school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code and pay to the school the sum of the following:	49344 49345 49346 49347 49348 49349 49350
(A) An opportunity grant in an amount equal to the formula amount;	49351 49352
(B) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;	49353 49354 49355 49356
(C) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:	49357 49358 49359
(1) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;	49360 49361 49362
(2) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;	49363 49364 49365
(3) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	49366 49367 49368
(4) If the student is a category four special education student, the amount specified in division (D) of section 3317.013	49369 49370

of the Revised Code;	49371
(5) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	49372 49373 49374
(6) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	49375 49376 49377
(D) If the student is in kindergarten through third grade, \$211 <u>\$305</u> , in fiscal year 2014 <u>2016</u> , or \$290 <u>\$320</u> , in fiscal year 2015 <u>2017</u> ;	49378 49379 49380
(E) If the student is economically disadvantaged, an amount equal to the following:	49381 49382
(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X (the resident district's economically disadvantaged index)	49383 49384
(F) Limited English proficiency funds, as follows:	49385
(1) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	49386 49387 49388
(2) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	49389 49390 49391
(3) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	49392 49393 49394
(G) Career-technical education funds as follows:	49395
(1) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	49396 49397 49398
(2) If the student is a category two career-technical education student, the amount specified in division (B) of section	49399 49400

3317.014 of the Revised Code;	49401
(3) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	49402 49403 49404
(4) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	49405 49406 49407
(5) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	49408 49409 49410
Deduction and payment of funds under division (G) of this section is subject to approval under section 3317.161 of the Revised Code.	49411 49412 49413
<u>Sec. 3326.41. (A) For purposes of this section:</u>	49414
<u>(1) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.</u>	49415 49416
<u>(2) "Four-year adjusted cohort graduation rate" has the same meaning as in section 3302.01 of the Revised Code.</u>	49417 49418
<u>(B) In addition to the payments made under section 3326.33 of the Revised Code, the department of education shall annually pay to each science, technology, engineering, and mathematics school a graduation bonus calculated according to the following formula:</u> <u>The school's four-year adjusted cohort graduation rate on its most recent report card issued by the department under section 3302.03 of the Revised Code X 0.05 X the formula amount X the number of the school's graduates reported to the department, in accordance with the guidelines adopted under section 3301.0714 of the Revised Code, for the same school year for which the most recent report card was issued</u>	49419 49420 49421 49422 49423 49424 49425 49426 49427 49428 49429

Sec. 3326.50. A Except as provided in division (A)(2) of 49430
section 3326.10 of the Revised Code, a science, technology, 49431
engineering, and mathematics school shall not charge tuition for 49432
any student enrolled in the school. 49433

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 49434
and division (D) of section 3311.52 of the Revised Code, this 49435
section and sections 3327.011, 3327.012, and 3327.02 of the 49436
Revised Code do not apply to any joint vocational or cooperative 49437
education school district. 49438

In all city, local, and exempted village school districts 49439
where resident school pupils in grades kindergarten through eight 49440
live more than two miles from the school for which the state board 49441
of education prescribes minimum standards pursuant to division (D) 49442
of section 3301.07 of the Revised Code and to which they are 49443
assigned by the board of education of the district of residence or 49444
to and from the nonpublic or community school which they attend, 49445
the board of education shall provide transportation for such 49446
pupils to and from that school except as provided in section 49447
3327.02 of the Revised Code. 49448

In all city, local, and exempted village school districts 49449
where pupil transportation is required under a career-technical 49450
plan approved by the state board of education under section 49451
3313.90 of the Revised Code, for any student attending a 49452
career-technical program operated by another school district, 49453
including a joint vocational school district, as prescribed under 49454
that section, the board of education of the student's district of 49455
residence shall provide transportation from the public high school 49456
operated by that district to which the student is assigned to the 49457
career-technical program. 49458

In all city, local, and exempted village school districts, 49459

the board may provide transportation for resident school pupils in 49460
grades nine through twelve to and from the high school to which 49461
they are assigned by the board of education of the district of 49462
residence or to and from the nonpublic or community high school 49463
which they attend for which the state board of education 49464
prescribes minimum standards pursuant to division (D) of section 49465
3301.07 of the Revised Code. 49466

A board of education shall not be required to transport 49467
elementary or high school pupils to and from a nonpublic or 49468
community school where such transportation would require more than 49469
thirty minutes of direct travel time as measured by school bus 49470
from the public school building to which the pupils would be 49471
assigned if attending the public school designated by the district 49472
of residence. 49473

Where it is impractical to transport a pupil by school 49474
conveyance, a board of education may offer payment, in lieu of 49475
providing such transportation in accordance with section 3327.02 49476
of the Revised Code. 49477

A board of education shall not be required to transport 49478
elementary or high school pupils to and from a nonpublic or 49479
community school on Saturday or Sunday, unless a board of 49480
education and a nonpublic or community school have an agreement in 49481
place to do so before the first day of July 1, 2014 of the school 49482
year in which the agreement takes effect. 49483

In all city, local, and exempted village school districts, 49484
the board shall provide transportation for all children who are so 49485
disabled that they are unable to walk to and from the school for 49486
which the state board of education prescribes minimum standards 49487
pursuant to division (D) of section 3301.07 of the Revised Code 49488
and which they attend. In case of dispute whether the child is 49489
able to walk to and from the school, the health commissioner shall 49490
be the judge of such ability. In all city, exempted village, and 49491

local school districts, the board shall provide transportation to 49492
and from school or special education classes for mentally disabled 49493
children in accordance with standards adopted by the state board 49494
of education. 49495

When transportation of pupils is provided the conveyance 49496
shall be run on a time schedule that shall be adopted and put in 49497
force by the board not later than ten days after the beginning of 49498
the school term. 49499

The cost of any transportation service authorized by this 49500
section shall be paid first out of federal funds, if any, 49501
available for the purpose of pupil transportation, and secondly 49502
out of state appropriations, in accordance with regulations 49503
adopted by the state board of education. 49504

No transportation of any pupils shall be provided by any 49505
board of education to or from any school which in the selection of 49506
pupils, faculty members, or employees, practices discrimination 49507
against any person on the grounds of race, color, religion, or 49508
national origin. 49509

Sec. 3327.02. (A) After considering each of the following 49510
factors, the board of education of a city, exempted village, or 49511
local school district, or a community school governing authority 49512
providing transportation pursuant to section 3314.091 of the 49513
Revised Code, may determine that it is impractical to transport a 49514
pupil who is eligible for transportation to and from a school 49515
under section 3327.01 of the Revised Code: 49516

(1) The time and distance required to provide the 49517
transportation; 49518

(2) The number of pupils to be transported; 49519

(3) The cost of providing transportation in terms of 49520
equipment, maintenance, personnel, and administration; 49521

(4) Whether similar or equivalent service is provided to 49522
other pupils eligible for transportation; 49523

(5) Whether and to what extent the additional service 49524
unavoidably disrupts current transportation schedules; 49525

(6) Whether other reimbursable types of transportation are 49526
available. 49527

(B)~~(1)~~ Based on its consideration of the factors established 49528
in division (A) of this section, the board or governing authority 49529
may pass a resolution declaring the impracticality of 49530
transportation. The resolution shall include each pupil's name and 49531
the reason for impracticality. 49532

~~(2)~~ The board or governing authority shall report its 49533
determination to the state board of education in a manner 49534
determined by the state board. 49535

~~(3) The board of education of a local school district 49536
additionally shall submit the resolution for concurrence to the 49537
educational service center that contains the local district's 49538
territory. If the educational service center governing board 49539
considers transportation by school conveyance practicable, it 49540
shall so inform the local board and transportation shall be 49541
provided by such local board. If the educational service center 49542
board agrees with the view of the local board, the local board may 49543
offer payment in lieu of transportation as provided in this 49544
section. 49545~~

(C) After passing the resolution declaring the impracticality 49546
of transportation, the district board or governing authority shall 49547
offer to provide payment in lieu of transportation by doing the 49548
following: 49549

(1) In accordance with guidelines established by the 49550
department of education, informing the pupil's parent, guardian, 49551
or other person in charge of the pupil of both of the following: 49552

(a) The ~~board's~~ resolution; 49553

(b) The right of the pupil's parent, guardian, or other 49554
person in charge of the pupil to accept the offer of payment in 49555
lieu of transportation or to reject the offer and instead request 49556
the department to initiate mediation procedures. 49557

(2) Issuing the pupil's parent, guardian, or other person in 49558
charge of the pupil a contract or other form on which the parent, 49559
guardian, or other person in charge of the pupil is given the 49560
option to accept or reject the board's offer of payment in lieu of 49561
transportation. 49562

(D) If the parent, guardian, or other person in charge of the 49563
pupil accepts the offer of payment in lieu of providing 49564
transportation, the board or governing authority shall pay the 49565
parent, guardian, or other person in charge of the pupil an amount 49566
that shall be not less than the amount determined by the general 49567
assembly as the minimum for payment in lieu of transportation, and 49568
not more than the amount determined by the department of education 49569
as the average cost of pupil transportation for the previous 49570
school year. Payment may be prorated if the time period involved 49571
is only a part of the school year. 49572

(E)(1)(a) Upon the request of a parent, guardian, or other 49573
person in charge of the pupil who rejected the payment in lieu of 49574
transportation, the department shall conduct mediation procedures. 49575

(b) If the mediation does not resolve the dispute, the state 49576
board of education shall conduct a hearing in accordance with 49577
Chapter 119. of the Revised Code. The state board may approve the 49578
payment in lieu of transportation or may order the district board 49579
of education or governing authority to provide transportation. The 49580
decision of the state board is binding in subsequent years and on 49581
future parties in interest provided the facts of the determination 49582
remain comparable. 49583

(2) The school district or governing authority shall provide 49584
transportation for the pupil from the time the parent, guardian, 49585
or other person in charge of the pupil requests mediation until 49586
the matter is resolved under division (E)(1)(a) or (b) of this 49587
section. 49588

(F)(1) If the department determines that a school district 49589
board or governing authority has failed or is failing to provide 49590
transportation as required by division (E)(2) of this section or 49591
as ordered by the state board under division (E)(1)(b) of this 49592
section, the department shall order the school district board or 49593
governing authority to pay to the pupil's parent, guardian, or 49594
other person in charge of the pupil, an amount equal to the state 49595
average daily cost of transportation as determined by the state 49596
board of education for the previous year. The school district 49597
board or governing authority shall make payments on a schedule 49598
ordered by the department. 49599

(2) If the department subsequently finds that a school 49600
district board is not in compliance with an order issued under 49601
division (F)(1) of this section and the affected pupils are 49602
enrolled in a nonpublic or community school, the department shall 49603
deduct the amount that the board is required to pay under that 49604
order from any pupil transportation payments the department makes 49605
to the school district board under section 3317.0212 of the 49606
Revised Code or other provisions of law. The department shall use 49607
the moneys so deducted to make payments to the nonpublic or 49608
community school attended by the pupil. The department shall 49609
continue to make the deductions and payments required under this 49610
division until the school district board either complies with the 49611
department's order issued under division (F)(1) of this section or 49612
begins providing transportation. 49613

(G) A nonpublic or community school that receives payments 49614
from the department under division (F)(2) of this section shall do 49615

either of the following: 49616

(1) Disburse the entire amount of the payments to the parent, 49617
guardian, or other person in charge of the pupil affected by the 49618
failure of the school district of residence to provide 49619
transportation; 49620

(2) Use the entire amount of the payments to provide 49621
acceptable transportation for the affected pupil. 49622

Sec. 3328.24. A college-preparatory boarding school 49623
established under this chapter and its board of trustees shall 49624
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 49625
3301.0714, 3301.948, 3313.536, 3313.6013, 3313.6411, 3313.7112, 49626
3313.721, 3313.89, 3319.39, 3319.391, and 3319.46 and Chapter 49627
3365. of the Revised Code as if the school were a school district 49628
and the school's board of trustees were a district board of 49629
education. 49630

Sec. 3332.10. (A) No individual shall sell any program or 49631
solicit students therefor in this state unless the individual is 49632
an employee of the school. Any individual whose primary duty, 49633
whether on or off school premises, is to solicit prospective 49634
students shall first secure a permit as an agent from the state 49635
board of career colleges and schools. If the agent represents more 49636
than one school, a separate permit shall be obtained for each 49637
school represented by the agent. An agent who represents a person 49638
that operates more than one school in the same geographical area, 49639
as determined by the board, need not obtain a separate permit for 49640
each such school. Upon approval for a permit, the board shall 49641
issue a pocket card to the individual, giving the individual's 49642
name, address, permit number, and the name and address of the 49643
employing school, and certifying that the individual whose name 49644
appears on the card is an authorized agent of the school. 49645

(B) The application for a permit shall be made on forms to be furnished by the board and accompanied by the fee established in accordance with section 3332.07 of the Revised Code. A permit shall be ~~renewed every twelve~~ granted for a period not to exceed twenty-four months and shall be valid for up to thirty days after its expiration date. An application for a renewal permit shall be accompanied by the fee established in accordance with section 3332.07 of the Revised Code.

(C) Each school subject to this chapter shall assume full responsibility for the actions, statements, and conduct of its agents, and shall provide them with adequate training and arrange for proper supervision of their work. The board shall hold schools liable for the actions, statements, and conduct of agents that violate any provision of this chapter, unless an agent's acts or omissions were manifestly outside the scope of the agent's employment or official responsibilities.

Sec. 3333.01. (A) There is hereby created the Ohio board of regents as an advisory board to the chancellor of higher education appointed under section 3333.03 of the Revised Code. The board shall consist of nine members to be appointed by the governor with the advice and consent of the senate. The members shall be residents of this state who possess an interest in and knowledge of higher education. No member shall be a trustee, officer, or employee of any Ohio public or private college or university while serving as a member of the board. In addition to the members appointed by the governor, the chairperson of the education committee of the senate and the chairperson of the education committee of the house of representatives shall, after January 1, 1967, be ex officio members of the board without a vote.

(B) Prior to September 20, 2008, terms of office shall be for nine years, commencing on the twenty-first day of September and

ending on the twentieth day of September. 49677

(C) Beginning on September 20, 2008, the terms of office for 49678
the members of the board of regents shall be as follows: 49679

(1) The terms of office of the three members whose terms 49680
under division (B) of this section are scheduled to expire on 49681
September 20, 2008, shall expire on September 20, 2008. The 49682
governor, with the advice and consent of the senate, shall appoint 49683
successors for terms beginning on September 21, 2008, and ending 49684
on September 20, 2014. 49685

(2) Notwithstanding division (B) of this section, the terms 49686
of office of the three members whose terms under division (B) of 49687
this section otherwise are scheduled to expire on September 20, 49688
2011, shall expire on September 20, 2010. The governor, with the 49689
advice and consent of the senate, shall appoint successors for 49690
terms beginning on September 21, 2010, and ending on September 20, 49691
2016. 49692

(3) Notwithstanding division (B) of this section, the terms 49693
of office of the three members whose terms under division (B) of 49694
this section otherwise are scheduled to expire on September 20, 49695
2014, shall expire on September 20, 2012. The governor, with the 49696
advice and consent of the senate, shall appoint successors for 49697
terms beginning on September 21, 2012, and ending on September 20, 49698
2018. 49699

Thereafter, the terms of office of all subsequent members of 49700
the board of regents shall be for six years beginning on the 49701
twenty-first day of September and ending on the twentieth day of 49702
September. 49703

(D) Except as provided in division (C) of this section, each 49704
member shall hold office from the date of appointment until the 49705
end of the term for which the member was appointed. Any member 49706
appointed to fill a vacancy occurring prior to the expiration of 49707

the term for which the member's predecessor was appointed shall 49708
hold office for the remainder of such term. Any member shall 49709
continue in office subsequent to the expiration date of the 49710
member's term until a successor takes office, or until a period of 49711
sixty days has elapsed, whichever occurs first. 49712

No person who has served a full nine-year term under division 49713
(B) of this section or two full six-year terms under division (C) 49714
of this section shall be eligible for reappointment. 49715

(E) Board members shall serve without compensation, but shall 49716
be reimbursed for necessary expenses incurred in the conduct of 49717
board business. 49718

Sec. 3333.011. No member of the Ohio board of regents, 49719
created by section 3333.01 of the Revised Code, shall be a 49720
trustee, officer, or employee of a technical college while serving 49721
as a member of the board. Neither the chancellor of higher 49722
education nor any staff member or employee of the ~~board~~ department 49723
of higher education shall be a trustee, officer, or employee of a 49724
technical college while serving on the board. 49725

Sec. ~~3333.031~~ 3333.012. Whenever the term "Ohio board of 49726
regents" is used, referred to, or designated in any statute, rule, 49727
contract, grant, or other document, the use, reference, or 49728
designation shall be construed to mean the "chancellor of ~~the Ohio~~ 49729
~~board of regents~~ higher education," except in sections 3333.01, 49730
3333.011, 3333.02, and 3333.032 of the Revised Code or unless the 49731
use, reference, or designation of the term "Ohio board of regents" 49732
relates to the board's duties to give advice to the chancellor ~~of~~ 49733
~~the Ohio board of regents~~ or unless another section of law 49734
expressly provides otherwise. 49735

Whenever the term "chancellor of the Ohio board of regents" 49736
or "chancellor" is used, referred to, or designated in any 49737

statute, rule, contract, grant, or other document, the use, 49738
reference, or designation shall be construed to mean the 49739
chancellor of higher education. 49740

Sec. 3333.021. As used in this section, "university" means 49741
any college or university that receives a state appropriation. 49742

(A) This division does not apply to proposed rules, 49743
amendments, or rescissions subject to legislative review under 49744
section 106.02 of the Revised Code. No action taken by the 49745
chancellor of ~~the Ohio board of regents~~ higher education that 49746
could reasonably be expected to have an effect on the revenue or 49747
expenditures of any university shall take effect unless at least 49748
two weeks prior to the date on which the action is taken, the 49749
chancellor has filed with the speaker of the house of 49750
representatives, the president of the senate, ~~the legislative~~ 49751
~~budget office~~ of the legislative service commission, and the 49752
director of budget and management a fiscal analysis of the 49753
proposed action. The analysis shall include an estimate of the 49754
amount by which, during the current and ensuing fiscal biennium, 49755
the action would increase or decrease the university's revenues or 49756
expenditures and increase or decrease any state expenditures and 49757
any other information the chancellor considers necessary to 49758
explain the action's fiscal effect. 49759

(B) Within three days of the date the chancellor files with 49760
the clerk of the senate a proposed rule, amendment, or rescission 49761
that is subject to legislative review and invalidation under 49762
section 106.02 of the Revised Code, the chancellor shall file with 49763
the speaker of the house of representatives, the president of the 49764
senate, the legislative service commission, and the director of 49765
budget and management a fiscal analysis of the proposed rule. The 49766
analysis shall include an estimate of the amount by which, during 49767
the current and ensuing fiscal biennium, the action would increase 49768

or decrease any university's revenues or expenditures and increase 49769
or decrease state revenues or expenditures and any other 49770
information the chancellor considers necessary to explain the 49771
fiscal effect of the rule, amendment, or rescission. No rule, 49772
amendment, or rescission shall take effect unless the chancellor 49773
has complied with this division. 49774

Sec. 3333.03. (A) There is hereby created the department of 49775
higher education, which shall be composed of the chancellor of 49776
higher education and the chancellor's employees, agents, and 49777
representatives. The chancellor shall perform the functions, 49778
exercise the powers, and discharge the duties as are assigned to 49779
the chancellor by law. 49780

(B) The governor, with the advice and consent of the senate, 49781
shall appoint the chancellor of ~~the Ohio board of regents~~ higher 49782
education. The chancellor shall serve at the pleasure of the 49783
governor, and the governor shall prescribe the chancellor's duties 49784
in addition to the chancellor's duties prescribed by law. The 49785
governor shall fix the compensation for the chancellor. The 49786
chancellor shall be a member of the governor's cabinet. 49787

~~(B) The term of the chancellor in office on the effective 49788
date of this amendment shall coincide with the term of that 49789
chancellor's appointing governor. Subsequent appointments to the 49790
office of chancellor shall be made pursuant to division (A) of 49791
this section.~~ 49792

(C) The chancellor is responsible for appointing and fixing 49793
the compensation of all professional, administrative, and clerical 49794
employees and staff members necessary to assist in the performance 49795
of the chancellor's duties. All employees and staff shall serve at 49796
the chancellor's pleasure. 49797

(D) The chancellor shall be a person qualified by training 49798
and experience to understand the problems and needs of the state 49799

in the field of higher education and to devise programs, plans, 49800
and methods of solving the problems and meeting the needs. 49801

(E) Neither the chancellor nor any staff member or employee 49802
of the chancellor shall be a trustee, officer, or employee of any 49803
public or private college or university while serving as 49804
chancellor, staff member, or employee. 49805

Sec. 3333.032. The Ohio board of regents shall submit to the 49806
general assembly, in accordance with division (B) of section 49807
101.68 of the Revised Code, and to the governor, an annual report 49808
on the condition of higher education in this state, including the 49809
performance of the chancellor of ~~the board~~ higher education. 49810

Sec. 3333.04. The chancellor of ~~the Ohio board of regents~~ 49811
higher education shall: 49812

(A) Make studies of state policy in the field of higher 49813
education and formulate a master plan for higher education for the 49814
state, considering the needs of the people, the needs of the 49815
state, and the role of individual public and private institutions 49816
within the state in fulfilling these needs; 49817

(B)(1) Report annually to the governor and the general 49818
assembly on the findings from the chancellor's studies and the 49819
master plan for higher education for the state; 49820

(2) Report at least semiannually to the general assembly and 49821
the governor the enrollment numbers at each state-assisted 49822
institution of higher education. 49823

(C) Approve or disapprove the establishment of new branches 49824
or academic centers of state colleges and universities; 49825

(D) Approve or disapprove the establishment of state 49826
technical colleges or any other state institution of higher 49827
education; 49828

(E) Recommend the nature of the programs, undergraduate, 49829
graduate, professional, state-financed research, and public 49830
services which should be offered by the state colleges, 49831
universities, and other state-assisted institutions of higher 49832
education in order to utilize to the best advantage their 49833
facilities and personnel; 49834

(F) Recommend to the state colleges, universities, and other 49835
state-assisted institutions of higher education graduate or 49836
professional programs, including, but not limited to, doctor of 49837
philosophy, doctor of education, and juris doctor programs, that 49838
could be eliminated because they constitute unnecessary 49839
duplication, as shall be determined using the process developed 49840
pursuant to this division, or for other good and sufficient cause. 49841
Prior to recommending a program for elimination, the chancellor 49842
shall request the board of regents to hold at least one public 49843
hearing on the matter and advise the chancellor on whether the 49844
program should be recommended for elimination. The board shall 49845
provide notice of each hearing within a reasonable amount of time 49846
prior to its scheduled date. Following the hearing, the board 49847
shall issue a recommendation to the chancellor. The chancellor 49848
shall consider the board's recommendation but shall not be 49849
required to accept it. 49850

For purposes of determining the amounts of any state 49851
instructional subsidies paid to state colleges, universities, and 49852
other state-assisted institutions of higher education, the 49853
chancellor may exclude students enrolled in any program that the 49854
chancellor has recommended for elimination pursuant to this 49855
division except that the chancellor shall not exclude any such 49856
student who enrolled in the program prior to the date on which the 49857
chancellor initially commences to exclude students under this 49858
division. 49859

The chancellor and state colleges, universities, and other 49860

state-assisted institutions of higher education shall jointly 49861
develop a process for determining which existing graduate or 49862
professional programs constitute unnecessary duplication. 49863

(G) Recommend to the state colleges, universities, and other 49864
state-assisted institutions of higher education programs which 49865
should be added to their present programs; 49866

(H) Conduct studies for the state colleges, universities, and 49867
other state-assisted institutions of higher education to assist 49868
them in making the best and most efficient use of their existing 49869
facilities and personnel; 49870

(I) Make recommendations to the governor and general assembly 49871
concerning the development of state-financed capital plans for 49872
higher education; the establishment of new state colleges, 49873
universities, and other state-assisted institutions of higher 49874
education; and the establishment of new programs at the existing 49875
state colleges, universities, and other institutions of higher 49876
education; 49877

(J) Review the appropriation requests of the public community 49878
colleges and the state colleges and universities and submit to the 49879
office of budget and management and to the chairpersons of the 49880
finance committees of the house of representatives and of the 49881
senate the chancellor's recommendations in regard to the biennial 49882
higher education appropriation for the state, including 49883
appropriations for the individual state colleges and universities 49884
and public community colleges. For the purpose of determining the 49885
amounts of instructional subsidies to be paid to state-assisted 49886
colleges and universities, the chancellor shall define "full-time 49887
equivalent student" by program per academic year. The definition 49888
may take into account the establishment of minimum enrollment 49889
levels in technical education programs below which support 49890
allowances will not be paid. Except as otherwise provided in this 49891
section, the chancellor shall make no change in the definition of 49892

"full-time equivalent student" in effect on November 15, 1981, 49893
which would increase or decrease the number of subsidy-eligible 49894
full-time equivalent students, without first submitting a fiscal 49895
impact statement to the president of the senate, the speaker of 49896
the house of representatives, the legislative service commission, 49897
and the director of budget and management. The chancellor shall 49898
work in close cooperation with the director of budget and 49899
management in this respect and in all other matters concerning the 49900
expenditures of appropriated funds by state colleges, 49901
universities, and other institutions of higher education. 49902

(K) Seek the cooperation and advice of the officers and 49903
trustees of both public and private colleges, universities, and 49904
other institutions of higher education in the state in performing 49905
the chancellor's duties and making the chancellor's plans, 49906
studies, and recommendations; 49907

(L) Appoint advisory committees consisting of persons 49908
associated with public or private secondary schools, members of 49909
the state board of education, or personnel of the state department 49910
of education; 49911

(M) Appoint advisory committees consisting of college and 49912
university personnel, or other persons knowledgeable in the field 49913
of higher education, or both, in order to obtain their advice and 49914
assistance in defining and suggesting solutions for the problems 49915
and needs of higher education in this state; 49916

(N) Approve or disapprove all new degrees and new degree 49917
programs at all state colleges, universities, and other 49918
state-assisted institutions of higher education; 49919

(O) Adopt such rules as are necessary to carry out the 49920
chancellor's duties and responsibilities. The rules shall 49921
prescribe procedures for the chancellor to follow when taking 49922
actions associated with the chancellor's duties and 49923

responsibilities and shall indicate which types of actions are 49924
subject to those procedures. The procedures adopted under this 49925
division shall be in addition to any other procedures prescribed 49926
by law for such actions. However, if any other provision of the 49927
Revised Code or rule adopted by the chancellor prescribes 49928
different procedures for such an action, the procedures adopted 49929
under this division shall not apply to that action to the extent 49930
they conflict with the procedures otherwise prescribed by law. The 49931
procedures adopted under this division shall include at least the 49932
following: 49933

(1) Provision for public notice of the proposed action; 49934

(2) An opportunity for public comment on the proposed action, 49935
which may include a public hearing on the action by the board of 49936
regents; 49937

(3) Methods for parties that may be affected by the proposed 49938
action to submit comments during the public comment period; 49939

(4) Submission of recommendations from the board of regents 49940
regarding the proposed action, at the request of the chancellor; 49941

(5) Written publication of the final action taken by the 49942
chancellor and the chancellor's rationale for the action; 49943

(6) A timeline for the process described in divisions (0)(1) 49944
to (5) of this section. 49945

(P) Make recommendations to the governor and the general 49946
assembly regarding the design and funding of the student financial 49947
aid programs specified in sections 3333.12, 3333.122, 3333.21 to 49948
3333.26, and 5910.02 of the Revised Code; 49949

(Q) Participate in education-related state or federal 49950
programs on behalf of the state and assume responsibility for the 49951
administration of such programs in accordance with applicable 49952
state or federal law; 49953

(R) Adopt rules for student financial aid programs as 49954
required by sections 3333.12, 3333.122, 3333.21 to 3333.26, 49955
3333.28, and 5910.02 of the Revised Code, and perform any other 49956
administrative functions assigned to the chancellor by those 49957
sections; 49958

(S) Conduct enrollment audits of state-supported institutions 49959
of higher education; 49960

(T) Appoint consortia of college and university personnel to 49961
advise or participate in the development and operation of 49962
statewide collaborative efforts, including the Ohio supercomputer 49963
center, the Ohio academic resources network, OhioLink, and the 49964
Ohio learning network. For each consortium, the chancellor shall 49965
designate a college or university to serve as that consortium's 49966
fiscal agent, financial officer, and employer. Any funds 49967
appropriated for the consortia shall be distributed to the fiscal 49968
agents for the operation of the consortia. A consortium shall 49969
follow the rules of the college or university that serves as its 49970
fiscal agent. The chancellor may restructure existing consortia, 49971
appointed under this division, in accordance with procedures 49972
adopted under divisions (O)(1) to (6) of this section. 49973

(U) Adopt rules establishing advisory duties and 49974
responsibilities of the board of regents not otherwise prescribed 49975
by law; 49976

(V) Respond to requests for information about higher 49977
education from members of the general assembly and direct staff to 49978
conduct research or analysis as needed for this purpose. 49979

Sec. 3333.041. (A) On or before the last day of December of 49980
each year, the chancellor of ~~the Ohio board of regents~~ higher 49981
education shall submit to the governor and, in accordance with 49982
section 101.68 of the Revised Code, the general assembly a report 49983
or reports concerning all of the following: 49984

(1) The status of graduates of Ohio school districts at state 49985
institutions of higher education during the twelve-month period 49986
ending on the thirtieth day of September of the current calendar 49987
year. The report shall list, by school district, the number of 49988
graduates of each school district who attended a state institution 49989
of higher education and the percentage of each district's 49990
graduates enrolled in a state institution of higher education 49991
during the reporting period who were required during such period 49992
by the college or university, as a prerequisite to enrolling in 49993
those courses generally required for first-year students, to 49994
enroll in a remedial course in English, including composition or 49995
reading, mathematics, and any other area designated by the 49996
chancellor. The chancellor also shall make the information 49997
described in division (A)(1) of this section available to the 49998
board of education of each city, exempted village, and local 49999
school district. 50000

Each state institution of higher education shall, by the 50001
first day of November of each year, submit to the chancellor in 50002
the form specified by the chancellor the information the 50003
chancellor requires to compile the report. 50004

~~(2) Aggregate academic growth data for students assigned to 50005
graduates of teacher preparation programs approved under section 50006
3333.048 of the Revised Code who teach English language arts or 50007
mathematics in any of grades four to eight in a public school in 50008
Ohio. For this purpose, the chancellor shall use the value-added 50009
progress dimension prescribed by section 3302.021 of the Revised 50010
Code or the alternative student academic progress measure if 50011
adopted under division (C)(1)(c) of section 3302.03 of the Revised 50012
Code. The chancellor shall aggregate the data by graduating class 50013
for each approved teacher preparation program, except that if a 50014
particular class has ten or fewer graduates to which this section 50015
applies, the chancellor shall report the data for a group of 50016~~

~~classes over a three year period. In no case shall the report 50017
identify any individual graduate. The department of education 50018
shall share any data necessary for the report with the chancellor. 50019~~

~~(3)~~ The following information with respect to the Ohio 50020
tuition trust authority: 50021

(a) The name of each investment manager that is a minority 50022
business enterprise or a women's business enterprise with which 50023
the chancellor contracts; 50024

(b) The amount of assets managed by investment managers that 50025
are minority business enterprises or women's business enterprises, 50026
expressed as a percentage of assets managed by investment managers 50027
with which the chancellor has contracted; 50028

(c) Efforts by the chancellor to increase utilization of 50029
investment managers that are minority business enterprises or 50030
women's business enterprises. 50031

~~(4) A description of advanced standing programs, as defined 50032
in section 3313.6013 of the Revised Code, that are offered by 50033
school districts, community schools established under Chapter 50034
3314. of the Revised Code, STEM schools established under Chapter 50035
3326. of the Revised Code, college preparatory boarding schools 50036
established under Chapter 3328. of the Revised Code, and chartered 50037
nonpublic high schools. The chancellor also shall post the 50038
information on the chancellor's web site. 50039~~

~~(5)~~(3) The chancellor's strategy in assigning choose Ohio 50040
first scholarships, as established under section 3333.61 of the 50041
Revised Code, among state universities and colleges and how the 50042
actual awards fit that strategy. 50043

~~(6)~~(4) The academic and economic impact of the Ohio 50044
co-op/internship program established under section 3333.72 of the 50045
Revised Code. At a minimum, the report shall include the 50046
following: 50047

(a) Progress and performance metrics for each initiative that received an award in the previous fiscal year; 50048
50049

(b) Economic indicators of the impact of each initiative, and all initiatives as a whole, on the regional economies and the statewide economy; 50050
50051
50052

(c) The chancellor's strategy in allocating awards among state institutions of higher education and how the actual awards fit that strategy. 50053
50054
50055

(B) On or before the fifteenth day of February of each year, the director shall submit to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly a report concerning aggregate academic growth data for students assigned to graduates of teacher preparation programs approved under section 3333.048 of the Revised Code who teach English language arts or mathematics in any of grades four to eight in a public school in Ohio. For this purpose, the director shall use the value-added progress dimension prescribed by section 3302.021 of the Revised Code or the alternative student academic progress measure if adopted under division (C)(1)(e) of section 3302.03 of the Revised Code. The director shall aggregate the data by graduating class for each approved teacher preparation program, except that if a particular class has ten or fewer graduates to which this division applies, the director shall report the data for a group of classes over a three-year period. In no case shall the report identify any individual graduate. The department of education shall share any data necessary for the report with the director. 50056
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(C) As used in this section: 50074

(1) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code. 50075
50076

(2) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the 50077
50078

Revised Code. 50079

(3) "State university or college" has the same meaning as in 50080
section 3345.12 of the Revised Code. 50081

(4) "Women's business enterprise" means a business, or a 50082
partnership, corporation, limited liability company, or joint 50083
venture of any kind, that is owned and controlled by women who are 50084
United States citizens and residents of this state. 50085

Sec. 3333.042. The chancellor of ~~the Ohio board of regents~~ 50086
higher education may grant money to a nonprofit entity that 50087
provides a statewide resource for aerospace research, education, 50088
and technology, so long as the nonprofit entity makes its 50089
resources accessible to state colleges and universities and to 50090
agencies of this and other states and the United States. The 50091
chancellor, by rule adopted in accordance with Chapter 119. of the 50092
Revised Code, shall establish procedures and forms whereby 50093
nonprofit entities may apply for grants; standards and procedures 50094
for reviewing applications for and awarding grants; procedures for 50095
distributing grants to recipients; procedures for monitoring the 50096
use of grants by recipients; requirements, procedures, and forms 50097
whereby grant recipients shall report upon their use of grants; 50098
and standards and procedures for terminating and requiring 50099
repayment of grants in the event of their improper use. 50100

A state college or university or a private institution exempt 50101
from regulation under Chapter 3332. of the Revised Code as 50102
prescribed in section 3333.046 of the Revised Code and any agency 50103
of state government may provide assistance, in any form, to any 50104
nonprofit entity that receives a grant under this section. Such 50105
assistance shall be solely for the purpose of assisting the 50106
nonprofit entity in making proper use of the grant. 50107

A nonprofit entity that expends a grant under this section 50108
for a capital project is not thereby subject to Chapter 123. or 50109

153. of the Revised Code. An officer or employee of, or a person 50110
who serves on a governing or advisory board or committee of, a 50111
nonprofit entity that receives a grant under this section is not 50112
thereby an officer or employee of a state college or university or 50113
of the state. An officer or employee of a state college or 50114
university or of the state who is assigned to assist a nonprofit 50115
entity in making proper use of a grant does not, to the extent the 50116
officer or employee provides such assistance, thereby hold an 50117
incompatible office or employment, or have a direct or indirect 50118
interest in a contract or expenditure of the entity. 50119

Sec. 3333.043. (A) As used in this section: 50120

(1) "Institution of higher education" means the state 50121
universities listed in section 3345.011 of the Revised Code, 50122
municipal educational institutions established under Chapter 3349. 50123
of the Revised Code, community colleges established under Chapter 50124
3354. of the Revised Code, university branches established under 50125
Chapter 3355. of the Revised Code, technical colleges established 50126
under Chapter 3357. of the Revised Code, state community colleges 50127
established under Chapter 3358. of the Revised Code, any 50128
institution of higher education with a certificate of registration 50129
from the state board of career colleges and schools, and any 50130
institution for which the chancellor of ~~the Ohio board of regents~~ 50131
higher education receives a notice pursuant to division (C) of 50132
this section. 50133

(2) "Community service" has the same meaning as in section 50134
3313.605 of the Revised Code. 50135

(B)(1) The board of trustees or other governing entity of 50136
each institution of higher education shall encourage and promote 50137
participation of students in community service through a program 50138
appropriate to the mission, student population, and environment of 50139
each institution. The program may include, but not be limited to, 50140

providing information about community service opportunities during 50141
student orientation or in student publications; providing awards 50142
for exemplary community service; encouraging faculty members to 50143
incorporate community service into students' academic experiences 50144
wherever appropriate to the curriculum; encouraging recognized 50145
student organizations to undertake community service projects as 50146
part of their purposes; and establishing advisory committees of 50147
students, faculty members, and community and business leaders to 50148
develop cooperative programs that benefit the community and 50149
enhance student experience. The program shall be flexible in 50150
design so as to permit participation by the greatest possible 50151
number of students, including part-time students and students for 50152
whom participation may be difficult due to financial, academic, 50153
personal, or other considerations. The program shall emphasize 50154
community service opportunities that can most effectively use the 50155
skills of students, such as tutoring or literacy programs. The 50156
programs shall encourage students to perform services that will 50157
not supplant the hiring of, result in the displacement of, or 50158
impair any existing employment contracts of any particular 50159
employee of any private or governmental entity for which services 50160
are performed. 50161

(2) The chancellor of ~~the Ohio board of regents~~ higher 50162
education shall encourage all institutions of higher education in 50163
the development of community service programs. With the assistance 50164
of the Ohio commission on service and volunteerism created in 50165
section 121.40 of the Revised Code, the chancellor shall make 50166
available information about higher education community service 50167
programs to institutions of higher education and to statewide 50168
organizations involved with or promoting volunteerism, including 50169
information about model community service programs, teacher 50170
training courses, and community service curricula and teaching 50171
materials for possible use by institutions of higher education in 50172
their programs. The chancellor shall encourage institutions of 50173

higher education to jointly coordinate higher education community 50174
service programs through consortia of institutions or other 50175
appropriate means of coordination. 50176

(C) The board of trustees of any nonprofit institution with a 50177
certificate of authorization issued pursuant to Chapter 1713. of 50178
the Revised Code or the governing authority of a private 50179
institution exempt from regulation under Chapter 3332. of the 50180
Revised Code as prescribed in section 3333.046 of the Revised Code 50181
may notify the chancellor that it is making itself subject to 50182
divisions (A) and (B) of this section. Upon receipt of such a 50183
notice, these divisions shall apply to that institution. 50184

Sec. 3333.044. (A) The chancellor of ~~the Ohio board of~~ 50185
~~regents~~ higher education may contract with any consultants that 50186
are necessary for the discharge of the chancellor's duties under 50187
this chapter. 50188

(B) The chancellor may purchase, upon the terms that the 50189
chancellor determines to be advisable, one or more policies of 50190
insurance from insurers authorized to do business in this state 50191
that insure consultants who have contracted with the chancellor 50192
under division (A) of this section or members of an advisory 50193
committee appointed under section 3333.04 of the Revised Code, 50194
with respect to the activities of the consultants or advisory 50195
committee members in the course of the performance of their 50196
responsibilities as consultants or advisory committee members. 50197

(C) Subject to the approval of the controlling board, the 50198
chancellor may contract with any entities for the discharge of the 50199
chancellor's duties and responsibilities under any of the programs 50200
established pursuant to sections 3333.12, 3333.122, 3333.21 to 50201
3333.28, and 5120.55, and Chapter 5910. of the Revised Code. The 50202
chancellor shall not enter into a contract under this division 50203
unless the proposed contractor demonstrates that its primary 50204

purpose is to promote access to higher education by providing 50205
student financial assistance through loans, grants, or 50206
scholarships, and by providing high quality support services and 50207
information to students and their families with regard to such 50208
financial assistance. 50209

Chapter 125. of the Revised Code does not apply to contracts 50210
entered into pursuant to this section. In awarding contracts under 50211
this division, the chancellor shall consider factors such as the 50212
cost of the administration of the contract, the experience of the 50213
contractor, and the contractor's ability to properly execute the 50214
contract. 50215

Sec. 3333.045. As used in this section, "state university or 50216
college" means any state university listed in section 3345.011 of 50217
the Revised Code, the northeast Ohio medical university, any 50218
community college under Chapter 3354. of the Revised Code, any 50219
university branch district under Chapter 3355. of the Revised 50220
Code, any technical college under Chapter 3357. of the Revised 50221
Code, and any state community college under Chapter 3358. of the 50222
Revised Code. 50223

The chancellor of ~~the Ohio board of regents~~ higher education 50224
shall work with the attorney general, the auditor of state, and 50225
the Ohio ethics commission to develop a model for training members 50226
of the boards of trustees of all state universities and colleges 50227
and members of the board of regents regarding the authority and 50228
responsibilities of a board of trustees or the board of regents. 50229
This model shall include a review of fiduciary responsibilities, 50230
ethics, and fiscal management. Use of this model by members of 50231
boards of trustees and the board of regents shall be voluntary. 50232

Sec. 3333.047. With regard to any state student financial aid 50233
program established in this chapter, Chapter 5910., or section 50234

5919.34 of the Revised Code, the chancellor of ~~the Ohio board of regents~~ higher education shall conduct audits to:

(A) Determine the validity of information provided by students and parents regarding eligibility for state student financial aid. If the chancellor determines that eligibility data has been reported incorrectly or inaccurately, and where the chancellor determines an adjustment to be appropriate, the institution of higher education shall adjust the financial aid awarded to the student.

(B) Ensure that institutions of higher education are in compliance with the rules governing state student financial aid programs. An institution that fails to comply with the rules in the administration of any state student financial aid program shall be fully liable to reimburse the state for the unauthorized use of student financial aid funds.

Sec. 3333.048. (A) Not later than one year after October 16, 2009, the chancellor of ~~the Ohio board of regents~~ higher education and the superintendent of public instruction jointly shall do the following:

(1) In accordance with Chapter 119. of the Revised Code, establish metrics and educator preparation programs for the preparation of educators and other school personnel and the institutions of higher education that are engaged in their preparation. The metrics and educator preparation programs shall be aligned with the standards and qualifications for educator licenses adopted by the state board of education under section 3319.22 of the Revised Code and the requirements of the Ohio teacher residency program established under section 3319.223 of the Revised Code. The metrics and educator preparation programs also shall ensure that educators and other school personnel are adequately prepared to use the value-added progress dimension

prescribed by section 3302.021 of the Revised Code or the 50266
alternative student academic progress measure if adopted under 50267
division (C)(1)(e) of section 3302.03 of the Revised Code. 50268

(2) Provide for the inspection of institutions of higher 50269
education desiring to prepare educators and other school 50270
personnel. 50271

(B) Not later than one year after October 16, 2009, the 50272
chancellor shall approve institutions of higher education engaged 50273
in the preparation of educators and other school personnel that 50274
maintain satisfactory training procedures and records of 50275
performance, as determined by the chancellor. 50276

(C) If the metrics established under division (A)(1) of this 50277
section require an institution of higher education that prepares 50278
teachers to satisfy the standards of an independent accreditation 50279
organization, the chancellor shall permit each institution to 50280
satisfy the standards of any applicable national educator 50281
preparation accrediting agency recognized by the United States 50282
department of education. 50283

(D) The metrics and educator preparation programs established 50284
under division (A)(1) of this section may require an institution 50285
of higher education, as a condition of approval by the chancellor, 50286
to make changes in the curricula of its preparation programs for 50287
educators and other school personnel. 50288

Notwithstanding division ~~(D)~~(E) of section 119.03 and 50289
division (A)(1) of section 119.04 of the Revised Code, any 50290
metrics, educator preparation programs, rules, and regulations, or 50291
any amendment or rescission of such metrics, educator preparation 50292
programs, rules, and regulations, adopted under this section that 50293
necessitate institutions offering preparation programs for 50294
educators and other school personnel approved by the chancellor to 50295
revise the curricula of those programs shall not be effective for 50296

at least one year after the first day of January next succeeding 50297
the publication of the said change. 50298

Each institution shall allocate money from its existing 50299
revenue sources to pay the cost of making the curricular changes. 50300

(E) The chancellor shall notify the state board of the 50301
metrics and educator preparation programs established under 50302
division (A)(1) of this section and the institutions of higher 50303
education approved under division (B) of this section. The state 50304
board shall publish the metrics, educator preparation programs, 50305
and approved institutions with the standards and qualifications 50306
for each type of educator license. 50307

(F) The graduates of educator preparation programs approved 50308
by the chancellor shall be licensed by the state board in 50309
accordance with the standards and qualifications adopted under 50310
section 3319.22 of the Revised Code. 50311

Sec. 3333.049. Not later than July 1, 2016, the chancellor of 50312
~~the Ohio board of regents~~ higher education shall revise the 50313
requirements for reading endorsement programs offered by 50314
institutions of higher education to align those requirements with 50315
the reading competencies adopted by the state board of education 50316
under section 3301.077 of the Revised Code. 50317

Sec. 3333.0410. The chancellor of ~~the Ohio board of regents~~ 50318
higher education shall require each state institution of higher 50319
education, as defined in section 3345.011 of the Revised Code, 50320
when reporting student data to the chancellor under any provision 50321
of law, to use the student's data verification code assigned under 50322
division (D)(2) of section 3301.0714 of the Revised Code, if that 50323
code was included in the student's records submitted to the 50324
institution by the student's high school or by another state 50325
institution of higher education. 50326

Sec. 3333.0411. Not later than December 31, 2014, and 50327
annually thereafter, the chancellor of ~~the Ohio board of regents~~ 50328
higher education shall report for each approved teacher 50329
preparation program, the number and percentage of all graduates of 50330
the program who were rated at each of the performance levels 50331
prescribed by division (B)(1) of section 3319.112 of the Revised 50332
Code on an evaluation conducted in accordance with section 50333
3319.111 of the Revised Code in the previous school year. 50334

In no case shall the report identify any individual graduate. 50335
The department of education shall share any data necessary for the 50336
report with the chancellor. 50337

Sec. 3333.0412. No nonprofit institution that holds a 50338
certificate of authorization issued under Chapter 1713. of the 50339
Revised Code shall be liable for a breach of confidentiality 50340
arising from the institution's submission of student data or 50341
records to the ~~board of regents~~ chancellor of higher education or 50342
any other state agency in compliance with any law, rule, or 50343
regulation, provided that the breach occurs as a result of one of 50344
the following: 50345

(A) An action by a third party during and after the 50346
transmission of the data or records by the institution but prior 50347
to receipt of the data or records by the ~~board of regents~~ 50348
chancellor of higher education or other state agency; 50349

(B) An action by the ~~board of regents~~ chancellor of higher 50350
education or the state agency. 50351

This provision shall apply to the submission of any student 50352
data or records that are subject to any laws of this state or, to 50353
the extent permitted, any federal law, including the "Family 50354
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 50355
U.S.C. 1232g. 50356

Sec. 3333.0413. Not later than December 31, 2014, the
chancellor of ~~the Ohio board of regents~~ higher education shall
make available, in a prominent location on the chancellor's web
site, a complete inventory of education programs that focus on
workforce development and training that includes both of the
following:

(A) Programs offered by state institutions of higher
education, as defined in section 3345.011 of the Revised Code,
adult career-technical institutions, and all private nonprofit and
for-profit postsecondary institutions operating in the state;

(B) Programs registered with the apprenticeship council
established under Chapter 4139. of the Revised Code.

The chancellor may update this inventory as necessary.

Sec. 3333.05. The chancellor of ~~the Ohio board of regents~~
higher education shall approve or disapprove proposed official
plans of community college districts, prepared and submitted
pursuant to sections 3354.01 to 3354.18 of the Revised Code, and
issue or decline to issue charters for operation of community
colleges, pursuant to section 3354.07 of the Revised Code.

The chancellor shall approve an official plan, and issue a
charter, only upon the following findings:

(A) That the official plan and all past and proposed actions
of the community college district are in conformity to law;

(B) That the proposed community college will not unreasonably
and wastefully duplicate existing educational services available
to students and prospective students residing in the community
college district;

(C) That there is reasonable prospect of adequate current
operating revenue for the proposed community college from its

proposed opening date of operation; 50386

(D) That the proposed lands and facilities of the community 50387
colleges will be adequate and efficient for the purposes of the 50388
proposed community college; 50389

(E) That the proposed curricular programs defined in section 50390
3354.01 of the Revised Code as "arts and sciences" and 50391
"technical," or either, are the programs for which there is 50392
substantial need in the territory of the district. 50393

The employment and separation of individual personnel in a 50394
community college, and the establishing or abolishing of 50395
individual courses of instruction, shall not be subject to the 50396
specific and individual approval or disapproval of the chancellor, 50397
but shall occur in the discretion of the local management of such 50398
college within the limitations of law, the official plan, and the 50399
charter of such college. 50400

Sec. 3333.06. The chancellor of ~~the Ohio board of regents~~ 50401
higher education shall prepare a state plan and do all other 50402
things necessary for participation in federal acts relative to the 50403
construction of higher educational academic facilities. 50404

Such plan shall provide for objective standards and methods 50405
of determining the relative priorities for eligible projects for 50406
the construction of academic facilities submitted by institutions 50407
of higher education within the state and for determining the 50408
federal share of the development for each such project. 50409

The chancellor shall provide for assigning priorities in 50410
accordance with such criteria, standards, and methods to eligible 50411
projects submitted to and approved by the chancellor, shall 50412
recommend to the United States secretary of education, in the 50413
order of such priority, applications covering such eligible 50414
projects, and shall certify to the secretary the federal share of 50415

the development cost of such projects. 50416

The chancellor shall provide a fair hearing to each 50417
institution which has submitted a project as to the priority 50418
assigned to such project by the chancellor or as to any other 50419
determination of the chancellor adversely affecting such 50420
institution. 50421

The chancellor shall receive federal grants for the proper 50422
and efficient administration of the state plan, and shall provide 50423
for such fiscal control and fund accounting procedures as may be 50424
necessary to ensure proper disbursement of, and accounting for, 50425
federal funds paid to the chancellor. 50426

The chancellor shall make such reports in such form and 50427
containing such information as may be reasonably required by the 50428
secretary in the performance of the secretary's functions under 50429
federal law relating to grants for the construction of academic 50430
facilities. 50431

Each federal grant received by the chancellor shall be paid 50432
into the state treasury. 50433

Sec. 3333.07. (A) Colleges, universities, and other 50434
institutions of higher education which receive state assistance, 50435
but are not supported primarily by the state, shall submit to the 50436
chancellor of ~~the Ohio board of regents~~ higher education such 50437
accounting of the expenditure of state funds at such time and in 50438
such form as the chancellor prescribes. 50439

(B) No state institution of higher education shall establish 50440
a new branch or academic center without the approval of the 50441
chancellor. 50442

(C) No state institution of higher education shall offer a 50443
new degree or establish a new degree program without the approval 50444
of the chancellor. No degree approval shall be given for a 50445

technical education program unless such program is offered by a 50446
state assisted university, a university branch, a technical 50447
college, or a community college. 50448

(D) Any state college, university, or other state assisted 50449
institution of higher education not complying with a 50450
recommendation of the chancellor pursuant to division (F) or (G) 50451
of section 3333.04 of the Revised Code shall so notify the 50452
chancellor in writing within one hundred twenty days after receipt 50453
of the recommendation, stating the reasons why it cannot or should 50454
not comply. 50455

(E) The officers, trustees, and employees of all institutions 50456
of higher education which are state supported or state assisted 50457
shall cooperate with the chancellor in supplying information 50458
regarding their institutions, and advising and assisting the 50459
chancellor on matters of higher education in this state in every 50460
way possible when so requested by the chancellor. 50461

(F) Persons associated with the public school systems in this 50462
state, personnel of the state department of education, and members 50463
of the state board of education shall provide such data about high 50464
school students as are requested by the chancellor to aid in the 50465
development of state higher education plans. 50466

Sec. 3333.071. Notwithstanding section 3345.16 of the Revised 50467
Code, no expenditure shall be made for land for higher education 50468
purposes by public institutions of higher education or agents of 50469
such institutions from any fund without the approval of the 50470
chancellor of ~~the Ohio board of regents~~ higher education and the 50471
controlling board. No state appropriation for capital improvements 50472
shall be released by the controlling board for the purchase of 50473
land or buildings from any organization or corporation which has 50474
been established to benefit or assist the institution, except that 50475
such releases may be made if the land is to be used for a 50476

currently state-financed improvement. 50477

Sec. 3333.08. It is the declared policy of this state that 50478
the availability of eminent domain on behalf of educational 50479
institutions of higher education is in the public welfare. A 50480
private college, university, or other institution of higher 50481
education may therefore apply to the chancellor of ~~the Ohio board~~ 50482
~~of regents~~ higher education for the right to appropriate property 50483
when such institution is unable to agree with the owner or owners 50484
of the subject property upon the price to be paid for the 50485
property. The institution shall be one that any educationally 50486
qualified member of the public who desires to attend has, or can 50487
acquire, a right to be admitted upon equal terms without 50488
discrimination. The institution shall certify to the chancellor, 50489
in its application, that the use of the property to be 50490
appropriated is to be for educational purposes, including student 50491
housing and dining facilities, that reasonable efforts have been 50492
made to purchase the property, and that it will be used without 50493
discrimination against any person or group and be equally 50494
available to all qualified persons. The institution also shall 50495
submit to the chancellor its plans for the use of the property and 50496
such other information as the chancellor may require. The 50497
chancellor may, thereafter, and upon a determination that the 50498
intended use is in the public interest, approve the application by 50499
resolution. Upon such approval, the institution may appropriate 50500
the property in the same manner as is provided for the 50501
appropriation of property in Chapter 163. of the Revised Code. 50502

Sec. 3333.09. "Public university or college," as used in this 50503
section, means any ~~non-profit~~ nonprofit university or college 50504
situated within this state which is open to the public on equal 50505
terms and which is not affiliated with or controlled by an 50506
organization which is not primarily educational in nature. Any 50507

such university or college shall be considered to be serving a 50508
public purpose. 50509

The chancellor of ~~the Ohio board of regents~~ higher education 50510
may, upon the chancellor's determination that such action would 50511
serve the interests of higher education in this state, in terms of 50512
expansion of educational opportunity in a major urban area and in 50513
terms of expansion of educational service to a major urban 50514
community, accept conveyances of land, situated within this state, 50515
from any public university or college and enter into an agreement 50516
before or after such conveyance to lease to such public university 50517
or college, upon terms as may be prescribed by the chancellor, 50518
such land together with buildings constructed thereon and 50519
furniture, fixtures, and equipment therein for use as an 50520
educational facility. The lease shall be for a period not to 50521
exceed fifty years, renewable for a like term, and shall provide 50522
that such buildings be used solely for educational purposes and 50523
that the chancellor may cancel such lease if such buildings are 50524
used for other purposes. Such lease may contain provisions for the 50525
sale of such property to the lessee, upon the consent of the 50526
chancellor, for a purchase price not less than the actual cost to 50527
the chancellor, less depreciation, computed at the rate 50528
customarily applied to similar structures. The chancellor, through 50529
the department of administrative services, may construct, equip, 50530
or remodel buildings on lands accepted by the chancellor in the 50531
name of the state pursuant to this section. Title to lands 50532
acquired under this section shall be taken in the name of the 50533
state. 50534

Responsibility for the proper use, maintenance, and repair of 50535
leased buildings shall rest upon the lessee. 50536

Sec. 3333.10. (A) As used in this section: 50537

(1) "Qualified institution of higher education" or 50538

"institution" means a nonprofit educational institution, holding an effective certificate of authorization issued under section 1713.02 of the Revised Code, operating in the state an eligible program, and admitting students without discrimination by reason of race, creed, color, or national origin.

(2) "School of dentistry" means an accredited dental college as defined under section 4715.10 of the Revised Code.

(3) "Eligible program" means a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association, or such a school together with a school of dentistry.

(B) In order to provide better for the public health and the necessary enhancement of instruction in medicine and dentistry in the state, and to encourage the means of such instruction with the least economic cost to the people of the state, the chancellor of ~~the Ohio board of regents~~ higher education may enter into agreements with qualified institutions of higher education providing for the continued operation by the institution of eligible programs, conditioned upon continued payments by the state to such institution for the purposes of such eligible programs of amounts determined in the manner provided for the state subsidy from time to time afforded to state universities on the basis of comparable programs. Before entering into such agreement, the chancellor shall determine that the institution is a qualified institution of higher education as defined in division (A) of this section, and that the operation of such eligible programs as provided for in such agreement and such payments will contribute to the objectives stated in this section and to the objectives of the master plan of higher education formulated under section 3333.04 of the Revised Code.

(C) Agreements under this section shall contain provisions to the effect that:

(1) The institution shall submit to the chancellor 50571
accountings for the expenditure of state payments in the manner 50572
and at the times as are requested for state-assisted institutions 50573
of higher education pursuant to division (A) of section 3333.07 of 50574
the Revised Code. 50575

(2) The institution shall notify the chancellor in the manner 50576
provided for state-assisted institutions under division (D) of 50577
section 3333.07 of the Revised Code with regard to program 50578
recommendations by the chancellor in the nature of those provided 50579
for in divisions (F) and (G) of section 3333.04 of the Revised 50580
Code. 50581

(3) The agreement shall terminate if the institution ceases 50582
to be a qualified institution of higher education as determined by 50583
the chancellor in accordance with Chapter 119. of the Revised 50584
Code. 50585

(D) Agreements under this section may make further provision 50586
for any one or more of the following as the parties determine: 50587

(1) The duration of any such agreement, or additional 50588
provision for terminating the agreement; 50589

(2) Additional conditions for the effectiveness or continued 50590
effectiveness of such agreement; 50591

(3) Procedures for the amendment or supplementation of the 50592
agreement, including designation of the parties to approve or 50593
execute such amendments or supplements; 50594

(4) Such other provisions as may be deemed necessary or 50595
appropriate. 50596

(E) In case any provision or part of this section or any 50597
provision, agreement, covenant, stipulation, obligation, act or 50598
action, or part thereof, made, assumed, or taken under or pursuant 50599
to this section, or any application thereof, is for any reason 50600

held to be illegal or invalid, such illegality or invalidity shall 50601
not affect the remainder thereof or any other provision of this 50602
section or any other provision, agreement, covenant, stipulation, 50603
obligation, action, or part thereof, made, assumed, or taken under 50604
or pursuant to this section, which shall be construed and enforced 50605
as if such illegal or invalid portion were not contained therein, 50606
nor shall such illegality or invalidity of any application thereof 50607
affect any legal and valid application thereof, and each such 50608
provision, agreement, covenant, stipulation, obligation, act, or 50609
action, or part thereof, shall be deemed to be effective, 50610
operative, made, done, or entered into in the manner and to the 50611
full extent permitted by law to accomplish most nearly the 50612
intention thereof. 50613

(F) No agreement shall be entered into under this section 50614
with any institution which is not in compliance with section 50615
3333.11 of the Revised Code. 50616

Sec. 3333.11. Each school or college of medicine or medical 50617
university supported in whole or in part by the state shall create 50618
a curriculum for and maintain a department of family practice, the 50619
purpose of which shall be to acquaint undergraduates with and to 50620
train postgraduate physicians for the practice of family medicine. 50621
The minimum requirements for the department shall include courses 50622
of study in family care, including clinical experience, a program 50623
of preceptorships, and a program of family practice residencies in 50624
university or other hospital settings. 50625

Each program of family practice shall: 50626

(A) Be designated to advance the field of family practice; 50627

(B) Educate all medical students in family practice and 50628
encourage students to enter it as a career; 50629

(C) Provide students an opportunity to study family practice 50630

in various situations through preceptorships, seminars, model 50631
family practice units within the medical school, classroom work, 50632
hospital programs, or other means; 50633

(D) Develop residency and other training programs for family 50634
practice in public and private hospitals, including those in 50635
nonmetropolitan areas of the state; 50636

(E) The department shall be a full department co-equal with 50637
all other major clinical departments and headed by a qualified 50638
experienced family practitioner serving as chairperson of the 50639
department of family practice and director of the family practice 50640
residency program. 50641

Funds appropriated by the general assembly in support of 50642
family practice programs shall not be disbursed until the 50643
chancellor of ~~the Ohio board of regents~~ higher education has 50644
certified that the intent and requirements of this section are 50645
being met. 50646

Sec. 3333.12. (A) As used in this section: 50647

(1) "Eligible student" means an undergraduate student who is: 50648

(a) An Ohio resident enrolled in an undergraduate program 50649
before the 2006-2007 academic year; 50650

(b) Enrolled in either of the following: 50651

(i) An accredited institution of higher education in this 50652
state that meets the requirements of Title VI of the Civil Rights 50653
Act of 1964 and is state-assisted, is nonprofit and has a 50654
certificate of authorization pursuant to Chapter 1713. of the 50655
Revised Code, has a certificate of registration from the state 50656
board of career colleges and schools and program authorization to 50657
award an associate or bachelor's degree, or is a private 50658
institution exempt from regulation under Chapter 3332. of the 50659
Revised Code as prescribed in section 3333.046 of the Revised 50660

Code. Students who attend an institution that holds a certificate 50661
of registration shall be enrolled in a program leading to an 50662
associate or bachelor's degree for which associate or bachelor's 50663
degree program the institution has program authorization issued 50664
under section 3332.05 of the Revised Code. 50665

(ii) A technical education program of at least two years 50666
duration sponsored by a private institution of higher education in 50667
this state that meets the requirements of Title VI of the Civil 50668
Rights Act of 1964. 50669

(c) Enrolled as a full-time student or enrolled as a less 50670
than full-time student for the term expected to be the student's 50671
final term of enrollment and is enrolled for the number of credit 50672
hours necessary to complete the requirements of the program in 50673
which the student is enrolled. 50674

(2) "Gross income" includes all taxable and nontaxable income 50675
of the parents, the student, and the student's spouse, except 50676
income derived from an Ohio academic scholarship, income earned by 50677
the student between the last day of the spring term and the first 50678
day of the fall term, and other income exclusions designated by 50679
the chancellor of ~~the Ohio board of regents~~ higher education. 50680
Gross income may be verified to the chancellor by the institution 50681
in which the student is enrolled using the federal financial aid 50682
eligibility verification process or by other means satisfactory to 50683
the chancellor. 50684

(3) "Resident," "full-time student," "dependent," 50685
"financially independent," and "accredited" shall be defined by 50686
rules adopted by the chancellor. 50687

(B) The chancellor shall establish and administer an 50688
instructional grant program and may adopt rules to carry out this 50689
section. The general assembly shall support the instructional 50690
grant program by such sums and in such manner as it may provide, 50691

but the chancellor may also receive funds from other sources to 50692
support the program. If the amounts available for support of the 50693
program are inadequate to provide grants to all eligible students, 50694
preference in the payment of grants shall be given in terms of 50695
income, beginning with the lowest income category of gross income 50696
and proceeding upward by category to the highest gross income 50697
category. 50698

An instructional grant shall be paid to an eligible student 50699
through the institution in which the student is enrolled, except 50700
that no instructional grant shall be paid to any person serving a 50701
term of imprisonment. Applications for such grants shall be made 50702
as prescribed by the chancellor, and such applications may be made 50703
in conjunction with and upon the basis of information provided in 50704
conjunction with student assistance programs funded by agencies of 50705
the United States government or from financial resources of the 50706
institution of higher education. The institution shall certify 50707
that the student applicant meets the requirements set forth in 50708
divisions (A)(1)(b) and (c) of this section. Instructional grants 50709
shall be provided to an eligible student only as long as the 50710
student is making appropriate progress toward a nursing diploma or 50711
an associate or bachelor's degree. No student shall be eligible to 50712
receive a grant for more than ten semesters, fifteen quarters, or 50713
the equivalent of five academic years. A grant made to an eligible 50714
student on the basis of less than full-time enrollment shall be 50715
based on the number of credit hours for which the student is 50716
enrolled and shall be computed in accordance with a formula 50717
adopted by the chancellor. No student shall receive more than one 50718
grant on the basis of less than full-time enrollment. 50719

An instructional grant shall not exceed the total 50720
instructional and general charges of the institution. 50721

(C) The tables in this division prescribe the maximum grant 50722
amounts covering two semesters, three quarters, or a comparable 50723

portion of one academic year. Grant amounts for additional terms 50724
in the same academic year shall be determined under division (D) 50725
of this section. 50726

For a full-time student who is a dependent and enrolled in a 50727
nonprofit educational institution that is not a state-assisted 50728
institution and that has a certificate of authorization issued 50729
pursuant to Chapter 1713. of the Revised Code, the amount of the 50730
instructional grant for two semesters, three quarters, or a 50731
comparable portion of the academic year shall be determined in 50732
accordance with the following table: 50733

Private Institution 50734

Table of Grants 50735

Gross Income	Maximum Grant \$5,466					50736
	Number of Dependents					
	1	2	3	4	5 or more	50738
\$0 - \$15,000	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	50739
\$15,001 - \$16,000	4,920	5,466	5,466	5,466	5,466	50740
\$16,001 - \$17,000	4,362	4,920	5,466	5,466	5,466	50741
\$17,001 - \$18,000	3,828	4,362	4,920	5,466	5,466	50742
\$18,001 - \$19,000	3,288	3,828	4,362	4,920	5,466	50743
\$19,001 - \$22,000	2,736	3,288	3,828	4,362	4,920	50744
\$22,001 - \$25,000	2,178	2,736	3,288	3,828	4,362	50745
\$25,001 - \$28,000	1,626	2,178	2,736	3,288	3,828	50746
\$28,001 - \$31,000	1,344	1,626	2,178	2,736	3,288	50747
\$31,001 - \$32,000	1,080	1,344	1,626	2,178	2,736	50748
\$32,001 - \$33,000	984	1,080	1,344	1,626	2,178	50749
\$33,001 - \$34,000	888	984	1,080	1,344	1,626	50750
\$34,001 - \$35,000	444	888	984	1,080	1,344	50751
\$35,001 - \$36,000	--	444	888	984	1,080	50752
\$36,001 - \$37,000	--	--	444	888	984	50753
\$37,001 - \$38,000	--	--	--	444	888	50754

\$38,001 - \$39,000 -- -- -- -- 444 50755

For a full-time student who is financially independent and 50756
enrolled in a nonprofit educational institution that is not a 50757
state-assisted institution and that has a certificate of 50758
authorization issued pursuant to Chapter 1713. of the Revised 50759
Code, the amount of the instructional grant for two semesters, 50760
three quarters, or a comparable portion of the academic year shall 50761
be determined in accordance with the following table: 50762

Private Institution 50763

Table of Grants 50764

Maximum Grant \$5,466 50765

Gross Income Number of Dependents 50766

	0	1	2	3	4	5 or more	
\$0 - \$4,800	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	50768
\$4,801 - \$5,300	4,920	5,466	5,466	5,466	5,466	5,466	50769
\$5,301 - \$5,800	4,362	5,196	5,466	5,466	5,466	5,466	50770
\$5,801 - \$6,300	3,828	4,914	5,196	5,466	5,466	5,466	50771
\$6,301 - \$6,800	3,288	4,650	4,914	5,196	5,466	5,466	50772
\$6,801 - \$7,300	2,736	4,380	4,650	4,914	5,196	5,466	50773
\$7,301 - \$8,300	2,178	4,104	4,380	4,650	4,914	5,196	50774
\$8,301 - \$9,300	1,626	3,822	4,104	4,380	4,650	4,914	50775
\$9,301 - \$10,300	1,344	3,546	3,822	4,104	4,380	4,650	50776
\$10,301 - \$11,800	1,080	3,408	3,546	3,822	4,104	4,380	50777
\$11,801 - \$13,300	984	3,276	3,408	3,546	3,822	4,104	50778
\$13,301 - \$14,800	888	3,228	3,276	3,408	3,546	3,822	50779
\$14,801 - \$16,300	444	2,904	3,228	3,276	3,408	3,546	50780
\$16,301 - \$19,300	--	2,136	2,628	2,952	3,276	3,408	50781
\$19,301 - \$22,300	--	1,368	1,866	2,358	2,676	3,000	50782
\$22,301 - \$25,300	--	1,092	1,368	1,866	2,358	2,676	50783
\$25,301 - \$30,300	--	816	1,092	1,368	1,866	2,358	50784
\$30,301 - \$35,300	--	492	540	672	816	1,314	50785

For a full-time student who is a dependent and enrolled in an 50786

educational institution that holds a certificate of registration 50787
 from the state board of career colleges and schools or a private 50788
 institution exempt from regulation under Chapter 3332. of the 50789
 Revised Code as prescribed in section 3333.046 of the Revised 50790
 Code, the amount of the instructional grant for two semesters, 50791
 three quarters, or a comparable portion of the academic year shall 50792
 be determined in accordance with the following table: 50793

Career Institution 50794

Table of Grants 50795

Maximum Grant \$4,632 50796

Gross Income Number of Dependents 50797

	1	2	3	4	5 or more	
\$0 - \$15,000	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	50799
\$15,001 - \$16,000	4,182	4,632	4,632	4,632	4,632	50800
\$16,001 - \$17,000	3,684	4,182	4,632	4,632	4,632	50801
\$17,001 - \$18,000	3,222	3,684	4,182	4,632	4,632	50802
\$18,001 - \$19,000	2,790	3,222	3,684	4,182	4,632	50803
\$19,001 - \$22,000	2,292	2,790	3,222	3,684	4,182	50804
\$22,001 - \$25,000	1,854	2,292	2,790	3,222	3,684	50805
\$25,001 - \$28,000	1,416	1,854	2,292	2,790	3,222	50806
\$28,001 - \$31,000	1,134	1,416	1,854	2,292	2,790	50807
\$31,001 - \$32,000	906	1,134	1,416	1,854	2,292	50808
\$32,001 - \$33,000	852	906	1,134	1,416	1,854	50809
\$33,001 - \$34,000	750	852	906	1,134	1,416	50810
\$34,001 - \$35,000	372	750	852	906	1,134	50811
\$35,001 - \$36,000	--	372	750	852	906	50812
\$36,001 - \$37,000	--	--	372	750	852	50813
\$37,001 - \$38,000	--	--	--	372	750	50814
\$38,001 - \$39,000	--	--	--	--	372	50815

For a full-time student who is financially independent and 50816
 enrolled in an educational institution that holds a certificate of 50817
 registration from the state board of career colleges and schools 50818

or a private institution exempt from regulation under Chapter 50819
3332. of the Revised Code as prescribed in section 3333.046 of the 50820
Revised Code, the amount of the instructional grant for two 50821
semesters, three quarters, or a comparable portion of the academic 50822
year shall be determined in accordance with the following table: 50823

Career Institution 50824

Table of Grants 50825

Maximum Grant \$4,632 50826

Gross Income Number of Dependents 50827

	Number of Dependents						5 or more	
	0	1	2	3	4	5 or more		
\$0 - \$4,800	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	50829
\$4,801 - \$5,300	4,182	4,632	4,632	4,632	4,632	4,632	4,632	50830
\$5,301 - \$5,800	3,684	4,410	4,632	4,632	4,632	4,632	4,632	50831
\$5,801 - \$6,300	3,222	4,158	4,410	4,632	4,632	4,632	4,632	50832
\$6,301 - \$6,800	2,790	3,930	4,158	4,410	4,632	4,632	4,632	50833
\$6,801 - \$7,300	2,292	3,714	3,930	4,158	4,410	4,632	4,632	50834
\$7,301 - \$8,300	1,854	3,462	3,714	3,930	4,158	4,410	4,410	50835
\$8,301 - \$9,300	1,416	3,246	3,462	3,714	3,930	4,158	4,158	50836
\$9,301 - \$10,300	1,134	3,024	3,246	3,462	3,714	3,930	3,930	50837
\$10,301 - \$11,800	906	2,886	3,024	3,246	3,462	3,714	3,714	50838
\$11,801 - \$13,300	852	2,772	2,886	3,024	3,246	3,462	3,462	50839
\$13,301 - \$14,800	750	2,742	2,772	2,886	3,024	3,246	3,246	50840
\$14,801 - \$16,300	372	2,466	2,742	2,772	2,886	3,024	3,024	50841
\$16,301 - \$19,300	--	1,800	2,220	2,520	2,772	2,886	2,886	50842
\$19,301 - \$22,300	--	1,146	1,584	1,986	2,268	2,544	2,544	50843
\$22,301 - \$25,300	--	930	1,146	1,584	1,986	2,268	2,268	50844
\$25,301 - \$30,300	--	708	930	1,146	1,584	1,986	1,986	50845
\$30,301 - \$35,300	--	426	456	570	708	1,116	1,116	50846

For a full-time student who is a dependent and enrolled in a 50847
state-assisted educational institution, the amount of the 50848
instructional grant for two semesters, three quarters, or a 50849
comparable portion of the academic year shall be determined in 50850

accordance with the following table:						50851
	Public Institution					50852
	Table of Grants					50853
					Maximum Grant \$2,190	50854
Gross Income					Number of Dependents	50855
	1	2	3	4	5 or more	50856
\$0 - \$15,000	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	50857
\$15,001 - \$16,000	1,974	2,190	2,190	2,190	2,190	50858
\$16,001 - \$17,000	1,740	1,974	2,190	2,190	2,190	50859
\$17,001 - \$18,000	1,542	1,740	1,974	2,190	2,190	50860
\$18,001 - \$19,000	1,320	1,542	1,740	1,974	2,190	50861
\$19,001 - \$22,000	1,080	1,320	1,542	1,740	1,974	50862
\$22,001 - \$25,000	864	1,080	1,320	1,542	1,740	50863
\$25,001 - \$28,000	648	864	1,080	1,320	1,542	50864
\$28,001 - \$31,000	522	648	864	1,080	1,320	50865
\$31,001 - \$32,000	420	522	648	864	1,080	50866
\$32,001 - \$33,000	384	420	522	648	864	50867
\$33,001 - \$34,000	354	384	420	522	648	50868
\$34,001 - \$35,000	174	354	384	420	522	50869
\$35,001 - \$36,000	--	174	354	384	420	50870
\$36,001 - \$37,000	--	--	174	354	384	50871
\$37,001 - \$38,000	--	--	--	174	354	50872
\$38,001 - \$39,000	--	--	--	--	174	50873

For a full-time student who is financially independent and
enrolled in a state-assisted educational institution, the amount
of the instructional grant for two semesters, three quarters, or a
comparable portion of the academic year shall be determined in
accordance with the following table:

	Public Institution					50874
	Table of Grants					50875
					Maximum Grant \$2,190	50876
						50877
						50878
						50879
						50880
						50881

Gross Income	Number of Dependents						50882
	0	1	2	3	4	5 or more	50883
\$0 - \$4,800	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	50884
\$4,801 - \$5,300	1,974	2,190	2,190	2,190	2,190	2,190	50885
\$5,301 - \$5,800	1,740	2,082	2,190	2,190	2,190	2,190	50886
\$5,801 - \$6,300	1,542	1,968	2,082	2,190	2,190	2,190	50887
\$6,301 - \$6,800	1,320	1,866	1,968	2,082	2,190	2,190	50888
\$6,801 - \$7,300	1,080	1,758	1,866	1,968	2,082	2,190	50889
\$7,301 - \$8,300	864	1,638	1,758	1,866	1,968	2,082	50890
\$8,301 - \$9,300	648	1,530	1,638	1,758	1,866	1,968	50891
\$9,301 - \$10,300	522	1,422	1,530	1,638	1,758	1,866	50892
\$10,301 - \$11,800	420	1,356	1,422	1,530	1,638	1,758	50893
\$11,801 - \$13,300	384	1,308	1,356	1,422	1,530	1,638	50894
\$13,301 - \$14,800	354	1,290	1,308	1,356	1,422	1,530	50895
\$14,801 - \$16,300	174	1,164	1,290	1,308	1,356	1,422	50896
\$16,301 - \$19,300	--	858	1,050	1,182	1,308	1,356	50897
\$19,301 - \$22,300	--	540	750	948	1,062	1,200	50898
\$22,301 - \$25,300	--	432	540	750	948	1,062	50899
\$25,301 - \$30,300	--	324	432	540	750	948	50900
\$30,301 - \$35,300	--	192	210	264	324	522	50901

(D) For a full-time student enrolled in an eligible institution for a semester or quarter in addition to the portion of the academic year covered by a grant determined under division (C) of this section, the maximum grant amount shall be a percentage of the maximum prescribed in the applicable table of that division. The maximum grant for a fourth quarter shall be one-third of the maximum amount prescribed under that division. The maximum grant for a third semester shall be one-half of the maximum amount prescribed under that division.

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an

accredited bachelor of arts, bachelor of science, associate of 50914
arts, or associate of science degree. 50915

(F)(1) Except as provided in division (F)(2) of this section, 50916
no grant shall be made to any student for enrollment during a 50917
fiscal year in an institution with a cohort default rate 50918
determined by the United States secretary of education pursuant to 50919
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 50920
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 50921
preceding the fiscal year, equal to or greater than thirty per 50922
cent for each of the preceding two fiscal years. 50923

(2) Division (F)(1) of this section does not apply to the 50924
following: 50925

(a) Any student enrolled in an institution that under the 50926
federal law appeals its loss of eligibility for federal financial 50927
aid and the United States secretary of education determines its 50928
cohort default rate after recalculation is lower than the rate 50929
specified in division (F)(1) of this section or the secretary 50930
determines due to mitigating circumstances the institution may 50931
continue to participate in federal financial aid programs. The 50932
chancellor shall adopt rules requiring institutions to provide 50933
information regarding an appeal to the chancellor. 50934

(b) Any student who has previously received a grant under 50935
this section who meets all other requirements of this section. 50936

(3) The chancellor shall adopt rules for the notification of 50937
all institutions whose students will be ineligible to participate 50938
in the grant program pursuant to division (F)(1) of this section. 50939

(4) A student's attendance at an institution whose students 50940
lose eligibility for grants under division (F)(1) of this section 50941
shall not affect that student's eligibility to receive a grant 50942
when enrolled in another institution. 50943

(G) Institutions of higher education that enroll students 50944

receiving instructional grants under this section shall report to 50945
the chancellor all students who have received instructional grants 50946
but are no longer eligible for all or part of such grants and 50947
shall refund any moneys due the state within thirty days after the 50948
beginning of the quarter or term immediately following the quarter 50949
or term in which the student was no longer eligible to receive all 50950
or part of the student's grant. There shall be an interest charge 50951
of one per cent per month on all moneys due and payable after such 50952
thirty-day period. The chancellor shall immediately notify the 50953
office of budget and management and the legislative service 50954
commission of all refunds so received. 50955

Sec. 3333.121. There is hereby established in the state 50956
treasury the state need-based financial aid reconciliation fund, 50957
which shall consist of refunds of instructional grant payments 50958
made pursuant to section 3333.12 of the Revised Code and refunds 50959
of state need-based financial aid payments made pursuant to 50960
section 3333.122 of the Revised Code. Revenues credited to the 50961
fund shall be used by the chancellor of ~~the Ohio board of regents~~ 50962
higher education to pay to higher education institutions any 50963
outstanding obligations from the prior year owed for the Ohio 50964
instructional grant program and the Ohio college opportunity grant 50965
program that are identified through the annual reconciliation and 50966
financial audit. Any amount in the fund that is in excess of the 50967
amount certified to the director of budget and management by the 50968
chancellor of higher education as necessary to reconcile prior 50969
year payments under the program shall be transferred to the 50970
general revenue fund. 50971

Sec. 3333.122. (A) The chancellor of ~~the Ohio board of~~ 50972
~~regents~~ higher education shall adopt rules to carry out this 50973
section and as authorized under section 3333.123 of the Revised 50974
Code. The rules shall include definitions of the terms "resident," 50975

"expected family contribution," "full-time student," 50976
"three-quarters-time student," "half-time student," 50977
"one-quarter-time student," "state cost of attendance," and 50978
"accredited" for the purpose of those sections. 50979

(B) Only an Ohio resident who meets both of the following is 50980
eligible for a grant awarded under this section: 50981

(1) The resident has an expected family contribution of two 50982
thousand one hundred ninety or less; 50983

(2) The resident enrolls in one of the following: 50984

(a) An undergraduate program, or a nursing diploma program 50985
approved by the board of nursing under division (A)(5) of section 50986
4723.06 of the Revised Code, at a state-assisted state institution 50987
of higher education, as defined in section 3345.12 of the Revised 50988
Code, that meets the requirements of Title VI of the Civil Rights 50989
Act of 1964; 50990

(b) An undergraduate program, or a nursing diploma program 50991
approved by the board of nursing under division (A)(5) of section 50992
4723.06 of the Revised Code, at a private, nonprofit institution 50993
in this state holding a certificate of authorization pursuant to 50994
Chapter 1713. of the Revised Code; 50995

(c) An undergraduate program, or a nursing diploma program 50996
approved by the board of nursing under division (A)(5) of section 50997
4723.06 of the Revised Code, at a career college in this state 50998
that holds a certificate of registration from the state board of 50999
career colleges and schools under Chapter 3332. of the Revised 51000
Code or at a private institution exempt from regulation under 51001
Chapter 3332. of the Revised Code as prescribed in section 51002
3333.046 of the Revised Code, if the program has a certificate of 51003
authorization pursuant to Chapter 1713. of the Revised Code. 51004

(C)(1) The chancellor shall establish and administer a 51005
needs-based financial aid grants program based on the United 51006

States department of education's method of determining financial 51007
need. The program shall be known as the Ohio college opportunity 51008
grant program. The general assembly shall support the needs-based 51009
financial aid program by such sums and in such manner as it may 51010
provide, but the chancellor also may receive funds from other 51011
sources to support the program. If, for any academic year, the 51012
amounts available for support of the program are inadequate to 51013
provide grants to all eligible students, the chancellor shall do 51014
one of the following: 51015

(a) Give preference in the payment of grants based upon 51016
expected family contribution, beginning with the lowest expected 51017
family contribution category and proceeding upward by category to 51018
the highest expected family contribution category; 51019

(b) Proportionately reduce the amount of each grant to be 51020
awarded for the academic year under this section; 51021

(c) Use an alternate formula for such grants that addresses 51022
the shortage of available funds and has been submitted to and 51023
approved by the controlling board. 51024

(2) The needs-based financial aid grant shall be paid to the 51025
eligible student through the institution in which the student is 51026
enrolled, except that no needs-based financial aid grant shall be 51027
paid to any person serving a term of imprisonment. Applications 51028
for the grants shall be made as prescribed by the chancellor, and 51029
such applications may be made in conjunction with and upon the 51030
basis of information provided in conjunction with student 51031
assistance programs funded by agencies of the United States 51032
government or from financial resources of the institution of 51033
higher education. The institution shall certify that the student 51034
applicant meets the requirements set forth in division (B) of this 51035
section. Needs-based financial aid grants shall be provided to an 51036
eligible student only as long as the student is making appropriate 51037
progress toward a nursing diploma or an associate or bachelor's 51038

degree. No student shall be eligible to receive a grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years. A grant made to an eligible student on the basis of less than full-time enrollment shall be based on the number of credit hours for which the student is enrolled and shall be computed in accordance with a formula adopted by rule issued by the chancellor. No student shall receive more than one grant on the basis of less than full-time enrollment.

(D)(1) Except as provided in division (D)(4) of this section, no grant awarded under this section shall exceed the total state cost of attendance.

(2) Subject to divisions (D)(1), (3), and (4) of this section, the amount of a grant awarded to a student under this section shall equal the student's remaining state cost of attendance after the student's Pell grant and expected family contribution are applied to the instructional and general charges for the undergraduate program. However, for students enrolled in a state university or college as defined in section 3345.12 of the Revised Code or a university branch, the chancellor may provide that the grant amount shall equal the student's remaining instructional and general charges for the undergraduate program after the student's Pell grant and expected family contribution have been applied to those charges, but, in no case, shall the grant amount for such a student exceed any maximum that the chancellor may set by rule.

(3) For a student enrolled for a semester or quarter in addition to the portion of the academic year covered by a grant under this section, the maximum grant amount shall be a percentage of the maximum specified in any table established in rules adopted by the chancellor as provided in division (A) of this section. The maximum grant for a fourth quarter shall be one-third of the maximum amount so prescribed. The maximum grant for a third

semester shall be one-half of the maximum amount so prescribed. 51071

(4) If a student is enrolled in a two-year institution of 51072
higher education and is eligible for an education and training 51073
voucher through the Ohio education and training voucher program 51074
that receives federal funding under the John H. Chafee foster care 51075
independence program, 42 U.S.C. 677, the amount of a grant awarded 51076
under this section may exceed the total state cost of attendance 51077
to additionally cover housing costs. 51078

(E) No grant shall be made to any student in a course of 51079
study in theology, religion, or other field of preparation for a 51080
religious profession unless such course of study leads to an 51081
accredited bachelor of arts, bachelor of science, associate of 51082
arts, or associate of science degree. 51083

(F)(1) Except as provided in division (F)(2) of this section, 51084
no grant shall be made to any student for enrollment during a 51085
fiscal year in an institution with a cohort default rate 51086
determined by the United States secretary of education pursuant to 51087
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 51088
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 51089
preceding the fiscal year, equal to or greater than thirty per 51090
cent for each of the preceding two fiscal years. 51091

(2) Division (F)(1) of this section does not apply in the 51092
case of either of the following: 51093

(a) The institution pursuant to federal law appeals its loss 51094
of eligibility for federal financial aid and the United States 51095
secretary of education determines its cohort default rate after 51096
recalculation is lower than the rate specified in division (F)(1) 51097
of this section or the secretary determines due to mitigating 51098
circumstances that the institution may continue to participate in 51099
federal financial aid programs. The chancellor shall adopt rules 51100
requiring any such appellant to provide information to the 51101

chancellor regarding an appeal. 51102

(b) Any student who has previously received a grant pursuant 51103
to any provision of this section, including prior to the section's 51104
amendment by H.B. 1 of the 128th general assembly, effective July 51105
17, 2009, and who meets all other eligibility requirements of this 51106
section. 51107

(3) The chancellor shall adopt rules for the notification of 51108
all institutions whose students will be ineligible to participate 51109
in the grant program pursuant to division (F)(1) of this section. 51110

(4) A student's attendance at any institution whose students 51111
are ineligible for grants due to division (F)(1) of this section 51112
shall not affect that student's eligibility to receive a grant 51113
when enrolled in another institution. 51114

(G) Institutions of higher education that enroll students 51115
receiving needs-based financial aid grants under this section 51116
shall report to the chancellor all students who have received such 51117
needs-based financial aid grants but are no longer eligible for 51118
all or part of those grants and shall refund any moneys due the 51119
state within thirty days after the beginning of the quarter or 51120
term immediately following the quarter or term in which the 51121
student was no longer eligible to receive all or part of the 51122
student's grant. There shall be an interest charge of one per cent 51123
per month on all moneys due and payable after such thirty-day 51124
period. The chancellor shall immediately notify the office of 51125
budget and management and the legislative service commission of 51126
all refunds so received. 51127

Sec. 3333.123. (A) As used in this section: 51128

(1) "The Ohio college opportunity grant program" means the 51129
program established under section 3333.122 of the Revised Code. 51130

(2) "Rules for the Ohio college opportunity grant program" 51131

means the rules authorized in division (R) of section 3333.04 of 51132
the Revised Code for the implementation of the program. 51133

(B) In adopting rules for the Ohio college opportunity grant 51134
program, the chancellor of ~~the Ohio board of regents~~ higher 51135
education may include provisions that give preferential or 51136
priority funding to low-income students who in their primary and 51137
secondary school work participate in or complete rigorous academic 51138
coursework, attain passing scores on the assessments prescribed in 51139
section 3301.0710 or 3301.0712 of the Revised Code, or meet other 51140
high academic performance standards determined by the chancellor 51141
to reduce the need for remediation and ensure academic success at 51142
the postsecondary education level. Any such rules shall include a 51143
specification of procedures needed to certify student achievement 51144
of primary and secondary standards as well as the timeline for 51145
implementation of the provisions authorized by this section. 51146

Sec. 3333.124. There is hereby created in the state treasury 51147
the Ohio college opportunity grant program reserve fund. ~~Not later~~ 51148
~~than the first day of July~~ As soon as possible following the end 51149
of each fiscal year, the chancellor of ~~the Ohio board of regents~~ 51150
higher education shall certify to the director of budget and 51151
management the unencumbered balance of the general revenue fund 51152
appropriations made in the immediately preceding fiscal year for 51153
purposes of the Ohio college opportunity grant program created in 51154
section 3333.122 of the Revised Code. Upon receipt of the 51155
certification, the director of budget and management may transfer 51156
an amount not exceeding the certified amount from the general 51157
revenue fund to the Ohio college opportunity grant program reserve 51158
fund. Moneys in the Ohio college opportunity grant program reserve 51159
fund shall be used to pay grant obligations in excess of the 51160
general revenue fund appropriations made for that purpose. 51161

The director of budget and management may transfer any 51162

unencumbered balance from the Ohio college opportunity grant 51163
program reserve fund to the general revenue fund. 51164

If it is determined that general revenue fund appropriations 51165
are insufficient to meet the obligations of the Ohio college 51166
opportunity grant program in a fiscal year, the director of budget 51167
and management may transfer funds from the Ohio college 51168
opportunity grant program reserve fund to the general revenue fund 51169
in order to meet those obligations. The amount transferred is 51170
hereby appropriated. If the funds transferred from the Ohio 51171
college opportunity grant program reserve fund are not needed, the 51172
director of budget and management may transfer the unexpended 51173
balance from the general revenue fund back to the Ohio college 51174
opportunity grant program reserve fund. 51175

Sec. 3333.13. (A) Money appropriated to the chancellor of ~~the~~ 51176
~~Ohio board of regents~~ higher education for the purposes of this 51177
division shall be paid at the times and in the amounts necessary 51178
to meet all payments required to be made by the chancellor to the 51179
Ohio public facilities commission pursuant to leases or agreements 51180
made under division (B) of section 154.21 of the Revised Code, as 51181
certified under division (C) of this section, including 51182
supplements to such certifications. 51183

(B) The chancellor shall include in the estimate of proposed 51184
expenses submitted pursuant to section 126.02 of the Revised Code 51185
the estimated amounts of all such payments to be made by the 51186
chancellor. The chancellor shall include the estimated amounts of 51187
all such payments to be made by the chancellor in recommendations 51188
for appropriation required by division (J) of section 3333.04 of 51189
the Revised Code. The director of budget and management shall 51190
include in the state budget estimates provided for in section 51191
126.02 of the Revised Code the estimated amount of all such 51192
payments to be made during the next biennium, and this amount 51193

shall be included in the state budget to be submitted by the 51194
governor to the general assembly pursuant to section 107.03 of the 51195
Revised Code. 51196

(C) On the first day of July of each year, or as soon 51197
thereafter as is practicable, the chancellor or a vice-chancellor 51198
shall certify to the director of budget and management the 51199
payments contracted to be made, during the period of the then 51200
current appropriations made for the purposes of division (A) of 51201
this section, to the commission by the chancellor pursuant to 51202
leases and agreements made under division (B) of section 154.21 of 51203
the Revised Code. The certification shall state the amounts and 51204
dates of payment required therefor and the amounts to be credited 51205
pursuant to such leases and agreements to the higher education 51206
bond service trust fund and other special funds established 51207
pursuant to Chapter 154. of the Revised Code. If the director of 51208
budget and management finds such certification to be correct, the 51209
director shall promptly add the director's certification thereto 51210
and submit it to the treasurer of state. Such annual certification 51211
shall be supplemented in similar manner upon the execution of each 51212
new lease or agreement, any supplement to an existing lease or 51213
agreement, or any amendment thereof, affecting the amounts of 51214
those payments. 51215

Sec. 3333.14. Effective July 1, 1971, all public post high 51216
school technical education programs shall be operated by technical 51217
colleges, community colleges, university branches, state colleges, 51218
state-affiliated universities and state universities. Subject to 51219
rules and regulations adopted by the chancellor of ~~the Ohio board~~ 51220
~~of regents~~ higher education, the board of trustees or directors of 51221
one of the above such institutions shall adopt a plan of 51222
transition governing each public post high school technical 51223
education program not specifically identified or included in this 51224
section which is located in the geographic region of such 51225

institution as defined by the chancellor. The plan of transition 51226
shall provide for the dissolution of such technical education 51227
programs either by transfer of a program's lands, buildings, and 51228
equipment to one of the above such institutions or by complete 51229
termination of the technical education program. 51230

Sec. 3333.15. If the board of trustees of a state university 51231
fails to undertake appropriate action to establish a university 51232
branch campus within one year from the enactment of a capital 51233
improvement appropriation for the development of such university 51234
branch facility, the chancellor of ~~the Ohio board of regents~~ 51235
higher education may act as the chancellor deems necessary in 51236
place of the board of trustees, including securing the release of 51237
construction planning and construction contract funds from the 51238
state controlling board. If the chancellor takes action to plan 51239
and construct a university branch in accordance with this section, 51240
the officers and staff of such university shall perform all 51241
necessary functions incident to the planning and construction of 51242
such university branch as directed by the chancellor. 51243

Sec. 3333.16. As used in this section "state institution of 51244
higher education" means an institution of higher education as 51245
defined in section 3345.12 of the Revised Code. 51246

(A) The chancellor of ~~the Ohio board of regents~~ higher 51247
education shall do all of the following: 51248

(1) Establish policies and procedures applicable to all state 51249
institutions of higher education that ensure that students can 51250
begin higher education at any state institution of higher 51251
education and transfer coursework and degrees to any other state 51252
institution of higher education without unnecessary duplication or 51253
institutional barriers. The purpose of this requirement is to 51254
allow students to attain their highest educational aspirations in 51255

the most efficient and effective manner for the students and the 51256
state. These policies and procedures shall require state 51257
institutions of higher education to make changes or modifications, 51258
as needed, to strengthen course content so as to ensure 51259
equivalency for that course at any state institution of higher 51260
education. 51261

(2) Develop and implement a universal course equivalency 51262
classification system for state institutions of higher education 51263
so that the transfer of students and the transfer and articulation 51264
of equivalent courses or specified learning modules or units 51265
completed by students are not inhibited by inconsistent judgment 51266
about the application of transfer credits. Coursework completed 51267
within such a system at one state institution of higher education 51268
and transferred to another institution shall be applied to the 51269
student's degree objective in the same manner as equivalent 51270
coursework completed at the receiving institution. 51271

(3) Develop a system of transfer policies that ensure that 51272
graduates with associate degrees which include completion of 51273
approved transfer modules shall be admitted to a state institution 51274
of higher education, shall be able to compete for admission to 51275
specific programs on the same basis as students native to the 51276
institution, and shall have priority over out-of-state associate 51277
degree graduates and transfer students. To assist a student in 51278
advising and transferring, all state institutions of higher 51279
education shall fully implement the information system for 51280
advising and transferring selected by, contracted for, or 51281
developed by the chancellor. 51282

(4) Examine the feasibility of developing a transfer 51283
marketing agenda that includes materials and interactive 51284
technology to inform the citizens of Ohio about the availability 51285
of transfer options at state institutions of higher education and 51286
to encourage adults to return to colleges and universities for 51287

additional education;	51288
(5) Study, in consultation with the state board of career colleges and schools, and in light of existing criteria and any other criteria developed by the articulation and transfer advisory council, the feasibility of credit recognition and transferability to state institutions of higher education for graduates who have received associate degrees from a career college or school with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code.	51289 51290 51291 51292 51293 51294 51295 51296
(B) All provisions of the existing articulation and transfer policy developed by the Ohio board of regents <u>chancellor</u> shall remain in effect except where amended by this section.	51297 51298 51299
Sec. 3333.161. (A) As used in this section:	51300
(1) "Articulation agreement" means an agreement between two or more state institutions of higher education to facilitate the transfer of students and credits between such institutions.	51301 51302 51303
(2) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code.	51304 51305 51306
(3) "Two year college" includes a community college, state community college, technical college, and university branch.	51307 51308
(B) The chancellor of the Ohio board of regents <u>higher education</u> shall adopt rules establishing a statewide system for articulation agreements among state institutions of higher education for transfer students pursuing teacher education programs. The rules shall require an articulation agreement between institutions to include all of the following:	51309 51310 51311 51312 51313 51314
(1) The development of a transfer module for teacher education that includes introductory level courses that are evaluated as appropriate by faculty employed by the state	51315 51316 51317

institutions of higher education that are parties to the 51318
articulation agreement; 51319

(2) A foundation of general studies courses that have been 51320
identified as part of the transfer module for teacher education 51321
and have been evaluated as appropriate for the preparation of 51322
teachers and consistent with the academic content standards 51323
adopted under section 3301.079 of the Revised Code; 51324

(3) A clear identification of university faculty who are 51325
partnered with two year college faculty; 51326

(4) The publication of the articulation agreement that is 51327
available to all students, faculty, and staff. 51328

Sec. 3333.162. (A) As used in this section, "state 51329
institution of higher education" means an institution of higher 51330
education as defined in section 3345.12 of the Revised Code. 51331

(B) By April 15, 2007, the chancellor of ~~the Ohio board of~~ 51332
~~regents~~ higher education, in consultation with the department of 51333
education, public adult and secondary career-technical education 51334
institutions, and state institutions of higher education, shall 51335
establish criteria, policies, and procedures that enable students 51336
to transfer agreed upon technical courses completed through an 51337
adult career-technical education institution, a public secondary 51338
career-technical institution, or a state institution of higher 51339
education to a state institution of higher education without 51340
unnecessary duplication or institutional barriers. The courses to 51341
which the criteria, policies, and procedures apply shall be those 51342
that adhere to recognized industry standards and equivalent 51343
coursework common to the secondary career pathway and adult 51344
career-technical education system and regionally accredited state 51345
institutions of higher education. Where applicable, the policies 51346
and procedures shall build upon the articulation agreement and 51347
transfer initiative course equivalency system required by section 51348

3333.16 of the Revised Code. 51349

Sec. 3333.163. (A) As used in this section, "state 51350
institution of higher education" has the same meaning as in 51351
section 3345.011 of the Revised Code. 51352

(B) Not later than April 15, 2008, the articulation and 51353
transfer advisory council of the chancellor of ~~the Ohio board of~~ 51354
~~regents~~ higher education shall recommend to the chancellor 51355
standards for awarding course credit toward degree requirements at 51356
state institutions of higher education based on scores attained on 51357
advanced placement examinations. The recommended standards shall 51358
include a score on each advanced placement examination that the 51359
council considers to be a passing score for which course credit 51360
may be awarded. Upon adoption of the standards by the chancellor, 51361
each state institution of higher education shall comply with the 51362
standards in awarding course credit to any student enrolled in the 51363
institution who has attained a passing score on an advanced 51364
placement examination. 51365

Sec. 3333.164. (A) As used in this section, "state 51366
institution of higher education" has the same meaning as in 51367
section 3345.011 of the Revised Code. 51368

(B) Not later than December 31, 2014, the chancellor of ~~the~~ 51369
~~Ohio board of regents~~ higher education shall do all of the 51370
following with regard to the awarding of college credit for 51371
military training, experience, and coursework: 51372

(1) Develop a set of standards and procedures for state 51373
institutions of higher education to utilize in the granting of 51374
college credit for military training, experience, and coursework; 51375

(2) Create a military articulation and transfer assurance 51376
guide for college credit that is earned through military training, 51377
experience, and coursework. The chancellor shall use the current 51378

articulation and transfer policy adopted pursuant to section 51379
3333.16 of the Revised Code as a model in developing this guide. 51380

(3) Create a web site that contains information related to 51381
the awarding of college credit for military training, experience, 51382
and coursework. The web site shall include both of the following: 51383

(a) Standardized resources that address frequently asked 51384
questions regarding the awarding of such credit and related 51385
issues; 51386

(b) A statewide database that shows how specified military 51387
training, experience, and coursework translates to college credit. 51388

(4) Develop a statewide training program that prepares 51389
faculty and staff of state institutions of higher education to 51390
evaluate various military training, experience, and coursework and 51391
to award appropriate equivalent credit. The training program shall 51392
incorporate the best practices of awarding credit for military 51393
experiences, including both the recommendations of the American 51394
council on education and the standards developed by the council 51395
for adult and experiential learning. 51396

(C) Beginning on July 1, 2015, state institutions of higher 51397
education shall ensure that appropriate equivalent credit is 51398
awarded for military training, experience, and coursework that 51399
meet the standards developed by the chancellor pursuant to this 51400
section. 51401

Sec. 3333.17. The chancellor of ~~the Ohio board of regents~~ 51402
higher education may enter into contracts with the appropriate 51403
agency in a contiguous state whereby the agency provides for 51404
charging Ohio residents enrolled in state-assisted post-secondary 51405
educational institutions in the contiguous state, tuition and fees 51406
at rates no higher than the rates charged to students who are 51407
residents of that state, and whereby the chancellor, as part of 51408

such contracts, may provide that rates for tuition and fees 51409
charged to residents of the contiguous state who are enrolled in 51410
state-assisted post-secondary educational institutions in Ohio 51411
shall not exceed those charged Ohio residents. 51412

State-assisted post-secondary educational institutions in 51413
Ohio may enter into contracts with appropriate state-assisted 51414
post-secondary educational institutions in a contiguous state 51415
whereby the state-assisted post-secondary educational institution 51416
provides for charging Ohio residents enrolled in the institution 51417
in the contiguous state, tuition and fees at rates no higher than 51418
the rates charged to students who are residents of that state, and 51419
whereby the Ohio state-assisted post-secondary institution, as 51420
part of such contracts, may provide that rates for tuition and 51421
fees charged to residents of the contiguous state who are enrolled 51422
in the state-assisted post-secondary educational institutions in 51423
Ohio shall not exceed those charged Ohio residents. 51424

The contracts entered into by the chancellor or a 51425
state-assisted post-secondary educational institution may limit 51426
the type of academic program offered at the reciprocal rates. 51427
Residents of contiguous states enrolled in for credit courses 51428
taught at the main campus and identified off-campus sites at 51429
state-assisted post-secondary educational institutions in Ohio 51430
under such contracts shall be included in calculating the number 51431
of full-time equivalent students for state subsidy purposes. The 51432
chancellor and each state-assisted post-secondary educational 51433
institution shall periodically assess the costs and benefits of 51434
each such contract and the extent to which parity is achieved 51435
between Ohio and the contiguous state with respect to students 51436
benefiting from the contract. All Ohio state-assisted 51437
post-secondary educational institutions participating in these 51438
contracts shall report enrollments and other information annually 51439
to the chancellor. No contract shall be entered into under this 51440

section without the approval of the chancellor. The chancellor 51441
shall report the status of these contracts to the controlling 51442
board annually. 51443

Sec. 3333.171. (A) The chancellor of ~~the Ohio board of~~ 51444
~~regents higher education~~ may enter into a reciprocity agreement 51445
with the midwestern higher education compact whereby the agreement 51446
provides for both of the following: 51447

(1) A participating institution in Ohio may enroll residents 51448
of a participating state in distance education programs at that 51449
institution without attaining prior approval from the appropriate 51450
agency of that participating state. 51451

(2) A participating institution in another state may enroll 51452
Ohio residents in distance education programs at that institution 51453
without attaining prior approval from the chancellor. 51454

(B) Under the terms of an agreement, the chancellor may do 51455
any of the following: 51456

(1) Apply on behalf of the state of Ohio to become an 51457
eligible state to participate in the agreement; 51458

(2) Designate the ~~board~~ department of ~~regents higher~~ 51459
education as the lead agency to ensure that Ohio meets the 51460
eligibility requirements of the agreement, as determined by the 51461
midwestern higher education compact; 51462

(3) Develop criteria and procedures for eligible institutions 51463
in Ohio to apply to participate in the agreement and for their 51464
continued participation in the agreement; 51465

(4) Assess and collect fees, pursuant to rules adopted by the 51466
chancellor under Chapter 119. of the Revised Code, from 51467
participating institutions in Ohio; 51468

(5) Collect annual data, as prescribed by the chancellor or 51469
as required by the midwestern higher education compact, from 51470

participating institutions in Ohio; 51471

(6) Develop a student grievance process to resolve complaints 51472
brought against participating institutions in Ohio in regard to 51473
the distance education programs that are eligible under the terms 51474
of the agreement; 51475

(7) Work collaboratively with the state board of career 51476
colleges and schools to determine the eligibility of institutions 51477
authorized by that agency under section 3332.05 of the Revised 51478
Code for initial and continued participation in the agreement; 51479

(8) Perform other duties and responsibilities as required for 51480
participation in the agreement. 51481

(C) Any eligible institution in Ohio that wishes to 51482
participate in the agreement entered into under this section shall 51483
first attain approval for inclusion in the agreement from the 51484
chancellor. Thereafter, a participating institution in Ohio shall 51485
attain approval from the chancellor for any new distance education 51486
programs offered by that institution prior to enrolling residents 51487
of a participating state in such programs under the terms of the 51488
agreement. 51489

(D) All other post-secondary activity that requires the 51490
chancellor's approval and is not included under the terms of the 51491
agreement entered into under this section is subject to the 51492
chancellor's review and approval pursuant to Chapters 1713. and 51493
3333. of the Revised Code. 51494

(E) The chancellor may terminate the agreement entered into 51495
under this section or remove the ~~board of regents~~ department as 51496
the lead agency on the agreement, if the chancellor determines 51497
that the agreement is not in the best interest of the state or the 51498
board. 51499

(F) For purposes of this section: 51500

(1) "Eligible institution in Ohio" is any of the following types of institutions, as long as it is degree-granting and is accredited by an accrediting agency recognized by the United States secretary of education:

(a) A state institution of higher education as defined in section 3345.011 of the Revised Code;

(b) An Ohio institution of higher education that has received a certificate of authorization pursuant to Chapter 1713. of the Revised Code;

(c) An Ohio institution of higher education authorized by the state board of career colleges and schools under section 3332.05 of the Revised Code.

(2) "Participating institution in Ohio" is any "eligible institution in Ohio" that has been approved by the chancellor for participation in the agreement entered into under this section.

(3) "Participating institution in another state" is any institution of higher education that is located outside of Ohio that meets the eligibility requirements under the terms of a similar reciprocity agreement and is approved by the appropriate agency of that institution's home state to participate in an agreement entered into with the midwestern higher education compact, the New England board of higher education, the southern regional education board, or the western interstate commission for higher education.

Sec. 3333.18. The chancellor of ~~the Ohio board of regents~~ higher education may enter into contracts with the appropriate agency in a contiguous state whereby financial aids from the funds of each state may be used by qualified student recipients to attend approved post-secondary educational institutions in the other state. Approved institutions in Ohio are those that are

state-assisted or are nonprofit and have received certificates of 51531
authorization pursuant to Chapter 1713. of the Revised Code, or 51532
are private institutions exempt from regulation under Chapter 51533
3332. of the Revised Code as prescribed in section 3333.046 of the 51534
Revised Code. Eligible post-secondary educational institutions in 51535
the contiguous state shall be similarly approved by the 51536
appropriate agency of that state. In formulating and executing 51537
such contracts with a contiguous state, the chancellor shall 51538
assure that the total cost to this state approximates the total 51539
cost to the contiguous state. Any contract entered into under this 51540
section shall be subject to the periodic review of, and approval 51541
by, the controlling board. 51542

Sec. 3333.19. The chancellor of ~~the Ohio board of regents~~ 51543
higher education may enter into agreements with the appropriate 51544
agency in a foreign country or with an agency or organization 51545
sponsoring foreign student exchanges under which the agency or 51546
organization ensures that Ohio residents enrolled in 51547
post-secondary educational institutions in the foreign country 51548
will pay tuition and fees at rates no higher than the rates 51549
charged to students who are residents of that country and under 51550
which the chancellor provides that rates for tuition and fees 51551
charged to a comparable number of students from the foreign 51552
country who are enrolled in state-assisted institutions of higher 51553
education in Ohio are to be no higher than the rates charged to 51554
students who are Ohio residents. Notwithstanding that an Ohio 51555
resident is enrolled in a post-secondary educational institution 51556
in a foreign country under one of these agreements, any such 51557
student who was previously enrolled in a state-assisted 51558
institution shall be counted as enrolled in such institution for 51559
state subsidy purposes in a manner prescribed by rules the 51560
chancellor shall adopt. 51561

Sec. 3333.20. (A) The chancellor of ~~the Ohio board of regents~~ 51562
higher education shall adopt educational service standards that 51563
shall apply to all community colleges, university branches, 51564
technical colleges, and state community colleges established under 51565
Chapters 3354., 3355., 3357., and 3358. of the Revised Code, 51566
respectively. These standards shall provide for such institutions 51567
to offer or demonstrate at least the following: 51568

(1) An appropriate range of career or technical programs 51569
designed to prepare individuals for employment in specific careers 51570
at the technical or paraprofessional level; 51571

(2) Commitment to an effective array of developmental 51572
education services providing opportunities for academic skill 51573
enhancement; 51574

(3) Partnerships with industry, business, government, and 51575
labor for the retraining of the workforce and the economic 51576
development of the community; 51577

(4) Noncredit continuing education opportunities; 51578

(5) College transfer programs or the initial two years of a 51579
baccalaureate degree for students planning to transfer to 51580
institutions offering baccalaureate programs; 51581

(6) Linkages with high schools to ensure that graduates are 51582
adequately prepared for post-secondary instruction; 51583

(7) Student access provided according to a convenient 51584
schedule and program quality provided at an affordable price; 51585

(8) That student fees charged by any institution are as low 51586
as possible, especially if the institution is being supported by a 51587
local tax levy; 51588

(9) A high level of community involvement in the 51589
decision-making process in such critical areas as course delivery, 51590
range of services, fees and budgets, and administrative personnel. 51591

(B) The chancellor shall consult with representatives of state-assisted colleges and universities, as defined in section 3333.041 of the Revised Code, in developing appropriate methods for achieving or maintaining the standards adopted pursuant to division (A) of this section.

(C) In considering institutions that are co-located, the chancellor shall apply the standards to them in two manners:

(1) As a whole entity;

(2) As separate entities, applying the standards separately to each.

When distributing any state funds among institutions based on the degree to which they meet the standards, the chancellor shall provide to institutions that are co-located the higher amount produced by the two judgments under divisions (C)(1) and (2) of this section.

Sec. 3333.21. As used in sections 3333.21 to 3333.23 of the Revised Code, "term" and "academic year" mean "term" and "academic year" as defined by the chancellor of ~~the Ohio board of regents~~ higher education.

The chancellor shall establish and administer an academic scholarship program. Under the program, a total of one thousand new scholarships shall be awarded annually in the amount of not less than two thousand dollars per award. At least one such new scholarship shall be awarded annually to a student in each public high school and joint vocational school and each nonpublic high school for which the state board of education prescribes minimum standards in accordance with section 3301.07 of the Revised Code.

To be eligible for the award of a scholarship, a student shall be a resident of Ohio and shall be enrolled as a full-time undergraduate student in an Ohio institution of higher education

that meets the requirements of Title VI of the "Civil Rights Act of 1964" and is state-assisted, is nonprofit and holds a certificate of authorization issued under section 1713.02 of the Revised Code, is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, or holds a certificate of registration and program authorization issued under section 3332.05 of the Revised Code and awards an associate or bachelor's degree. Students who attend an institution holding a certificate of registration shall be enrolled in a program leading to an associate or bachelor's degree for which associate or bachelor's degree program the institution has program authorization to offer the program issued under section 3332.05 of the Revised Code.

"Resident" and "full-time student" shall be defined in rules adopted by the chancellor.

The chancellor shall award the scholarships on the basis of a formula designed by the chancellor to identify students with the highest capability for successful college study. The formula shall weigh the factor of achievement, as measured by grade point average, and the factor of ability, as measured by performance on a competitive examination specified by the chancellor. Students receiving scholarships shall be known as "Ohio academic scholars."

Sec. 3333.22. Each Ohio academic scholarship shall be awarded for an academic year and may be renewed for each of three additional academic years. The scholarship amount awarded to a scholar for an academic year shall be not less than two thousand dollars. A scholarship shall be renewed if the scholar maintains an academic record satisfactory to the chancellor of ~~the Ohio board of regents~~ higher education and meets any of the following conditions:

(A) The scholar is enrolled as a full-time undergraduate;

(B) The scholar was awarded an undergraduate degree in less than four academic years and is enrolled as a full-time graduate or professional student in an Ohio institution of higher education that meets the requirements of Title VI of the "Civil Rights Act of 1964" and is state-assisted or is nonprofit and holds a certificate of authorization issued under section 1713.02 of the Revised Code;

(C) The scholar is a full-time student concurrently enrolled as an undergraduate student and as a graduate or professional student in an Ohio institution of higher education that meets the requirements of division (B) of this section.

Each amount awarded shall be paid in equal installments to the scholar at the time of enrollment for each term of the academic year for which the scholarship is awarded or renewed. No scholar is eligible to receive an Ohio academic scholarship for more than the equivalent of four academic years.

If an Ohio academic scholar is temporarily unable to attend school because of illness or other cause satisfactory to the chancellor, the chancellor may grant a leave of absence for a designated period of time. If a scholar discontinues full-time attendance at the scholar's school during a term because of illness or other cause satisfactory to the chancellor, the scholar may either claim a prorated payment for the period of actual attendance or waive payment for that term. A term for which prorated payment is made shall be considered a full term for which a scholarship was received. A term for which payment is waived shall not be considered a term for which a scholarship was received.

Receipt of an Ohio academic scholarship shall not affect a scholar's eligibility for the Ohio instructional grant program.

Sec. 3333.23. At the end of each term, each Ohio academic

scholar shall request the registrar of the school to send a copy 51684
of the scholar's scholastic record to the chancellor of ~~the Ohio~~ 51685
~~board of regents~~ higher education. If the scholar's record fails 51686
to meet the standards established by the chancellor, further 51687
payments shall be suspended until the scholar demonstrates promise 51688
of successful progress in the academic program for which the award 51689
was made. The chancellor may revoke the scholarship if the scholar 51690
does not resume successful academic progress within a reasonable 51691
time. 51692

Sec. 3333.25. There is hereby created the Ohio academic 51693
scholarship payment fund, which shall be in the custody of the 51694
treasurer of state but shall not be a part of the state treasury. 51695
The fund shall consist of all moneys appropriated for the fund by 51696
the general assembly and other moneys otherwise made available to 51697
the fund. The payment fund shall be used for the payment of Ohio 51698
academic scholarships or for additional scholarships to recognize 51699
outstanding academic achievement and ability. The chancellor of 51700
~~the Ohio board of regents~~ higher education shall administer this 51701
section and establish rules for the distribution and awarding of 51702
any additional scholarships. 51703

The chancellor may direct the treasurer of state to invest 51704
any moneys in the payment fund not currently needed for 51705
scholarship payments, in any kinds of investments in which moneys 51706
of the public employees retirement system may be invested. 51707

The instruments of title of all investments shall be 51708
delivered to the treasurer of state or to a qualified trustee 51709
designated by the treasurer of state as provided in section 135.18 51710
of the Revised Code. The treasurer of state shall collect both 51711
principal and investment earnings on all investments as they 51712
become due and pay them into the fund. 51713

All deposits to the fund shall be made in financial 51714

institutions of this state secured as provided in section 135.18 51715
of the Revised Code. 51716

Sec. 3333.26. (A) Any citizen of this state who has resided 51717
within the state for one year, who was in the active service of 51718
the United States as a soldier, sailor, nurse, or marine between 51719
April 6, 1917, and November 11, 1918, and who has been honorably 51720
discharged from that service, shall be admitted to any school, 51721
college, or university that receives state funds in support 51722
thereof, without being required to pay any tuition or 51723
matriculation fee, but is not relieved from the payment of 51724
laboratory or similar fees. 51725

(B)(1) As used in this division: 51726

(a) "Volunteer firefighter" has the meaning as in division 51727
(B)(1) of section 146.01 of the Revised Code. 51728

(b) "Public service officer" means an Ohio firefighter, 51729
volunteer firefighter, police officer, member of the state highway 51730
patrol, employee designated to exercise the powers of police 51731
officers pursuant to section 1545.13 of the Revised Code, or other 51732
peace officer as defined by division (B) of section 2935.01 of the 51733
Revised Code, or a person holding any equivalent position in 51734
another state. 51735

(c) "Qualified former spouse" means the former spouse of a 51736
public service officer, or of a member of the armed services of 51737
the United States, who is the custodial parent of a minor child of 51738
that marriage pursuant to an order allocating the parental rights 51739
and responsibilities for care of the child issued pursuant to 51740
section 3109.04 of the Revised Code. 51741

(d) "Operation enduring freedom" means that period of 51742
conflict which began October 7, 2001, and ends on a date declared 51743
by the president of the United States or the congress. 51744

(e) "Operation Iraqi freedom" means that period of conflict which began March 20, 2003, and ends on a date declared by the president of the United States or the congress.

(f) "Combat zone" means an area that the president of the United States by executive order designates, for purposes of 26 U.S.C. 112, as an area in which armed forces of the United States are or have engaged in combat.

(2) Any resident of this state who is under twenty-six years of age, or under thirty years of age if the resident has been honorably discharged from the armed services of the United States, who is the child of a public service officer killed in the line of duty or of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom, and who is admitted to any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college shall not be required to pay any tuition or any student fee for up to four academic years of education, which shall be at the undergraduate level.

A child of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom is eligible for a waiver of tuition and student fees under this division only if the student is not eligible for a war orphans scholarship authorized by Chapter 5910. of the Revised Code. In any year in which the war orphans scholarship board reduces the percentage of tuition covered by a war orphans scholarship below one hundred per cent pursuant to division (A) of section 5910.04 of the Revised Code, the waiver of tuition and student fees under this division for a child of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or

operation Iraqi freedom shall be reduced by the same percentage. 51777

(3) Any resident of this state who is the spouse or qualified 51778
former spouse of a public service officer killed in the line of 51779
duty, and who is admitted to any state university or college as 51780
defined in division (A)(1) of section 3345.12 of the Revised Code, 51781
community college, state community college, university branch, or 51782
technical college, shall not be required to pay any tuition or any 51783
student fee for up to four academic years of education, which 51784
shall be at the undergraduate level. 51785

(4) Any resident of this state who is the spouse or qualified 51786
former spouse of a member of the armed services of the United 51787
States killed in the line of duty while serving in a combat zone 51788
after May 7, 1975, and who is admitted to any state university or 51789
college as defined in division (A)(1) of section 3345.12 of the 51790
Revised Code, community college, state community college, 51791
university branch, or technical college, shall not be required to 51792
pay any tuition or any student fee for up to four years of 51793
academic education, which shall be at the undergraduate level. In 51794
order to qualify under division (B)(4) of this section, the spouse 51795
or qualified former spouse shall have been a resident of this 51796
state at the time the member was killed in the line of duty. 51797

(C) Any institution that is not subject to division (B) of 51798
this section and that holds a valid certificate of registration 51799
issued under Chapter 3332. of the Revised Code, a valid 51800
certificate issued under Chapter 4709. of the Revised Code, or a 51801
valid license issued under Chapter 4713. of the Revised Code, or 51802
that is nonprofit and has a certificate of authorization issued 51803
under section 1713.02 of the Revised Code, or that is a private 51804
institution exempt from regulation under Chapter 3332. of the 51805
Revised Code as prescribed in section 3333.046 of the Revised 51806
Code, which reduces tuition and student fees of a student who is 51807
eligible to attend an institution of higher education under the 51808

provisions of division (B) of this section by an amount indicated 51809
by the chancellor of ~~the Ohio board of regents~~ higher education 51810
shall be eligible to receive a grant in that amount from the 51811
chancellor. 51812

Each institution that enrolls students under division (B) of 51813
this section shall report to the chancellor, by the first day of 51814
July of each year, the number of students who were so enrolled and 51815
the average amount of all such tuition and student fees waived 51816
during the preceding year. The chancellor shall determine the 51817
average amount of all such tuition and student fees waived during 51818
the preceding year. The average amount of the tuition and student 51819
fees waived under division (B) of this section during the 51820
preceding year shall be the amount of grants that participating 51821
institutions shall receive under this division during the current 51822
year, but no grant under this division shall exceed the tuition 51823
and student fees due and payable by the student prior to the 51824
reduction referred to in this division. The grants shall be made 51825
for four years of undergraduate education of an eligible student. 51826

Sec. 3333.28. (A) The chancellor of ~~the Ohio board of regents~~ 51827
higher education shall establish the nurse education assistance 51828
program, the purpose of which shall be to make loans to students 51829
enrolled in prelicensure nurse education programs at institutions 51830
approved by the board of nursing under section 4723.06 of the 51831
Revised Code and postlicensure nurse education programs approved 51832
by the chancellor under section 3333.04 of the Revised Code or 51833
offered by an institution holding a certificate of authorization 51834
issued under Chapter 1713. of the Revised Code. The board of 51835
nursing shall assist the chancellor in administering the program. 51836
51837

(B) There is hereby created in the state treasury the nurse 51838
education assistance fund, which shall consist of all money 51839

transferred to it pursuant to section 4743.05 of the Revised Code. 51840
The fund shall be used by the chancellor for loans made under 51841
division (A) of this section and for expenses of administering the 51842
loan program. 51843

(C) Between July 1, 2005, and January 1, 2012, the chancellor 51844
shall distribute money in the nurse education assistance fund in 51845
the following manner: 51846

(1)(a) Fifty per cent of available funds shall be awarded as 51847
loans to registered nurses enrolled in postlicensure nurse 51848
education programs described in division (A) of this section. To 51849
be eligible for a loan, the applicant shall provide the chancellor 51850
with a letter of intent to practice as a faculty member at a 51851
prelicensure or postlicensure program for nursing in this state 51852
upon completion of the applicant's academic program. 51853

(b) If the borrower of a loan under division (C)(1)(a) of 51854
this section secures employment as a faculty member of an approved 51855
nursing education program in this state within six months 51856
following graduation from an approved nurse education program, the 51857
chancellor may forgive the principal and interest of the student's 51858
loans received under division (C)(1)(a) of this section at a rate 51859
of twenty-five per cent per year, for a maximum of four years, for 51860
each year in which the borrower is so employed. A deferment of the 51861
service obligation, and other conditions regarding the forgiveness 51862
of loans may be granted as provided by the rules adopted under 51863
division (D)(7) of this section. 51864

(c) Loans awarded under division (C)(1)(a) of this section 51865
shall be awarded on the basis of the student's expected family 51866
contribution, with preference given to those applicants with the 51867
lowest expected family contribution. However, the chancellor may 51868
consider other factors the chancellor determines relevant in 51869
ranking the applications. 51870

(d) Each loan awarded to a student under division (C)(1)(a)	51871
of this section shall be not less than five thousand dollars per	51872
year.	51873
(2) Twenty-five per cent of available funds shall be awarded	51874
to students enrolled in prelicensure nurse education programs for	51875
registered nurses, as defined in section 4723.01 of the Revised	51876
Code.	51877
(3) Twenty-five per cent of available funds shall be awarded	51878
to students enrolled in nurse education programs as determined by	51879
the chancellor, with preference given to programs aimed at	51880
increasing enrollment in an area of need.	51881
After January 1, 2012, the chancellor shall determine the	51882
manner in which to distribute loans under this section.	51883
(D) Subject to the requirements specified in division (C) of	51884
this section, the chancellor shall adopt rules in accordance with	51885
Chapter 119. of the Revised Code establishing:	51886
(1) Eligibility criteria for receipt of a loan;	51887
(2) Loan application procedures;	51888
(3) The amounts in which loans may be made and the total	51889
amount that may be loaned to an individual;	51890
(4) The total amount of loans that can be made each year;	51891
(5) The percentage of the money in the fund that must remain	51892
in the fund at all times as a fund balance;	51893
(6) Interest and principal repayment schedules;	51894
(7) Conditions under which a portion of principal and	51895
interest obligations incurred by an individual under the program	51896
will be forgiven;	51897
(8) Conditions under which all or a portion of the principal	51898
and interest obligations incurred by an individual who is deployed	51899

on active duty outside of the state or who is the spouse of a 51900
person deployed on active duty outside of the state may be 51901
deferred or forgiven. 51902

(9) Ways that the program may be used to encourage 51903
individuals who are members of minority groups to enter the 51904
nursing profession; 51905

(10) Any other matters incidental to the operation of the 51906
program. 51907

(E) The obligation to repay a portion of the principal and 51908
interest on a loan made under this section shall be forgiven if 51909
the recipient of the loan meets the criteria for forgiveness 51910
established by division (C)(1)(b) of this section, in the case of 51911
loans awarded under division (C)(1)(a) of this section, or by the 51912
chancellor under the rule adopted under division (D)(7) of this 51913
section, in the case of other loans awarded under this section. 51914

(F) The obligation to repay all or a portion of the principal 51915
and interest on a loan made under this section may be deferred or 51916
forgiven if the recipient of the loan meets the criteria for 51917
deferment or forgiveness established by the chancellor under the 51918
rule adopted under division (D)(8) of this section. 51919

(G) The receipt of a loan under this section shall not affect 51920
a student's eligibility for assistance, or the amount of that 51921
assistance, granted under section 3333.12, 3333.122, 3333.22, 51922
3333.26, 5910.03, 5910.032, or 5919.34 of the Revised Code, but 51923
the rules of the chancellor may provide for taking assistance 51924
received under those sections into consideration when determining 51925
a student's eligibility for a loan under this section. 51926

(H) As used in this section, "active duty" means active duty 51927
pursuant to an executive order of the president of the United 51928
States, an act of the congress of the United States, or section 51929
5919.29 or 5923.21 of the Revised Code. 51930

Sec. 3333.29. (A) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) The chancellor of ~~the Ohio board of regents~~ higher education shall establish, within the Ohio skills bank, a mechanism to facilitate communication, cooperation, and partnerships among state institutions of higher education with nursing education programs and between state institutions of higher education and hospitals in this state to meet regional and statewide nursing education needs.

Sec. 3333.30. The chancellor of ~~the Ohio board of regents~~ higher education may enter into an agreement with private entities to provide log-in access or an internet link to free career information for students via the web site maintained by the chancellor. A log-in access or internet link authorized under this section shall not be considered an advertisement, endorsement, or sponsorship for purposes of the regulation of state-controlled web sites under any section of the Revised Code, any rule of the Administrative Code, or any other policy or directive adopted or issued by the office of information technology or any other state agency.

Sec. 3333.31. (A) For state subsidy and tuition surcharge purposes, status as a resident of Ohio shall be defined by the chancellor of ~~the Ohio board of regents~~ higher education by rule promulgated pursuant to Chapter 119. of the Revised Code. No adjudication as to the status of any person under such rule, however, shall be required to be made pursuant to Chapter 119. of the Revised Code. The term "resident" for these purposes shall not be equated with the definition of that term as it is employed elsewhere under the laws of this state and other states, and shall

not carry with it any of the legal connotations appurtenant 51961
thereto. Rather, except as provided in divisions (B), (C), and 51962
~~(D)~~(E) of this section, for such purposes, the rule promulgated 51963
under this section shall have the objective of excluding from 51964
treatment as residents those who are present in the state 51965
primarily for the purpose of attending a state-supported or 51966
state-assisted institution of higher education, and may prescribe 51967
presumptive rules, rebuttable or conclusive, as to such purpose 51968
based upon the source or sources of support of the student, 51969
residence prior to first enrollment, evidence of intention to 51970
remain in the state after completion of studies, or such other 51971
factors as the chancellor deems relevant. 51972

(B) The rules of the chancellor for determining student 51973
residency shall grant residency status to a veteran and to the 51974
veteran's spouse and any dependent of the veteran, if both of the 51975
following conditions are met: 51976

(1) The veteran either: 51977

(a) Served one or more years on active military duty and was 51978
honorably discharged or received a medical discharge that was 51979
related to the military service; 51980

(b) Was killed while serving on active military duty or has 51981
been declared to be missing in action or a prisoner of war. 51982

(2) If the veteran seeks residency status for tuition 51983
surcharge purposes, the veteran has established domicile in this 51984
state as of the first day of a term of enrollment in an 51985
institution of higher education. If the spouse or a dependent of 51986
the veteran seeks residency status for tuition surcharge purposes, 51987
the veteran and the spouse or dependent seeking residency status 51988
have established domicile in this state as of the first day of a 51989
term of enrollment in an institution of higher education, except 51990
that if the veteran was killed while serving on active military 51991

duty, has been declared to be missing in action or a prisoner of war, or is deceased after discharge, only the spouse or dependent seeking residency status shall be required to have established domicile in accordance with this division.

(C) The rules of the chancellor for determining student residency shall grant residency status to both of the following:

(1) A veteran who is the recipient of federal veterans' benefits under the "All-Volunteer Force Educational Assistance Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans Educational Assistance Program," 38 U.S.C. 3301 et seq., or any successor program, if the veteran meets all of the following criteria:

(a) The veteran served at least ninety days on active duty.

(b) The veteran enrolls in a state institution of higher education, as defined in section 3345.011 of the Revised Code.

(c) The veteran lives in the state as of the first day of a term of enrollment in the state institution of higher education.

(2) A person who is the recipient of the federal Marine Gunnery Sergeant John David Fry scholarship or transferred federal veterans' benefits under any of the programs described in division (C)(1) of this section, if the person meets both of the following criteria:

(a) The person enrolls in a state institution of higher education.

(b) The person lives in the state as of the first day of a term of enrollment in the state institution of higher education.

In order to qualify under division (C)(2) of this section, the veteran's period of active duty must have been at least ninety days.

A veteran or other person who is granted residency status for

tuition surcharge purposes under division (C)(1) or (C)(2) of this 52022
section shall continue to qualify for such status, so long as the 52023
veteran or other person is continuously enrolled in at least one 52024
program at the state institution of higher education in which the 52025
veteran or student enrolls pursuant to division (C)(1)(b) or 52026
(C)(2)(a) of this section. 52027

(D) The rules of the chancellor for determining student 52028
residency shall not deny residency status to a student who is 52029
either a dependent child of a parent, or the spouse of a person 52030
who, as of the first day of a term of enrollment in an institution 52031
of higher education, has accepted full-time employment and 52032
established domicile in this state for reasons other than gaining 52033
the benefit of favorable tuition rates. 52034

Documentation of full-time employment and domicile shall 52035
include both of the following documents: 52036

(1) A sworn statement from the employer or the employer's 52037
representative on the letterhead of the employer or the employer's 52038
representative certifying that the parent or spouse of the student 52039
is employed full-time in Ohio; 52040

(2) A copy of the lease under which the parent or spouse is 52041
the lessee and occupant of rented residential property in the 52042
state, a copy of the closing statement on residential real 52043
property of which the parent or spouse is the owner and occupant 52044
in this state or, if the parent or spouse is not the lessee or 52045
owner of the residence in which the parent or spouse has 52046
established domicile, a letter from the owner of the residence 52047
certifying that the parent or spouse resides at that residence. 52048

Residency officers may also evaluate, in accordance with the 52049
chancellor's rule, requests for immediate residency status from 52050
dependent students whose parents are not living and whose domicile 52051
follows that of a legal guardian who has accepted full-time 52052

employment and established domicile in the state for reasons other than gaining the benefit of favorable tuition rates.

~~(D)~~(E)(1) The rules of the chancellor for determining student residency shall grant residency status to a person who, while a resident of this state for state subsidy and tuition surcharge purposes, graduated from a high school in this state or completed the final year of instruction at home as authorized under section 3321.04 of the Revised Code, if the person enrolls in an institution of higher education and establishes domicile in this state, regardless of the student's residence prior to that enrollment.

(2) The rules of the chancellor for determining student residency shall not grant residency status to an alien if the alien is not also an immigrant or a nonimmigrant.

~~(E)~~(F) As used in this section:

(1) "Dependent," "domicile," "institution of higher education," and "residency officer" have the meanings ascribed in the chancellor's rules adopted under this section.

(2) "Alien" means a person who is not a United States citizen or a United States national.

(3) "Immigrant" means an alien who has been granted the right by the United States bureau of citizenship and immigration services to reside permanently in the United States and to work without restrictions in the United States.

(4) "Nonimmigrant" means an alien who has been granted the right by the United States bureau of citizenship and immigration services to reside temporarily in the United States.

Sec. 3333.33. (A) A community college established under Chapter 3354. of the Revised Code, state community college established under Chapter 3358. of the Revised Code, or technical

college established under Chapter 3357. of the Revised Code may 52083
establish a tuition guarantee program, subject to approval of the 52084
chancellor of ~~the Ohio board of regents~~ higher education. 52085

(B) The chancellor shall establish guidelines for the board 52086
of trustees of a community college, state community college, or 52087
technical college to follow when developing a tuition guarantee 52088
program and submitting applications to the chancellor. 52089

Sec. 3333.34. (A) As used in this section: 52090

(1) "Pre-college stackable certificate" means a certificate 52091
earned before an adult is enrolled in an institution of higher 52092
education that can be transferred to college credit based on 52093
standards established by the chancellor of ~~the Ohio board of~~ 52094
~~regents~~ higher education and the department of education. 52095

(2) "College-level certificate" means a certificate earned 52096
while an adult is enrolled in an institution of higher education 52097
that can be transferred to college credit based on standards 52098
established by the chancellor and the department of education. 52099

(B) The chancellor and the department of education shall 52100
create a system of pre-college stackable certificates to provide a 52101
clear and accessible path for adults seeking to advance their 52102
education. The system shall do all of the following: 52103

(1) Be uniform across the state; 52104

(2) Be available from an array of providers, including adult 52105
career centers, institutions of higher education, and employers; 52106

(3) Be structured to respond to the expectations of both the 52107
workplace and higher education; 52108

(4) Be articulated in a way that ensures the most effective 52109
interconnection of competencies offered in specialized training 52110
programs; 52111

(5) Establish standards for earning pre-college certificates;	52112
(6) Establish transferability of pre-college certificates to college credit.	52113 52114
(C) The chancellor shall develop college-level certificates that can be transferred to college credit in different subject competencies. The certificates shall be based on competencies and experience and not on classroom seat time.	52115 52116 52117 52118
Sec. 3333.342. (A) The chancellor of the Ohio board of regents <u>higher education</u> may designate a "certificate of value" for a certificate program at any adult career-technical education institution or state institution of higher education, as defined under section 3345.011 of the Revised Code, based on the standards adopted under division (B) of this section.	52119 52120 52121 52122 52123 52124
(B) The chancellor shall develop standards for designation of the certificates of value for certificate programs at adult career-technical education institutions and state institutions of higher education. The standards shall include at least the following considerations:	52125 52126 52127 52128 52129
(1) The quality of the certificate program;	52130
(2) The ability to transfer agreed-upon technical courses completed through an adult career-technical education institution to a state institution of higher education without unnecessary duplication or institutional barriers;	52131 52132 52133 52134
(3) The extent to which the certificate program encourages a student to obtain an associate's or bachelor's degree;	52135 52136
(4) The extent to which the certificate program increases a student's likelihood to complete other certificate programs or an associate's or bachelor's degree;	52137 52138 52139
(5) The ability of the certificate program to meet the expectations of the workplace and higher education;	52140 52141

(6) The extent to which the certificate program is aligned with the strengths of the regional economy; 52142
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(7) The extent to which the certificate program increases the amount of individuals who remain in or enter the state's workforce; 52144
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(8) The extent of a certificate program's relationship with private companies in the state to fill potential job growth. 52147
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(C) The designation of a certificate of value under this section shall expire six years after its designation date. 52149
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(D) The chancellor may revoke a designation prior to its expiration date if the chancellor determines that the program no longer complies with the standards developed under division (B) of this section. 52151
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(E) Any revocation of a certificate of value under this section shall become effective one hundred eighty days after the date the revocation was declared by the chancellor. 52155
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(F) Any adult career-technical education institution or state institution of higher education that desires to be eligible to receive a designation of certificate of value for one or more of its certificate programs shall comply with all records and data requests required by the chancellor. 52158
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Sec. 3333.35. The state board of education and the chancellor of ~~the Ohio board of regents~~ higher education shall strive to reduce unnecessary student remediation costs incurred by colleges and universities in this state, increase overall access for students to higher education, enhance the college credit plus program in accordance with Chapter 3365. of the Revised Code, and enhance the alternative resident educator licensure program in accordance with section 3319.26 of the Revised Code. 52163
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Sec. 3333.36. If the chancellor of higher education 52171
determines that sufficient funds are available from general 52172
revenue fund appropriations made to the ~~Ohio board of regents~~ 52173
department of higher education or to the chancellor ~~of the Ohio~~ 52174
~~board of regents~~, the chancellor shall allocate the following: 52175

(A) Up to seventy thousand dollars in each fiscal year to 52176
make payments to the Columbus program in intergovernmental issues, 52177
an Ohio internship program at Kent state university, for 52178
scholarships of up to two thousand dollars for each student 52179
enrolled in the program; 52180

(B) Up to one hundred sixty-five thousand dollars in each 52181
fiscal year to make payments to the Washington center for 52182
scholarships provided to undergraduates of Ohio's four-year public 52183
and private institutions of higher education selected to 52184
participate in the Washington center internship program. The 52185
amount of a student's scholarship shall not exceed the amount 52186
specified for such scholarships in the biennial operating 52187
appropriations act. 52188

The chancellor may utilize any general revenue funds 52189
appropriated to the ~~board of regents~~ department or to the 52190
chancellor that the chancellor determines to be available for 52191
purposes of this section. 52192

Sec. 3333.37. As used in sections 3333.37 to 3333.375 of the 52193
Revised Code, the following words and terms have the following 52194
meanings unless the context indicates a different meaning or 52195
intent: 52196

(A) "Cost of attendance" means all costs of a student 52197
incurred in connection with a program of study at an eligible 52198
institution, as determined by the institution, including tuition; 52199
instructional fees; room and board; books, computers, and 52200

supplies; and other related fees, charges, and expenses.	52201
(B) "Eligible institution" means one of the following:	52202
(1) A state-assisted post-secondary educational institution	52203
within the state;	52204
(2) A nonprofit institution of higher education within the	52205
state that holds a certificate of authorization issued under	52206
Chapter 1713. of the Revised Code, that is accredited by the	52207
appropriate regional and, when appropriate, professional	52208
accrediting associations within whose jurisdiction it falls, is	52209
authorized to grant a bachelor's degree or higher, and satisfies	52210
other conditions as set forth in the policy guidelines;	52211
(3) A private institution exempt from regulation under	52212
Chapter 3332. of the Revised Code as prescribed in section	52213
3333.046 of the Revised Code.	52214
(C) "Eligible student" means either of the following:	52215
(1) An undergraduate student who meets all of the following:	52216
(a) Is a resident of this state;	52217
(b) Has graduated from any Ohio secondary school for which	52218
the state board of education prescribes minimum standards in	52219
accordance with section 3301.07 of the Revised Code;	52220
(c) Is attending and in good standing, or has been accepted	52221
for attendance, at any eligible institution as a full-time student	52222
to pursue a bachelor's degree.	52223
(2) A graduate student who is a resident of this state, and	52224
is attending and in good standing, or has been accepted for	52225
attendance, at any eligible institution.	52226
(D) "Fellowship" or "fellowship program" means the Ohio	52227
priority needs fellowship created by sections 3333.37 to 3333.375	52228
of the Revised Code.	52229

(E) "Full-time student" has the meaning as defined by rule of the chancellor of ~~the Ohio board of regents~~ higher education. 52230
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(F) "Ohio outstanding scholar" means a student who is the recipient of a scholarship under sections 3333.37 to 3333.375 of the Revised Code. 52232
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(G) "Policy guidelines" means the rules adopted by the chancellor pursuant to section 3333.374 of the Revised Code. 52235
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(H) "Priority needs fellow" means a student who is the recipient of a fellowship under sections 3333.37 to 3333.375 of the Revised Code. 52237
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(I) "Priority needs field of study" means those academic majors and disciplines as determined by the chancellor that support the purposes and intent of sections 3333.37 to 3333.375 of the Revised Code as described in section 3333.371 of the Revised Code. 52240
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(J) "Scholarship" or "scholarship program" means the Ohio outstanding scholarship created by sections 3333.37 to 3333.375 of the Revised Code. 52245
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Sec. 3333.372. (A) There are hereby authorized the "Ohio outstanding scholarship" and the "Ohio priority needs fellowship" programs, which shall be established and administered by the chancellor of ~~the Ohio board of regents~~ higher education for eligible students. The programs shall provide scholarships to eligible undergraduate students and fellowships to eligible graduate students, equal to the annual cost of attendance at eligible institutions, to pursue baccalaureate degrees and post-baccalaureate degrees in priority needs field of study consistent with section 3333.371 of the Revised Code. 52248
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(B) The scholarship and fellowship programs created under sections 3333.37 to 3333.375 of the Revised Code and any necessary 52258
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administrative expenses shall be funded solely from the Ohio 52260
outstanding scholarship and the Ohio priority needs fellowship 52261
programs payment funds established pursuant to section 3333.375 of 52262
the Revised Code. 52263

(C) The scholarships shall be renewable for each of three 52264
additional years for undergraduate study, and the fellowships 52265
shall be renewable for each of two additional years for graduate 52266
study, provided the Ohio outstanding scholar or priority needs 52267
fellow remains an eligible student at an eligible institution. 52268

Sec. 3333.373. (A) The scholarship rules advisory committee 52269
is hereby established. The committee shall consist of the 52270
chancellor of ~~the Ohio board of regents~~ higher education or the 52271
chancellor's designee, the treasurer of state or the treasurer of 52272
state's designee, the director of development or the director's 52273
designee, one state senator appointed by the president of the 52274
senate, one state representative appointed by the speaker of the 52275
house of representatives, and two public members appointed by the 52276
chancellor of higher education representing the interests of the 52277
state-assisted eligible institutions and private nonprofit 52278
eligible institutions, respectively. 52279

(B) The committee shall provide recommendations to the 52280
chancellor of higher education as to rules, criteria, and 52281
guidelines necessary and appropriate to implement the scholarship 52282
and fellowship programs created by sections 3333.37 to 3333.375 of 52283
the Revised Code. 52284

(C) The committee shall meet at least annually to review the 52285
scholarship and fellowship programs guidelines; make 52286
recommendations to amend, rescind, or modify the policy 52287
guidelines; and approve scholarship and fellowship awards to 52288
eligible students. 52289

(D) Sections 101.82 to 101.87 of the Revised Code do not 52290

apply to this section. 52291

Sec. 3333.374. (A) After receipt of recommendations from the 52292
scholarship rules advisory committee or if no recommendations are 52293
received, the chancellor of ~~the Ohio board of regents~~ higher 52294
education, with the approval of the treasurer of state, shall 52295
adopt rules, in accordance with Chapter 119. of the Revised Code, 52296
establishing policy guidelines for the implementation of the 52297
scholarship and fellowship programs. 52298

(B) Nothing in this section or section 3333.373 of the 52299
Revised Code shall prevent the chancellor, with the approval of 52300
the treasurer of state, from amending or rescinding rules adopted 52301
pursuant to division (A) of this section, or from adopting new 52302
rules, in accordance with Chapter 119. of the Revised Code, from 52303
time to time as are necessary to further the purposes of sections 52304
3333.37 to 3333.375 of the Revised Code. 52305

Sec. 3333.375. (A)(1) There are hereby created the Ohio 52306
outstanding scholarship and the Ohio priority needs fellowship 52307
programs payment funds, which shall be in the custody of the 52308
treasurer of state, but shall not be a part of the state treasury. 52309

(2) The payment funds shall consist solely of all moneys 52310
returned to the treasurer of state, as issuer of certain 52311
tax-exempt student loan revenue bonds, from all indentures of 52312
trust, both presently existing and future, created as a result of 52313
tax-exempt student loan revenue bonds issued under Chapter 3366. 52314
of the Revised Code, and any moneys earned from allowable 52315
investments of the payment funds under division (B) of this 52316
section. 52317

(3) Except as provided in division (E) of this section, the 52318
payment funds shall be used solely for scholarship and fellowships 52319
awarded under sections 3333.37 to 3333.375 of the Revised Code by 52320

the chancellor of ~~the Ohio board of regents~~ higher education and 52321
for any necessary administrative expenses incurred by the 52322
chancellor in administering the scholarship and fellowship 52323
programs. 52324

(B) The treasurer of state may invest any moneys in the 52325
payment funds not currently needed for scholarship and fellowship 52326
payments in any kind of investments in which moneys of the public 52327
employees retirement system may be invested under Chapter 145. of 52328
the Revised Code. 52329

(C)(1) The instruments of title of all investments shall be 52330
delivered to the treasurer of state or to a qualified trustee 52331
designated by the treasurer of state as provided in section 135.18 52332
of the Revised Code. 52333

(2) The treasurer of state shall collect both principal and 52334
investment earnings on all investments as they become due and pay 52335
them into the payment funds. 52336

(3) All deposits to the payment funds shall be made in public 52337
depositories of this state and secured as provided in section 52338
135.18 of the Revised Code. 52339

(D) On or before March 1, 2001, and on or before the first 52340
day of March in each subsequent year, the treasurer of state shall 52341
provide to the chancellor ~~of the Ohio board of regents~~ a statement 52342
indicating the moneys in the Ohio outstanding scholarship and the 52343
Ohio priority needs fellowship programs payment funds that are 52344
available for the upcoming academic year to award scholarships and 52345
fellowships under sections 3333.37 to 3333.375 of the Revised 52346
Code. 52347

(E) The chancellor may use funds the treasurer has indicated 52348
as available pursuant to division (D) of this section to support 52349
distribution of state need-based financial aid in accordance with 52350
sections 3333.12 and 3333.122 of the Revised Code. 52351

Sec. 3333.39. The chancellor of ~~the Ohio board of regents~~ 52352
higher education and the superintendent of public instruction 52353
shall establish and administer the teach Ohio program to promote 52354
and encourage citizens of this state to consider teaching as a 52355
profession. The program shall include all of the following: 52356

(A) A statewide program administered by a nonprofit 52357
corporation that has been in existence for at least fifteen years 52358
with demonstrated results in encouraging high school students from 52359
economically disadvantaged groups to enter the teaching 52360
profession. The chancellor and superintendent jointly shall select 52361
the nonprofit corporation. 52362

(B) The Ohio teaching fellows program established under 52363
sections 3333.391 and 3333.392 of the Revised Code; 52364

(C) The Ohio teacher residency program established under 52365
section 3319.223 of the Revised Code; 52366

(D) Alternative licensure procedures established under 52367
section 3319.26 of the Revised Code; 52368

(E) Any other program as identified by the chancellor and the 52369
superintendent. 52370

Sec. 3333.391. (A) As used in this section and in section 52371
3333.392 of the Revised Code: 52372

(1) "Academic year" shall be as defined by the chancellor of 52373
~~the Ohio board of regents~~ higher education. 52374

(2) "Hard-to-staff school" and "hard-to-staff subject" shall 52375
be as defined by the department of education. 52376

(3) "Parent" means the parent, guardian, or custodian of a 52377
qualified student. 52378

(4) "Qualified service" means teaching at a qualifying 52379
school. 52380

(5) "Qualifying school" means a hard-to-staff school district building or a school district building that has a persistently low performance rating, as determined jointly by the chancellor and superintendent of public instruction, under section 3302.03 of the Revised Code at the time the recipient becomes employed by the district.

(B) If the chancellor of ~~the Ohio board of regents~~ higher education determines that sufficient funds are available from general revenue fund appropriations made to the ~~Ohio board of regents~~ department of higher education or to the chancellor, the chancellor and the superintendent of public instruction jointly may develop and agree on a plan for the Ohio teaching fellows program to promote and encourage high school seniors to enter and remain in the teaching profession. Upon agreement of such a plan, the chancellor shall establish and administer the program in conjunction with the superintendent and with the cooperation of teacher training institutions. Under the program, the chancellor annually shall provide scholarships to students who commit to teaching in a qualifying school for a minimum of four years upon graduation from a teacher training program at a state institution of higher education or an Ohio nonprofit institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code. The scholarships shall be for up to four years at the undergraduate level at an amount determined by the chancellor based on state appropriations.

(C) The chancellor shall adopt a competitive process for awarding scholarships under the teaching fellows program, which shall include minimum grade point average and scores on national standardized tests for college admission. The process shall also give additional consideration to all of the following:

(1) A person who has participated in the program described in division (A) of section 3333.39 of the Revised Code;

(2) A person who plans to specialize in teaching students with special needs; 52413
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(3) A person who plans to teach in the disciplines of science, technology, engineering, or mathematics. 52415
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The chancellor shall require that all applicants to the teaching fellows program shall file a statement of service status in compliance with section 3345.32 of the Revised Code, if applicable, and that all applicants have not been convicted of, plead guilty to, or adjudicated a delinquent child for any violation listed in section 3333.38 of the Revised Code. 52417
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(D) Teaching fellows shall complete the four-year teaching commitment within not more than seven years after graduating from the teacher training program. Failure to fulfill the commitment shall convert the scholarship into a loan to be repaid under section 3333.392 of the Revised Code. 52423
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(E) The chancellor shall adopt rules in accordance with Chapter 119. of the Revised Code to administer this section and section 3333.392 of the Revised Code. 52428
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Sec. 3333.392. (A) Each recipient who accepts a scholarship under the Ohio teaching fellows program created under section 3333.391 of the Revised Code, or the recipient's parent if the recipient is younger than eighteen years of age, shall sign a promissory note payable to the state in the event the recipient does not satisfy the service requirement of division (D) of section 3333.391 of the Revised Code or the scholarship is terminated. The amount payable under the note shall be the amount of total scholarships accepted by the recipient under the program plus ten per cent interest accrued annually beginning on the first day of September after graduating from the teacher training program or immediately after termination of the scholarship. The period of repayment under the note shall be determined by the 52431
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chancellor of ~~the Ohio board of regents~~ higher education. The note 52444
shall stipulate that the obligation to make payments under the 52445
note is canceled following completion of four years of qualified 52446
service by the recipient in accordance with division (D) of 52447
section 3333.391 of the Revised Code, or if the recipient dies, 52448
becomes totally and permanently disabled, or is unable to complete 52449
the required qualified service as a result of a reduction in force 52450
at the recipient's school of employment before the obligation 52451
under the note has been satisfied. 52452

(B) Repayment of the principal amount of the scholarship and 52453
interest accrued shall be deferred while the recipient is enrolled 52454
in an approved teaching program, while the recipient is seeking 52455
employment to fulfill the service obligation, for a period not to 52456
exceed six months, or while the recipient is engaged in qualified 52457
service. 52458

(C) During the seven-year period following the recipient's 52459
graduation from an approved teaching program, the chancellor shall 52460
deduct twenty-five per cent of the outstanding balance that may be 52461
converted to a loan for each year the recipient teaches at a 52462
qualifying school. 52463

(D) The chancellor may terminate the scholarship, in which 52464
case the scholarship shall be converted to a loan to be repaid 52465
under division (A) of this section. 52466

(E) The scholarship shall be deemed terminated upon the 52467
recipient's withdrawal from school or the recipient's failure to 52468
meet the standards of the scholarship as determined by the 52469
chancellor and shall be converted to a loan to be repaid under 52470
division (A) of this section. 52471

(F) The chancellor and the attorney general shall collect 52472
payments on the converted loan in accordance with section 131.02 52473
of the Revised Code. 52474

Sec. 3333.43. This section does not apply to any 52475
baccalaureate degree program that is a cooperative education 52476
program, as defined in section 3333.71 of the Revised Code. 52477

(A) The chancellor of ~~the Ohio board of regents~~ higher 52478
education shall require all state institutions of higher education 52479
that offer baccalaureate degrees, as a condition of 52480
reauthorization for certification of each baccalaureate program 52481
offered by the institution, to submit a statement describing how 52482
each major for which the school offers a baccalaureate degree may 52483
be completed within three academic years. The chronology of the 52484
statement shall begin with the fall semester of a student's first 52485
year of the baccalaureate program. 52486

(B) The statement required under this section may include, 52487
but not be limited to, any of the following methods to contribute 52488
to earning a baccalaureate degree in three years: 52489

(1) Advanced placement credit; 52490

(2) International baccalaureate program credit; 52491

(3) A waiver of degree and credit-hour requirements by 52492
completion of courses that are widely available at community 52493
colleges in the state or through online programs offered by state 52494
institutions of higher education or private nonprofit institutions 52495
of higher education holding certificates of authorization under 52496
Chapter 1713. of the Revised Code, and through courses taken by 52497
the student through the college credit plus program under Chapter 52498
3365. of the Revised Code; 52499

(4) Completion of coursework during summer sessions; 52500

(5) A waiver of foreign-language degree requirements based on 52501
a proficiency examination specified by the institution. 52502

(C)(1) Not later than October 15, 2012, each state 52503
institution of higher education shall provide statements required 52504

under this section for ten per cent of all baccalaureate degree programs offered by the institution. 52505
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(2) Not later than June 30, 2014, each state institution of higher education shall provide statements required under this section for sixty per cent of all baccalaureate degree programs offered by the institution. 52507
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(D) Each state institution of higher education required to submit statements under this section shall post its three-year option on its web site and also provide that information to the department of education. The department shall distribute that information to the superintendent, high school principal, and guidance counselor, or equivalents, of each school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code. 52511
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(E) Nothing in this section requires an institution to take any action that would violate the requirements of any independent association accrediting baccalaureate degree programs. 52520
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Sec. 3333.44. The chancellor of ~~the Ohio board of regents~~ higher education shall designate a postsecondary globalization liaison to work with state institutions of higher education, as defined in section 3345.011 of the Revised Code, other state agencies, and representatives of the business community to enhance the state's globalization efforts. 52523
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The chancellor may designate a person already employed by the chancellor as the liaison. 52529
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Sec. 3333.50. The ~~Ohio board of regents~~ chancellor of higher education, in consultation with the governor and the department of development, shall develop a critical needs rapid response system to respond quickly to critical workforce shortages in the state. 52531
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Not later than ninety days after a critical workforce shortage is identified, the chancellor ~~of the board~~ shall submit to the governor a proposal for addressing the shortage through initiatives of the ~~board~~ department of higher education or institutions of higher education.

Sec. 3333.55. (A) The health information and imaging technology workforce development pilot project is hereby established. Under the project, in fiscal years 2008 through 2010, the ~~Ohio board of regents~~ chancellor of higher education shall design and implement a three-year pilot program to test, in the vicinity of Clark, Greene, and Montgomery counties, how a P-16 public-private education and workforce development collaborative may address each of the following goals:

(1) Increase the number of students taking and mastering high-level science, technology, engineering, or mathematics courses and pursuing careers in those subjects, in all demographic regions of the state;

(2) Increase the number of students pursuing professional careers in health information and imaging technology upon receiving related technical education and professional experience, in all demographic regions of the state;

(3) Unify efforts among schools, career centers, post-secondary programs, and employers in a region for career and workforce development, preservation, and public education.

(B) The project shall focus on enhancing P-16 education and workforce development in the field of health information and imaging technology through such activities as increased academic intervention in related areas of study, after-school and summer intervention programs, tutoring, career and job fairs and other promotional and recruitment activities, externships, professional development, field trips, academic competitions, development of

related specialized study modules, development of honors programs, 52566
and development and enhancement of dual high school and college 52567
enrollment programs. 52568

(C) Project participants shall include Clark-Shawnee local 52569
school district, Springfield city school district, Greene county 52570
career center, Clark state community college, Central state 52571
university, Wright state university, Cedarville university, 52572
Wittenberg university, the university of Dayton, and private 52573
employers in the health information and imaging technology 52574
industry in the vicinity of Clark, Greene, and Montgomery 52575
counties, selected by the ~~board of regents~~ chancellor. 52576

For the third year of the project, the ~~board of regents~~ 52577
chancellor may add as participants the Dayton city school district 52578
and Xenia city school district. 52579

(D) Wittenberg university shall be the lead coordinating 52580
agent and Clark state community college shall be the fiscal agent 52581
for the project. 52582

(E) The ~~board of regents~~ chancellor shall create an advisory 52583
council made up of representatives of the participating entities 52584
to coordinate, monitor, and evaluate the project. The advisory 52585
council shall submit an annual activity report to the ~~board of~~ 52586
~~regents~~ chancellor by a date specified by the ~~board of regents~~ 52587
chancellor. 52588

Sec. 3333.58. There is hereby created at Shawnee state 52589
university the Ohio Appalachian center for higher education to 52590
increase the educational attainment of the residents of Ohio's 52591
Appalachian region, as defined in section 107.21 of the Revised 52592
Code. The board of directors of the center shall consist of the 52593
following members: 52594

(A) The presidents of all of the following: 52595

(1) Shawnee state university;	52596
(2) Belmont technical college;	52597
(3) Hocking college;	52598
(4) Jefferson community college;	52599
(5) Zane state college;	52600
(6) Rio Grande community college;	52601
(7) Southern state community college;	52602
(8) Central Ohio technical college, Coshocton campus;	52603
(9) Washington state community college.	52604
(B) The president of Ohio university, or the president's designee;	52605 52606
(C) The dean of one of the Salem, Tuscarawas, or East Liverpool regional campuses of Kent state university, as designated by the president of Kent state university;	52607 52608 52609
(D) A representative of the chancellor of the Ohio board of regents <u>higher education</u> as designated by the chancellor.	52610 52611
Sec. 3333.59. (A) As used in this section:	52612
(1) "Allocated state share of instruction" means, for any fiscal year, the amount of the state share of instruction appropriated to the Ohio board of regents <u>department of higher</u> <u>education</u> by the general assembly that is allocated to a community or technical college or community or technical college district for such fiscal year.	52613 52614 52615 52616 52617 52618
(2) "Issuing authority" has the same meaning as in section 154.01 of the Revised Code.	52619 52620
(3) "Bond service charges" has the same meaning as in section 154.01 of the Revised Code.	52621 52622

- (4) "Chancellor" means the chancellor of ~~the Ohio board of~~ 52623
~~regents~~ higher education. 52624
- (5) "Community or technical college" or "college" means any 52625
of the following state-supported or state-assisted institutions of 52626
higher education: 52627
- (a) A community college as defined in section 3354.01 of the 52628
Revised Code; 52629
- (b) A technical college as defined in section 3357.01 of the 52630
Revised Code; 52631
- (c) A state community college as defined in section 3358.01 52632
of the Revised Code. 52633
- (6) "Community or technical college district" or "district" 52634
means any of the following institutions of higher education that 52635
are state-supported or state-assisted: 52636
- (a) A community college district as defined in section 52637
3354.01 of the Revised Code; 52638
- (b) A technical college district as defined in section 52639
3357.01 of the Revised Code; 52640
- (c) A state community college district as defined in section 52641
3358.01 of the Revised Code. 52642
- (7) "Credit enhancement facilities" has the same meaning as 52643
in section 133.01 of the Revised Code. 52644
- (8) "Obligations" has the meaning as in section 154.01 or 52645
3345.12 of the Revised Code, as the context requires. 52646
- (B) The board of trustees of any community or technical 52647
college district authorizing the issuance of obligations under 52648
section 3354.12, 3354.121, 3357.11, 3357.112, or 3358.10 of the 52649
Revised Code, or for whose benefit and on whose behalf the issuing 52650
authority proposes to issue obligations under section 154.25 of 52651
the Revised Code, may adopt a resolution requesting the chancellor 52652

to enter into an agreement with the community or technical college 52653
district and the primary paying agent or fiscal agent for such 52654
obligations, providing for the withholding and deposit of funds 52655
otherwise due the district or the community or technical college 52656
it operates in respect of its allocated state share of 52657
instruction, for the payment of bond service charges on such 52658
obligations. 52659

The board of trustees shall deliver to the chancellor a copy 52660
of the resolution and any additional pertinent information the 52661
chancellor may require. 52662

The chancellor and the office of budget and management, and 52663
the issuing authority in the case of obligations to be issued by 52664
the issuing authority, shall evaluate each request received from a 52665
community or technical college district under this section. The 52666
chancellor, with the advice and consent of the director of budget 52667
and management and the issuing authority in the case of 52668
obligations to be issued by the issuing authority, shall approve 52669
each request if all of the following conditions are met: 52670

(1) Approval of the request will enhance the marketability of 52671
the obligations for which the request is made; 52672

(2) The chancellor and the office of budget and management, 52673
and the issuing authority in the case of obligations to be issued 52674
by the issuing authority, have no reason to believe the requesting 52675
community or technical college district or the community or 52676
technical college it operates will be unable to pay when due the 52677
bond service charges on the obligations for which the request is 52678
made, and bond service charges on those obligations are therefore 52679
not anticipated to be paid pursuant to this section from the 52680
allocated state share of instruction for purposes of Section 17 of 52681
Article VIII, Ohio Constitution. 52682

(3) Any other pertinent conditions established in rules 52683

adopted under division (H) of this section. 52684

(C) If the chancellor approves the request of a community or 52685
technical college district to withhold and deposit funds pursuant 52686
to this section, the chancellor shall enter into a written 52687
agreement with the district and the primary paying agent or fiscal 52688
agent for the obligations, which agreement shall provide for the 52689
withholding of funds pursuant to this section for the payment of 52690
bond service charges on those obligations. The agreement may also 52691
include both of the following: 52692

(1) Provisions for certification by the district to the 52693
chancellor, prior to the deadline for payment of the applicable 52694
bond service charges, whether the district and the community or 52695
technical college it operates are able to pay those bond service 52696
charges when due; 52697

(2) Requirements that the district or the community or 52698
technical college it operates deposits amounts for the payment of 52699
those bond service charges with the primary paying agent or fiscal 52700
agent for the obligations prior to the date on which the bond 52701
service charges are due to the owners or holders of the 52702
obligations. 52703

(D) Whenever a district or the community or technical college 52704
it operates notifies the chancellor that it will not be able to 52705
pay the bond service charges when they are due, subject to the 52706
withholding provisions of this section, or whenever the applicable 52707
paying agent or fiscal agent notifies the chancellor that it has 52708
not timely received from a district or from the college it 52709
operates the full amount needed for payment of the bond service 52710
charges when due to the holders or owners of such obligations, the 52711
chancellor shall immediately contact the district or college and 52712
the paying agent or fiscal agent to confirm that the district and 52713
the college are not able to make the required payment by the date 52714
on which it is due. 52715

If the chancellor confirms that the district and the college
are not able to make the payment and the payment will not be made
pursuant to a credit enhancement facility, the chancellor shall
promptly pay to the applicable primary paying agent or fiscal
agent the lesser of the amount due for bond service charges or the
amount of the next periodic distribution scheduled to be made to
the district or to the college in respect of its allocated state
share of instruction. If this amount is insufficient to pay the
total amount then due the agent for the payment of bond service
charges, the chancellor shall continue to pay to the agent from
each periodic distribution thereafter, and until the full amount
due the agent for unpaid bond service charges is paid in full, the
lesser of the remaining amount due the agent for bond service
charges or the amount of the next periodic distribution scheduled
to be made to the district or college in respect of its allocated
state share of instruction.

(E) The chancellor may make any payments under this section
by direct deposit of funds by electronic transfer.

Any amount received by a paying agent or fiscal agent under
this section shall be applied only to the payment of bond service
charges on the obligations of the community or technical college
district or community or technical college subject to this section
or to the reimbursement of the provider of a credit enhancement
facility that has paid the bond service charges.

(F) The chancellor may make payments under this section to
paying agents or fiscal agents during any fiscal biennium of the
state only from and to the extent that money is appropriated to
the ~~board of regents~~ department by the general assembly for
distribution during such biennium for the state share of
instruction and only to the extent that a portion of the state
share of instruction has been allocated to the community or
technical college district or community or technical college.

Obligations of the issuing authority or of a community or technical college district to which this section is made applicable do not constitute an obligation or a debt or a pledge of the faith, credit, or taxing power of the state, and the holders or owners of those obligations have no right to have excises or taxes levied or appropriations made by the general assembly for the payment of bond service charges on the obligations, and the obligations shall contain a statement to that effect. The agreement for or the actual withholding and payment of money under this section does not constitute the assumption by the state of any debt of a community or technical college district or a community or technical college, and bond service charges on the related obligations are not anticipated to be paid from the state general revenue fund for purposes of Section 17 of Article VIII, Ohio Constitution.

(G) In the case of obligations subject to the withholding provisions of this section, the issuing community or technical college district, or the issuing authority in the case of obligations issued by the issuing authority, shall appoint a paying agent or fiscal agent who is not an officer or employee of the district or college.

(H) The chancellor, with the advice and consent of the office of budget and management, may adopt reasonable rules not inconsistent with this section for the implementation of this section to secure payment of bond service charges on obligations issued by a community or technical college district or by the issuing authority for the benefit of a community or technical college district or the community or technical college it operates. Those rules shall include criteria for the evaluation and approval or denial of community or technical college district requests for withholding under this section.

(I) The authority granted by this section is in addition to

and not a limitation on any other authorizations granted by or 52780
pursuant to law for the same or similar purposes. 52781

Sec. 3333.61. The chancellor of ~~the Ohio board of regents~~ 52782
higher education shall establish and administer the Ohio 52783
innovation partnership, which shall consist of the choose Ohio 52784
first scholarship program and the Ohio research scholars program. 52785
Under the programs, the chancellor, subject to approval by the 52786
controlling board, shall make awards to state universities or 52787
colleges for programs and initiatives that recruit students and 52788
scientists in the fields of science, technology, engineering, 52789
mathematics, medicine, and dentistry to state universities or 52790
colleges, in order to enhance regional educational and economic 52791
strengths and meet the needs of the state's regional economies. 52792
Awards may be granted for programs and initiatives to be 52793
implemented by a state university or college alone or in 52794
collaboration with other state institutions of higher education, 52795
nonpublic Ohio universities and colleges, or other public or 52796
private Ohio entities. If the chancellor makes an award to a 52797
program or initiative that is intended to be implemented by a 52798
state university or college in collaboration with other state 52799
institutions of higher education or nonpublic Ohio universities or 52800
colleges, the chancellor may provide that some portion of the 52801
award be received directly by the collaborating universities or 52802
colleges consistent with all terms of the Ohio innovation 52803
partnership. 52804

The choose Ohio first scholarship program shall assign a 52805
number of scholarships to state universities and colleges to 52806
recruit Ohio residents as undergraduate, or as provided in section 52807
3333.66 of the Revised Code graduate, students in the fields of 52808
science, technology, engineering, mathematics, medicine, and 52809
dentistry, or in science, technology, engineering, mathematics, 52810
medical, or dental education. Choose Ohio first scholarships shall 52811

be awarded to each participating eligible student as a grant to 52812
the state university or college the student is attending and shall 52813
be reflected on the student's tuition bill. Choose Ohio first 52814
scholarships are student-centered grants from the state to 52815
students to use to attend a university or college and are not 52816
grants from the state to universities or colleges. 52817

Notwithstanding any other provision of this section or 52818
sections 3333.62 to 3333.69 of the Revised Code, a nonpublic 52819
four-year Ohio institution of higher education may submit a 52820
proposal for choose Ohio first scholarships or Ohio research 52821
scholarships grants. If the chancellor awards a nonpublic institution 52822
scholarships or grants, the nonpublic institution shall comply 52823
with all requirements of this section, sections 3333.62 to 3333.69 52824
of the Revised Code, and the rules adopted under this section that 52825
apply to state universities or colleges awarded choose Ohio first 52826
scholarships or Ohio research scholars grants. 52827

The Ohio research scholars program shall award grants to use 52828
in recruiting scientists to the faculties of state universities or 52829
colleges. 52830

The chancellor shall adopt rules in accordance with Chapter 52831
119. of the Revised Code to administer the programs. 52832

Sec. 3333.611. (A) All of the following individuals shall 52833
jointly develop a proposal for the creation of a primary care 52834
medical student component of the choose Ohio first scholarship 52835
program operated under section 3333.61 of the Revised Code under 52836
which scholarships are annually made available and awarded to 52837
medical students who meet the requirements specified in division 52838
(D) of this section: 52839

(1) The dean of the Ohio state university school of medicine; 52840

(2) The dean of the Case western reserve university school of 52841

medicine;	52842
(3) The dean of the university of Toledo college of medicine;	52843
(4) The president and dean of the northeast Ohio medical university;	52844 52845
(5) The dean of the university of Cincinnati college of medicine;	52846 52847
(6) The dean of the Boonshoft school of medicine at Wright state university;	52848 52849
(7) The dean of the Ohio university college of osteopathic medicine.	52850 52851
(B) The individuals specified in division (A) of this section shall consider including the following provisions in the proposal:	52852 52853
(1) Establishing a scholarship of sufficient size to permit annually not more than fifty medical students to receive scholarships;	52854 52855 52856
(2) Specifying that a scholarship, once granted, may be provided to a medical student for not more than four years.	52857 52858
(C) The individuals specified in division (A) of this section shall submit the proposal for the component to the chancellor of the Ohio board of regents <u>higher education</u> not later than March 6, 2011. The chancellor shall review the proposal and determine whether to implement the component as part of the program.	52859 52860 52861 52862 52863
(D) To be eligible for a scholarship made available under the component, a medical student shall meet all of the following requirements:	52864 52865 52866
(1) Participate in identified patient centered medical home model training opportunities during medical school;	52867 52868
(2) Commit to a post-residency primary care practice in this state for not less than three years;	52869 52870

(3) Accept medicaid recipients as patients, without 52871
restriction and, as compared to other patients, in a proportion 52872
that is specified in the scholarship. 52873

Sec. 3333.612. (A) All of the following individuals shall 52874
jointly develop a proposal for the creation of a primary care 52875
nursing student component of the choose Ohio first scholarship 52876
program operated under section 3333.61 of the Revised Code under 52877
which scholarships are annually made available and awarded to 52878
advanced practice nursing students who meet the requirements 52879
specified in division (D) of this section: 52880

(1) The dean of the college of nursing at the university of 52881
Toledo; 52882

(2) The dean of the Wright state university college of 52883
nursing and health; 52884

(3) The dean of the college of nursing at Kent state 52885
university; 52886

(4) The dean of the university of Akron college of nursing; 52887

(5) The director of the school of nursing at Ohio university. 52888

(B) The individuals specified in division (A) of this section 52889
shall consider including the following provisions in the proposal: 52890

(1) Establishing a scholarship of sufficient size to permit 52891
annually not more than thirty advanced practice nursing students 52892
to receive scholarships; 52893

(2) Specifying that a scholarship, once granted, may be 52894
provided to an advanced practice nursing student for not more than 52895
three years. 52896

(C) The individuals specified in division (A) of this section 52897
shall submit the proposal for the component to the chancellor of 52898
~~the Ohio board of regents~~ higher education not later than six 52899

months after ~~the effective date of this section~~ September 6, 2010. 52900

The chancellor shall review the proposal and determine whether to 52901

implement the component as part of the program. 52902

(D) To be eligible for a scholarship made available under the 52903

component, an advanced practice nursing student shall meet all of 52904

the following requirements: 52905

(1) Participate in identified patient centered medical home 52906

model training opportunities during nursing school; 52907

(2) Commit to an advanced practice nursing primary care 52908

practice in this state after completing nursing school for not 52909

less than three years; 52910

(3) Accept medicaid recipients as patients, without 52911

restriction and, as compared to other patients, in a proportion 52912

that is specified in the scholarship. 52913

Sec. 3333.613. There is hereby created in the state treasury 52914

the choose Ohio first scholarship reserve fund. ~~Not later than the~~ 52915

~~first day of July~~ As soon as possible following the end of each 52916

fiscal year, the chancellor of ~~the Ohio board of regents~~ higher 52917

education shall certify to the director of budget and management 52918

the unencumbered balance of the general revenue fund 52919

appropriations made in the immediately preceding fiscal year for 52920

purposes of the choose Ohio first scholarship program created in 52921

section 3333.61 of the Revised Code. Upon receipt of the 52922

certification, the director of budget and management may transfer 52923

an amount not exceeding the certified amount from the general 52924

revenue fund to the choose Ohio first scholarship reserve fund. 52925

Moneys in the choose Ohio first scholarship reserve fund shall be 52926

used to pay scholarship obligations in excess of the general 52927

revenue fund appropriations made for that purpose. 52928

The director of budget and management may transfer any 52929

unencumbered balance from the choose Ohio first scholarship 52930
reserve fund to the general revenue fund. 52931

If it is determined that general revenue fund appropriations 52932
are insufficient to meet the obligations for the choose Ohio first 52933
scholarship in a fiscal year, the director of budget and 52934
management may transfer funds from the choose Ohio first 52935
scholarship reserve fund to the general revenue fund in order to 52936
meet those obligations. The amount transferred is hereby 52937
appropriated. If the funds transferred from the choose Ohio first 52938
scholarship reserve fund are not needed, the director of budget 52939
and management may transfer the unexpended balance from the 52940
general revenue fund back to the choose Ohio first scholarship 52941
reserve fund. 52942

Sec. 3333.62. The chancellor of ~~the Ohio board of regents~~ 52943
higher education shall establish a competitive process for making 52944
awards under the choose Ohio first scholarship program and the 52945
Ohio research scholars program. The chancellor, on completion of 52946
that process, shall make a recommendation to the controlling board 52947
asking for approval of each award selected by the chancellor. 52948

Any state university or college may apply for one or more 52949
awards under one or both programs. The state university or college 52950
shall submit a proposal and other documentation required by the 52951
chancellor, in the form and manner prescribed by the chancellor, 52952
for each award it seeks. A proposal may propose an initiative to 52953
be implemented solely by the state university or college or in 52954
collaboration with other state institutions of higher education, 52955
nonpublic Ohio universities or colleges, or other public or 52956
nonpublic Ohio entities. A single proposal may seek an award under 52957
one or both programs. 52958

The chancellor shall determine which proposals will receive 52959
awards each fiscal year, and the amount of each award, on the 52960

basis of the merit of each proposal, which the chancellor, subject to approval by the controlling board, shall determine based on one or more of the following criteria:

(A) The quality of the program that is the subject of the proposal and the extent to which additional resources will enhance its quality;

(B) The extent to which the proposal is integrated with the strengths of the regional economy;

(C) The extent to which the proposal is integrated with centers of research excellence within the private sector;

(D) The amount of other institutional, public, or private resources, whether monetary or nonmonetary, that the proposal pledges to leverage;

(E) The extent to which the proposal is collaborative with other public or nonpublic Ohio institutions of higher education;

(F) The extent to which the proposal is integrated with the university's or college's mission and does not displace existing resources already committed to the mission;

(G) The extent to which the proposal facilitates a more efficient utilization of existing faculty and programs;

(H) The extent to which the proposal meets a statewide educational need;

(I) The demonstrated productivity or future capacity of the students or scientists to be recruited;

(J) The extent to which the proposal will create additional capacity in educational or economic areas of need;

(K) The extent to which the proposal will encourage students who received degrees in the fields of science, technology, engineering, mathematics, or medicine from two-year institutions to transfer to state universities or colleges to pursue

baccalaureate degrees in science, technology, engineering,	52991
mathematics, or medicine;	52992
(L) The extent to which the proposal encourages students	52993
enrolled in state universities to transfer into science,	52994
technology, engineering, mathematics, or medicine programs;	52995
(M) The extent to which the proposal facilitates the	52996
completion of a baccalaureate degree in a cost-effective manner,	52997
for example, by facilitating students' completing two years at a	52998
two-year institution and two years at a state university or	52999
college;	53000
(N) The extent to which the proposal allows attendance at a	53001
state university or college of students who otherwise could not	53002
afford to attend;	53003
(O) The extent to which other institutional, public, or	53004
private resources pledged to the proposal will be deployed to	53005
assist in sustaining students' scholarships over their academic	53006
careers;	53007
(P) The extent to which the proposal increases the likelihood	53008
that students will successfully complete their degree programs in	53009
science, technology, engineering, mathematics, or medicine or in	53010
science, technology, engineering, mathematics, or medical	53011
education;	53012
(Q) The extent to which the proposal ensures that a student	53013
who is awarded a scholarship is appropriately qualified and	53014
prepared to successfully complete a degree program in science,	53015
technology, engineering, mathematics, or medicine or in science,	53016
technology, engineering, mathematics, or medical education;	53017
(R) The extent to which the proposal will increase the number	53018
of women participating in the choose Ohio first scholarship	53019
program.	53020

Sec. 3333.63. The chancellor of ~~the Ohio board of regents~~ 53021
higher education shall conduct at least one public meeting 53022
annually, prior to deciding awards under the Ohio innovation 53023
partnership. At the meeting, an employee of the chancellor shall 53024
summarize the proposals submitted for consideration, and each 53025
state university or college that has a proposal pending shall have 53026
the opportunity to review the summary of their proposal prepared 53027
by the chancellor's staff and answer questions or respond to 53028
concerns about the proposal raised by the chancellor's staff. 53029

Sec. 3333.64. The chancellor of ~~the Ohio board of regents~~ 53030
higher education shall endeavor to make awards under the choose 53031
Ohio first scholarship program and the Ohio research scholars 53032
program such that the aggregate, statewide amount of other 53033
institutional, public, and private money pledged to the proposals 53034
in each fiscal year equals at least one hundred per cent of the 53035
aggregate amount of the money awarded under both programs that 53036
year. The chancellor shall endeavor to make awards under the 53037
choose Ohio first scholarship program in such a way that at least 53038
fifty per cent of the students receiving the scholarships are 53039
involved in a co-op or internship program in a private industry or 53040
a university laboratory. The value of institutional, public, or 53041
private industry co-ops and internships shall count toward the 53042
statewide aggregate amount of other institutional, public, or 53043
private money specified in this paragraph. 53044

The chancellor also shall endeavor to distribute awards in 53045
such a way that all regions of the state benefit from the economic 53046
development impact of the programs and shall guarantee that 53047
students from all regions of the state are able to participate in 53048
the scholarship program. 53049

Sec. 3333.65. The chancellor of ~~the Ohio board of regents~~ 53050

higher education shall require each state university or college 53051
that the controlling board approves to receive an award under the 53052
Ohio innovation partnership to enter into an agreement governing 53053
the use of the award. The agreement shall contain terms the 53054
chancellor determines to be necessary, which shall include 53055
performance measures, reporting requirements, and an obligation to 53056
fulfill pledges of other institutional, public, or nonpublic 53057
resources for the proposal. 53058

The chancellor may require a state university or college that 53059
violates the terms of its agreement to repay the award plus 53060
interest at the rate required by section 5703.47 of the Revised 53061
Code to the chancellor. 53062

If the chancellor makes an award to a program or initiative 53063
that is intended to be implemented by a state university or 53064
college in collaboration with other state institutions of higher 53065
education or nonpublic Ohio universities or colleges, the 53066
chancellor may enter into an agreement with the collaborating 53067
universities or colleges that permits awards to be received 53068
directly by the collaborating universities or colleges consistent 53069
with the terms of the program or initiative. In that case, the 53070
chancellor shall incorporate into the agreement terms consistent 53071
with the requirements of this section. 53072

Sec. 3333.66. (A)(1) Except as provided in division (A)(2) of 53073
this section, in each academic year, no student who receives a 53074
choose Ohio first scholarship shall receive less than one thousand 53075
five hundred dollars or more than one-half of the highest in-state 53076
undergraduate instructional and general fees charged by all state 53077
universities. For this purpose, if Miami university is 53078
implementing the pilot tuition restructuring plan originally 53079
recognized in Am. Sub. H.B. 95 of the 125th general assembly, that 53080
university's instructional and general fees shall be considered to 53081

be the average full-time in-state undergraduate instructional and 53082
general fee amount after taking into account the Ohio resident and 53083
Ohio leader scholarships and any other credit provided to all Ohio 53084
residents. 53085

(2) The chancellor of ~~the Ohio board of regents~~ higher 53086
education may authorize a state university or college or a 53087
nonpublic Ohio institution of higher education to award a choose 53088
Ohio first scholarship in an amount greater than one-half of the 53089
highest in-state undergraduate instructional and general fees 53090
charged by all state universities to either of the following: 53091

(a) Any undergraduate student who qualifies for a scholarship 53092
and is enrolled in a program leading to a teaching profession in 53093
science, technology, engineering, mathematics, or medicine; 53094

(b) Any graduate student who qualifies for a scholarship, if 53095
any initiatives are selected for award under division (B) of this 53096
section. 53097

(B) The chancellor shall encourage state universities and 53098
colleges, alone or in collaboration with other state institutions 53099
of higher education, nonpublic Ohio universities and colleges, or 53100
other public or private Ohio entities, to submit proposals under 53101
the choose Ohio first scholarship program for initiatives that 53102
recruit either of the following: 53103

(1) Ohio residents who enrolled in colleges and universities 53104
in other states or other countries to return to Ohio and enroll in 53105
state universities or colleges as graduate students in the fields 53106
of science, technology, engineering, mathematics, and medicine, or 53107
in the fields of science, technology, engineering, mathematics, or 53108
medical education. If such proposals are submitted and meet the 53109
chancellor's competitive criteria for awards, the chancellor, 53110
subject to approval by the controlling board, shall give at least 53111
one of the proposals preference for an award. 53112

(2) Graduates, or undergraduates who will graduate in time to participate in the program described in this division by the subsequent school year, from an Ohio college or university who received, or will receive, a degree in science, technology, engineering, mathematics, or medicine to participate in a graduate-level teacher education masters program in one of those fields that requires the student to establish a domicile in the state and to commit to teach for a minimum of three years in a hard-to-staff school district in the state upon completion of the master's degree program. The chancellor may require a college or university to give priority to qualified candidates who graduated from a high school in this state.

"Hard-to-staff" shall be as defined by the department of education.

(C) The general assembly intends that money appropriated for the choose Ohio first scholarship program in each fiscal year be used for scholarships in the following academic year.

Sec. 3333.67. Each state university or college that receives an award under the Ohio research scholars program shall deposit the amount it receives into a new or existing endowment fund. The university or college shall maintain the amount received and use income generated from that amount, and other institutional, public, or nonpublic resources, to finance the proposal approved by the chancellor of ~~the Ohio board of regents~~ higher education and the controlling board.

Sec. 3333.68. When making an award under the Ohio innovation partnership, the chancellor of ~~the Ohio board of regents~~ higher education, subject to approval by the controlling board, may commit to giving a state university's or college's proposal preference for future awards after the current fiscal year or

fiscal biennium. A proposal's eligibility for future awards	53143
remains conditional on all of the following:	53144
(A) Future appropriations of the general assembly;	53145
(B) The university's or college's adherence to the agreement	53146
entered into under section 3333.65 of the Revised Code, including	53147
its fulfillment of pledges of other institutional, public, or	53148
nonpublic resources;	53149
(C) With respect to the choose Ohio first scholarship	53150
program, a demonstration that the students receiving the	53151
scholarship are satisfied with the state universities or colleges	53152
selected by the chancellor to offer the scholarships.	53153
The chancellor and the controlling board shall not commit to	53154
awarding any proposal for more than five fiscal years at a time.	53155
However, when a commitment for future awards expires, a state	53156
university or college may reapply.	53157
Sec. 3333.69. The chancellor of the Ohio board of regents	53158
<u>higher education</u> shall monitor each initiative for which an award	53159
is granted under the Ohio innovation partnership to ensure the	53160
following:	53161
(A) Fiscal accountability, so that the award is used in	53162
accordance with the agreement entered into under section 3333.65	53163
of the Revised Code;	53164
(B) Operating progress, so that the initiative is managed to	53165
achieve the goals stated in the proposal and in the agreement, and	53166
so that problems may be promptly identified and remedied;	53167
(C) Desired outcomes, so that the initiative contributes to	53168
the programs' goals of enhancing regional educational and economic	53169
strengths and meeting regional economic needs.	53170
Sec. 3333.71. As used in sections 3333.71 to 3333.79 of the	53171

Revised Code:	53172
(A) "Cooperative education program" means a partnership	53173
between students, institutions of higher education, and employers	53174
that formally integrates students' academic study with work	53175
experience in cooperating employer organizations and that meets	53176
all of the following conditions:	53177
(1) Alternates or combines periods of academic study and work	53178
experience in appropriate fields as an integral part of student	53179
education;	53180
(2) Provides students with compensation from the cooperative	53181
employer in the form of wages or salaries for work performed;	53182
(3) Evaluates each participating student's performance in the	53183
cooperative position, both from the perspective of the student's	53184
institution of higher education and the student's cooperative	53185
employer;	53186
(4) Provides participating students with academic credit from	53187
the institution of higher education upon successful completion of	53188
their cooperative education;	53189
(5) Is part of an overall degree or certificate program for	53190
which a percentage of the total program acceptable to the	53191
chancellor of the Ohio board of regents <u>higher education</u> involves	53192
cooperative education.	53193
(B) "Internship program" means a partnership between	53194
students, institutions of higher education, and employers that	53195
formally integrates students' academic study with work or	53196
community service experience and that does both of the following:	53197
(1) Offers internships of specified and definite duration;	53198
(2) Evaluates each participating student's performance in the	53199
internship position, both from the perspective of the student's	53200
institution of higher education and the student's internship	53201

employer. 53202

An internship program may provide participating students with 53203
academic credit upon successful completion of the internship, and 53204
may provide students with compensation in the form of wages or 53205
salaries, stipends, or scholarships. 53206

(C) "Nonpublic university or college" means a nonprofit 53207
institution holding a certificate of authorization issued under 53208
Chapter 1713. of the Revised Code. 53209

(D) "State institution of higher education" has the same 53210
meaning as in section 3345.011 of the Revised Code. 53211

Sec. 3333.72. The chancellor of ~~the Ohio board of regents~~ 53212
higher education shall establish and administer the Ohio 53213
co-op/internship program to promote and encourage cooperative 53214
education programs or internship programs at Ohio institutions of 53215
higher education for the purpose of recruiting Ohio students to 53216
stay in the state, and recruiting Ohio residents who left Ohio to 53217
attend out-of-state institutions of higher education back to Ohio 53218
institutions of higher education, to participate in high quality 53219
academic programs that use cooperative education programs or 53220
significant internship programs, in order to support the growth of 53221
Ohio's businesses by providing businesses with Ohio's most 53222
talented students and providing Ohio graduates with job 53223
opportunities with Ohio's growing companies. 53224

The chancellor, subject to approval by the controlling board, 53225
shall make awards to state institutions of higher education for 53226
new or existing programs and initiatives meeting the goals of the 53227
Ohio co-op/internship program. Awards may be granted for programs 53228
and initiatives to be implemented by a state institution of higher 53229
education alone or in collaboration with other state institutions 53230
of higher education or nonpublic Ohio universities and colleges. 53231
If the chancellor makes an award to a program or initiative that 53232

is intended to be implemented by a state institution of higher 53233
education in collaboration with other state institutions of higher 53234
education or nonpublic Ohio universities or colleges, the 53235
chancellor may provide that some portion of the award be received 53236
directly by the collaborating universities or colleges consistent 53237
with all terms of the Ohio co-op/internship program. 53238

The Ohio co-op/internship program shall support the creation 53239
and maintenance of high quality academic programs that utilize an 53240
intensive cooperative education or internship program for students 53241
at state institutions of higher education, or assign a number of 53242
scholarships to institutions to recruit Ohio residents as students 53243
in a high quality academic program, or both. If scholarships are 53244
included in an award to an institution of higher education, the 53245
scholarships shall be awarded to each participating eligible 53246
student as a grant to the state institution of higher education 53247
the student is attending and shall be reflected on the student's 53248
tuition bill. 53249

Notwithstanding any other provision of this section or 53250
sections 3333.73 to 3333.79 of the Revised Code, an Ohio four-year 53251
nonpublic university or college may submit a proposal as lead 53252
applicant or co-lead applicant for an award under the Ohio 53253
co-op/internship program if the proposal is to be implemented in 53254
collaboration with a state institution of higher education. If the 53255
chancellor grants a nonpublic university or college an award, the 53256
nonpublic university or college shall comply with all requirements 53257
of this section, sections 3333.73 to 3333.79 of the Revised Code, 53258
and the rules adopted under this section that apply to state 53259
institutions of higher education that receive awards under the 53260
program. 53261

The chancellor shall adopt rules in accordance with Chapter 53262
119. of the Revised Code to administer the Ohio co-op/internship 53263
program. 53264

Sec. 3333.73. The chancellor of ~~the Ohio board of regents~~ 53265
higher education shall establish a competitive process for making 53266
awards under the Ohio co-op/internship program. The chancellor, on 53267
completion of that process, shall make a recommendation to the 53268
controlling board asking for approval of each award selected by 53269
the chancellor. 53270

The state institution of higher education shall submit a 53271
proposal and other documentation required by the chancellor, in 53272
the form and manner prescribed by the chancellor, for each award 53273
it seeks. A proposal may propose an initiative to be implemented 53274
solely by the state institution of higher education or in 53275
collaboration with other state institutions of higher education or 53276
nonpublic Ohio universities or colleges. 53277

The chancellor shall determine which proposals will receive 53278
awards each fiscal year, and the amount of each award, on the 53279
basis of the merit of each proposal, which the chancellor, subject 53280
to approval by the controlling board, shall determine based on one 53281
or more of the following criteria: 53282

(A) The extent to which the proposal will keep Ohio students 53283
in Ohio institutions of higher education; 53284

(B) The extent to which the proposal will attract Ohio 53285
residents who left Ohio to attend out-of-state institutions of 53286
higher education to return to Ohio institutions of higher 53287
education; 53288

(C) The extent to which the proposal will increase the number 53289
of Ohio graduates who remain in Ohio and enter Ohio's workforce; 53290

(D) The quality of the program that is the subject of the 53291
proposal and the extent to which additional resources will enhance 53292
its quality; 53293

(E) The extent to which the proposal is integrated with the 53294

strengths of the regional economy;	53295
(F) The extent to which the proposal supports the workforce policies of the governor's office of workforce transformation to meet the workforce needs of the state and to provide a student participating in the program with the skills needed for workplace success;	53296 53297 53298 53299 53300
(G) The extent to which the proposal facilitates the development of high quality academic programs with a cooperative education program or a significant internship program at state institutions of higher education;	53301 53302 53303 53304
(H) The extent to which the proposal is integrated with supporting private companies to fill potential job growth, is responsive to the needs of employers, aligns with the skills identified by employers as necessary to fill high-demand job openings, particularly job openings in targeted industry sectors as identified by the governor's office of workforce transformation;	53305 53306 53307 53308 53309 53310 53311
(I) The amount of other institutional, public, or private resources, whether monetary or nonmonetary, the proposal pledges to leverage that are in addition to the monetary cost-sharing requirement prescribed in section 3333.74 of the Revised Code;	53312 53313 53314 53315
(J) The extent to which the proposal is collaborative with other Ohio institutions of higher education;	53316 53317
(K) The extent to which the proposal is integrated with the institution's mission;	53318 53319
(L) The extent to which the proposal meets a statewide educational need at the undergraduate or graduate level;	53320 53321
(M) The demonstrated productivity or future capacity of the students to be recruited;	53322 53323
(N) The extent to which the proposal will create additional	53324

capacity in a high quality academic program with a cooperative 53325
education program or significant internship program; 53326

(O) The extent to which the proposal will encourage students 53327
who received degrees from two-year institutions to pursue 53328
baccalaureate degrees; 53329

(P) The extent to which the proposal facilitates the 53330
completion of a baccalaureate degree in a cost-effective manner; 53331

(Q) The extent to which other institutional, public, or 53332
private resources that are pledged to the proposal, in addition to 53333
the monetary cost-sharing requirement prescribed in section 53334
3333.74 of the Revised Code, will be deployed to assist in 53335
sustaining the academic program of excellence; 53336

(R) The extent to which the proposal increases the likelihood 53337
that students will successfully complete their degree programs or 53338
certificate programs; 53339

(S) The extent to which the proposal ensures that a student 53340
participating in the high quality academic program funded by the 53341
Ohio co-op/internship program is appropriately qualified and 53342
prepared to successfully transition into professions in Ohio's 53343
growing companies and industries. 53344

Sec. 3333.731. (A) The co-op/internship program advisory 53345
committee is hereby created. The committee shall consist of the 53346
following members: 53347

(1) Five members appointed by the governor, two of whom shall 53348
represent academia, two of whom shall be representatives of 53349
private industry, and one of whom shall be a member of the public; 53350

(2) The director of development, or the director's designee; 53351

(3) Five members appointed by the president of the senate, 53352
three of whom shall be members of the senate, but not more than 53353
two from the same political party, one of whom shall represent 53354

academia, and one of whom shall be a member of the public; 53355

(4) Five members appointed by the speaker of the house of 53356
representatives, three of whom shall be members of the house of 53357
representatives, but not more than two from the same political 53358
party, one of whom shall represent private industry, and one of 53359
whom shall be a member of the public. 53360

(B) Members of the committee who are members of the general 53361
assembly shall serve for terms of four years or until their 53362
legislative terms end, whichever is sooner. The director of 53363
development or the director's designee shall serve as an 53364
ex-officio, voting member. Otherwise, initial members shall serve 53365
the following terms: 53366

(1) Of the initial members appointed by the governor, the 53367
member representing the public and one member representing 53368
academia shall serve for terms of one year; one member 53369
representing private industry shall serve for a term of two years; 53370
and one member representing private industry and one member 53371
representing academia shall serve for terms of three years. 53372

(2) The member representing academia and the representative 53373
of the public initially appointed by the president of the senate 53374
shall serve for terms of two years. 53375

(3) The member representing private industry initially 53376
appointed by the speaker of the house of representatives shall 53377
serve for a term of one year. 53378

(4) The representative of the public initially appointed by 53379
the speaker of the house of representatives shall serve for a term 53380
of three years. 53381

Thereafter, terms shall be for three years, with each term 53382
ending on the same day of the same month as did the term that it 53383
succeeds. Each member shall serve from the date of appointment 53384
until the end of the term for which the member was appointed. 53385

Members may be reappointed. Vacancies shall be filled in the same 53386
manner as provided for original appointments. Any member appointed 53387
to fill a vacancy occurring prior to the expiration date of the 53388
term for which the member was appointed shall hold office for the 53389
remainder of that term. A member shall continue to serve after the 53390
expiration date of the member's term until the member's successor 53391
is appointed or until a period of sixty days has elapsed, 53392
whichever occurs first. The appointing authority may remove a 53393
member from the committee for failure to attend two consecutive 53394
meetings without showing good cause for the absences. 53395

(C) The committee annually shall select a chairperson and a 53396
vice-chairperson. Only the members who represent academia and 53397
private industry may serve as chairperson and vice-chairperson. 53398
For this purpose, any committee member appointed as a member of 53399
the public who is a trustee, officer, employee, or student of an 53400
institution of higher education shall be included among the 53401
representatives of academia who may serve as chairperson or 53402
vice-chairperson, and any committee member appointed as a member 53403
of the public who is a director, officer, or employee of a private 53404
business shall be included among the representatives of private 53405
industry who may serve as chairperson or vice-chairperson. The 53406
committee annually shall rotate the selection of the chairperson 53407
between these two groups and shall select a member of the other 53408
group to serve as vice-chairperson. 53409

The committee annually shall select one of its members to 53410
serve as secretary to keep a record of the committee's 53411
proceedings. 53412

(D) A majority vote of the members of the full committee is 53413
necessary to take action on any matter. The committee may adopt 53414
bylaws governing its operation, including bylaws that establish 53415
the frequency of meetings. 53416

(E) Members of the committee shall serve without 53417

compensation. 53418

(F) A member of the committee shall not participate in 53419
discussions or votes concerning a proposed initiative or an actual 53420
award under the Ohio co-op/internship program that involves an 53421
institution of higher education of which the member is a trustee, 53422
officer, employee, or student; an organization of which the member 53423
is a trustee, director, officer, or employee; or a business of 53424
which the member is a director, officer, or employee or a 53425
shareholder of more than five per cent of the business' stock. 53426

(G) The committee shall advise the chancellor of ~~the Ohio~~ 53427
~~board of regents~~ higher education on growing industries 53428
well-suited for awards under the Ohio co-op/internship program. 53429
The chancellor shall consult with the committee and request the 53430
committee's advice at each of the following times: 53431

(1) Prior to issuing each request for applications under the 53432
program; 53433

(2) While the chancellor is reviewing applications and before 53434
deciding on awards to submit for the controlling board's approval; 53435

(3) After deciding on awards to submit for the controlling 53436
board's approval and prior to submitting them. 53437

The committee shall advise the chancellor on other matters 53438
the chancellor considers appropriate. 53439

(H) The chancellor shall provide meeting space for the 53440
committee. The committee shall be assisted in its duties by the 53441
chancellor's staff. 53442

(I) Sections 101.82 to 101.87 of the Revised Code do not 53443
apply to the committee. 53444

Sec. 3333.74. (A) Except as provided in division (B) of this 53445
section, each award under the Ohio co-op/internship program shall 53446
require a pledge of private funds equal to the following: 53447

(1) In the case of a program, initiative, or scholarships for 53448
undergraduate students, at least one hundred per cent of the money 53449
awarded; 53450

(2) In the case of a program, initiative, or scholarships for 53451
graduate students, at least one hundred fifty per cent of the 53452
money awarded. 53453

(B) The chancellor of ~~the Ohio board of regents~~ higher 53454
education may waive the requirement of division (A) of this 53455
section if the chancellor finds that exceptional circumstances 53456
exist to do so, provided that the chancellor reviews the proposal 53457
with the advisory committee established under section 3333.731 of 53458
the Revised Code and provides an explanation for the waiver to the 53459
controlling board. 53460

(C) The chancellor shall endeavor to distribute awards in 53461
such a way that a wide range of disciplines is supported and that 53462
all regions of the state benefit from the economic development 53463
impact of the program. 53464

Sec. 3333.75. The chancellor of ~~the Ohio board of regents~~ 53465
higher education shall require each state institution of higher 53466
education that the controlling board approves to receive an award 53467
under the Ohio co-op/internship program to enter into an agreement 53468
governing the use of the award. The agreement shall contain terms 53469
the chancellor determines to be necessary, which shall include 53470
performance measures, reporting requirements, and an obligation to 53471
fulfill pledges of other institutional, public, or nonpublic 53472
resources for the proposal. 53473

The chancellor may require a state institution of higher 53474
education that violates the terms of its agreement to repay the 53475
award plus interest at the rate required by section 5703.47 of the 53476
Revised Code to the chancellor. 53477

If the chancellor makes an award to a program or initiative 53478
that is intended to be implemented by a state institution of 53479
higher education in collaboration with other state institutions of 53480
higher education or nonpublic Ohio universities or colleges, the 53481
chancellor may enter into an agreement with the collaborating 53482
universities or colleges that permits awards to be received 53483
directly by the collaborating universities or colleges consistent 53484
with the terms of the program or initiative. In that case, the 53485
chancellor shall incorporate into the agreement terms consistent 53486
with the requirements of this section. 53487

Sec. 3333.76. The chancellor of ~~the Ohio board of regents~~ 53488
higher education shall encourage state institutions of higher 53489
education, alone or in collaboration with other state institutions 53490
of higher education or nonpublic Ohio universities and colleges, 53491
to submit proposals under the Ohio co-op/internship program for 53492
initiatives that recruit Ohio residents enrolled in colleges and 53493
universities in other states or other countries to return to Ohio 53494
and enroll in state institutions of higher education or nonpublic 53495
Ohio universities and colleges as graduate students in a high 53496
quality academic program that uses a cooperative education 53497
program, a significant internship program in a private industry or 53498
institutional laboratory, or a similar model involving a variation 53499
of cooperative education or internship programs common to graduate 53500
education, and is in an educational area, industry, or industry 53501
sector of need. 53502

The chancellor may encourage state institutions of higher 53503
education, alone or in collaboration with other state institutions 53504
of higher education or nonpublic Ohio universities and colleges, 53505
to submit proposals for initiatives that recruit Ohio residents 53506
who have received baccalaureate degrees to remain in Ohio and 53507
enroll in state institutions of higher education or nonpublic Ohio 53508
universities and colleges as graduate students in a high quality 53509

academic program of the type described in the preceding paragraph. 53510

Sec. 3333.77. When making an award under the Ohio 53511
co-op/internship program, the chancellor of ~~the Ohio board of~~ 53512
~~regents~~ higher education, subject to approval by the controlling 53513
board, may commit to giving a state institution of higher 53514
education's proposal preference for future awards after the 53515
current fiscal year or fiscal biennium. A proposal's eligibility 53516
for future awards remains conditional on all of the following: 53517

(A) Future appropriations of the general assembly; 53518

(B) The institution's adherence to the agreement entered into 53519
under section 3333.75 of the Revised Code, including its 53520
fulfillment of pledges of other institutional, public, or 53521
nonpublic resources; 53522

(C) A demonstration that the students participating in the 53523
programs and initiatives or receiving scholarships financed by the 53524
awards are satisfied with the institutions selected by the 53525
chancellor to offer the programs, initiatives, or scholarships 53526
financed by the awards. 53527

The chancellor and the controlling board shall not commit to 53528
awarding any proposal for a period that exceeds five fiscal years. 53529
However, when an award, or the commitment for an award, expires, a 53530
state institution of higher education may apply for a new award. 53531

Sec. 3333.78. The chancellor of ~~the Ohio board of regents~~ 53532
higher education shall monitor each initiative for which an award 53533
is granted under the Ohio co-op/internship program to ensure the 53534
following: 53535

(A) Fiscal accountability, so that the award is used in 53536
accordance with the agreement entered into under section 3333.75 53537
of the Revised Code; 53538

(B) Operating progress, so that the initiative is managed to 53539
achieve the goals stated in the proposal and in the agreement, and 53540
so that problems may be promptly identified and remedied; 53541

(C) Desired outcomes, so that the initiative contributes to 53542
the program's goal of retaining Ohio's students after graduation. 53543

Sec. 3333.79. (A) As used in this section, "minority" has the 53544
same meaning as in section 184.17 of the Revised Code. The term 53545
also includes an individual who is economically disadvantaged. 53546

(B) The chancellor of ~~the board of regents~~ higher education 53547
shall conduct outreach activities in Ohio that seek to include 53548
minorities in the Ohio co-op/internship program established under 53549
section 3333.72 of the Revised Code. The outreach activities shall 53550
include the following, when appropriate: 53551

(1) Identifying and partnering with historically black 53552
colleges and universities; 53553

(2) Working with all institutions of higher education in the 53554
state to support minority faculty and students involved in 53555
cooperative and intern programs; 53556

(3) Developing a plan to contact by telephone minorities and 53557
other economically disadvantaged individuals to notify them of 53558
opportunities to participate in the co-op/internship program; 53559

(4) Identifying minority professional and trade associations 53560
and economic development assistance organizations and notifying 53561
them of the co-op/internship program; 53562

(5) Partnering with regional technology councils to foster 53563
local efforts to support minority participation in the 53564
co-op/internship program. 53565

(C) To the extent possible, outreach activities described in 53566
this section shall be conducted in conjunction with the EDGE 53567
program created in section 123.152 of the Revised Code. 53568

Sec. 3333.82. (A) The chancellor of ~~the Ohio board of regents~~ 53569
higher education shall establish a clearinghouse of digital texts, 53570
interactive distance learning courses, and other distance learning 53571
courses delivered via a computer-based method offered by school 53572
districts, community schools, STEM schools, state institutions of 53573
higher education, private colleges and universities, and other 53574
nonprofit and for-profit course providers for sharing with other 53575
school districts, community schools, STEM schools, state 53576
institutions of higher education, private colleges and 53577
universities, and individuals for the fee set pursuant to section 53578
3333.84 of the Revised Code. The chancellor shall not be 53579
responsible for the content of digital texts or courses offered 53580
through the clearinghouse; however, all such digital texts and 53581
courses shall be delivered only in accordance with technical 53582
specifications approved by the chancellor and on a common 53583
statewide platform administered by the chancellor. The chancellor 53584
may provide professional development and training on the use of 53585
the distance learning clearinghouse. 53586

The clearinghouse's distance learning program for students in 53587
grades kindergarten to twelve shall be based on the following 53588
principles: 53589

(1) All Ohio students shall have access to high quality 53590
digital texts and distance learning courses at any point in their 53591
educational careers. 53592

(2) All students shall be able to customize their education 53593
using digital texts and distance learning courses offered through 53594
the clearinghouse and no student shall be denied access to any 53595
digital text or course in the clearinghouse in which the student 53596
is eligible to enroll. 53597

(3) Students may take distance learning courses for all or 53598
any portion of their curriculum requirements and may utilize a 53599

combination of digital texts and distance learning courses and 53600
courses taught in a traditional classroom setting. 53601

(4) Students may earn an unlimited number of academic credits 53602
through distance learning courses. 53603

(5) Students may take distance learning courses at any time 53604
of the calendar year. 53605

(6) Student advancement to higher coursework shall be based 53606
on a demonstration of subject area competency instead of 53607
completion of any particular number of hours of instruction. 53608

(B) To offer digital texts or a course through the 53609
clearinghouse, a provider shall apply to the chancellor in a form 53610
and manner prescribed by the chancellor. The application for each 53611
digital text or course shall describe the digital text or course 53612
of study in as much detail as required by the chancellor, whether 53613
an instructor is provided, the qualification and credentials of 53614
the instructor, the number of hours of instruction, and any other 53615
information required by the chancellor. The chancellor may require 53616
course providers to include in their applications information 53617
recommended by the state board of education under former section 53618
3353.30 of the Revised Code. 53619

(C) The chancellor shall review the technical specifications 53620
of each application submitted under division (B) of this section. 53621
In reviewing applications, the chancellor may consult with the 53622
department of education; however, the responsibility to either 53623
approve or not approve a digital text or course for the 53624
clearinghouse belongs to the chancellor. The chancellor may 53625
request additional information from a provider that submits an 53626
application under division (B) of this section, if the chancellor 53627
determines that such information is necessary. The chancellor may 53628
negotiate changes in the proposal to offer a digital text or 53629
course, if the chancellor determines that changes are necessary in 53630

order to approve the digital text or course. 53631

(D) The chancellor shall catalog each digital text or course 53632
approved for the clearinghouse, through a print or electronic 53633
medium, displaying the following: 53634

(1) Information necessary for a student and the student's 53635
parent, guardian, or custodian and the student's school district, 53636
community school, STEM school, college, or university to decide 53637
whether to enroll in or subscribe to the course; 53638

(2) Instructions for enrolling in that digital text or 53639
course, including deadlines for enrollment. 53640

(E) Any expenses related to the installation of a course into 53641
the common statewide platform shall be borne by the course 53642
provider. 53643

(F) The chancellor may contract with an entity to perform any 53644
or all of the chancellor's duties under sections 3333.81 to 53645
3333.88 of the Revised Code. 53646

Sec. 3333.83. (A) Each school district, community school, and 53647
STEM school shall encourage students to take advantage of the 53648
distance learning opportunities offered through the clearinghouse 53649
and shall assist any student electing to participate in the 53650
clearinghouse with the selection and scheduling of courses that 53651
satisfy the district's or school's curriculum requirements and 53652
promote the student's post-secondary college or career plans. 53653

(B) For each student enrolled in a school operated by a 53654
school district or in a community school or STEM school who is 53655
enrolling in a course provided through the clearinghouse by 53656
another school district, community school, or STEM school, the 53657
student's school district, community school, or STEM school shall 53658
transmit the student's name to the course provider. 53659

The course provider may request from the student's school 53660

district, community school, or STEM school other information from 53661
the student's school record. The district or school shall provide 53662
the requested information only in accordance with section 3319.321 53663
of the Revised Code. 53664

(C) The student's school district, community school, or STEM 53665
school shall determine the manner in which and facilities at which 53666
the student shall participate in the course consistent with 53667
specifications for technology and connectivity adopted by the 53668
chancellor of ~~the Ohio board of regents~~ higher education. 53669

(D) A student may withdraw from a course prior to the end of 53670
the course only by a date and in a manner prescribed by the 53671
student's school district, community school, or STEM school. 53672

(E) A student who is enrolled in a school operated by a 53673
school district or in a community school or STEM school and who 53674
takes a course through the clearinghouse shall be counted in the 53675
formula ADM of a school district under section 3317.03 of the 53676
Revised Code as if the student were taking the course from the 53677
student's school district, community school, or STEM school. 53678

Sec. 3333.84. (A) The fee charged for any digital ~~texts~~ text 53679
or course offered through the clearinghouse shall be set by the 53680
provider. 53681

(B) The chancellor of ~~the Ohio board of regents~~ higher 53682
education shall prescribe the manner in which the fee for a 53683
digital ~~texts~~ text or course shall be collected or deducted from 53684
the school district, school, college or university, or individual 53685
subscribing to the digital ~~texts~~ text or course and in which 53686
manner the fee shall be paid to the provider. 53687

(C) The chancellor may retain a percentage of the fee charged 53688
for a digital ~~texts~~ text or course to offset the cost of 53689
maintaining and operating the clearinghouse, including the payment 53690

of compensation for an entity or a private entity that is under 53691
contract with the chancellor under division (F) of section 3333.82 53692
of the Revised Code. The percentage retained shall be determined 53693
by the chancellor. 53694

(D) Nothing in this section shall be construed to require the 53695
school district, community school, or STEM school in which a 53696
student is enrolled to pay the fee charged for a digital ~~texts~~ 53697
text or course taken by the student. 53698

Sec. 3333.86. The chancellor of ~~the Ohio board of regents~~ 53699
higher education may determine the manner in which a course 53700
included in the clearinghouse may be offered as an advanced 53701
standing program as defined in section 3313.6013 of the Revised 53702
Code, may be offered to students who are enrolled in nonpublic 53703
schools or are instructed at home pursuant to section 3321.04 of 53704
the Revised Code, or may be offered at times outside the normal 53705
school day or school week, including any necessary additional fees 53706
and methods of payment for a course so offered. 53707

Sec. 3333.87. The chancellor of ~~the Ohio board of regents~~ 53708
higher education and the state board of education jointly, and in 53709
consultation with the director of the governor's office of 21st 53710
century education, shall adopt rules in accordance with Chapter 53711
119. of the Revised Code prescribing procedures for the 53712
implementation of sections 3333.81 to 3333.86 of the Revised Code. 53713

Sec. 3333.90. (A) The chancellor of ~~the Ohio board of regents~~ 53714
higher education shall establish a course and program sharing 53715
network that enables members of the university system of Ohio and 53716
adult career centers to share curricula for existing courses and 53717
academic programs with one another. The purpose of the network 53718
shall be to increase course availability across the state and to 53719
avoid unnecessary course duplication through the sharing of 53720

existing curricula. 53721

(B) The chancellor shall adopt rules to administer the course 53722
and program sharing network established under this section. 53723

(C) As used in this section, "member of the university system 53724
of Ohio" has the same meaning as in section 3345.011 of the 53725
Revised Code. 53726

Sec. 3333.91. Not later than December 31, 2014, the 53727
governor's office of workforce transformation, in collaboration 53728
with the chancellor of ~~the Ohio board of regents~~ higher education, 53729
the superintendent of public instruction, and the department of 53730
job and family services, shall develop and submit to the 53731
appropriate federal agency a single, state unified plan for the 53732
adult basic and literacy education program administered by the 53733
United States secretary of education, the "Carl D. Perkins 53734
Vocational and Technical Education Act," 20 U.S.C. 2301, et seq., 53735
as amended, and the "Workforce Investment Act of 1998," 29 U.S.C. 53736
2801, et seq., as amended. Following the plan's initial submission 53737
to the appropriate federal agency, the governor's office of 53738
workforce transformation may update it as necessary. If the plan 53739
is updated, the governor's office of workforce transformation 53740
shall submit the updated plan to the appropriate federal agency. 53741

Sec. 3333.92. (A) As used in this section, "OhioMeansJobs" 53742
has the same meaning as in section 6301.01 of the Revised Code. 53743

(B)(1) Beginning January 1, 2016, each participant in an 53744
adult basic and literacy education funded training or education 53745
program shall create an account with OhioMeansJobs at the twelfth 53746
week of the program. 53747

(2) Beginning January 1, 2016, each participant in an Ohio 53748
technical center funded training or education program shall create 53749

an account with OhioMeansJobs at the time of enrollment in the 53750
program. 53751

(C) Division (B) of this section does not apply to any 53752
individual who is legally prohibited from using a computer, has a 53753
physical or visual impairment that makes the individual unable to 53754
use a computer, or has a limited ability to read, write, speak, or 53755
understand a language in which OhioMeansJobs is available. 53756

Sec. 3334.08. (A) Subject to division (B) of this section, in 53757
addition to any other powers conferred by this chapter, the Ohio 53758
tuition trust authority may do any of the following: 53759

(1) Impose reasonable residency requirements for 53760
beneficiaries of tuition units; 53761

(2) Impose reasonable limits on the number of tuition unit 53762
participants; 53763

(3) Impose and collect administrative fees and charges in 53764
connection with any transaction under this chapter; 53765

(4) Purchase insurance from insurers licensed to do business 53766
in this state providing for coverage against any loss in 53767
connection with the authority's property, assets, or activities or 53768
to further ensure the value of tuition units; 53769

(5) Indemnify or purchase policies of insurance on behalf of 53770
members, officers, and employees of the authority from insurers 53771
licensed to do business in this state providing for coverage for 53772
any liability incurred in connection with any civil action, 53773
demand, or claim against a director, officer, or employee by 53774
reason of an act or omission by the director, officer, or employee 53775
that was not manifestly outside the scope of the employment or 53776
official duties of the director, officer, or employee or with 53777
malicious purpose, in bad faith, or in a wanton or reckless 53778
manner; 53779

(6) Make, execute, and deliver contracts, conveyances, and other instruments necessary to the exercise and discharge of the powers and duties of the authority; 53780
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(7) Promote, advertise, and publicize the Ohio college savings program and the variable college savings program; 53783
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(8) Adopt rules under section 111.15 of the Revised Code for the implementation of the Ohio college savings program; 53785
53786

(9) Contract, for the provision of all or part of the services necessary for the management and operation of the Ohio college savings program and the variable college savings program, with a bank, trust company, savings and loan association, insurance company, or licensed dealer in securities if the bank, company, association, or dealer is authorized to do business in this state and information about the contract is filed with the controlling board pursuant to division (D)(6) of section 127.16 of the Revised Code; provided, however, that any funds of the Ohio college savings program and the variable college savings program that are not needed for immediate use shall be deposited by the treasurer of state in the same manner provided under Chapter 135. of the Revised Code for public moneys of the state. All interest earned on those deposits shall be credited to the Ohio college savings program or the variable college savings program, as applicable. 53787
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(10) Contract for other services, or for goods, needed by the authority in the conduct of its business, including but not limited to credit card services; 53803
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(11) Employ an executive director and other personnel as necessary to carry out its responsibilities under this chapter, and fix the compensation of these persons. All employees of the authority shall be in the unclassified civil service and shall be eligible for membership in the public employees retirement system. 53806
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In the hiring of the executive director, the Ohio tuition trust 53811
authority shall obtain the advice and consent of the Ohio tuition 53812
trust board created in section 3334.03 of the Revised Code, 53813
provided that the executive director shall not be hired unless a 53814
majority of the board votes in favor of the hiring. In addition, 53815
the board may remove the executive director at any time subject to 53816
the advice and consent of the chancellor of ~~the Ohio board of~~ 53817
regents higher education. 53818

(12) Contract with financial consultants, actuaries, 53819
auditors, and other consultants as necessary to carry out its 53820
responsibilities under this chapter; 53821

(13) Enter into agreements with any agency of the state or 53822
its political subdivisions or with private employers under which 53823
an employee may agree to have a designated amount deducted in each 53824
payroll period from the wages or salary due the employee for the 53825
purpose of purchasing tuition units pursuant to a tuition payment 53826
contract or making contributions pursuant to a variable college 53827
savings program contract; 53828

(14) Enter into an agreement with the treasurer of state 53829
under which the treasurer of state will receive, and credit to the 53830
Ohio tuition trust fund or variable college savings program fund, 53831
from any bank or savings and loan association authorized to do 53832
business in this state, amounts that a depositor of the bank or 53833
association authorizes the bank or association to withdraw 53834
periodically from the depositor's account for the purpose of 53835
purchasing tuition units pursuant to a tuition payment contract or 53836
making contributions pursuant to a variable college savings 53837
program contract; 53838

(15) Solicit and accept gifts, grants, and loans from any 53839
person or governmental agency and participate in any governmental 53840
program; 53841

(16) Impose limits on the number of units which may be purchased on behalf of or assigned or awarded to any beneficiary and on the total amount of contributions that may be made on behalf of a beneficiary;	53842 53843 53844 53845
(17) Impose restrictions on the substitution of another individual for the original beneficiary under the Ohio college savings program;	53846 53847 53848
(18) Impose a limit on the age of a beneficiary, above which tuition units may not be purchased on behalf of that beneficiary;	53849 53850
(19) Enter into a cooperative agreement with the treasurer of state to provide for the direct disbursement of payments under tuition payment or variable college savings program contracts;	53851 53852 53853
(20) Determine the other higher education expenses for which tuition units or contributions may be used;	53854 53855
(21) Terminate any tuition payment or variable college savings program contract if no purchases or contributions are made for a period of three years or more and there are fewer than a total of five tuition units or less than a dollar amount set by rule on account, provided that notice of a possible termination shall be provided in advance, explaining any options to prevent termination, and a reasonable amount of time shall be provided within which to act to prevent a termination;	53856 53857 53858 53859 53860 53861 53862 53863
(22) Maintain a separate account for each tuition payment or variable college savings program contract;	53864 53865
(23) Perform all acts necessary and proper to carry out the duties and responsibilities of the authority pursuant to this chapter.	53866 53867 53868
(B) The authority shall adopt rules under section 111.15 of the Revised Code for the implementation and administration of the variable college savings program. The rules shall provide	53869 53870 53871

taxpayers with the maximum tax advantages and flexibility 53872
consistent with section 529 of the Internal Revenue Code and 53873
regulations adopted thereunder with regard to disposition of 53874
contributions and earnings, designation of beneficiaries, and 53875
rollover of account assets to other programs. 53876

(C) Except as otherwise specified in this chapter, the 53877
provisions of Chapters 123., ~~125.~~, and 4117. of the Revised Code 53878
shall not apply to the authority and Chapter 125. of the Revised 53879
Code shall not apply to contracts approved under the powers of the 53880
Ohio tuition trust authority board under section 3334.03 of the 53881
Revised Code. ~~The department of administrative services shall,~~ 53882
~~upon the request of the authority, act as the authority's agent~~ 53883
~~for the purchase of equipment, supplies, insurance, or services,~~ 53884
~~or the performance of administrative services pursuant to Chapter~~ 53885
~~125. of the Revised Code.~~ 53886

Sec. 3337.10. There is hereby established the Ohio university 53887
college of osteopathic medicine the purpose of which shall be to 53888
provide instruction in the practice of osteopathic medicine. The 53889
college shall be a component college of Ohio university. The 53890
clinical instruction portions of the medical program shall be 53891
provided through the facilities of existing osteopathic and joint 53892
staff hospitals. ~~The college shall have an advisory committee of~~ 53893
~~ten members, which shall consist of the president of Ohio~~ 53894
~~university or the president's designee and nine members appointed~~ 53895
~~by the governor with the advice and consent of the senate. Within~~ 53896
~~one hundred twenty days of November 17, 1975, the governor shall~~ 53897
~~make initial appointments to the advisory committee. Of these,~~ 53898
~~three shall be for terms ending two years after November 17, 1975,~~ 53899
~~three shall be for terms ending four years after that date, and~~ 53900
~~three shall be for terms ending six years after that date.~~ 53901
~~Thereafter, terms of office shall be for six years, each term~~ 53902
~~ending on the same day of the same month of the year as did the~~ 53903

~~term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.~~

Sec. 3345.022. The board of trustees of any college or university supported in part or in whole by state funds, or two or more such boards, may enter into a contract, upon such terms as shall be determined to be in the best interests of students, for the provision of legal services to students through a group legal services insurance plan approved by the superintendent of insurance or through a prepaid legal services plan established by attorneys admitted to the practice of law in this state. The fees or charges to students who participate in the plan shall be established by the board or boards and shall be sufficient to defray the college's or university's cost of administering the plan. No student shall be required to pay any such fee or charge unless ~~he~~ the student elects to participate in the plan, and no revenue from any other student fees or charges shall be used to finance any portion of the cost of any plan or the college's or university's cost of administering the plan. Legal representation under the plan shall be limited to services determined by the board to be reasonably related to student welfare, to the advancement or successful completion of student education, or to serve a public purpose within the powers of the college or university.

A plan shall not provide or pay for the cost of representation of a student in an action against a state officer

or agency arising out of the performance of the duties of the 53936
officer or agency, against a law enforcement officer arising out 53937
of the performance of the duties of the officer, against a college 53938
or university participating in the plan, against a student of such 53939
a college or university, or against the chancellor of higher 53940
education or a member of the board of regents or of the board of 53941
trustees, faculty, or staff of such a college or university, if 53942
the cause of action arises out of the performance of the duties of 53943
the office of the member or in the course of the member's 53944
employment by the college or university. As used in this section, 53945
"law enforcement officer" means a sheriff, deputy sheriff, 53946
constable, marshal, deputy marshal, municipal police officer, 53947
state highway patrol trooper, or state university law enforcement 53948
officer appointed under section 3345.04 of the Revised Code. 53949

Sec. 3345.05. (A) All registration fees, nonresident tuition 53950
fees, academic fees for the support of off-campus instruction, 53951
laboratory and course fees when so assessed and collected, student 53952
health fees for the support of a student health service, all other 53953
fees, deposits, charges, receipts, and income from all or part of 53954
the students, all subsidy or other payments from state 53955
appropriations, and all other fees, deposits, charges, receipts, 53956
income, and revenue received by each state institution of higher 53957
education, the Ohio state university hospitals and their ancillary 53958
facilities, the Ohio agricultural research and development center, 53959
and OSU extension shall be held and administered by the respective 53960
boards of trustees of the state institution of higher education; 53961
provided, that such fees, deposits, charges, receipts, income and 53962
revenue, to the extent required by resolutions, trust agreements, 53963
indentures, leases, and agreements adopted, made, or entered into 53964
under Chapter 154. or section 3345.07, 3345.11, or 3345.12 of the 53965
Revised Code, shall be held, administered, transferred, and 53966
applied in accordance therewith. 53967

(B) The ~~Ohio board of regents~~ chancellor of higher education 53968
shall require annual reporting by the Ohio agricultural research 53969
and development center and by each university and college 53970
receiving state aid in such form and detail as determined by the 53971
~~board~~ chancellor of higher education in consultation with such 53972
center, universities and colleges, and the director of budget and 53973
management. 53974

(C) Notwithstanding any provision of the Revised Code to the 53975
contrary, the title to investments made by the board of trustees 53976
of a state institution of higher education with funds derived from 53977
any of the sources described in division (A) of this section shall 53978
not be vested in the state or the political subdivision but shall 53979
be held in trust by the board. Such investments shall be made 53980
pursuant to an investment policy adopted by the board in public 53981
session that requires all fiduciaries to discharge their duties 53982
with the care, skill, prudence, and diligence under the 53983
circumstances then prevailing that a prudent person acting in like 53984
capacity and familiar with such matters would use in the conduct 53985
of an enterprise of a like character and with like aims. The 53986
policy also shall require at least the following: 53987

(1) A stipulation that investment of at least twenty-five per 53988
cent of the average amount of the investment portfolio over the 53989
course of the previous fiscal year be invested in securities of 53990
the United States government or of its agencies or 53991
instrumentalities, the treasurer of state's pooled investment 53992
program, obligations of this state or any political subdivision of 53993
this state, certificates of deposit of any national bank located 53994
in this state, written repurchase agreements with any eligible 53995
Ohio financial institution that is a member of the federal reserve 53996
system or federal home loan bank, money market funds, or bankers 53997
acceptances maturing in two hundred seventy days or less which are 53998
eligible for purchase by the federal reserve system, as a reserve; 53999

(2) Eligible funds above those that meet the conditions of	54000
division (C)(1) of this section may be pooled with other	54001
institutional funds and invested in accordance with section	54002
1715.52 of the Revised Code.	54003
(3) The establishment of an investment committee.	54004
(D) The investment committee established under division	54005
(C)(3) of this section shall meet at least quarterly. The	54006
committee shall review and recommend revisions to the board's	54007
investment policy and shall advise the board on its investments	54008
made under division (C) of this section in an effort to assist it	54009
in meeting its obligations as a fiduciary as described in division	54010
(C) of this section. The committee shall be authorized to retain	54011
the services of an investment advisor who meets both of the	54012
following qualifications:	54013
(1) The advisor is either:	54014
(a) Licensed by the division of securities under section	54015
1707.141 of the Revised Code;	54016
(b) Registered with the securities and exchange commission.	54017
(2) The advisor either:	54018
(a) Has experience in the management of investments of public	54019
funds, especially in the investment of state-government investment	54020
portfolios;	54021
(b) Is an eligible institution referenced in section 135.03	54022
of the Revised Code.	54023
(E) As used in this section, "state institution of higher	54024
education" means a state institution of higher education as	54025
defined in section 3345.011 of the Revised Code.	54026
Sec. 3345.06. (A) Subject to divisions (B) and (C) of this	54027
section, a graduate of the twelfth grade shall be entitled to	54028

admission without examination to any college or university which 54029
is supported wholly or in part by the state, but for unconditional 54030
admission may be required to complete such units not included in 54031
the graduate's high school course as may be prescribed, not less 54032
than two years prior to the graduate's entrance, by the faculty of 54033
the institution. 54034

(B) Beginning with the 2014-2015 academic year, each state 54035
university listed in section 3345.011 of the Revised Code, except 54036
for Central state university, Shawnee state university, and 54037
Youngstown state university, shall permit a resident of this state 54038
who entered ninth grade for the first time on or after July 1, 54039
2010, to begin undergraduate coursework at the university only if 54040
the person has successfully completed the requirements for high 54041
school graduation prescribed in division (C) of section 3313.603 54042
of the Revised Code, unless one of the following applies: 54043

(1) The person has earned at least ten semester hours, or the 54044
equivalent, at a community college, state community college, 54045
university branch, technical college, or another post-secondary 54046
institution except a state university to which division (B) of 54047
this section applies, in courses that are college-credit-bearing 54048
and may be applied toward the requirements for a degree. The 54049
university shall grant credit for successful completion of those 54050
courses pursuant to any applicable articulation and transfer 54051
policy of the ~~Ohio board of regents~~ chancellor of higher education 54052
or any agreements the university has entered into in accordance 54053
with policies and procedures adopted under section 3333.16, 54054
3333.161, or 3333.162 of the Revised Code. The university may 54055
count college credit that the student earned while in high school 54056
through the college credit plus program under Chapter 3365. of the 54057
Revised Code, or through other advanced standing programs, toward 54058
the requirements of division (B)(1) of this section if the credit 54059
may be applied toward a degree. 54060

(2) The person qualified to graduate from high school under 54061
division (D) or (F) of section 3313.603 of the Revised Code and 54062
has successfully completed the topics or courses that the person 54063
lacked to graduate under division (C) of that section at any 54064
post-secondary institution or at a summer program at the state 54065
university. A state university may admit a person for enrollment 54066
contingent upon completion of such topics or courses or summer 54067
program. 54068

(3) The person met the high school graduation requirements by 54069
successfully completing the person's individualized education 54070
program developed under section 3323.08 of the Revised Code. 54071

(4) The person is receiving or has completed the final year 54072
of instruction at home as authorized under section 3321.04 of the 54073
Revised Code, or has graduated from a nonchartered, nonpublic 54074
school in Ohio, and demonstrates mastery of the academic content 54075
and skills in reading, writing, and mathematics needed to 54076
successfully complete introductory level coursework at an 54077
institution of higher education and to avoid remedial coursework. 54078

(5) The person is a high school student participating in the 54079
college credit plus program under Chapter 3365. of the Revised 54080
Code or another advanced standing program. 54081

(C) A state university subject to division (B) of this 54082
section may delay admission for or admit conditionally an 54083
undergraduate student who has successfully completed the 54084
requirements prescribed in division (C) of section 3313.603 of the 54085
Revised Code if the university determines the student requires 54086
academic remedial or developmental coursework. The university may 54087
delay admission pending, or make admission conditional upon, the 54088
student's successful completion of the academic remedial or 54089
developmental coursework at a university branch, community 54090
college, state community college, or technical college. 54091

(D) This section does not deny the right of a college of law, 54092
medicine, or other specialized education to require college 54093
training for admission, or the right of a department of music or 54094
other art to require particular preliminary training or talent. 54095

Sec. 3345.061. (A) Ohio's two-year institutions of higher 54096
education are respected points of entry for students embarking on 54097
post-secondary careers and courses completed at those institutions 54098
are transferable to state universities in accordance with 54099
articulation and transfer agreements developed under sections 54100
3333.16, 3333.161, and 3333.162 of the Revised Code. 54101

(B) Beginning with undergraduate students who commence 54102
undergraduate studies in the 2014-2015 academic year, no state 54103
university listed in section 3345.011 of the Revised Code, except 54104
Central state university, Shawnee state university, and Youngstown 54105
state university, shall receive any state operating subsidies for 54106
any academic remedial or developmental courses for undergraduate 54107
students, including courses prescribed in division (C) of section 54108
3313.603 of the Revised Code, offered at its main campus, except 54109
as provided in divisions (B)(1) to (4) of this section. 54110

(1) In the 2014-2015 and 2015-2016 academic years, a state 54111
university may receive state operating subsidies for academic 54112
remedial or developmental courses for not more than three per cent 54113
of the total undergraduate credit hours provided by the university 54114
at its main campus. 54115

(2) In the 2016-2017 academic year, a state university may 54116
receive state operating subsidies for academic remedial or 54117
developmental courses for not more than fifteen per cent of the 54118
first-year students who have graduated from high school within the 54119
previous twelve months and who are enrolled in the university at 54120
its main campus, as calculated on a full-time-equivalent basis. 54121

(3) In the 2017-2018 academic year, a state university may 54122

receive state operating subsidies for academic remedial or 54123
developmental courses for not more than ten per cent of the 54124
first-year students who have graduated from high school within the 54125
previous twelve months and who are enrolled in the university at 54126
its main campus, as calculated on a full-time-equivalent basis. 54127

(4) In the 2018-2019 academic year, a state university may 54128
receive state operating subsidies for academic remedial or 54129
developmental courses for not more than five per cent of the 54130
first-year students who have graduated from high school within the 54131
previous twelve months and who are enrolled in the university at 54132
its main campus, as calculated on a full-time-equivalent basis. 54133

Each state university may continue to offer academic remedial 54134
and developmental courses at its main campus beyond the extent for 54135
which state operating subsidies may be paid under this division 54136
and may continue to offer such courses beyond the 2018-2019 54137
academic year. However, the university shall not receive any state 54138
operating subsidies for such courses above the maximum amounts 54139
permitted in this division. 54140

(C) Except as otherwise provided in division (B) of this 54141
section, beginning with students who commence undergraduate 54142
studies in the 2014-2015 academic year, state operating subsidies 54143
for academic remedial or developmental courses offered by state 54144
institutions of higher education may be paid only to Central state 54145
university, Shawnee state university, Youngstown state university, 54146
any university branch, any community college, any state community 54147
college, or any technical college. 54148

(D) Each state university shall grant credit for academic 54149
remedial or developmental courses successfully completed at an 54150
institution described in division (C) of this section pursuant to 54151
any applicable articulation and transfer agreements the university 54152
has entered into in accordance with policies and procedures 54153
adopted under section 3333.16, 3333.161, or 3333.162 of the 54154

Revised Code. 54155

(E) The chancellor of ~~the Ohio board of regents~~ higher 54156
education shall do all of the following: 54157

(1) Withhold state operating subsidies for academic remedial 54158
or developmental courses provided by a state university as 54159
required in order to conform to divisions (B) and (C) of this 54160
section; 54161

(2) Adopt uniform statewide standards for academic remedial 54162
and developmental courses offered by all state institutions of 54163
higher education; 54164

(3) Encourage and assist in the design and establishment of 54165
academic remedial and developmental courses by institutions of 54166
higher education; 54167

(4) Define "academic year" for purposes of this section and 54168
section 3345.06 of the Revised Code; 54169

(5) Encourage and assist in the development of articulation 54170
and transfer agreements between state universities and other 54171
institutions of higher education in accordance with policies and 54172
procedures adopted under sections 3333.16, 3333.161, and 3333.162 54173
of the Revised Code. 54174

(F) Not later than December 31, 2012, the presidents, or 54175
equivalent position, of all state institutions of higher 54176
education, or their designees, jointly shall establish uniform 54177
statewide standards in mathematics, science, reading, and writing 54178
each student enrolled in a state institution of higher education 54179
must meet to be considered in remediation-free status. The 54180
presidents also shall establish assessments, if they deem 54181
necessary, to determine if a student meets the standards adopted 54182
under this division. Each institution is responsible for assessing 54183
the needs of its enrolled students in the manner adopted by the 54184
presidents. The board of trustees or managing authority of each 54185

state institution of higher education shall adopt the 54186
remediation-free status standard, and any related assessments, 54187
into the institution's policies. 54188

The chancellor shall assist in coordinating the work of the 54189
presidents under this division. The chancellor shall monitor the 54190
standards in mathematics, science, reading, and writing 54191
established under division (F) of this section to ensure that the 54192
standards adequately demonstrate a student's remediation-free 54193
status. 54194

(G) Each year, not later than a date established by the 54195
chancellor, each state institution of higher education shall 54196
report to the governor, the general assembly, the chancellor, and 54197
the superintendent of public instruction all of the following for 54198
the prior academic year: 54199

(1) The institution's aggregate costs for providing academic 54200
remedial or developmental courses; 54201

(2) The amount of those costs disaggregated according to the 54202
city, local, or exempted village school districts from which the 54203
students taking those courses received their high school diplomas; 54204

(3) Any other information with respect to academic remedial 54205
and developmental courses that the chancellor considers 54206
appropriate. 54207

(H) Not later than December 31, 2011, and the thirty-first 54208
day of each December thereafter, the chancellor and the 54209
superintendent of public instruction shall issue a report 54210
recommending policies and strategies for reducing the need for 54211
academic remediation and developmental courses at state 54212
institutions of higher education. 54213

(I) As used in this section, "state institution of higher 54214
education" has the same meaning as in section 3345.011 of the 54215
Revised Code. 54216

Sec. 3345.311. (A) As used in this section, "excess benefits" 54217
has the same meaning as in section 4980I of the Internal Revenue 54218
Code, 26 U.S.C. 4980I. 54219

(B) Except as provided in division (C) of this section, no 54220
state institution of higher education shall provide excess 54221
benefits to an employee that would trigger the excise tax imposed 54222
under section 4980I of the Internal Revenue Code, 26 U.S.C. 4980I. 54223

(C) A state institution of higher education may provide 54224
excess benefits to an employee that would trigger the excise tax 54225
imposed under section 4980I of the Internal Revenue Code, 26 54226
U.S.C. 4980I, if the excess benefits are provided pursuant to a 54227
policy or contract that was issued or entered into prior to the 54228
effective date of this section. 54229

(D) Nothing in this section shall be construed to prohibit a 54230
state institution of higher education from offering health 54231
benefits to an employee, the value of which would not trigger the 54232
excise tax imposed under section 4980I of the Internal Revenue 54233
Code, 26 U.S.C. 4980I. 54234

Sec. 3345.32. (A) As used in this section: 54235

(1) "State university or college" means the institutions 54236
described in section 3345.27 of the Revised Code and the northeast 54237
Ohio medical university. 54238

(2) "Resident" has the meaning specified by rule of the 54239
chancellor of ~~the Ohio board of regents~~ higher education. 54240

(3) "Statement of selective service status" means a statement 54241
certifying one of the following: 54242

(a) That the individual filing the statement has registered 54243
with the selective service system in accordance with the "Military 54244
Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as 54245

amended; 54246

(b) That the individual filing the statement is not required 54247
to register with the selective service for one of the following 54248
reasons: 54249

(i) The individual is under eighteen or over twenty-six years 54250
of age. 54251

(ii) The individual is on active duty with the armed forces 54252
of the United States other than for training in a reserve or 54253
national guard unit. 54254

(iii) The individual is a nonimmigrant alien lawfully in the 54255
United States in accordance with section 101 (a)(15) of the 54256
"Immigration and Nationality Act," 8 U.S.C. 1101, as amended. 54257

(iv) The individual is not a citizen of the United States and 54258
is a permanent resident of the Trust Territory of the Pacific 54259
Islands or the Northern Mariana Islands. 54260

(4) "Institution of higher education" means any eligible 54261
institution approved by the United States department of education 54262
pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as 54263
amended, or any institution whose students are eligible for 54264
financial assistance under any of the programs described by 54265
division (E) of this section. 54266

(B) The chancellor shall, by rule, specify the form of 54267
statements of selective service status to be filed in compliance 54268
with divisions (C) to (E) of this section. Each statement of 54269
selective service status shall contain a section wherein a male 54270
student born after December 31, 1959, certifies that the student 54271
has registered with the selective service system in accordance 54272
with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. 54273
App. 453, as amended. For those students not required to register 54274
with the selective service, as specified in divisions (A)(2)(b)(i) 54275
to (iv) of this section, a section shall be provided on the 54276

statement of selective service status for the certification of 54277
nonregistration and for an explanation of the reason for the 54278
exemption. The chancellor may require that such statements be 54279
accompanied by documentation specified by rule of the chancellor. 54280

(C) A state university or college that enrolls in any course, 54281
class, or program a male student born after December 31, 1959, who 54282
has not filed a statement of selective service status with the 54283
university or college shall, regardless of the student's 54284
residency, charge the student any tuition surcharge charged 54285
students who are not residents of this state. 54286

(D) No male born after December 31, 1959, shall be eligible 54287
to receive any loan, grant, scholarship, or other financial 54288
assistance for educational expenses granted under section 3315.33, 54289
3333.12, 3333.122, 3333.21, 3333.22, 3333.26, 3333.391, 5910.03, 54290
5910.032, or 5919.34 of the Revised Code, financed by an award 54291
under the choose Ohio first scholarship program established under 54292
section 3333.61 of the Revised Code, or financed by an award under 54293
the Ohio co-op/internship program established under section 54294
3333.72 of the Revised Code, unless that person has filed a 54295
statement of selective service status with that person's 54296
institution of higher education. 54297

(E) If an institution of higher education receives a 54298
statement from an individual certifying that the individual has 54299
registered with the selective service system in accordance with 54300
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 54301
453, as amended, or that the individual is exempt from 54302
registration for a reason other than that the individual is under 54303
eighteen years of age, the institution shall not require the 54304
individual to file any further statements. If it receives a 54305
statement certifying that the individual is not required to 54306
register because the individual is under eighteen years of age, 54307
the institution shall require the individual to file a new 54308

statement of selective service status each time the individual 54309
seeks to enroll for a new academic term or makes application for a 54310
new loan or loan guarantee or for any form of financial assistance 54311
for educational expenses, until it receives a statement certifying 54312
that the individual has registered with the selective service 54313
system or is exempt from registration for a reason other than that 54314
the individual is under eighteen years of age. 54315

Sec. 3345.35. Not later than January 1, 2016, and by the 54316
first day of January of every fifth year thereafter, the board of 54317
trustees of each state institution of higher education, as defined 54318
in section 3345.011 of the Revised Code, shall evaluate all 54319
courses and programs the institution offers based on enrollment 54320
and student performance in each course or program. For courses 54321
with low enrollment, as defined by the chancellor of higher 54322
education, the board of trustees shall evaluate the benefits of 54323
collaboration with other institutions of higher education, based 54324
on geographic region, to deliver the course. 54325

Each board of trustees shall submit its findings under this 54326
section to the chancellor not later than thirty days after the 54327
completion of the evaluations. 54328

Sec. 3345.38. (A) The board of trustees of each state 54329
institution of higher education shall adopt and implement a policy 54330
to grant undergraduate course credit to a student who has 54331
successfully completed an international baccalaureate diploma 54332
program. 54333

(B) The policy adopted by each institution under this section 54334
shall do all of the following: 54335

(1) Establish conditions for granting course credit, 54336
including the minimum scores required on examinations constituting 54337
the international baccalaureate diploma program in order to 54338

receive credit; 54339

(2) Identify specific course credit or other academic requirements of the institution, including the number of credit hours or other course credit that the institution will grant to a student who completes the diploma program. 54340
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54343

(C) As used in this section: 54344

(1) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 54345
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(2) "International baccalaureate diploma program" means the curriculum and examinations leading to an international baccalaureate diploma awarded by the international baccalaureate organization. 54347
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Sec. 3345.39. (A) Beginning with the fall semester, or equivalent quarter, of the 2015-2016 academic year, and the fall semester, or equivalent quarter, of each academic year thereafter, the board of trustees of each institution of higher education annually shall report to the chancellor of higher education any increase in or additional auxiliary fees charged by the institution and the justification for such increase or addition. The director shall establish procedures for reporting the information required under division (D) of this section. 54351
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(B) As used in this section: 54360

(1) "Auxiliary fees" mean charges assessed by a state institution of higher education to a student for various educational expenses including, but not limited to, course-related fees, laboratory fees, books and supplies, room and board, transportation, enrollment application fees, and other miscellaneous charges. "Auxiliary fees" do not include instructional or general fees uniformly assessed to all students. 54361
54362
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(2) "State institution of higher education" has the same 54368

meaning as in section 3345.011 of the Revised Code. 54369

Sec. 3345.421. Not later than December 31, 2014, the board of 54370
trustees of each state institution of higher education, as defined 54371
in section 3345.011 of the Revised Code, shall do all of the 54372
following: 54373

(A) Designate at least one person employed by the institution 54374
to serve as the contact person for veterans and service member 54375
affairs. Such a person shall assist and advise veterans and 54376
service members on issues related to earning college credit for 54377
military training, experience, and coursework. 54378

(B) Adopt a policy regarding the support and assistance the 54379
institution will provide to veterans and service members. 54380

(C) Allow for the establishment of a student-led group on 54381
campus for student service members and veterans and encourage 54382
other service member- and veteran-friendly organizations. 54383

(D) Integrate existing career services to create and 54384
encourage meaningful collaborative relationships between student 54385
service members and veterans and alumni of the institution, that 54386
links student service members and veterans with prospective 54387
employers, and that provides student service members and veterans 54388
with social opportunities; and, if the institution has career 54389
services programs, encourage the responsible office to seek and 54390
promote partnership opportunities for internships and employment 54391
of student service members and veterans with state, local, 54392
national, and international employers. 54393

(E) Survey student service members and veterans to identify 54394
their needs and challenges and make the survey available to 54395
faculty and staff at the state institution of higher education. 54396
And periodically conduct follow-up surveys, at a frequency 54397
determined by the board, to gauge the institution's progress 54398

toward meeting identified needs and challenges. 54399

The chancellor of ~~the Ohio board of regents~~ higher education 54400
shall provide guidance to state institutions of higher education 54401
in their compliance with this section, including the 54402
recommendation of standardized policies on support and assistance 54403
to veterans and service members. 54404

The person or persons designated under division (A) of this 54405
section shall not be a person currently designated by the 54406
institution as a veterans administration certifying official. 54407

Sec. 3345.45. On or before January 1, 1994, the ~~Ohio board of~~ 54408
~~regents~~ chancellor of higher education jointly with all state 54409
universities, as defined in section 3345.011 of the Revised Code, 54410
shall develop standards for instructional workloads for full-time 54411
and part-time faculty in keeping with the universities' missions 54412
and with special emphasis on the undergraduate learning 54413
experience. The standards shall contain clear guidelines for 54414
institutions to determine a range of acceptable undergraduate 54415
teaching by faculty. 54416

On or before June 30, 1994, the board of trustees of each 54417
state university shall take formal action to adopt a faculty 54418
workload policy consistent with the standards developed under this 54419
section. Notwithstanding section 4117.08 of the Revised Code, the 54420
policies adopted under this section are not appropriate subjects 54421
for collective bargaining. Notwithstanding division (A) of section 54422
4117.10 of the Revised Code, any policy adopted under this section 54423
by a board of trustees prevails over any conflicting provisions of 54424
any collective bargaining agreement between an employees 54425
organization and that board of trustees. 54426

Sec. 3345.46. (A) As used in this section: 54427

(1) "Full course load" shall be defined by the board of 54428

trustees of each state institution of higher education. 54429

(2) "Overload fee" means a fee or increased tuition rate 54430
charged to students who enroll in courses for a total number of 54431
credit hours in excess of a full course load. 54432

(3) "State institution of higher education" has the same 54433
meaning as in section 3345.011 of the Revised Code. 54434

(B) No state institution of higher education shall charge an 54435
overload fee to any student for courses in which that student is 54436
enrolled that exceed the full course load per semester or per 54437
quarter, whichever is applicable, except as follows: 54438

(1) If a student is enrolled in more than eighteen credit 54439
hours per semester, or the equivalent number of credit hours per 54440
quarter as determined by the board of trustees of the institution, 54441
the institution may charge an overload fee to the student for only 54442
those credit hours taken in excess of eighteen credit hours per 54443
semester, or the equivalent number of credit hours per quarter, 54444
whichever is applicable. 54445

(2) If a student is enrolled in a course load that exceeds 54446
the full course load but is less than or equal to eighteen credit 54447
hours per semester, or the equivalent number of credit hours per 54448
quarter, whichever is applicable, the institution may charge an 54449
overload fee to any student for a course from which the student 54450
withdraws prior to a date specified by the board of trustees of 54451
the state institution. 54452

Sec. 3345.47. (A) No state university shall require a student 54453
to live in on-campus student housing, if the student lives within 54454
forty miles of the campus. 54455

(B) As used in this section: 54456

(1) "On-campus student housing" has the same meaning as in 54457
section 3345.85 of the Revised Code. 54458

<u>(2) "State university" has the same meaning as in section</u>	54459
<u>3345.011 of the Revised Code.</u>	54460
Sec. 3345.48. (A) As used in this section:	54461
(1) "Cohort" means a group of students who will complete	54462
their bachelor's degree requirements and graduate from a state	54463
university at the same time. A cohort may include transfer	54464
students and other selected undergraduate student academic	54465
programs as determined by the board of trustees of a state	54466
university.	54467
(2) "Eligible student" means an undergraduate student who:	54468
(a) Is enrolled full-time in a bachelor's degree program at a	54469
state university;	54470
(b) Is a resident of this state, as defined by the chancellor	54471
of the Ohio board of regents <u>higher education</u> under section	54472
3333.31 of the Revised Code.	54473
(3) "State university" has the same meaning as in section	54474
3345.011 of the Revised Code.	54475
(B) The board of trustees of a state university may establish	54476
an undergraduate tuition guarantee program that allows eligible	54477
students in the same cohort to pay a fixed rate for general and	54478
instructional fees for four years. A board of trustees may include	54479
room and board and any additional fees in the program.	54480
If the board of trustees chooses to establish such a program,	54481
the board shall adopt rules for the program that include, but are	54482
not limited to, all of the following:	54483
(1) The number of credit hours required to earn an	54484
undergraduate degree in each major;	54485
(2) A guarantee that the general and instructional fees for	54486
each student in the cohort shall remain constant for four years so	54487

long as the student complies with the requirements of the program, 54488
except that, notwithstanding any law to the contrary, the board 54489
may increase the guaranteed amount by up to six per cent above 54490
what has been charged in the previous academic year one time for 54491
the first cohort enrolled under the tuition guarantee program. If 54492
the board of trustees determines that economic conditions or other 54493
circumstances require an increase for the first cohort of above 54494
six per cent, the board shall submit a request to increase the 54495
amount by a specified percentage to the chancellor. The 54496
chancellor, based on information the chancellor requires from the 54497
board of trustees, shall approve or disapprove such a request. 54498
Thereafter, the board of trustees may increase the guaranteed 54499
amount by up to the sum of the following above what has been 54500
charged in the previous academic year one time per subsequent 54501
cohort: 54502

(a) The average rate of inflation, as measured by the 54503
consumer price index prepared by the bureau of labor statistics of 54504
the United States department of labor (all urban consumers, all 54505
items), for the previous sixty-month period; and 54506

(b) The percentage amount the general assembly restrains 54507
increases on in-state undergraduate instructional and general fees 54508
for the applicable fiscal year. If the general assembly does not 54509
enact a limit on the increase of in-state undergraduate 54510
instructional and general fees, then no limit shall apply under 54511
this division for the cohort that first enrolls in any academic 54512
year for which the general assembly does not prescribe a limit. 54513

If, beginning with the academic year that starts four years 54514
after ~~the effective date of this section~~ September 29, 2013, the 54515
board of trustees determines that the general and instructional 54516
fees charged under the tuition guarantee have fallen significantly 54517
lower than those of other state universities, the board of 54518
trustees may submit a request to increase the amount charged to a 54519

cohort by a specified percentage to the chancellor, who shall 54520
approve or disapprove such a request. 54521

(3) A benchmark by which the board sets annual increases in 54522
general and instructional fees. This benchmark and any subsequent 54523
change to the benchmark shall be subject to approval of the 54524
chancellor. 54525

(4) Eligibility requirements for students to participate in 54526
the program; 54527

(5) Student rights and privileges under the program; 54528

(6) Consequences to the university for students unable to 54529
complete a degree program within four years, as follows: 54530

(a) For a student who could not complete the program in four 54531
years due to a lack of available classes or space in classes 54532
provided by the university, the university shall provide the 54533
necessary course or courses for completion to the student free of 54534
charge. 54535

(b) For a student who could not complete the program in four 54536
years due to military service or other circumstances beyond a 54537
student's control, as determined by the board of trustees, the 54538
university shall provide the necessary course or courses for 54539
completion to the student at the student's initial cohort rate. 54540

(c) For a student who did not complete the program in four 54541
years for any other reason, as determined by the board of 54542
trustees, the university shall provide the necessary course or 54543
courses for completion to the student at a rate determined through 54544
a method established by the board under division (B)(7) of this 54545
section. 54546

(7) Guidelines for adjusting a student's annual charges if 54547
the student, due to circumstances under the student's control, is 54548
unable to complete a degree program within four years; 54549

(8) A requirement that the rules adopted under division (B) of this section be published or posted in the university handbook, course catalog, and web site.

(C) If a board of trustees implements a program under this section, the board shall submit the rules adopted under division (B) of this section to the chancellor for approval before beginning implementation of the program.

The chancellor shall not unreasonably withhold approval of a program if the program conforms in principle with the parameters and guidelines of this section.

(D) A board of trustees of a state university may establish an undergraduate tuition guarantee program for nonresident students.

(E) Within five years after ~~the effective date of this section~~ September 29, 2013, the chancellor shall publish on the ~~board of regents~~ chancellor's web site a report that includes all of the following:

(1) The state universities that have adopted an undergraduate tuition guarantee program under this section;

(2) The details of each undergraduate tuition guarantee program established under this section;

(3) Comparative data, including general and instructional fees, room and board, graduation rates, and retention rates, from all state universities.

(F) Except as provided in this section, no other limitation on the increase of in-state undergraduate instructional and general fees shall apply to a state university that has established an undergraduate tuition guarantee program under this section.

Sec. 3345.50. Notwithstanding anything to the contrary in

sections 123.01 and 123.10 of the Revised Code, a state 54580
university, a state community college, or the northeast Ohio 54581
medical university not certified pursuant to section 123.24 of the 54582
Revised Code may administer any capital facilities project for the 54583
construction, reconstruction, improvement, renovation, 54584
enlargement, or alteration of a public improvement under its 54585
jurisdiction for which the total amount of funds expected to be 54586
appropriated by the general assembly does not exceed four million 54587
dollars without the supervision, control, or approval of the Ohio 54588
facilities construction commission as specified in those sections, 54589
if both of the following occur: 54590

(A) Within sixty days after the effective date of the section 54591
of an act in which the general assembly initially makes an 54592
appropriation for the project, the board of trustees of the 54593
institution notifies the chancellor of ~~the Ohio board of regents~~ 54594
higher education in writing of its intent to administer the 54595
capital facilities project; 54596

(B) The board of trustees complies with the guidelines 54597
established pursuant to section 153.16 of the Revised Code and all 54598
laws that govern the selection of consultants, preparation and 54599
approval of contract documents, receipt of bids, and award of 54600
contracts with respect to the project. 54601

The chancellor shall adopt rules in accordance with Chapter 54602
119. of the Revised Code that establish criteria for the 54603
administration by any such institution of higher education of a 54604
capital facilities project for which the total amount of funds 54605
expected to be appropriated by the general assembly exceeds four 54606
million dollars. The criteria, to be developed with the Ohio 54607
facilities construction commission and higher education 54608
representatives selected by the chancellor, shall include such 54609
matters as the adequacy of the staffing levels and expertise 54610
needed for the institution to administer the project, past 54611

performance of the institution in administering such projects, and 54612
the amount of institutional or other nonstate money to be used in 54613
financing the project. The chancellor and the Ohio facilities 54614
construction commission shall approve the request of any such 54615
institution of higher education that seeks to administer any such 54616
capital facilities project and meets the criteria set forth in the 54617
rules and in the requirements of division (B) of this section. 54618

Sec. 3345.51. (A) Notwithstanding anything to the contrary in 54619
sections 123.20 and 123.21 of the Revised Code, a state 54620
university, the northeast Ohio medical university, or a state 54621
community college may administer any capital facilities project 54622
for the construction, reconstruction, improvement, renovation, 54623
enlargement, or alteration of a public improvement under its 54624
jurisdiction for which funds are appropriated by the general 54625
assembly without the supervision, control, or approval of the Ohio 54626
facilities construction commission as specified in those sections, 54627
if all of the following occur: 54628

(1) The institution is certified by the commission under 54629
section 123.24 of the Revised Code; 54630

(2) Within sixty days after the effective date of the section 54631
of an act in which the general assembly initially makes an 54632
appropriation for the project, the board of trustees of the 54633
institution notifies the chancellor of ~~the Ohio board of regents~~ 54634
higher education in writing of its request to administer the 54635
capital facilities project and the chancellor approves that 54636
request pursuant to division (B) of this section; 54637

(3) The board of trustees passes a resolution stating its 54638
intent to comply with section 153.13 of the Revised Code and the 54639
guidelines established pursuant to section 153.16 of the Revised 54640
Code and all laws that govern the selection of consultants, 54641
preparation and approval of contract documents, receipt of bids, 54642

and award of contracts with respect to the project. 54643

(B) The chancellor shall adopt rules in accordance with 54644
Chapter 119. of the Revised Code that establish criteria for the 54645
administration by any such institution of higher education of a 54646
capital facilities project for which the general assembly 54647
appropriates funds. The criteria, to be developed with the 54648
commission and higher education representatives selected by the 54649
chancellor, shall include such matters as the adequacy of the 54650
staffing levels and expertise needed for the institution to 54651
administer the project, past performance of the institution in 54652
administering such projects, and the amount of institutional or 54653
other nonstate money to be used in financing the project. The 54654
chancellor shall approve the request of any such institution of 54655
higher education that seeks to administer any such capital 54656
facilities project and meets the criteria set forth in the rules 54657
and the requirements of division (A) of this section. 54658

(C) Any institution that administers a capital facilities 54659
project under this section shall conduct biennial audits for the 54660
duration of the project to ensure that the institution is 54661
complying with Chapters 9., 123., and 153. of the Revised Code and 54662
that the institution is using its certification issued under 54663
section 123.24 of the Revised Code appropriately. The chancellor, 54664
in consultation with higher education representatives selected by 54665
the chancellor, shall adopt rules in accordance with Chapter 119. 54666
of the Revised Code that establish criteria for the conduct of the 54667
audits. The criteria shall include documentation necessary to 54668
determine compliance with Chapters 9., 123., and 153. of the 54669
Revised Code and a method to determine whether an institution is 54670
using its certification issued under section 123.24 of the Revised 54671
Code appropriately. 54672

(D) The chancellor, in consultation with higher education 54673
representatives selected by the chancellor, shall adopt rules in 54674

accordance with Chapter 119. of the Revised Code establishing 54675
criteria for monitoring capital facilities projects administered 54676
by institutions under this section. The criteria shall include the 54677
following: 54678

(1) Conditions under which the chancellor may revoke the 54679
authority of an institution to administer a capital facilities 54680
project under this section, including the failure of an 54681
institution to maintain a sufficient number of employees who have 54682
successfully completed the certification program under section 54683
123.24 of the Revised Code; 54684

(2) A process for institutions to remedy any problems found 54685
by an audit conducted pursuant to division (C) of this section, 54686
including the improper use of state funds or violations of Chapter 54687
9., 123., or 153. of the Revised Code. 54688

(E) If the chancellor revokes an institution's authority to 54689
administer a capital facilities project, the commission shall 54690
administer the capital facilities project. The chancellor also may 54691
require an institution, for which the chancellor revoked authority 54692
to administer a capital facilities project, to acquire a new local 54693
administration competency certification pursuant to section 123.24 54694
of the Revised Code. 54695

Sec. 3345.54. (A) As used in this section: 54696

(1) "Auxiliary facilities" has the same meaning as in section 54697
3345.12 of the Revised Code. 54698

(2) "Conduit entity" means an organization described in 54699
section 501(c)(3) of the Internal Revenue Code qualified as a 54700
public charity under section 509(a)(2) or 509(a)(3) of the 54701
Internal Revenue Code, or any other appropriate legal entity 54702
selected by the state institution, whose corporate purpose allows 54703
it to perform the functions and obligations of a conduit entity 54704

pursuant to the terms of a financing agreement. 54705

(3) "Conveyed property" means auxiliary facilities conveyed 54706
by a state institution to a conduit entity pursuant to a financing 54707
agreement. 54708

(4) "Financing agreement" means a contract described in 54709
division (C) of this section. 54710

(5) "Independent funding source" means a private entity that 54711
enters into a financing agreement with a conduit entity and a 54712
state institution. 54713

(6) "State institution" means a state institution of higher 54714
education as defined in section 3345.011 of the Revised Code. 54715

(B) The board of trustees of a state institution, with the 54716
approval of the chancellor of ~~the Ohio board of regents~~ higher 54717
education and the controlling board, may enter into a financing 54718
agreement with a conduit entity and an independent funding source 54719
selected either through a competitive selection process or by 54720
direct negotiations, and may convey to the conduit entity title to 54721
any auxiliary facilities owned by the state institution pursuant 54722
to the terms of a financing agreement. 54723

(C) A financing agreement under this section is a written 54724
contract entered into among a state institution, a conduit entity, 54725
and an independent funding source that provides for: 54726

(1) The conveyance of auxiliary facilities owned by a state 54727
institution to the conduit entity for consideration deemed 54728
adequate by the state institution; 54729

(2) The lease of the conveyed property by the conduit entity 54730
to the independent funding source and leaseback of the conveyed 54731
property to the conduit entity for a term not to exceed 54732
ninety-nine years; 54733

(3) Such other terms and conditions that may be negotiated 54734

and agreed upon by the parties, including, but not limited to, 54735
terms regarding: 54736

(a) Payment to the state institution by the conduit entity of 54737
revenues received by it from the operations of the conveyed 54738
property in excess of the payments it is required to make to the 54739
independent funding source under the lease-leaseback arrangement 54740
described in division (C)(2) of this section; 54741

(b) Pledge, assignment, or creation of a lien in favor of the 54742
independent funding source by the conduit entity of any revenues 54743
derived from the conveyed property; 54744

(c) Reverter or conveyance of title to the conveyed property 54745
to the state institution when the conveyed property is no longer 54746
subject to a lease with the independent funding source. 54747

(4) Terms and conditions required by the chancellor or the 54748
controlling board as a condition of approval of the financing 54749
agreement. 54750

(D) The state institution and the conduit entity may enter 54751
into such other management agreements or other contracts regarding 54752
the conveyed property the parties deem appropriate, including 54753
agreements pursuant to which the state institution may maintain or 54754
administer the conveyed property and collect and disburse revenues 54755
from the conveyed property on behalf of the conduit entity. 54756

(E) The parties may modify or extend the term of the 54757
financing agreement with the approval of the chancellor and the 54758
controlling board. 54759

(F) The conveyed property shall retain its exemption from 54760
property taxes and assessments as though title to the conveyed 54761
property were held by the state institution during any part of a 54762
tax year that title is held by the state institution or the 54763
conduit entity and, if held by the conduit entity, remains subject 54764
to the lease-leaseback arrangement described in division (C)(2) of 54765

this section. However, as a condition of the continued exemption 54766
of the conveyed property during the term of the lease-leaseback 54767
arrangement the conduit entity shall apply for and maintain the 54768
exemption as provided by law. 54769

(G) Nothing in this section is intended to abrogate, amend, 54770
limit, or replace any existing authority state institutions may 54771
have with respect to the conveyance, lease, lease-leaseback, 54772
finance, or acquisition of auxiliary facilities including, but not 54773
limited to, authority granted under sections 3345.07, 3345.11, and 54774
3345.12 of the Revised Code. 54775

Sec. 3345.692. (A) Not later than September 15, 2010, and the 54776
fifteenth day of September each year thereafter, a state 54777
institution of higher education shall prepare and submit to the 54778
chancellor of ~~the board of regents~~ higher education a report that 54779
describes the number and types of biobased products purchased 54780
under section 125.092 of the Revised Code and the amount of money 54781
spent by the state institution of higher education for those 54782
biobased products. 54783

(B) As used in this section, "state institution of higher 54784
education" has the same meaning as in section 3345.011 of the 54785
Revised Code. 54786

Sec. 3345.70. (A) Whenever the board of trustees of a state 54787
university, as defined under section 3345.011 of the Revised Code, 54788
declares that the university is in a state of fiscal exigency, the 54789
board shall do all of the following until it declares that the 54790
university is no longer in such a state: 54791

(1) File quarterly reports on an annualized budget, comparing 54792
the budget to actual spending with projected expenses for the 54793
remainder of the year. Such reports shall include narrative 54794
explanations as appropriate. 54795

(2) Place all residence hall and meal fees in a rotary account dedicated to the upkeep and maintenance of the dormitory buildings and to fund meal programs;	54796 54797 54798
(3) Place moneys for the operation of residence hall and meal programs in separately maintained auxiliary funds in the university accounting system;	54799 54800 54801
(4) File the minutes from their board of trustees meetings with the board of regents <u>chancellor of higher education</u> within thirty days of their meetings.	54802 54803 54804
(B) No state university described under division (A) of this section shall do any of the following:	54805 54806
(1) Use state funds for the purpose of providing grants or scholarships to out-of-state students;	54807 54808
(2) Use state funds to subsidize off-campus housing or subsidize transportation to and from off-campus housing.	54809 54810
(C) The requirements of divisions (A)(2) and (3) of this section are subject to the provisions of any applicable bond proceedings as defined under division (A)(9) of section 3345.12 of the Revised Code and to any applicable pledge made as authorized by division (R) of section 3345.12 of the Revised Code.	54811 54812 54813 54814 54815
Sec. 3345.72. (A) The office of budget and management shall work with the auditor of state, the Ohio board of regents <u>chancellor of higher education</u> , and two representatives of state universities and colleges appointed by the chancellor of the board of regents to develop rules under this division, and shall adopt the rules in accordance with section 111.15 of the Revised Code. One of the chancellor's appointments shall represent a four-year institution and one a two-year institution. The rules shall include all of the following:	54816 54817 54818 54819 54820 54821 54822 54823 54824
(1) Criteria for determining when to declare a state	54825

university or college under a fiscal watch, which criteria shall 54826
include all of the following: 54827

(a) A requirement for the submission of a quarterly report 54828
from each state university or college, within thirty days after 54829
the end of each calendar quarter, to the ~~board of regents~~ 54830
chancellor of higher education, the director of budget and 54831
management, ~~the legislative budget office~~ of the legislative 54832
service commission, and the chairpersons and ranking minority 54833
members of the finance committees of the house of representatives 54834
and the senate; 54835

(b) A requirement that each state university and college 54836
shall prepare at the end of each fiscal year a financial statement 54837
consistent with audit requirements prescribed by the auditor of 54838
state, and shall submit the financial statement to the auditor of 54839
state within four months after the end of the fiscal year; 54840

(c) A requirement that the auditor of state shall send 54841
written notice to the agencies and persons mentioned in division 54842
(A)(1)(a) of this section if a state university or college fails 54843
to submit its financial statement within the time required under 54844
division (A)(1)(b) of this section; 54845

(d) A requirement that the auditor of state shall send 54846
written notice to the agencies and persons mentioned in division 54847
(A)(1)(a) of this section if an audit of a state university or 54848
college reveals any of the following: 54849

(i) Substantive audit findings, such as an inability to make 54850
timely payments to vendors, delays in pension retirement 54851
contributions, or requests for advanced state funding; 54852

(ii) A significant variance between budgeted and actual 54853
spending for a fiscal year; 54854

(iii) A significant operating budget deficit for a fiscal 54855
year. 54856

(2) Actions to be taken by the board of trustees of a state university or college while under a fiscal watch; 54857
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(3) Criteria for determining when to declare the termination of the fiscal watch of a state university or college; 54859
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(4) The fiscal information to be reported to the ~~board of regents~~ chancellor of higher education by each state university or college under a fiscal watch for purposes of making determinations under division (D) of this section and division (A) of section 3345.74 of the Revised Code, and the frequency and deadlines for reporting this information. 54861
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(B) The ~~board of regents~~ chancellor shall adopt a resolution declaring a state university or college to be in a state of fiscal watch if the ~~board of regents~~ chancellor determines that the criteria adopted under division (A)(1) of this section are satisfied with respect to that state university or college. For purposes of making this determination, the ~~board of regents~~ chancellor shall establish a financial tracking system and shall use the system to regularly assess each state university or college with respect to the criteria adopted under division (A)(1) of this section. 54867
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(C) While a state university or college is under a fiscal watch, the board of trustees of the university or college shall take the actions and report the fiscal information prescribed under divisions (A)(2) and (4) of this section. 54877
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(D) The ~~board of regents~~ chancellor shall adopt a resolution declaring the termination of the fiscal watch of a state university or college if the ~~board of regents~~ chancellor determines that the criteria adopted under division (A)(3) of this section are satisfied with respect to that state university or college. 54881
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(E) In making assessments and determinations under division 54887

(B) or (D) of this section, the ~~board of regents~~ chancellor shall 54888
use financial reports required under section 3345.05 of the 54889
Revised Code or any other documents, records, or information 54890
available to ~~it~~ the chancellor or the auditor of state related to 54891
the criteria adopted under division (A)(1) or (3) of this section. 54892
In making determinations under division (D) of this section, the 54893
~~board of regents~~ chancellor shall also use the fiscal information 54894
reported under division (C) of this section. 54895

(F) The ~~board of regents~~ chancellor of higher education shall 54896
certify each action taken under division (B) or (D) of this 54897
section to the governor, the director of budget and management, 54898
the speaker and minority leader of the house of representatives, 54899
the president and minority leader of the senate, ~~the legislative~~ 54900
~~budget office~~ of the legislative service commission, and the 54901
chairpersons and ranking minority members of the finance 54902
committees of the house and senate. 54903

(G) A determination by the ~~board of regents~~ chancellor of 54904
higher education under this section that a fiscal watch exists or 54905
does not exist, or that a fiscal watch is terminated or is not 54906
terminated, is final and conclusive and not appealable. 54907

(H) If a state university or college fails to submit the 54908
quarterly report required under division (A)(1) of this section 54909
within thirty days after the end of a calendar quarter, the ~~board~~ 54910
~~of regents~~ chancellor shall withhold payment of any instructional 54911
subsidies to the university or college until it submits the 54912
report. Upon submission of the report, the ~~board of regents~~ 54913
chancellor shall pay the withheld subsidies to the university or 54914
college. 54915

Sec. 3345.73. The office of budget and management shall work 54916
with the auditor of state, the ~~Ohio board of regents~~ chancellor of 54917
higher education, and two representatives of state universities 54918

and colleges appointed by the chancellor ~~of the board of regents~~ 54919
to develop rules under this section, and shall adopt the rules in 54920
accordance with section 111.15 of the Revised Code. One of the 54921
chancellor's appointments shall represent a four-year institution 54922
and one a two-year institution. The rules shall establish the 54923
following: 54924

(A) The financial indicators and the standards for using 54925
those indicators that the ~~board of regents~~ chancellor is to employ 54926
to determine whether a university or college under a fiscal watch 54927
is experiencing sufficient fiscal difficulties to warrant 54928
appointing a conservator under section 3345.74 of the Revised 54929
Code; 54930

(B) The financial indicators and the standards for using 54931
those indicators that a governance authority established for a 54932
state university or college under section 3345.75 of the Revised 54933
Code is to employ to determine whether the university or college 54934
is experiencing sufficient fiscal stability to warrant terminating 54935
that governance authority in accordance with section 3345.76 of 54936
the Revised Code. 54937

The indicators and standards adopted under this section shall 54938
be designed so as to take into account at least the revenues, 54939
expenditures, assets, liabilities, and fund balances of a state 54940
university or college, and shall be designed so as to indicate the 54941
financial performance and position of a state university or 54942
college. 54943

Sec. 3345.74. (A) The ~~Ohio board of regents~~ chancellor of 54944
higher education at least annually shall apply the indicators and 54945
standards adopted under division (A) of section 3345.73 of the 54946
Revised Code to determine whether a state university or college 54947
under a fiscal watch is experiencing sufficient fiscal 54948
difficulties to warrant the appointment of a conservator under 54949

this section. Upon making a determination that appointment of a conservator is warranted, the ~~board of regents~~ chancellor shall request from the office of budget and management, which shall provide, certification that sufficient fiscal difficulties exist to warrant appointment of a conservator. The ~~board of regents~~ chancellor shall then certify this determination to the governor.

Notwithstanding section 3333.021 of the Revised Code, that section does not apply to certification by the ~~board of regents~~ chancellor under this section or to the declaration of a fiscal watch under section 3345.72 of the Revised Code.

A determination by the ~~board of regents~~ chancellor under this division that sufficient fiscal difficulties exist or do not exist to warrant appointing a conservator is final and conclusive and not appealable.

(B) The governor may appoint a conservator for any state university or college under a fiscal watch, upon certification by the ~~Ohio board of regents~~ chancellor under division (A) of this section that the appointment is warranted. The governor shall consult with the speaker ~~and~~ and minority leader of the house of representatives and the president and minority leader of the senate before making the appointment. From the time a conservator is appointed until the time the governor issues an order terminating the governance authority under division (B) of section 3345.76 of the Revised Code, the governor may remove any member of the board of trustees of the state university or college from office and not fill the vacancy.

(C) Upon appointment of a conservator under this section for a state university or college, all of the following shall occur effective immediately:

(1) All duties, responsibilities, and powers of the board of trustees of the university or college are suspended;

(2) The management and control of the state university or college is assumed by the conservator; 54981
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(3) Notwithstanding any section of the Revised Code, all duties, responsibilities, and powers assigned by law to the board of trustees are assigned to the conservator, and the conservator becomes the successor to, assumes the lawful obligations of, and otherwise constitutes the continuation of the board of trustees for purposes of all pending legal actions, contracts or other agreements, and obligations of the university or college; 54983
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(4) Wherever the board of trustees is referred to in any contract or legal document, the reference is deemed to refer to the conservator. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the assumption of the board's authority by the conservator under this section and any such validation, cure, right, privilege, remedy, obligation, or liability shall be administered by the conservator. No action or proceeding pending on the effective date of the assumption by the conservator of the board's authority is affected by that assumption and any such action or proceeding shall be prosecuted or defended in the name of the conservator. 54990
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(5) The conservator assumes custody of all equipment, records, files, effects, and all other property real or personal of the state university or college; 55001
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(6) All authority and duties of the president or chief executive officer, and the pay of the president or chief executive officer, are suspended. 55004
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(D) The conservator for a state university or college shall conduct a preliminary performance evaluation of the president or chief executive officer of the university or college and provide a copy of findings and any recommendations to the governance authority established for the university or college under section 55007
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3345.75 of the Revised Code. 55012

(E) A conservator appointed under this section shall be 55013
immune, indemnified, and held harmless from civil liability, 55014
including any cause of action, legal, equitable, or otherwise, for 55015
any action taken or duties performed by the conservator in good 55016
faith and in furtherance of the performance of the duties of the 55017
conservator under this section. 55018

(F) The governor shall set the compensation for a conservator 55019
appointed for a state university or college. The expenses and 55020
compensation of the conservator and others employed by the 55021
conservator shall be paid out of the operating funds and revenues 55022
of that university or college. 55023

Sec. 3345.75. (A) Not later than thirty days after the date 55024
of the appointment of a conservator for a state university or 55025
college under section 3345.74 of the Revised Code, the governor 55026
shall appoint, with the advice and consent of the senate, a 55027
governance authority for the university or college consisting of 55028
five members. The members shall serve at the pleasure of the 55029
governor and any vacancies shall be filled in the same manner as 55030
an original appointment. 55031

The governor shall designate one of the members of the 55032
governance authority as the chairperson and shall call the first 55033
meeting of the authority. A majority of the members of a 55034
governance authority constitutes a quorum and the affirmative vote 55035
of a majority of the members shall be necessary for any action 55036
taken by an authority. Meetings of a governance authority shall be 55037
called in the manner and at the times prescribed by the authority, 55038
but the authority shall meet at least four times annually and at 55039
other times necessary for the best interest of the university or 55040
college. A governance authority may adopt procedures for the 55041
conduct of its business. 55042

The members of a governance authority shall not receive 55043
compensation for their services, but shall be paid their 55044
reasonable and necessary expenses while engaged in the discharge 55045
of their official duties. 55046

(B)(1) A governance authority established under this section 55047
shall appoint an executive director who shall serve at the 55048
pleasure of the authority and with the compensation and other 55049
terms and conditions established by it. With the approval of the 55050
chairperson of the authority, the executive director may appoint 55051
additional personnel as the director considers appropriate. The 55052
executive director shall oversee the day-to-day operation of the 55053
university or college under the direction and supervision of the 55054
authority. 55055

(2) The governance authority shall conduct a final 55056
performance evaluation of the president or chief executive officer 55057
of the university or college. Following the evaluation, the 55058
governance authority may reinstate any duties, authority, or pay 55059
previously suspended under division (C)(6) of section 3345.74 of 55060
the Revised Code, or may terminate the president or chief 55061
executive officer in accordance with the terms of the person's 55062
employment contract. 55063

(C) Upon appointment of all members of a governance authority 55064
under this section and upon the effective date for the 55065
commencement of the duties of the executive director appointed by 55066
that authority under this section, all authority, 55067
responsibilities, duties, and references assumed by or conferred 55068
upon the conservator under divisions (C)(2) to (6) of section 55069
3345.74 of the Revised Code terminate and all of the following 55070
shall occur, effective immediately: 55071

(1) The management and control of the state university or 55072
college is assumed by the governance authority; 55073

(2) Notwithstanding any section of the Revised Code, all 55074
duties, responsibilities, and powers assigned by law to the board 55075
of trustees or to the conservator are assigned to the governance 55076
authority and the governance authority becomes the successor to, 55077
assumes the lawful obligations of, and otherwise constitutes the 55078
continuation of the board of trustees and the conservator for 55079
purposes of all pending legal actions, contracts or other 55080
agreements, and obligations of the university or college; 55081

(3) Wherever the board of trustees or conservator is referred 55082
to in any contract or legal document, the reference is deemed to 55083
refer to the governance authority. No validation, cure, right, 55084
privilege, remedy, obligation, or liability is lost or impaired by 55085
reason of the assumption of the authority of the board of trustees 55086
and the conservator by the governance authority under this section 55087
and any such validation, cure, right, privilege, remedy, 55088
obligation, or liability shall be administered by the governance 55089
authority. No action or proceeding pending on the effective date 55090
of the assumption by the governance authority of the authority of 55091
the board of trustees and the conservator is affected by that 55092
assumption and any such action or proceeding shall be prosecuted 55093
or defended in the name of the governance authority. 55094

(4) The governance authority assumes custody of all 55095
equipment, records, files, effects, and all other property real or 55096
personal of the state university or college. 55097

(D) A governance authority and executive director appointed 55098
under this section shall be immune, indemnified, and held harmless 55099
from civil liability, including any cause of action, legal, 55100
equitable, or otherwise, for any action taken or duties performed 55101
by the governance authority and executive director in good faith 55102
and in furtherance of the performance of the duties of the 55103
governance authority and executive director under this section. 55104

(E) The expenses of a governance authority and the expenses 55105

and compensation of an executive director appointed for a state 55106
university or college under this section and others employed by 55107
the executive director under this section shall be paid out of the 55108
operating funds and revenues of that university or college. 55109

(F) A governance authority appointed under this section shall 55110
prepare, in accordance with rules adopted by the office of budget 55111
and management, and submit to the ~~board of regents~~ chancellor of 55112
higher education, the governor, the speaker and minority leader of 55113
the house of representatives, and the president and minority 55114
leader of the senate a quarterly report setting forth all of the 55115
following: 55116

(1) The general condition of the university or college; 55117

(2) The amounts of receipts and disbursements and the items 55118
for which the disbursements were made; 55119

(3) The numbers of professors, officers, teachers, and other 55120
employees and the position and compensation of each and the 55121
numbers of students by courses of instruction; 55122

(4) An estimate of expenses for the ensuing quarter; 55123

(5) A statement of the general progress of the university or 55124
college with indication of any improvements and specification of 55125
any experiments with institutional reform and the costs and 55126
results of those experiments; 55127

(6) Any other matters the governance authority considers 55128
useful to report. 55129

(G) The attorney general shall be the legal adviser to the 55130
conservator and the governance authority, and the attorney general 55131
may employ special counsel to aid the conservator or governance 55132
authority with respect to any legal matter on behalf of the 55133
institution. The conservator and the governance authority may as 55134
otherwise provided by law request the attorney general to bring or 55135

defend suits or proceedings in the name of the institution. 55136

Sec. 3345.76. (A) A governance authority appointed for a 55137
state university or college under section 3345.75 of the Revised 55138
Code at least annually shall apply the indicators and standards 55139
adopted under division (B) of section 3345.73 of the Revised Code 55140
to determine whether the university or college is experiencing 55141
sufficient fiscal stability to warrant terminating that governance 55142
authority in accordance with this section. Upon making a 55143
determination that termination of the governance authority is 55144
warranted, the governance authority shall certify this 55145
determination to the governor. 55146

A determination by a governance authority under this division 55147
that sufficient fiscal stability exists or does not exist to 55148
warrant terminating that governance authority is final and 55149
conclusive and not appealable. 55150

(B) The governor may issue an order, effective as provided 55151
under division (D) of this section, terminating the governance 55152
authority appointed under section 3345.75 of the Revised Code, 55153
upon the occurrence of either of the following: 55154

(1) Certification by the governance authority for that state 55155
university or college the termination of that governance authority 55156
is warranted; 55157

(2) A finding that in the governor's opinion termination of 55158
the governance authority is in the best interests of the state, 55159
that state university or college, and the students of that state 55160
university or college. 55161

(C) Upon issuance of an order under division (B) of this 55162
section, the governor shall fill each vacancy on the board of 55163
trustees of the university or college for the unexpired portion of 55164
the member's term or, if the term for the member has already 55165

expired, for the unexpired portion of the succeeding term. 55166

(D) Thirty days after the date on which the ~~Ohio board of~~ 55167
~~regents~~ chancellor of higher education determines that all 55168
vacancies on the board of trustees have been filled, all 55169
authority, responsibilities, duties, and references assumed by or 55170
conferred upon the governance authority of that university or 55171
college under division (C) of section 3345.75 of the Revised Code 55172
terminate and all of the following shall occur: 55173

(1) The management and control of the state university or 55174
college by the board of trustees shall be resumed; 55175

(2) The board becomes the successor to, assumes the lawful 55176
obligations of, and otherwise constitutes the continuation of the 55177
conservator and the governance authority for purposes of all 55178
pending legal actions, contracts or other agreements, and 55179
obligations of the university or college; 55180

(3) Wherever the conservator or the governance authority is 55181
referred to in any contract or legal document, the reference is 55182
deemed to refer to the board of trustees. No validation, cure, 55183
right, privilege, remedy, obligation, or liability is lost or 55184
impaired by reason of the resumption by the board of trustees of 55185
the authority of the conservator and the governance authority, and 55186
any such validation, cure, right, privilege, remedy, obligation, 55187
or liability shall be administered by the board of trustees. No 55188
action or proceeding pending on the effective date of the 55189
resumption by the board of trustees of the authority of the 55190
conservator and the governance authority is affected by that 55191
resumption, and any such action or proceeding shall be prosecuted 55192
or defended in the name of the board of trustees. 55193

(4) The board of trustees resumes custody of all equipment, 55194
records, files, effects, and all other property real or personal 55195
of the state university or college; 55196

(5) Employment of the executive director appointed for the university or college under section 3345.75 of the Revised Code is terminated;

(6) The duties, authority, and pay of the president or chief executive officer of the university or college suspended under division (C)(6) of section 3345.74 and not reinstated under division (B)(2) of section 3345.75 of the Revised Code are reinstated to the person holding that position, unless otherwise provided for by the board of trustees.

Sec. 3345.81. Not later than June 30, 2014, the board of trustees of each institution of higher education, as defined by section 3345.12 of the Revised Code, shall adopt an institution-specific strategic completion plan designed to increase the number of degrees and certificates awarded to students. The plan shall be consistent with the mission and strategic priorities of the institution, include measureable student completion goals, and align with the state's workforce development priorities. Upon adoption by the board of trustees, each institution of higher education shall provide a copy of its plan to the chancellor of ~~the Ohio board of regents~~ higher education.

The board of trustees of each institution of higher education shall update its plan at least once every two years and provide a copy of their updated plan to the chancellor upon adoption.

Sec. 3345.86. (A) As used in this section, an "eligible institution" means a community college established under Chapter 3354. of the Revised Code, a university branch established under Chapter 3355. of the Revised Code, a technical college established under Chapter 3357. of the Revised Code, or a state community college established under Chapter 3358. of the Revised Code.

(B) An individual who is at least twenty-two years of age and who is an eligible individual as defined in section 3317.23 of the Revised Code may enroll in an eligible institution for up to two ~~cumulative~~ consecutive school years for the purpose of completing the requirements to earn a high school diploma. An individual enrolled under this division may elect to satisfy these requirements by successfully completing a competency-based ~~instructional~~ educational program, as defined in section 3317.02 of the Revised Code, that complies with the standards adopted by the ~~state board~~ department of education under section 3317.231 of the Revised Code.

The eligible institution in which the individual enrolls shall report that individual's enrollment on a full-time equivalency basis to the department ~~of education~~.

(C)(1) For each eligible institution that enrolls individuals under division (B) of this section, the department annually shall certify the enrollment and attendance, on a full-time equivalency basis, of each individual reported by the institution under that division.

(2) For each individual enrolled in an eligible institution under division (B) of this section, the department annually shall pay ~~to the institution an amount equal to the following:~~

~~\$5,000 X the individual's enrollment on a full time equivalency basis as certified under division (C)(1) of this section X the portion of the school year in which the individual is enrolled in the institution expressed as a percentage up to \$5,000, as determined by the department based on the extent of the individual's successful completion of the graduation requirements prescribed under sections 3313.603, 3313.61, 3313.611, and 3313.614 of the Revised Code.~~

(D) If an individual enrolled in an eligible institution

under division (B) of this section completes the requirements to 55258
earn a high school diploma, the institution shall certify the 55259
completion of those requirements to the city, local, or exempted 55260
village school district in which the individual resides. Upon 55261
receiving certification under this division, the city, local, or 55262
exempted village school district in which the individual resides 55263
shall issue a high school diploma to the individual within sixty 55264
days of receipt of the certification. 55265

(E) An eligible institution that enrolls individuals under 55266
division (B) of this section shall be subject to the program 55267
administration standards adopted by the ~~state board~~ department 55268
under section 3317.231 of the Revised Code, as applicable. 55269

Sec. 3354.01. As used in sections 3354.01 to 3354.18~~7~~ 55270
~~inclusive~~, of the Revised Code: 55271

(A) "Community college district" means a political 55272
subdivision of the state and a body corporate with all the powers 55273
of a corporation, comprised of the territory of one or more 55274
contiguous counties having together a total population of not less 55275
than seventy-five thousand preceding the establishment of such 55276
district, and organized for the purpose of establishing, owning, 55277
and operating a community college within the territory of such 55278
district. 55279

(B) "Contiguous counties" means counties so located that each 55280
such county shares at least one boundary in common with at least 55281
one other such county in the group of counties referred to as 55282
being "contiguous." 55283

(C) "Community college" means a public institution of 55284
education beyond the high school organized for the principal 55285
purpose of providing for the people of the community college 55286
district wherein such college is situated the instructional 55287
programs defined in this section as "arts and sciences" and 55288

"technical," or either, and may include the "adult-education" 55289
program as defined in this section⁷. Except for bachelor's 55290
programs offered under section 3354.071 of the Revised Code, 55291
instructional programs shall not ~~exceeding~~ exceed two years¹ in 55292
duration. 55293

A university maintained and operated by a municipality 55294
located in a county having a total population equal to the 55295
requirement for a community college district as set forth in 55296
division (A) of section 3354.01 of the Revised Code and is found 55297
by the ~~Ohio board of regents~~ chancellor of higher education to 55298
offer instructional programs which are needed in the community and 55299
which are equivalent to those required of community colleges shall 55300
be, for the purposes of receiving state or federal financial aid 55301
only, considered a community college and shall receive the same 55302
state financial assistance granted to community colleges but only 55303
in respect to students enrolled in their first and second year of 55304
post high school education in the kinds of instructional programs 55305
offered by the municipal university. 55306

(D) "Arts and sciences program" means a both of the 55307
following: 55308

(1) A curricular program of two years or less duration, 55309
provided within a community college, planned and intended to 55310
enable students to gain academic credit for courses generally 55311
comparable to courses offered in the first two years in accredited 55312
colleges and universities in the state, and designed either to 55313
enable students to transfer to such colleges and universities for 55314
the purpose of earning baccalaureate degrees or to enable students 55315
to terminate academic study after two years with a proportionate 55316
recognition of academic achievement. 55317

(2) A bachelor's degree program approved and offered under 55318
section 3354.071 of the Revised Code. 55319

(E) "Adult-education program" means the dissemination of post high school educational service and knowledge, by a community college, for the occupational, cultural, or general educational benefit of adult persons, such educational service and knowledge not being offered for the primary purpose of enabling such persons to obtain academic credit or other formal academic recognition.

(F) "Charter amendment" means a change in the official plan of a community college for the purpose of acquiring additional lands or structures, disposing of or transferring lands or structures, erection of structures, or creating or abolishing of one or more academic departments corresponding to generally recognized fields of academic study.

(G) "Technical program" means a post high school curricular program of two years or less duration, provided within a community college, planned and intended to enable students to gain academic credit for courses designed to prepare such students to meet the occupational requirements of the community.

(H) "Operating costs" means all expenses for all purposes of the community college district except expenditures for permanent improvements having an estimated life of usefulness of five years or more as certified by the fiscal officer of the community college district.

Sec. 3365.02. (A) There is hereby established the college credit plus program under which, beginning with the 2015-2016 school year, a secondary grade student who is a resident of this state may enroll at a college, on a full- or part-time basis, and complete nonsectarian, nonremedial courses for high school and college credit. The program shall govern arrangements in which a secondary grade student enrolls in a college and, upon successful completion of coursework taken under the program, receives transcribed credit from the college, ~~except for any of the.~~ The

following are not governed by the college credit plus program: 55351

(1) An agreement governing an early college high school 55352
program that meets any of the exemption criteria under division 55353
(E) of section 3313.6013 of the Revised Code; 55354

(2) An advanced placement course or international 55355
baccalaureate diploma course, as described in divisions (A)(2) and 55356
(3) of section 3313.6013 of the Revised Code; 55357

(3) ~~Until July 1, 2016, a~~ A career-technical education 55358
program that is approved by the department of education under 55359
section 3317.161 of the Revised Code and grants articulated credit 55360
to students participating in that program. However, any portion of 55361
an approved program that results in the conferral of transcribed 55362
credit upon the completion of the course shall be governed by the 55363
college credit plus program. 55364

(B) Any student enrolled in a public or nonpublic secondary 55365
school in the student's ninth, tenth, eleventh, or twelfth grade; 55366
any student enrolled in a nonchartered nonpublic secondary school 55367
in the student's ninth, tenth, eleventh, or twelfth grade; and any 55368
student who has been excused from the compulsory attendance law 55369
for the purpose of home instruction under section 3321.04 of the 55370
Revised Code and is the equivalent of a ninth, tenth, eleventh, or 55371
twelfth grade student, may participate in the program, if the 55372
student meets the applicable eligibility criteria in section 55373
3365.03 of the Revised Code. If a nonchartered nonpublic secondary 55374
school student chooses to participate in the program, that student 55375
shall be subject to the same requirements as a home-instructed 55376
student who chooses to participate in the program under this 55377
chapter. 55378

(C) All public secondary schools and all public colleges 55379
shall participate in the program and are subject to the 55380
requirements of this chapter. Any nonpublic secondary school or 55381

private college that chooses to participate in the program shall 55382
also be subject to the requirements of this chapter. 55383

If a nonpublic secondary school chooses not to participate in 55384
the program, the school shall not be subject to the requirements 55385
of this chapter. Additionally, the school shall not be subject to 55386
any rule adopted by the chancellor of higher education or the 55387
state board of education for purposes of the college credit plus 55388
program. 55389

(D) ~~The chancellor of the Ohio board of regents, in 55390~~
accordance with Chapter 119. of the Revised Code and in 55391
consultation with the superintendent of public instruction, shall 55392
adopt rules governing the program. 55393

Sec. 3365.034. (A) Notwithstanding anything to the contrary 55394
in the Revised Code, a student who is eligible to participate in 55395
the college credit plus program under section 3365.03 or 3365.033 55396
of the Revised Code may participate in the program during the 55397
summer term of a public or participating private college or an 55398
eligible out-of-state college participating in the program. 55399

Unless otherwise specified, if a student participates in the 55400
college credit plus program under this section, all requirements 55401
of the program shall apply. 55402

(B)(1) In order for a public secondary school student to 55403
participate under this section, the student shall meet the 55404
criteria in division (A)(1) of section 3365.03 of the Revised 55405
Code, except that the student or the student's parent shall inform 55406
the principal, or equivalent, of the student's school by the date 55407
designated by rule of the director of higher education, pursuant 55408
to division (E) of this section, of the student's intent to 55409
participate in the program during the summer term. 55410

(2) In order for a nonpublic secondary school student, a 55411

nonchartered nonpublic secondary school student, or a 55412
home-instructed student to participate under this section, the 55413
student shall meet the applicable criteria in division (A)(2) of 55414
section 3365.03 of the Revised Code, except that the parent or 55415
guardian of a nonchartered nonpublic secondary school student or a 55416
home-instructed student shall notify the department of education 55417
by the date designated by rule of the director of higher 55418
education, pursuant to division (E) of this section, of the 55419
student's intent to participate in the program during the summer 55420
term. 55421

(C) If a participant under this section elects to have the 55422
college reimbursed under section 3365.07 of the Revised Code for 55423
courses taken under the program, the department shall reimburse 55424
the college in the same manner as for students who participate 55425
during the school year in accordance with that section, except 55426
that the department shall make the applicable payments each 55427
September, or as soon as possible thereafter. 55428

(D) Notwithstanding section 3327.01 of the Revised Code, the 55429
participant or the participant's parent or guardian shall be 55430
responsible for any transportation related to participation in the 55431
program during the summer term. 55432

(E) The director of higher education, in accordance with 55433
Chapter 119. of the Revised Code and in consultation with the 55434
superintendent of public instruction, shall adopt rules for the 55435
administration of this section. The rules shall include the dates 55436
by which the student or student's parent must provide notification 55437
of the student's intent to participate in the program during the 55438
summer term. 55439

Sec. 3365.07. The department of education shall calculate and 55440
pay state funds to colleges for participants in the college credit 55441
plus program under division (B) of section 3365.06 of the Revised 55442

Code pursuant to this section. For a nonpublic secondary school 55443
participant, a nonchartered nonpublic secondary school 55444
participant, or a home-instructed participant, the department 55445
shall pay state funds pursuant to this section only if that 55446
participant is awarded funding according to rules adopted by the 55447
chancellor of ~~the Ohio board of regents~~ higher education, in 55448
consultation with the superintendent of public instruction, 55449
pursuant to section 3365.071 of the Revised Code. The program 55450
shall be the sole mechanism by which state funds are paid to 55451
colleges for students to earn ~~college-level~~ transcribed credit 55452
for college courses while enrolled in both a secondary school and 55453
a college, with the exception of ~~the programs listed~~ state funds 55454
paid to colleges according to an agreement described in division 55455
(A)(1) of section 3365.02 of the Revised Code. 55456

(A) For each public or nonpublic secondary school participant 55457
enrolled in a public college: 55458

(1) If no agreement has been entered into under division 55459
(A)(2) of this section, both of the following shall apply: 55460

(a) The department shall pay to the college the applicable 55461
amount as follows: 55462

(i) For a participant enrolled in a college course delivered 55463
on the college campus, at another location operated by the 55464
college, or online, the default ceiling amount; 55465

(ii) For a participant enrolled in a college course delivered 55466
at the participant's secondary school but taught by college 55467
faculty, fifty per cent of the default ceiling amount; 55468

(iii) For a participant enrolled in a college course 55469
delivered at the participant's secondary school and taught by a 55470
high school teacher who has met the credential requirements 55471
established for purposes of the program in rules adopted by the 55472

chancellor ~~of the Ohio board of regents~~, the default floor amount. 55473

(b) The participant's secondary school shall pay for 55474
textbooks, and the college shall waive payment of all other fees 55475
related to participation in the program. 55476

(2) The governing entity of a participant's secondary school 55477
and the college may enter into an agreement to establish an 55478
alternative payment structure for tuition, textbooks, and fees. 55479
Under such an agreement, payments for each participant made by the 55480
department shall be not less than the default floor amount, unless 55481
approved by the chancellor, and not more than the default ceiling 55482
amount. The chancellor shall approve an agreement that includes a 55483
payment below the default floor amount, as long as the provisions 55484
of the agreement comply with all other requirements of this 55485
chapter to ensure program quality. If no agreement is entered into 55486
under division (A)(2) of this section, both of the following shall 55487
apply: 55488

(a) The department shall pay to the college the applicable 55489
default amounts prescribed by division (A)(1)(a) of this section, 55490
depending upon the method of delivery and instruction. 55491

(b) In accordance with division (A)(1)(b) of this section, 55492
the participant's secondary school shall pay for textbooks, and 55493
the college shall waive payment of all other fees related to 55494
participation in the program. 55495

(3) No participant that is enrolled in a public college shall 55496
be charged for any tuition, textbooks, or other fees related to 55497
participation in the program. 55498

(B) For each public secondary school participant enrolled in 55499
a private college: 55500

(1) If no agreement has been entered into under division 55501
(B)(2) of this section, the department shall pay to the college 55502
the applicable amount calculated in the same manner as in division 55503

(A)(1)(a) of this section. 55504

(2) The governing entity of a participant's secondary school 55505
and the college may enter into an agreement to establish an 55506
alternative payment structure for tuition, textbooks, and fees. 55507
Under such an agreement, payments shall be not less than the 55508
default floor amount, unless approved by the chancellor, and not 55509
more than the default ceiling amount. 55510

If an agreement is entered into under division (B)(2) of this 55511
section, both of the following shall apply: 55512

(a) The department shall make a payment to the college for 55513
each participant that is equal to the default floor amount, unless 55514
approved by the chancellor to pay an amount below the default 55515
floor amount. The chancellor shall approve an agreement that 55516
includes a payment below the default floor amount, as long as the 55517
provisions of the agreement comply with all other requirements of 55518
this chapter to ensure program quality. 55519

(b) Payment for costs for the participant that exceed the 55520
amount paid by the department pursuant to division (B)(2)(a) of 55521
this section shall be negotiated by the school and the college. 55522
The agreement may include a stipulation permitting the charging of 55523
a participant. 55524

However, under no circumstances shall: 55525

(i) Payments for a participant made by the department under 55526
~~this~~ division (B)(2) of this section exceed the default ceiling 55527
amount; 55528

(ii) The amount charged to a participant under division 55529
(B)(2) of this section exceed the difference between the maximum 55530
per participant charge amount and the default floor amount; 55531

(iii) The sum of the payments made by the department for a 55532
participant and the amount charged to that participant under 55533

division (B)(2) of this section exceed the following amounts, as 55534
applicable: 55535

(I) For a participant enrolled in a college course delivered 55536
on the college campus, at another location operated by the 55537
college, or online, the maximum per participant charge amount; 55538

(II) For a participant enrolled in a college course delivered 55539
at the participant's secondary school but taught by college 55540
faculty, one hundred twenty-five dollars; 55541

(III) For a participant enrolled in a college course 55542
delivered at the participant's secondary school and taught by a 55543
high school teacher who has met the credential requirements 55544
established for purposes of the program in rules adopted by the 55545
chancellor ~~of the Ohio board of regents~~, one hundred dollars. 55546

(iv) A participant that is identified as economically 55547
disadvantaged according to rules adopted by the department be 55548
charged under division (B)(2) of this section for any tuition, 55549
textbooks, or other fees related to participation in the program. 55550

(C) For each nonpublic secondary school participant enrolled 55551
in a private or eligible out-of-state college, the department 55552
shall pay to the college the applicable amount calculated in the 55553
same manner as in division (A)(1)(a) of this section. Payment for 55554
costs for the participant that exceed the amount paid by the 55555
department shall be negotiated by the governing body of the 55556
nonpublic secondary school and the college. 55557

However, under no circumstances shall: 55558

(1) The payments for a participant made by the department 55559
under this division exceed the default ceiling amount. 55560

(2) Any nonpublic secondary school participant, who is 55561
enrolled in that secondary school with a scholarship awarded under 55562
either the educational choice scholarship pilot program, as 55563

prescribed by sections 3310.01 to 3310.17, or the pilot project scholarship program, as prescribed by sections 3313.974 to 3313.979 of the Revised Code, and who qualifies as a low-income student under either of those programs, be charged for any tuition, textbooks, or other fees related to participation in the college credit plus program.

(D) For each nonchartered nonpublic secondary school participant and each home-instructed participant enrolled in a public, private, or eligible out-of-state college, the department shall pay to the college the default ceiling amount, if that participant is enrolled in a college course delivered on the college campus, at another location operated by the college, or online.

(E) Not later than thirty days after the end of each term, each college expecting to receive payment for the costs of a participant under this section shall notify the department of the number of enrolled credit hours for each participant.

(F) Each January and July, or as soon as possible thereafter, the department shall make the applicable payments under this section to each college, which provided proper notification to the department under division (E) of this section, for the number of enrolled credit hours for participants enrolled in the college under division (B) of section 3365.06 of the Revised Code. The department shall not make any payments to a college under this section if a participant withdrew from a course prior to the date on which a withdrawal from the course would have negatively affected the participant's transcribed grade, as prescribed by the college's established withdrawal policy.

(1) Payments made for public secondary school participants under this section shall be deducted from the school foundation payments made to the participant's school district or, if the participant is enrolled in a community school, a STEM school, or a

college-preparatory boarding school, from the payments made to 55596
that school under section 3314.08, 3326.33, or 3328.34 of the 55597
Revised Code. If the participant is enrolled in a joint vocational 55598
school district, a portion of the amount shall be deducted from 55599
the payments to the joint vocational school district and a portion 55600
shall be deducted from the payments to the participant's city, 55601
local, or exempted village school district in accordance with the 55602
full-time equivalency of the student's enrollment in each 55603
district. Amounts deducted under division (F)(1) of this section 55604
shall be calculated in accordance with rules adopted by the 55605
chancellor, in consultation with the state superintendent, 55606
pursuant to division (B) of section 3365.071 of the Revised Code. 55607

(2) Payments made for nonpublic secondary school 55608
participants, nonchartered nonpublic secondary school 55609
participants, and home-instructed participants under this section 55610
shall be deducted from moneys appropriated by the general assembly 55611
for such purpose. Payments shall be allocated and distributed in 55612
accordance with rules adopted by the chancellor, in consultation 55613
with the state superintendent, pursuant to division (A) of section 55614
3365.071 of the Revised Code. 55615

(G) Any public college that enrolls a student under division 55616
(B) of section 3365.06 of the Revised Code may include that 55617
student in the calculation used to determine its state share of 55618
instruction funds appropriated to the ~~Ohio board of regents~~ 55619
department of higher education by the general assembly. 55620

Sec. 3365.15. The chancellor of ~~the Ohio board of regents~~ 55621
higher education and the superintendent of public instruction 55622
jointly shall do all of the following: 55623

(A) Adopt data reporting guidelines specifying the types of 55624
data that public and participating nonpublic secondary schools and 55625
public and participating private colleges, including eligible 55626

out-of-state colleges participating in the program, must annually 55627
collect, report, and track under division (G) of section 3365.04 55628
and division (H) of section 3365.05 of the Revised Code. The types 55629
of data shall include all of the following: 55630

(1) For each secondary school and college: 55631

(a) The number of participants disaggregated by grade level, 55632
socioeconomic status, race, gender, and disability; 55633

(b) The number of completed courses and credit hours, 55634
disaggregated by the college in which participants were enrolled; 55635

(c) The number of courses in which participants enrolled, 55636
disaggregated by subject area and level of difficulty. 55637

(2) For each secondary school, the number of students who 55638
were denied participation in the program under division (A)(1)(a) 55639
or (C) of section 3365.03 or section 3365.031 or 3365.032 of the 55640
Revised Code. Each participating nonpublic secondary school shall 55641
also include the number of students who were denied participation 55642
due to the student not being awarded funding by the department of 55643
education pursuant to section 3365.071 of the Revised Code. 55644

(3) For each college: 55645

(a) The number of students who applied to enroll in the 55646
college under the program but were not granted admission; 55647

(b) The average number of completed courses per participant; 55648

(c) The average grade point average for participants in 55649
college courses under the program. 55650

The guidelines adopted under this division shall also include 55651
policies and procedures for the collection, reporting, and 55652
tracking of such data. 55653

(B) Annually compile the data required under division (A) of 55654
this section. Not later than the thirty-first day of December of 55655
each year, the data from the previous school year shall be posted 55656

in a prominent location on both the ~~board of regents'~~ chancellor 55657
of higher education's and the department of education's web sites. 55658

(C) Submit a biennial report detailing the status of the 55659
college credit plus program, including an analysis of quality 55660
assurance measures related to the program, to the governor, the 55661
president of the senate, the speaker of the house of 55662
representatives, and the chairpersons of the education committees 55663
of the senate and house of representatives. The first report shall 55664
be submitted not later than December 31, 2017, and each subsequent 55665
report shall be submitted not later than the thirty-first day of 55666
December every two years thereafter. 55667

(D) Establish a college credit plus advisory committee to 55668
assist in the development of performance metrics and the 55669
monitoring of the program's progress. At least one member of the 55670
advisory committee shall be a school guidance counselor. 55671

The chancellor shall also, in consultation with the 55672
superintendent, create a standard packet of information for the 55673
college credit plus program directed toward students and parents 55674
that are interested in the program. 55675

Sec. 3501.01. As used in the sections of the Revised Code 55676
relating to elections and political communications: 55677

(A) "General election" means the election held on the first 55678
Tuesday after the first Monday in each November. 55679

(B) "Regular municipal election" means the election held on 55680
the first Tuesday after the first Monday in November in each 55681
odd-numbered year. 55682

(C) "Regular state election" means the election held on the 55683
first Tuesday after the first Monday in November in each 55684
even-numbered year. 55685

(D) "Special election" means any election other than those 55686

elections defined in other divisions of this section. A special 55687
election may be held only on the first Tuesday after the first 55688
Monday in ~~February~~, May, August, or November, or on the day 55689
authorized by a particular municipal or county charter for the 55690
holding of a primary election, except that in any year in which a 55691
presidential primary election is held, no special election shall 55692
be held in ~~February~~ or May, except as authorized by a municipal or 55693
county charter, but may be held on the first Tuesday after the 55694
first Monday in March. 55695

(E)(1) "Primary" or "primary election" means an election held 55696
for the purpose of nominating persons as candidates of political 55697
parties for election to offices, and for the purpose of electing 55698
persons as members of the controlling committees of political 55699
parties and as delegates and alternates to the conventions of 55700
political parties. Primary elections shall be held on the first 55701
Tuesday after the first Monday in May of each year except in years 55702
in which a presidential primary election is held. 55703

(2) "Presidential primary election" means a primary election 55704
as defined by division (E)(1) of this section at which an election 55705
is held for the purpose of choosing delegates and alternates to 55706
the national conventions of the major political parties pursuant 55707
to section 3513.12 of the Revised Code. Unless otherwise 55708
specified, presidential primary elections are included in 55709
references to primary elections. In years in which a presidential 55710
primary election is held, all primary elections shall be held on 55711
the first Tuesday after the first Monday in March except as 55712
otherwise authorized by a municipal or county charter. 55713

(F) "Political party" means any group of voters meeting the 55714
requirements set forth in section 3517.01 of the Revised Code for 55715
the formation and existence of a political party. 55716

(1) "Major political party" means any political party 55717
organized under the laws of this state whose candidate for 55718

governor or nominees for presidential electors received not less 55719
than twenty per cent of the total vote cast for such office at the 55720
most recent regular state election. 55721

(2) "Minor political party" means any political party 55722
organized under the laws of this state that meets either of the 55723
following requirements: 55724

(a) Except as otherwise provided in this division, the 55725
political party's candidate for governor or nominees for 55726
presidential electors received less than twenty per cent but not 55727
less than three per cent of the total vote cast for such office at 55728
the most recent regular state election. A political party that 55729
meets the requirements of this division remains a political party 55730
for a period of four years after meeting those requirements. 55731

(b) The political party has filed with the secretary of 55732
state, subsequent to its failure to meet the requirements of 55733
division (F)(2)(a) of this section, a petition that meets the 55734
requirements of section 3517.01 of the Revised Code. 55735

A newly formed political party shall be known as a minor 55736
political party until the time of the first election for governor 55737
or president which occurs not less than twelve months subsequent 55738
to the formation of such party, after which election the status of 55739
such party shall be determined by the vote for the office of 55740
governor or president. 55741

(G) "Dominant party in a precinct" or "dominant political 55742
party in a precinct" means that political party whose candidate 55743
for election to the office of governor at the most recent regular 55744
state election at which a governor was elected received more votes 55745
than any other person received for election to that office in such 55746
precinct at such election. 55747

(H) "Candidate" means any qualified person certified in 55748
accordance with the provisions of the Revised Code for placement 55749

on the official ballot of a primary, general, or special election 55750
to be held in this state, or any qualified person who claims to be 55751
a write-in candidate, or who knowingly assents to being 55752
represented as a write-in candidate by another at either a 55753
primary, general, or special election to be held in this state. 55754

(I) "Independent candidate" means any candidate who claims 55755
not to be affiliated with a political party, and whose name has 55756
been certified on the office-type ballot at a general or special 55757
election through the filing of a statement of candidacy and 55758
nominating petition, as prescribed in section 3513.257 of the 55759
Revised Code. 55760

(J) "Nonpartisan candidate" means any candidate whose name is 55761
required, pursuant to section 3505.04 of the Revised Code, to be 55762
listed on the nonpartisan ballot, including all candidates for 55763
judicial office, for member of any board of education, for 55764
municipal or township offices in which primary elections are not 55765
held for nominating candidates by political parties, and for 55766
offices of municipal corporations having charters that provide for 55767
separate ballots for elections for these offices. 55768

(K) "Party candidate" means any candidate who claims to be a 55769
member of a political party and who has been certified to appear 55770
on the office-type ballot at a general or special election as the 55771
nominee of a political party because the candidate has won the 55772
primary election of the candidate's party for the public office 55773
the candidate seeks, has been nominated under section 3517.012, or 55774
is selected by party committee in accordance with section 3513.31 55775
of the Revised Code. 55776

(L) "Officer of a political party" includes, but is not 55777
limited to, any member, elected or appointed, of a controlling 55778
committee, whether representing the territory of the state, a 55779
district therein, a county, township, a city, a ward, a precinct, 55780
or other territory, of a major or minor political party. 55781

(M) "Question or issue" means any question or issue certified in accordance with the Revised Code for placement on an official ballot at a general or special election to be held in this state.	55782 55783 55784
(N) "Elector" or "qualified elector" means a person having the qualifications provided by law to be entitled to vote.	55785 55786
(O) "Voter" means an elector who votes at an election.	55787
(P) "Voting residence" means that place of residence of an elector which shall determine the precinct in which the elector may vote.	55788 55789 55790
(Q) "Precinct" means a district within a county established by the board of elections of such county within which all qualified electors having a voting residence therein may vote at the same polling place.	55791 55792 55793 55794
(R) "Polling place" means that place provided for each precinct at which the electors having a voting residence in such precinct may vote.	55795 55796 55797
(S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code.	55798 55799 55800
(T) "Political subdivision" means a county, township, city, village, or school district.	55801 55802
(U) "Election officer" or "election official" means any of the following:	55803 55804
(1) Secretary of state;	55805
(2) Employees of the secretary of state serving the division of elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor;	55806 55807 55808 55809
(3) Director of a board of elections;	55810

(4) Deputy director of a board of elections;	55811
(5) Member of a board of elections;	55812
(6) Employees of a board of elections;	55813
(7) Precinct election officials;	55814
(8) Employees appointed by the boards of elections on a temporary or part-time basis.	55815 55816
(V) "Acknowledgment notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, informing a voter registration applicant or an applicant who wishes to change the applicant's residence or name of the status of the application; the information necessary to complete or update the application, if any; and if the application is complete, the precinct in which the applicant is to vote.	55817 55818 55819 55820 55821 55822 55823
(W) "Confirmation notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, to a registered elector to confirm the registered elector's current address.	55824 55825 55826 55827
(X) "Designated agency" means an office or agency in the state that provides public assistance or that provides state-funded programs primarily engaged in providing services to persons with disabilities and that is required by the National Voter Registration Act of 1993 to implement a program designed and administered by the secretary of state for registering voters, or any other public or government office or agency that implements a program designed and administered by the secretary of state for registering voters, including the department of job and family services, the program administered under section 3701.132 of the Revised Code by the department of health, the department of mental health and addiction services, the department of developmental disabilities, the opportunities for Ohioans with disabilities agency, and any other agency the secretary of state designates.	55828 55829 55830 55831 55832 55833 55834 55835 55836 55837 55838 55839 55840 55841

"Designated agency" does not include public high schools and 55842
vocational schools, public libraries, or the office of a county 55843
treasurer. 55844

(Y) "National Voter Registration Act of 1993" means the 55845
"National Voter Registration Act of 1993," 107 Stat. 77, 42 55846
U.S.C.A. 1973gg. 55847

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act 55848
of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 55849

(AA) "Photo identification" means a document that meets each 55850
of the following requirements: 55851

(1) It shows the name of the individual to whom it was 55852
issued, which shall conform to the name in the poll list or 55853
signature pollbook. 55854

(2) It shows the current address of the individual to whom it 55855
was issued, which shall conform to the address in the poll list or 55856
signature pollbook, except for a driver's license or a state 55857
identification card issued under section 4507.50 of the Revised 55858
Code, which may show either the current or former address of the 55859
individual to whom it was issued, regardless of whether that 55860
address conforms to the address in the poll list or signature 55861
pollbook. 55862

(3) It shows a photograph of the individual to whom it was 55863
issued. 55864

(4) It includes an expiration date that has not passed. 55865

(5) It was issued by the government of the United States or 55866
this state. 55867

Sec. 3501.17. (A) The expenses of the board of elections 55868
shall be paid from the county treasury, in pursuance of 55869
appropriations by the board of county commissioners, in the same 55870
manner as other county expenses are paid. If the board of county 55871

commissioners fails to appropriate an amount sufficient to provide 55872
for the necessary and proper expenses of the board of elections 55873
pertaining to the conduct of elections, the board of elections may 55874
apply to the court of common pleas within the county, which shall 55875
fix the amount necessary to be appropriated and the amount shall 55876
be appropriated. Payments shall be made upon vouchers of the board 55877
of elections certified to by its chairperson or acting chairperson 55878
and the director or deputy director, upon warrants of the county 55879
auditor. 55880

The board of elections shall not incur any obligation 55881
involving the expenditure of money unless there are moneys 55882
sufficient in the funds appropriated therefor to meet the 55883
obligation. If the board of elections requests a transfer of funds 55884
from one of its appropriation items to another, the board of 55885
county commissioners shall adopt a resolution providing for the 55886
transfer except as otherwise provided in section 5705.40 of the 55887
Revised Code. The expenses of the board of elections shall be 55888
apportioned among the county and the various subdivisions as 55889
provided in this section, and the amount chargeable to each 55890
subdivision shall be paid as provided in division (J) of this 55891
section or withheld by the county auditor from the moneys payable 55892
thereto at the time of the next tax settlement. At the time of 55893
submitting budget estimates in each year, the board of elections 55894
shall submit to the taxing authority of each subdivision, upon the 55895
request of the subdivision, an estimate of the amount to be paid 55896
or withheld from the subdivision during the current or next fiscal 55897
year. 55898

A board of township trustees may, by resolution, request that 55899
the county auditor withhold expenses charged to the township from 55900
a specified township fund that is to be credited with revenue at a 55901
tax settlement. The resolution shall specify the tax levy ballot 55902
issue, the date of the election on the levy issue, and the 55903

township fund from which the expenses the board of elections 55904
incurs related to that ballot issue shall be withheld. 55905

(B) Except as otherwise provided in division (F) of this 55906
section, the compensation of the members of the board of elections 55907
and of the director, deputy director, and regular employees in the 55908
board's offices, other than compensation for overtime worked; the 55909
expenditures for the rental, furnishing, and equipping of the 55910
office of the board and for the necessary office supplies for the 55911
use of the board; the expenditures for the acquisition, repair, 55912
care, and custody of the polling places, booths, guardrails, and 55913
other equipment for polling places; the cost of tally sheets, 55914
maps, flags, ballot boxes, and all other permanent records and 55915
equipment; the cost of all elections held in and for the state and 55916
county; and all other expenses of the board which are not 55917
chargeable to a political subdivision in accordance with this 55918
section shall be paid in the same manner as other county expenses 55919
are paid. 55920

(C) The compensation of precinct election officials and 55921
intermittent employees in the board's offices; the cost of 55922
renting, moving, heating, and lighting polling places and of 55923
placing and removing ballot boxes and other fixtures and equipment 55924
thereof, including voting machines, marking devices, and automatic 55925
tabulating equipment; the cost of printing and delivering ballots, 55926
cards of instructions, registration lists required under section 55927
3503.23 of the Revised Code, and other election supplies, 55928
including the supplies required to comply with division (H) of 55929
section 3506.01 of the Revised Code; the cost of contractors 55930
engaged by the board to prepare, program, test, and operate voting 55931
machines, marking devices, and automatic tabulating equipment; and 55932
all other expenses of conducting primaries and elections in the 55933
odd-numbered years shall be charged to the subdivisions in and for 55934
which such primaries or elections are held. The charge for each 55935

primary or general election in odd-numbered years for each 55936
subdivision shall be determined in the following manner: first, 55937
the total cost of all chargeable items used in conducting such 55938
elections shall be ascertained; second, the total charge shall be 55939
divided by the number of precincts participating in such election, 55940
in order to fix the cost per precinct; third, the cost per 55941
precinct shall be prorated by the board of elections to the 55942
subdivisions conducting elections for the nomination or election 55943
of offices in such precinct; fourth, the total cost for each 55944
subdivision shall be determined by adding the charges prorated to 55945
it in each precinct within the subdivision. 55946

(D) The entire cost of special elections held on a day other 55947
than the day of a primary or general election, both in 55948
odd-numbered or in even-numbered years, shall be charged to the 55949
subdivision. Where a special election is held on the same day as a 55950
primary or general election in an even-numbered year, the 55951
subdivision submitting the special election shall be charged only 55952
for the cost of ballots and advertising. Where a special election 55953
is held on the same day as a primary or general election in an 55954
odd-numbered year, the subdivision submitting the special election 55955
shall be charged for the cost of ballots and advertising for such 55956
special election, in addition to the charges prorated to such 55957
subdivision for the election or nomination of candidates in each 55958
precinct within the subdivision, as set forth in the preceding 55959
paragraph. 55960

(E) Where a special election is held on the day specified by 55961
division (E) of section 3501.01 of the Revised Code for the 55962
holding of a primary election, for the purpose of submitting to 55963
the voters of the state constitutional amendments proposed by the 55964
general assembly, and a subdivision conducts a special election on 55965
the same day, the entire cost of the special election shall be 55966
divided proportionally between the state and the subdivision based 55967

upon a ratio determined by the number of issues placed on the 55968
ballot by each, except as otherwise provided in division (G) of 55969
this section. Such proportional division of cost shall be made 55970
only to the extent funds are available for such purpose from 55971
amounts appropriated by the general assembly to the secretary of 55972
state. If a primary election is also being conducted in the 55973
subdivision, the costs shall be apportioned as otherwise provided 55974
in this section. 55975

(F) When a precinct is open during a general, primary, or 55976
special election solely for the purpose of submitting to the 55977
voters a statewide ballot issue, the state shall bear the entire 55978
cost of the election in that precinct and shall reimburse the 55979
county for all expenses incurred in opening the precinct. 55980

(G)(1) The state shall bear the entire cost of advertising in 55981
newspapers statewide ballot issues, explanations of those issues, 55982
and arguments for or against those issues, as required by Section 55983
1g of Article II and Section 1 of Article XVI, Ohio Constitution, 55984
and any other section of law. Appropriations made to the 55985
controlling board shall be used to reimburse the secretary of 55986
state for all expenses the secretary of state incurs for such 55987
advertising under division (G) of section 3505.062 of the Revised 55988
Code. 55989

(2) There is hereby created in the state treasury the 55990
statewide ballot advertising fund. The fund shall receive 55991
transfers approved by the controlling board, and shall be used by 55992
the secretary of state to pay the costs of advertising state 55993
ballot issues as required under division (G)(1) of this section. 55994
Any such transfers may be requested from and approved by the 55995
controlling board prior to placing the advertising, in order to 55996
facilitate timely provision of the required advertising. 55997

(H) The cost of renting, heating, and lighting registration 55998
places; the cost of the necessary books, forms, and supplies for 55999

the conduct of registration; and the cost of printing and posting 56000
precinct registration lists shall be charged to the subdivision in 56001
which such registration is held. 56002

(I) At the request of a majority of the members of the board 56003
of elections, the board of county commissioners may, by 56004
resolution, establish an elections revenue fund. Except as 56005
otherwise provided in this division, the purpose of the fund shall 56006
be to accumulate revenue withheld by or paid to the county under 56007
this section for the payment of any expense related to the duties 56008
of the board of elections specified in section 3501.11 of the 56009
Revised Code, upon approval of a majority of the members of the 56010
board of elections. The fund shall not accumulate any revenue 56011
withheld by or paid to the county under this section for the 56012
compensation of the members of the board of elections or of the 56013
director, deputy director, or other regular employees in the 56014
board's offices, other than compensation for overtime worked. 56015

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the 56016
Revised Code, the board of county commissioners may, by 56017
resolution, transfer money to the elections revenue fund from any 56018
other fund of the political subdivision from which such payments 56019
lawfully may be made. Following an affirmative vote of a majority 56020
of the members of the board of elections, the board of county 56021
commissioners may, by resolution, rescind an elections revenue 56022
fund established under this division. If an elections revenue fund 56023
is rescinded, money that has accumulated in the fund shall be 56024
transferred to the county general fund. 56025

(J)(1) Not less than fifteen business days before the 56026
deadline for submitting a question or issue for placement on the 56027
ballot at a special election, the board of elections shall prepare 56028
and file with the board of county commissioners and the office of 56029
the secretary of state the estimated cost, based on the factors 56030
enumerated in this section, for preparing for and conducting an 56031

election on one question or issue, one nomination for office, or 56032
one election to office in each precinct in the county at that 56033
special election and shall divide that cost by the number of 56034
registered voters in the county. 56035

(2) The board of elections shall provide to a political 56036
subdivision seeking to submit a question or issue, a nomination 56037
for office, or an election to office for placement on the ballot 56038
at a special election with the estimated cost for preparing for 56039
and conducting that election, which shall be calculated either by 56040
multiplying the number of registered voters in the political 56041
subdivision with the cost calculated under division (J)(1) of this 56042
section or by multiplying the cost per precinct with the number or 56043
precincts in the political subdivision. A political subdivision 56044
submitting a question or issue, a nomination for office, or an 56045
election to office for placement on the ballot at that special 56046
election shall pay to the county elections revenue fund sixty-five 56047
per cent of the estimated cost of the election not less than ten 56048
business days after the deadline for submitting a question or 56049
issue for placement on the ballot for that special election. 56050

(3) Not later than sixty days after the date of a special 56051
election, the board of elections shall provide to each political 56052
subdivision the true and accurate cost for the question or issue, 56053
nomination for office, or election to office that the subdivision 56054
submitted to the voters on the special election ballots. If the 56055
board of elections determines that a subdivision paid less for the 56056
cost of preparing and conducting a special election under division 56057
(J)(2) of this section than the actual cost calculated under this 56058
division, the subdivision shall remit to the county elections 56059
revenue fund the difference between the payment made under 56060
division (J)(2) of this section and the final cost calculated 56061
under this division within thirty days after being notified of the 56062
final cost. If the board of elections determines that a 56063

subdivision paid more for the cost of preparing and conducting a 56064
special election under division (J)(2) of this section than the 56065
actual cost calculated under this division, the board of elections 56066
promptly shall notify the board of county commissioners of that 56067
difference. The board of county commissioners shall remit from the 56068
county elections revenue fund to the political subdivision the 56069
difference between the payment made under division (J)(2) of this 56070
section and the final cost calculated under this division within 56071
thirty days after receiving that notification. 56072

(K) As used in this section: 56073

(1) "Political subdivision" and "subdivision" mean any board 56074
of county commissioners, board of township trustees, legislative 56075
authority of a municipal corporation, board of education, or any 56076
other board, commission, district, or authority that is empowered 56077
to levy taxes or permitted to receive the proceeds of a tax levy, 56078
regardless of whether the entity receives tax settlement moneys as 56079
described in division (A) of this section; 56080

(2) "Statewide ballot issue" means any ballot issue, whether 56081
proposed by the general assembly or by initiative or referendum, 56082
that is submitted to the voters throughout the state. 56083

Sec. 3599.03. (A)(1) Except to carry on activities specified 56084
in sections 3517.082, 3517.101, and 3517.1011, division (A)(2) of 56085
section 3517.1012, division (B) of section 3517.1013, division 56086
(C)(1) of section 3517.1014, and section 3599.031 of the Revised 56087
Code and except as provided in divisions (D), (E), and (F) of this 56088
section, no corporation, no nonprofit corporation, and no labor 56089
organization, directly or indirectly, shall pay or use, or offer, 56090
advise, consent, or agree to pay or use, the corporation's money 56091
or property, or the labor organization's money, including dues, 56092
initiation fees, or other assessments paid by members, or 56093
property, for or in aid of or opposition to a political party, a 56094

candidate for election or nomination to public office, a political 56095
action committee including a political action committee of the 56096
corporation or labor organization, a legislative campaign fund, or 56097
any organization that supports or opposes any such candidate, or 56098
for any partisan political purpose, shall violate any law 56099
requiring the filing of an affidavit or statement respecting such 56100
use of those funds, or shall pay or use the corporation's or labor 56101
organization's money for the expenses of a social fund-raising 56102
event for its political action committee if an employee's or labor 56103
organization member's right to attend such an event is predicated 56104
on the employee's or member's contribution to the corporation's or 56105
labor organization's political action committee. 56106

(2) Whoever violates division (A)(1) of this section shall be 56107
fined not less than five hundred nor more than five thousand 56108
dollars. 56109

(B)(1) No officer, stockholder, attorney, or agent of a 56110
corporation or nonprofit corporation, no member, including an 56111
officer, attorney, or agent, of a labor organization, and no 56112
candidate, political party official, or other individual shall 56113
knowingly aid, advise, solicit, or receive money or other property 56114
in violation of division (A)(1) of this section. 56115

(2) Whoever violates division (B)(1) of this section shall be 56116
fined not more than one thousand dollars, or imprisoned not more 56117
than one year, or both. 56118

(C) A corporation, a nonprofit corporation, or a labor 56119
organization may use its funds or property for or in aid of or 56120
opposition to a proposed or certified ballot issue. Such use of 56121
funds or property shall be reported on a form prescribed by the 56122
secretary of state. Reports of contributions in connection with 56123
statewide ballot issues shall be filed with the secretary of 56124
state. Reports of contributions in connection with local issues 56125
shall be filed with the board of elections of the most populous 56126

county of the district in which the issue is submitted or to be 56127
submitted to the electors. Reports made pursuant to this division 56128
shall be filed by the times specified in divisions (A)(1) and (2) 56129
of section 3517.10 of the Revised Code. 56130

(D) A nonprofit corporation that is a membership association 56131
and that is exempt from taxation under subsection 501(c)(6) of the 56132
Internal Revenue Code may transfer contributions received as part 56133
of a regular dues payment from member partnerships and other 56134
unincorporated businesses as defined in division (I)(6) of section 56135
3517.10 of the Revised Code to its political action committee. 56136
Contributions received under this division shall be itemized and 56137
allocated to individuals subject to contribution limits. 56138

(E)(1) Any gift made pursuant to section 3517.101 of the 56139
Revised Code does not constitute a violation of this section or of 56140
any other section of the Revised Code. 56141

(2) Any gift made pursuant to division (A)(2) of section 56142
3517.1012 of the Revised Code does not constitute a violation of 56143
this section. 56144

(3) Any gift made pursuant to division (B) of section 56145
3517.1013 of the Revised Code does not constitute a violation of 56146
this section. 56147

(4) Any donation made pursuant to division (C)(1) of section 56148
3517.1014 of the Revised Code does not constitute a violation of 56149
this section. 56150

~~(E)~~(F) Any compensation or fees paid by a financial 56151
institution to a state political party for services rendered 56152
pursuant to division (B) of section 3517.19 of the Revised Code do 56153
not constitute a violation of this section or of any other section 56154
of the Revised Code. 56155

~~(F)~~(G)(1) The use by a nonprofit corporation of its money or 56156
property for communicating information for a purpose specified in 56157

division (A) of this section is not a violation of that division 56158
if the stockholders, members, donors, trustees, or officers of the 56159
nonprofit corporation are the predominant recipients of the 56160
communication. 56161

(2) The placement of a campaign sign on the property of a 56162
corporation, nonprofit corporation, or labor organization is not a 56163
use of property in violation of division (A) of this section by 56164
that corporation, nonprofit corporation, or labor organization. 56165

(3) The use by a corporation or labor organization of its 56166
money or property for communicating information for a purpose 56167
specified in division (A) of this section is not a violation of 56168
that division if it is not a communication made by mass broadcast 56169
such as radio or television or made by advertising in a newspaper 56170
of general circulation but is a communication sent exclusively to 56171
members, employees, officers, or trustees of that labor 56172
organization or shareholders, employees, officers, or directors of 56173
that corporation or to members of the immediate families of any 56174
such individuals or if the communication intended to be so sent 56175
exclusively is unintentionally sent as well to a de minimis number 56176
of other individuals. 56177

~~(G)~~(H) In addition to the laws listed in division (A) of 56178
section 4117.10 of the Revised Code that prevail over conflicting 56179
agreements between employee organizations and public employers, 56180
this section prevails over any conflicting provisions of 56181
agreements between labor organizations and public employers that 56182
are entered into on or after March 31, 2005, pursuant to Chapter 56183
4117. of the Revised Code. 56184

~~(H)~~(I) As used in this section, "labor organization" has the 56185
same meaning as in section 3517.01 of the Revised Code. 56186

Sec. 3701.023. (A) The department of health shall review 56187
applications for eligibility for the program for medically 56188

handicapped children that are submitted to the department by city 56189
and general health districts and physician providers approved in 56190
accordance with division (C) of this section. The department shall 56191
determine whether the applicants meet the medical and financial 56192
eligibility requirements established by the director of health 56193
pursuant to division (A)(1) of section 3701.021 of the Revised 56194
Code, and by the department in the manual of operational 56195
procedures and guidelines for the program for medically 56196
handicapped children developed pursuant to division (B) of that 56197
section. Referrals of potentially eligible children for the 56198
program may be submitted to the department on behalf of the child 56199
by parents, guardians, public health nurses, or any other 56200
interested person. The department of health may designate other 56201
agencies to refer applicants to the department of health. 56202

(B) In accordance with the procedures established in rules 56203
adopted under division (A)(4) of section 3701.021 of the Revised 56204
Code, the department of health shall authorize a provider or 56205
providers to provide to any Ohio resident under twenty-one years 56206
of age, without charge to the resident or the resident's family 56207
and without restriction as to the economic status of the resident 56208
or the resident's family, diagnostic services necessary to 56209
determine whether the resident has a medically handicapping or 56210
potentially medically handicapping condition. 56211

(C) The department of health shall review the applications of 56212
health professionals, hospitals, medical equipment suppliers, and 56213
other individuals, groups, or agencies that apply to become 56214
providers. The department shall enter into a written agreement 56215
with each applicant who is determined, pursuant to the 56216
requirements set forth in rules adopted under division (A)(2) of 56217
section 3701.021 of the Revised Code, to be eligible to be a 56218
provider in accordance with the provider agreement required by the 56219
medicaid program. No provider shall charge a medically handicapped 56220

child or the child's parent or guardian for services authorized by 56221
the department under division (B) or (D) of this section. 56222

The department, in accordance with rules adopted under 56223
division (A)(3) of section 3701.021 of the Revised Code, may 56224
disqualify any provider from further participation in the program 56225
for violating any requirement set forth in rules adopted under 56226
division (A)(2) of that section. The disqualification shall not 56227
take effect until a written notice, specifying the requirement 56228
violated and describing the nature of the violation, has been 56229
delivered to the provider and the department has afforded the 56230
provider an opportunity to appeal the disqualification under 56231
division (H) of this section. 56232

(D) The department of health shall evaluate applications from 56233
city and general health districts and approved physician providers 56234
for authorization to provide treatment services, service 56235
coordination, and related goods to children determined to be 56236
eligible for the program for medically handicapped children 56237
pursuant to division (A) of this section. The department shall 56238
authorize necessary treatment services, service coordination, and 56239
related goods for each eligible child in accordance with an 56240
individual plan of treatment for the child. As an alternative, the 56241
department may authorize payment of health insurance premiums on 56242
behalf of eligible children when the department determines, in 56243
accordance with criteria set forth in rules adopted under division 56244
(A)(9) of section 3701.021 of the Revised Code, that payment of 56245
the premiums is cost-effective. 56246

(E) The department of health shall pay, from appropriations 56247
to the department, any necessary expenses, including but not 56248
limited to, expenses for diagnosis, treatment, service 56249
coordination, supportive services, transportation, and accessories 56250
and their upkeep, provided to medically handicapped children, 56251
provided that the provision of the goods or services is authorized 56252

by the department under division (B) or (D) of this section. Money 56253
appropriated to the department of health may also be expended for 56254
reasonable administrative costs incurred by the program. The 56255
department of health also may purchase liability insurance 56256
covering the provision of services under the program for medically 56257
handicapped children by physicians and other health care 56258
professionals. 56259

Payments made to providers by the department of health 56260
pursuant to this division for inpatient hospital care, outpatient 56261
care, and all other medical assistance furnished to eligible 56262
recipients shall be made in accordance with rules adopted by the 56263
director of health pursuant to division (A) of section 3701.021 of 56264
the Revised Code. 56265

The departments of health and medicaid shall jointly 56266
implement procedures to ensure that duplicate payments are not 56267
made under the program for medically handicapped children and the 56268
medicaid program and to identify and recover duplicate payments. 56269

(F) At the time of applying for participation in the program 56270
for medically handicapped children, a medically handicapped child 56271
or the child's parent or guardian shall disclose the identity of 56272
any third party against whom the child or the child's parent or 56273
guardian has or may have a right of recovery for goods and 56274
services provided under division (B) or (D) of this section. The 56275
department of health shall require a medically handicapped child 56276
who receives services from the program or the child's parent or 56277
guardian to apply for all third-party benefits for which the child 56278
may be eligible and require the child, parent, or guardian to 56279
apply all third-party benefits received to the amount determined 56280
under division (E) of this section as the amount payable for goods 56281
and services authorized under division (B) or (D) of this section. 56282
The department is the payer of last resort and shall pay for 56283
authorized goods or services, up to the amount determined under 56284

division (E) of this section for the authorized goods or services, 56285
only to the extent that payment for the authorized goods or 56286
services is not made through third-party benefits. When a third 56287
party fails to act on an application or claim for benefits by a 56288
medically handicapped child or the child's parent or guardian, the 56289
department shall pay for the goods or services only after ninety 56290
days have elapsed since the date the child, parents, or guardians 56291
made an application or claim for all third-party benefits. 56292
Third-party benefits received shall be applied to the amount 56293
determined under division (E) of this section. Third-party 56294
payments for goods and services not authorized under division (B) 56295
or (D) of this section shall not be applied to payment amounts 56296
determined under division (E) of this section. Payment made by the 56297
department shall be considered payment in full of the amount 56298
determined under division (E) of this section. Medicaid payments 56299
for persons eligible for the medicaid program shall be considered 56300
payment in full of the amount determined under division (E) of 56301
this section. 56302

(G) The department of health shall administer a program to 56303
provide services to Ohio residents who are twenty-one or more 56304
years of age who have cystic fibrosis and who meet the eligibility 56305
requirements established in rules adopted by the director of 56306
health pursuant to division (A)(7) of section 3701.021 of the 56307
Revised Code, subject to all provisions of this section, but not 56308
subject to section 3701.024 of the Revised Code. 56309

(H) The department of health shall provide for appeals, in 56310
accordance with rules adopted under section 3701.021 of the 56311
Revised Code, of denials of applications for the program for 56312
medically handicapped children under division (A) or (D) of this 56313
section, disqualification of providers, or amounts paid under 56314
division (E) of this section. Appeals under this division are not 56315
subject to Chapter 119. of the Revised Code. 56316

The department may designate ombudspersons to assist 56317
medically handicapped children or their parents or guardians, upon 56318
the request of the children, parents, or guardians, in filing 56319
appeals under this division and to serve as children's, parents', 56320
or guardians' advocates in matters pertaining to the 56321
administration of the program for medically handicapped children 56322
and eligibility for program services. The ombudspersons shall 56323
receive no compensation but shall be reimbursed by the department, 56324
in accordance with rules of the office of budget and management, 56325
for their actual and necessary travel expenses incurred in the 56326
performance of their duties. 56327

(I) The department of health, and city and general health 56328
districts providing service coordination pursuant to division 56329
(A)(2) of section 3701.024 of the Revised Code, shall provide 56330
service coordination in accordance with the standards set forth in 56331
the rules adopted under section 3701.021 of the Revised Code, 56332
without charge, and without restriction as to economic status. 56333

(J)(1) The department of health may establish a manufacturer 56334
discount program under which a manufacturer of a drug or 56335
nutritional formula is permitted to enter into an agreement with 56336
the department to provide a discount on the price of the drug or 56337
nutritional formula distributed to medically handicapped children 56338
participating in the program for medically handicapped children. 56339
The program shall be administered in accordance with rules adopted 56340
under section 3701.021 of the Revised Code. 56341

(2) If a manufacturer enters into an agreement with the 56342
department as described in division (J)(1) of this section, the 56343
manufacturer and the department may negotiate the amount and terms 56344
of the discount. 56345

(3) In lieu of establishing a discount program as described 56346
in division (J)(1) of this section, the department and a 56347
manufacturer of a drug or nutritional formula may discuss a 56348

donation of drugs, nutritional formulas, or money by the 56349
manufacturer to the department. 56350

(K) As used in this division "209(b) option" has the same 56351
meaning as in section 5166.01 of the Revised Code. 56352

The program for medically handicapped children and the 56353
program the department of health administers pursuant to division 56354
(G) of this section shall continue to assist individuals who have 56355
cystic fibrosis and are enrolled in those programs in qualifying 56356
for medicaid under the spenddown process in the same manner it 56357
assists such individuals on the effective date of this amendment, 56358
regardless of whether the department of medicaid continues to 56359
implement the 209(b) option or, after terminating the 209(b) 56360
option, establishes the medicaid waiver component described in 56361
section 5166.33 of the Revised Code. 56362

Sec. 3701.045. (A) The department of health, in consultation 56363
with the children's trust fund board established under section 56364
3109.15 of the Revised Code and any bodies acting as child 56365
fatality review boards on October 5, 2000, shall adopt rules in 56366
accordance with Chapter 119. of the Revised Code that establish a 56367
procedure for county or regional child fatality review boards to 56368
follow in conducting a review of the death of a child. The rules 56369
shall do all of the following: 56370

(1) Establish the format for the annual reports required by 56371
section 307.626 of the Revised Code; 56372

(2) Establish guidelines for a county or regional child 56373
fatality review board to follow in compiling statistics for annual 56374
reports so that the reports do not contain any information that 56375
would permit any person's identity to be ascertained from a 56376
report; 56377

(3) Establish guidelines for a county or regional child 56378

fatality review board to follow in creating and maintaining the 56379
comprehensive database of child deaths required by section 307.623 56380
of the Revised Code, including provisions establishing uniform 56381
record-keeping procedures; 56382

(4) Establish guidelines for reporting child fatality review 56383
data to the department of health or a national child death review 56384
database, either of which must maintain the confidentiality of 56385
information that would permit a person's identity to be 56386
ascertained; 56387

(5) Establish guidelines, materials, and training to help 56388
educate members of county or regional child fatality review boards 56389
about the purpose of the review process and the confidentiality of 56390
the information described in section 307.629 of the Revised Code 56391
and to make them aware that such information is not a public 56392
record under section 149.43 of the Revised Code. 56393

(B) On or before the thirtieth day of September of each year, 56394
the department of health and the children's trust fund board 56395
jointly shall prepare and publish a report organizing and setting 56396
forth the data from the department of health child death review 56397
database or the national child death review database, data in all 56398
the reports provided by county or regional child fatality review 56399
boards in their annual reports for the previous calendar year, and 56400
recommendations for any changes to law and policy that might 56401
prevent future deaths. The department and the children's trust 56402
fund board jointly shall provide a copy of the report to the 56403
governor, the speaker of the house of representatives, the 56404
president of the senate, the minority leaders of the house of 56405
representatives and the senate, each county or regional child 56406
fatality review board, and each county or regional family and 56407
children first council. 56408

Sec. 3701.344. (A) As used in this section and sections 56409

3701.345, 3701.346, and 3701.347 of the Revised Code, "private water system" means any water system for the provision of water for human consumption, if the system has fewer than fifteen service connections and does not regularly serve an average of at least twenty-five individuals daily at least sixty days out of the year. "Private water system" includes any well, spring, cistern, pond, hauled water, or recycled water and any equipment for the collection, transportation, filtration, disinfection, treatment, or storage of such water extending from and including the source of the water to the point of discharge from any pressure tank or other storage vessel; to the point of discharge from the water pump where no pressure tank or other storage vessel is present; or, in the case of multiple service connections serving more than one dwelling, to the point of discharge from each service connection. "Private water system" does not include the water service line extending from the point of discharge to a structure.

(B) Notwithstanding section 3701.347 of the Revised Code and subject to division (C) of this section, rules adopted by the director of health regarding private water systems shall provide for the following:

(1) Except as otherwise provided in this division, boards of health of city or general health districts shall be given the exclusive power to establish fees in accordance with section 3709.09 of the Revised Code for administering and enforcing the rules. The fees shall establish a different rate for administering and enforcing the rules relative to private water systems serving single-family dwelling houses and nonsingle-family dwelling houses. Except for an amount established by the director, pursuant to division (B)(5) of this section, for each new private water system installation, no portion of any fee for administering and enforcing the rules shall be returned to the department of health. If the director of health determines that a board of health of a

city or general health district is unable to administer and 56442
enforce a private water system program in the district, the 56443
director shall administer and enforce such a program in the 56444
district and establish fees for such administration and 56445
enforcement. 56446

(2) Boards of health of city or general health districts 56447
shall be given the exclusive power to determine the number of 56448
inspections necessary for determining the safe drinking 56449
characteristics of a private water system. 56450

(3) Private water systems contractors, as a condition of 56451
doing business in this state, shall annually register with, and 56452
comply with surety bonding requirements of, the department of 56453
health. No such contractor shall be permitted to register if the 56454
contractor fails to comply with all applicable rules adopted by 56455
the director and the board of health of the city or general health 56456
district. The annual registration fee for private water systems 56457
contractors shall be sixty-five dollars. The director, by rule 56458
adopted in accordance with Chapter 119. of the Revised Code, may 56459
increase the annual registration fee. 56460

(4) Subject to rules adopted by the director, boards of 56461
health of city or general health districts shall have the option 56462
of determining whether bacteriological examinations shall be 56463
performed at approved laboratories of the state or at approved 56464
private laboratories. 56465

(5) The director may establish fees for each new private 56466
water system installation, which shall be collected by the 56467
appropriate board of health and transmitted to the director 56468
pursuant to section 3709.092 of the Revised Code. 56469

(6) All fees received by the director of health under 56470
divisions (B)(1), (3), and (5) of this section shall be deposited 56471
in the state treasury to the credit of the general operations fund 56472

created in section 3701.83 of the Revised Code for use in the 56473
administration and enforcement of sections 3701.344 to 3701.347 of 56474
the Revised Code and the rules pertaining to private water systems 56475
adopted under those sections. 56476

(7) The director shall define "well," "spring," "cistern," 56477
"pond," "hauled water," and "recycled water" for purposes of this 56478
section and the rules adopted under it. 56479

(C) To the extent that rules adopted under division (B) of 56480
this section require health districts to follow specific 56481
procedures or use prescribed forms, no such procedure or form 56482
shall be implemented until it is approved by majority vote of an 56483
approval board of health commissioners, hereby created. Members of 56484
the board shall be the officers of the association of Ohio health 56485
commissioners, or any successor organization, and membership on 56486
the board shall be coterminous with holding an office of the 56487
association. No health district is required to follow a procedure 56488
or use a form required by a rule adopted under division (B) of 56489
this section without the approval of the board. 56490

(D) A board of health shall collect well log filing fees on 56491
behalf of the division of ~~soil and~~ water resources in the 56492
department of natural resources in accordance with section 1521.05 56493
of the Revised Code and rules adopted under it. The fees shall be 56494
submitted to the division quarterly as provided in those rules. 56495

(E) A water system that will be used in agriculture and that 56496
does not provide water for human consumption shall not be required 56497
to obtain a permit or license issued under, pay any fees assessed 56498
or levied under, or comply with any rule adopted under sections 56499
3701.34 to 3701.347 of the Revised Code. 56500

Sec. 3701.602. (A) As used in this section, "eligible 56501
nonprofit corporation" means a nonprofit corporation that meets 56502
all of the following requirements: 56503

(1) The nonprofit corporation is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. 56504
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(2) For at least ten years before the effective date of this section, the primary purpose of the nonprofit corporation, or the nonprofit corporation's predecessor in interest, has been granting the wishes of individuals under the age of eighteen who have been diagnosed with a life-threatening medical condition. 56506
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(3) The nonprofit corporation has spent at least one million dollars per year for each of the last three years in furtherance of the purpose described in division (A)(2) of this section. 56511
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(B) There is hereby created in the state treasury the wishes for sick children income tax contribution fund, which shall consist of money contributed to it under section 5747.113 of the Revised Code and of contributions made directly to it. Any person may contribute directly to the fund in addition to or independently of the income tax refund contribution system established in section 5747.113 of the Revised Code. 56514
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The department of health shall distribute all funds contributed under this section to an eligible nonprofit corporation that will use the contributions to grant the wishes of individuals who are under the age of eighteen, are residents of this state, and have been diagnosed with a life-threatening medical condition. Not later than six months after the effective date of this section, the department shall develop guidelines under which an eligible nonprofit corporation may apply to receive funding under this section. 56521
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Sec. 3701.65. (A) There is hereby created in the state treasury the "choose life" fund. The fund shall consist of the contributions that are paid to the registrar of motor vehicles by applicants who voluntarily elect to obtain "choose life" license plates pursuant to section 4503.91 of the Revised Code and any 56530
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money returned to the fund under division (E)(1)(d) of this 56535
section. All investment earnings of the fund shall be credited to 56536
the fund. 56537

(B)(1) At least annually, the director of health shall 56538
distribute the money in the fund to any private, nonprofit 56539
organization that is eligible to receive funds under this section 56540
and that applies for funding under division (C) of this section. 56541

(2) The director shall ~~distribute~~ allocate the funds ~~based on~~ 56542
~~the county in which the organization applying for funding is~~ 56543
~~located and to each county~~ in proportion to the number of "choose 56544
life" license plates issued during the preceding year to vehicles 56545
registered in each county. The director shall distribute funds 56546
allocated for a county ~~to one or more eligible organizations~~ 56547
~~located in contiguous counties if no eligible organization located~~ 56548
~~within the county applies for funding. Within each county,~~ 56549
~~eligible organizations that apply for funding shall share equally~~ 56550
~~in the funds available for distribution to organizations located~~ 56551
~~within that county as follows:~~ 56552

(a) To one or more eligible organizations located within the 56553
county; 56554

(b) If no eligible organization located within the county 56555
applies for funding, to one or more eligible organizations located 56556
in contiguous counties; 56557

(c) If no eligible organization located within the county or 56558
a contiguous county applies for funding, to one or more eligible 56559
organizations within any other county. 56560

(3) The director shall ensure that any funds allocated for a 56561
county are distributed equally among eligible organizations that 56562
apply for funding within the county. 56563

(C) Any organization seeking funds under this section 56564

annually shall apply for distribution of the funds based on the 56565
county in which the organization is located. An organization also 56566
may apply for funding in a ~~contiguous~~ county in which it is not 56567
located if it demonstrates that it provides services for pregnant 56568
women residing in that ~~contiguous~~ county. The director shall 56569
develop an application form and may determine the schedule and 56570
procedures that an organization shall follow when annually 56571
applying for funds. The application shall inform the applicant of 56572
the conditions for receiving and using funds under division (E) of 56573
this section. The application shall require evidence that the 56574
organization meets all of the following requirements: 56575

(1) Is a private, nonprofit organization; 56576

(2) Is committed to counseling pregnant women about the 56577
option of adoption; 56578

(3) Provides services within the state to pregnant women who 56579
are planning to place their children for adoption, including 56580
counseling and meeting the material needs of the women; 56581

(4) Does not charge women for any services received; 56582

(5) Is not involved or associated with any abortion 56583
activities, including counseling for or referrals to abortion 56584
clinics, providing medical abortion-related procedures, or 56585
pro-abortion advertising; 56586

(6) Does not discriminate in its provision of any services on 56587
the basis of race, religion, color, age, marital status, national 56588
origin, handicap, gender, or age; 56589

(7) If the organization is applying for funding in a county 56590
in which it is not located, provides services for pregnant women 56591
residing in that county. 56592

(D) The director shall not distribute funds to an 56593
organization that does not provide verifiable evidence of the 56594

requirements specified in the application under division (C) of 56595
this section and shall not provide additional funds to any 56596
organization that fails to comply with division (E) of this 56597
section in regard to its previous receipt of funds under this 56598
section. 56599

(E)(1) An organization receiving funds under this section 56600
shall do all of the following: 56601

(a) Use not more than sixty per cent of the funds distributed 56602
to it for the material needs of pregnant women who are planning to 56603
place their children for adoption or for infants awaiting 56604
placement with adoptive parents, including clothing, housing, 56605
medical care, food, utilities, and transportation; 56606

(b) Use not more than forty per cent of the funds distributed 56607
to it for counseling, training, or advertising; 56608

(c) Not use any of the funds distributed to it for 56609
administrative expenses, legal expenses, or capital expenditures; 56610

(d) Annually return to the fund created under division (A) of 56611
this section any unused money that exceeds ten per cent of the 56612
money distributed to the organization. 56613

(2) The organization annually shall submit to the director an 56614
audited financial statement verifying its compliance with division 56615
(E)(1) of this section. 56616

(F) The director, in accordance with Chapter 119. of the 56617
Revised Code, shall adopt rules to implement this section. 56618

It is not the intent of the general assembly that the 56619
department create a new position within the department to 56620
implement and administer this section. It is the intent of the 56621
general assembly that the implementation and administration of 56622
this section be accomplished by existing department personnel. 56623

Sec. 3701.70. (A) The director of health shall establish 56624

guidelines for a state-level review of deaths of children under 56625
eighteen years of age who, at the time of death, were residents of 56626
this state. 56627

(B) The purpose of a review conducted pursuant to guidelines 56628
adopted under this section is to decrease the incidence of 56629
preventable child deaths by doing all of the following: 56630

(1) Promoting cooperation, collaboration, and communication 56631
between all groups, professions, agencies, or entities that serve 56632
families and children; 56633

(2) Maintaining a comprehensive database of child deaths that 56634
occur in this state in order to develop an understanding of the 56635
causes and incidence of those deaths; 56636

(3) Recommending and developing plans for implementing state 56637
and local service and program changes and changes to the groups, 56638
professions, agencies, or entities that serve families and 56639
children that might prevent child deaths. 56640

(C) The guidelines shall provide that the director may not 56641
conduct a review while an investigation of the child's death or 56642
prosecution of a person for causing the death is pending, unless 56643
the prosecuting attorney agrees to allow the review. At the 56644
director's request, the law enforcement agency conducting the 56645
criminal investigation, on the conclusion of the investigation, 56646
and the prosecuting attorney, on the conclusion of the 56647
prosecution, shall notify the director of the conclusion. 56648

Sec. 3701.701. (A)(1) Notwithstanding section 3701.243 and 56649
any other section of the Revised Code pertaining to 56650
confidentiality, any individual, public children services agency, 56651
private child placing agency, or agency that provides services 56652
specifically to individuals or families, law enforcement agency, 56653
or other public or private entity that provided services to a 56654

child whose death is being reviewed by the director of health 56655
pursuant to guidelines established under section 3701.70 of the 56656
Revised Code, on the request of the director, shall submit to the 56657
director a summary sheet of information. 56658

(a) With respect to a request made to a health care entity, 56659
the summary sheet shall contain only information available and 56660
reasonably drawn from the child's medical record created by the 56661
health care entity. 56662

(b) With respect to a request made to any other individual or 56663
entity, the summary sheet shall contain only information available 56664
and reasonably drawn from any record involving the child that the 56665
individual or entity develops in the normal course of business. 56666

(c) On the request of the director, an individual or entity 56667
may, at the individual's or entity's discretion, make any 56668
additional information, documents, or reports available to the 56669
director. 56670

(2) Notwithstanding section 3701.243 and any other section of 56671
the Revised Code pertaining to confidentiality, in the case of a 56672
child one year of age or younger whose death is being reviewed by 56673
the director, on the request of the director, a health care entity 56674
that provided services to the child's mother shall submit to the 56675
director a summary sheet of information available and reasonably 56676
drawn from the mother's medical record created by the health care 56677
entity. Before submitting the summary sheet, the health care 56678
entity shall attempt to obtain the mother's consent to do so, but 56679
lack of consent shall not preclude the entity from submitting the 56680
summary sheet. 56681

(3) For purposes of the review, the director shall have 56682
access to confidential information provided to the director under 56683
this section or division (H)(4) of section 2151.421 of the Revised 56684
Code, and the director shall preserve the confidentiality of that 56685

information. 56686

(B) Notwithstanding division (A) of this section, no person, entity, law enforcement agency, or prosecuting attorney shall provide any information regarding the death of a child to the director pursuant to guidelines established under section 3701.70 of the Revised Code while an investigation of the death or prosecution of a person for causing the death is pending, unless the prosecuting attorney agrees to allow the review. 56687
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Sec. 3701.702. (A) An individual or public or private entity providing information, documents, or reports to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code is immune from civil liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of providing the information, document, or reports to the director. 56694
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(B) Each person participating in a review conducted pursuant to guidelines established under section 3701.70 of the Revised Code is immune from civil liability for injury, death, or loss to person or property that might otherwise be incurred or imposed as a result of the person's participation in the review. 56701
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Sec. 3701.703. (A) Except as provided in division (B) of this section and sections 5153.171 to 5153.173 of the Revised Code, any information, document, or report presented to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code, all statements made by persons participating in a review conducted pursuant to those guidelines, and all work products of the director are confidential and shall be used by the director only in the exercise of the proper functions of the department of health. 56706
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(B) The director may disclose the confidential information 56715

described in division (A) of this section to a fetal and infant mortality review team. 56716
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(C) No person shall knowingly permit or encourage the unauthorized dissemination of the confidential information described in division (A) of this section. 56718
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(D) Whoever violates division (C) of this section is guilty of a misdemeanor of the second degree. 56721
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Sec. 3701.74. (A) As used in this section and section 3701.741 of the Revised Code: 56723
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(1) "Ambulatory care facility" means a facility that provides medical, diagnostic, or surgical treatment to patients who do not require hospitalization, including a dialysis center, ambulatory surgical facility, cardiac catheterization facility, diagnostic imaging center, extracorporeal shock wave lithotripsy center, home health agency, inpatient hospice, birthing center, radiation therapy center, emergency facility, and an urgent care center. "Ambulatory care facility" does not include the private office of a physician or dentist, whether the office is for an individual or group practice. 56725
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(2) "Chiropractor" means an individual licensed under Chapter 4734. of the Revised Code to practice chiropractic. 56735
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(3) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services. 56737
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(4) "Health care practitioner" means all of the following: 56740

(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code; 56741
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(b) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code; 56743
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(c) An optometrist licensed under Chapter 4725. of the Revised Code;	56745 56746
(d) A dispensing optician, spectacle dispensing optician, contact lens dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code;	56747 56748 56749 56750
(e) A pharmacist licensed under Chapter 4729. of the Revised Code;	56751 56752
(f) A physician;	56753
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	56754 56755
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	56756 56757
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	56758 56759
(j) A chiropractor;	56760
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	56761 56762
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	56763 56764
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	56765 56766
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	56767 56768
(o) A licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	56769 56770 56771 56772 56773

(p) A dietitian licensed under Chapter 4759. of the Revised Code;	56774 56775
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	56776 56777
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code;	56778 56779 56780
<u>(s) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code.</u>	56781 56782
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	56783 56784 56785
(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	56786 56787
(7) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults; a nursing facility, as defined in section 5165.01 of the Revised Code; a skilled nursing facility, as defined in section 5165.01 of the Revised Code; and an intermediate care facility for individuals with intellectual disabilities, as defined in section 5124.01 of the Revised Code.	56788 56789 56790 56791 56792 56793 56794 56795 56796 56797
(8) "Medical record" means data in any form that pertains to a patient's medical history, diagnosis, prognosis, or medical condition and that is generated and maintained by a health care provider in the process of the patient's health care treatment.	56798 56799 56800 56801
(9) "Medical records company" means a person who stores, locates, or copies medical records for a health care provider, or	56802 56803

is compensated for doing so by a health care provider, and charges 56804
a fee for providing medical records to a patient or patient's 56805
representative. 56806

(10) "Patient" means either of the following: 56807

(a) An individual who received health care treatment from a 56808
health care provider; 56809

(b) A guardian, as defined in section 1337.11 of the Revised 56810
Code, of an individual described in division (A)(10)(a) of this 56811
section. 56812

(11) "Patient's personal representative" means a minor 56813
patient's parent or other person acting in loco parentis, a 56814
court-appointed guardian, or a person with durable power of 56815
attorney for health care for a patient, the executor or 56816
administrator of the patient's estate, or the person responsible 56817
for the patient's estate if it is not to be probated. "Patient's 56818
personal representative" does not include an insurer authorized 56819
under Title XXXIX of the Revised Code to do the business of 56820
sickness and accident insurance in this state, a health insuring 56821
corporation holding a certificate of authority under Chapter 1751. 56822
of the Revised Code, or any other person not named in this 56823
division. 56824

(12) "Pharmacy" has the same meaning as in section 4729.01 of 56825
the Revised Code. 56826

(13) "Physician" means a person authorized under Chapter 56827
4731. of the Revised Code to practice medicine and surgery, 56828
osteopathic medicine and surgery, or podiatric medicine and 56829
surgery. 56830

(14) "Authorized person" means a person to whom a patient has 56831
given written authorization to act on the patient's behalf 56832
regarding the patient's medical record. 56833

(B) A patient, a patient's personal representative, or an authorized person who wishes to examine or obtain a copy of part or all of a medical record shall submit to the health care provider a written request signed by the patient, personal representative, or authorized person dated not more than one year before the date on which it is submitted. The request shall indicate whether the copy is to be sent to the requestor, physician or chiropractor, or held for the requestor at the office of the health care provider. Within a reasonable time after receiving a request that meets the requirements of this division and includes sufficient information to identify the record requested, a health care provider that has the patient's medical records shall permit the patient to examine the record during regular business hours without charge or, on request, shall provide a copy of the record in accordance with section 3701.741 of the Revised Code, except that if a physician, psychologist, licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, marriage and family therapist, or chiropractor who has treated the patient determines for clearly stated treatment reasons that disclosure of the requested record is likely to have an adverse effect on the patient, the health care provider shall provide the record to a physician, psychologist, licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, marriage and family therapist, or chiropractor designated by the patient. The health care provider shall take reasonable steps to establish the identity of the person making the request to examine or obtain a copy of the patient's record.

(C) If a health care provider fails to furnish a medical record as required by division (B) of this section, the patient, personal representative, or authorized person who requested the

record may bring a civil action to enforce the patient's right of access to the record. 56867
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(D)(1) This section does not apply to medical records whose release is covered by section 173.20 or 3721.13 of the Revised Code, by Chapter 1347., 5119., or 5122. of the Revised Code, by 42 C.F.R. part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records," or by 42 C.F.R. 483.10. 56869
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(2) Nothing in this section is intended to supersede the confidentiality provisions of sections 2305.24, 2305.25, 2305.251, and 2305.252 of the Revised Code. 56874
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Sec. 3701.834. There is hereby created in the state treasury the public health emergency preparedness fund. All federal funds the department of health receives to conduct public health emergency preparedness and response activities shall be credited to the fund. The department shall use money in the fund to pay expenses related to public health emergency preparedness and response activities. 56877
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Sec. 3702.74. (A) A primary care physician who has signed a letter of intent under section 3702.73 of the Revised Code and the director of health may enter into a contract for the physician's participation in the physician loan repayment program. The physician's employer or other funding source may also be a party to the contract. 56884
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(B) The contract shall include all of the following obligations: 56890
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(1) The primary care physician agrees to provide primary care services in the health resource shortage area identified in the letter of intent for the number of hours and duration specified in the contract; 56892
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(2) When providing primary care services in the health 56896

resource shortage area, the primary care physician agrees to do 56897
all of the following: 56898

(a) Provide primary care services in an outpatient or 56899
ambulatory setting approved by the department of health; 56900

(b) Provide primary care services without regard to a 56901
patient's ability to pay; 56902

(c) Meet the requirements for a medicaid provider agreement 56903
and enter into the agreement with the department of medicaid to 56904
provide primary care services to medicaid recipients. 56905

(3) The department of health agrees, as provided in section 56906
3702.75 of the Revised Code, to repay, so long as the primary care 56907
physician performs the service obligation agreed to under division 56908
(B)(1) of this section, all or part of the principal and interest 56909
of a government or other educational loan taken by the primary 56910
care physician for expenses described in section 3702.75 of the 56911
Revised Code; 56912

(4) The primary care physician agrees to pay the department 56913
of health an amount established by rules adopted under section 56914
3702.79 of the Revised Code if the physician fails to complete the 56915
service obligation agreed to under division (B)(1) of this 56916
section. 56917

(C) The contract shall include the following terms as agreed 56918
upon by the parties: 56919

(1) The primary care physician's required length of service 56920
in the health resource shortage area, which must be at least two 56921
years; 56922

(2) The number of weekly hours the primary care physician 56923
will be engaged in full-time practice or part-time practice in the 56924
health resource shortage area; 56925

(3) The maximum amount that the department will repay on 56926

behalf of the primary care physician; 56927

(4) The extent to which the primary care physician's teaching 56928
activities will be counted toward the physician's full-time 56929
practice or part-time practice hours under the contract. 56930

(D) If the amount specified in division (C)(3) of this 56931
section includes federal funds ~~from the bureau of clinician~~ 56932
~~recruitment and service in the United States department of health~~ 56933
~~and human services~~, the amount of state funds repaid on the 56934
individual's behalf shall be the same as the amount of those 56935
federal funds. 56936

Sec. 3702.91. (A) As used in this section: 56937

(1) "Full-time practice" and "part-time practice" have the 56938
same meanings as in section 3702.71 of the Revised Code; 56939

(2) "Teaching activities" means ~~supervising~~ providing 56940
clinical education to dental students and dental residents and 56941
dental health profession students at the service site specified in 56942
the ~~letter of intent~~ contract described in division (B) of this 56943
section ~~3702.90 of the Revised Code~~. 56944

(B) An individual who has signed a letter of intent may enter 56945
into a contract with the director of health for participation in 56946
the dentist loan repayment program. The dentist's employer or 56947
other funding source may also be a party to the contract. 56948

(C) The contract shall include all of the following 56949
obligations: 56950

(1) The individual agrees to provide dental services in the 56951
dental health resource shortage area identified in the letter of 56952
intent for the number of hours and duration specified in the 56953
contract. 56954

(2) When providing dental services in the dental health 56955
resource shortage area, the individual agrees to do all of the 56956

following:	56957
(a) Provide dental services in a service site approved by the department of health;	56958 56959
(b) Provide dental services without regard to a patient's ability to pay;	56960 56961
(c) Meet the requirements for a medicaid provider agreement and enter into the agreement with the department of medicaid to provide dental services to medicaid recipients.	56962 56963 56964
(3) The department of health agrees, as provided in section 3702.85 of the Revised Code, to repay, so long as the individual performs the service obligation agreed to under division (C)(1) of this section, all or part of the principal and interest of a government or other educational loan taken by the individual for expenses described in section 3702.85 of the Revised Code.	56965 56966 56967 56968 56969 56970
(4) The individual agrees to pay the department of health an amount established by rules adopted under section 3702.86 of the Revised Code, if the individual fails to complete the service obligation agreed to under division (C)(1) of this section.	56971 56972 56973 56974
(D) The contract shall include the following terms as agreed upon by the parties:	56975 56976
(1) The individual's required length of service in the dental health resource shortage area, which must be at least two years;	56977 56978
(2) The number of weekly hours the individual will be engaged in full-time practice or part-time practice;	56979 56980
(3) The maximum amount that the department will repay on behalf of the individual;	56981 56982
(4) The extent to which the individual's teaching activities will be counted toward the individual's full-time practice or part-time practice hours under the contract.	56983 56984 56985
(E) If the amount specified in division (D)(3) of this	56986

section includes federal funds ~~from the bureau of clinician~~ 56987
~~recruitment and service in the United States department of health~~ 56988
~~and human services~~, the amount of state funds repaid on the 56989
individual's behalf shall be the same as the amount of those 56990
federal funds. 56991

Sec. 3704.05. (A) No person shall cause, permit, or allow 56992
emission of an air contaminant in violation of any rule adopted by 56993
the director of environmental protection under division (E) of 56994
section 3704.03 of the Revised Code unless the person is the 56995
holder of a variance that is issued under division (H) of that 56996
section and consistent with the federal Clean Air Act permitting 56997
the emission of the contaminant in excess of that permitted by the 56998
rule or the person is the holder of an operating permit that 56999
includes a compliance schedule issued pursuant to rules adopted 57000
under division (G) of section 3704.03 of the Revised Code. 57001

(B) No person who is the holder of a variance issued under 57002
division (H) of section 3704.03 of the Revised Code shall cause, 57003
permit, or allow emission of an air contaminant or contaminants 57004
listed therein in violation of the conditions of the variance or 57005
fail to obey an order of the director issued under authority of 57006
that division. 57007

(C) No person who is the holder of a permit issued under 57008
division (F) or (G) of section 3704.03 of the Revised Code shall 57009
violate any of its terms or conditions. 57010

(D) No person shall fail to install and maintain monitoring 57011
devices or to submit reports or other information as may be 57012
required under division (I) of section 3704.03 of the Revised 57013
Code. 57014

(E) No person to whom a permit or variance has been issued 57015
shall refuse entry to an authorized representative of the director 57016
or the environmental protection agency as provided in division 57017

~~(M)~~(L) of section 3704.03 of the Revised Code or hinder or thwart 57018
the person in making an investigation. 57019

(F) No person shall fail to submit plans and specifications 57020
as required by section 3704.03 of the Revised Code. 57021

(G) No person shall violate any order, rule, or determination 57022
of the director issued, adopted, or made under this chapter. 57023

(H) No person shall do any of the following: 57024

(1) Falsify any plans, specifications, data, reports, 57025
records, or other information required to be kept or submitted to 57026
the director by this chapter or rules adopted under it; 57027

(2) Make any false material statement, representation, or 57028
certification in any form, notice, or report required by the Title 57029
V permit program; 57030

(3) Render inaccurate any monitoring device required by a 57031
Title V permit. 57032

Violation of division (H)(1), (2), or (3) of this section is 57033
not also falsification under section 2921.13 of the Revised Code. 57034

(I) No person shall knowingly falsify an inspection 57035
certificate submitted to another under section 3704.14 or Chapter 57036
4503. of Revised Code. Violation of this division is not also 57037
falsification under section 2921.13 of the Revised Code. 57038

(J) No person shall do either of the following: 57039

(1) With regard to the Title V permit program, fail to pay 57040
any administrative penalty assessed in accordance with rules 57041
adopted under division (S) of section 3704.03 of the Revised Code 57042
or any fee assessed under section 3745.11 of the Revised Code; 57043

(2) Violate any applicable requirement of a Title V permit or 57044
any permit condition, except for an emergency as defined in 40 57045
C.F.R. 70.6 (g), or filing requirement of the Title V permit 57046
program, any duty to allow or carry out inspection, entry, or 57047

monitoring activities, or any rule adopted or order issued by the 57048
director pursuant to the Title V permit program. 57049

(K) On and after the three hundred sixty-sixth day following 57050
the administrator's final approval of the Title V permit program, 57051
or on and after the three hundred sixty-sixth day following the 57052
commencement of operation of a new major source required to comply 57053
with section 112(g) or part C or D of Title I of the federal Clean 57054
Air Act, whichever is later, no person shall operate any such 57055
source that is required to obtain a Title V permit under section 57056
3704.036 of the Revised Code or rules adopted under it unless such 57057
a permit has been issued authorizing operation of the source or 57058
unless a complete and timely application for the issuance, 57059
renewal, or modification of a Title V permit for the source has 57060
been submitted to the director under that section. 57061

Sec. 3704.14. (A)(1) If the director of environmental 57062
protection determines that implementation of a motor vehicle 57063
inspection and maintenance program is necessary for the state to 57064
effectively comply with the federal Clean Air Act after June 30, 57065
~~2011~~ 2015, the director may provide for the implementation of the 57066
program in those counties in this state in which such a program is 57067
federally mandated. Upon making such a determination, the director 57068
of environmental protection may request the director of 57069
administrative services to extend the terms of the contract that 57070
was entered into under the authority of Am. Sub. H.B. ~~±~~ 153 of the 57071
~~128th~~ 129th general assembly. Upon receiving the request, the 57072
director of administrative services shall extend the contract, 57073
beginning on July 1, ~~2011~~ 2015, in accordance with this section. 57074
The contract shall be extended for a period of up to ~~twelve~~ 57075
twenty-four months with the contractor who conducted the motor 57076
vehicle inspection and maintenance program under that contract. 57077

(2) Prior to the expiration of the contract extension that is 57078

authorized by division (A)(1) of this section, the director of 57079
environmental protection shall request the director of 57080
administrative services to enter into a contract with a vendor to 57081
operate a decentralized motor vehicle inspection and maintenance 57082
program in each county in this state in which such a program is 57083
federally mandated through June 30, ~~2015~~ 2019, with an option for 57084
the state to renew the contract for a period of up to twenty-four 57085
months through June 30, ~~2017~~ 2021. The contract shall ensure that 57086
the decentralized motor vehicle inspection and maintenance program 57087
achieves at least the same emission reductions as achieved by the 57088
program operated under the authority of the contract that was 57089
extended under division (A)(1) of this section. The director of 57090
administrative services shall select a vendor through a 57091
competitive selection process in compliance with Chapter 125. of 57092
the Revised Code. 57093

(3) Notwithstanding any law to the contrary, the director of 57094
administrative services shall ensure that a competitive selection 57095
process regarding a contract to operate a decentralized motor 57096
vehicle inspection and maintenance program in this state 57097
incorporates the following, which shall be included in the 57098
contract: 57099

(a) For purposes of expanding the number of testing locations 57100
for consumer convenience, a requirement that the vendor utilize 57101
established local businesses, auto repair facilities, or leased 57102
properties to operate state-approved inspection and maintenance 57103
testing facilities; 57104

(b) A requirement that the vendor selected to operate the 57105
program provide notification of the program's requirements to each 57106
owner of a motor vehicle that is required to be inspected under 57107
the program. The contract shall require the notification to be 57108
provided not later than sixty days prior to the date by which the 57109
owner of the motor vehicle is required to have the motor vehicle 57110

inspected. The director of environmental protection and the vendor 57111
shall jointly agree on the content of the notice. However, the 57112
notice shall include at a minimum the locations of all inspection 57113
facilities within a specified distance of the address that is 57114
listed on the owner's motor vehicle registration; 57115

(c) A requirement that the vendor comply with testing 57116
methodology and supply the required equipment approved by the 57117
director of environmental protection as specified in the 57118
competitive selection process in compliance with Chapter 125. of 57119
the Revised Code. 57120

(4) A decentralized motor vehicle inspection and maintenance 57121
program operated under this section shall comply with division (B) 57122
of this section. The director of environmental protection shall 57123
administer the decentralized motor vehicle inspection and 57124
maintenance program operated under this section. 57125

(B) The decentralized motor vehicle inspection and 57126
maintenance program authorized by this section, at a minimum, 57127
shall do all of the following: 57128

(1) Comply with the federal Clean Air Act; 57129

(2) Provide for the issuance of inspection certificates; 57130

(3) Provide for a new car exemption for motor vehicles four 57131
years old or newer and provide that a new motor vehicle is exempt 57132
for four years regardless of whether legal title to the motor 57133
vehicle is transferred during that period. 57134

(C) The director of environmental protection shall adopt 57135
rules in accordance with Chapter 119. of the Revised Code that the 57136
director determines are necessary to implement this section. The 57137
director may continue to implement and enforce rules pertaining to 57138
the motor vehicle inspection and maintenance program previously 57139
implemented under former section 3704.14 of the Revised Code as 57140
that section existed prior to its repeal and reenactment by Am. 57141

Sub. H.B. 66 of the 126th general assembly, provided that the 57142
rules do not conflict with this section. 57143

(D) There is hereby created in the state treasury the auto 57144
emissions test fund, which shall consist of money received by the 57145
director from any cash transfers, state and local grants, and 57146
other contributions that are received for the purpose of funding 57147
the program established under this section. The director of 57148
environmental protection shall use money in the fund solely for 57149
the implementation, supervision, administration, operation, and 57150
enforcement of the motor vehicle inspection and maintenance 57151
program established under this section. Money in the fund shall 57152
not be used for either of the following: 57153

(1) To pay for the inspection costs incurred by a motor 57154
vehicle dealer so that the dealer may provide inspection 57155
certificates to an individual purchasing a motor vehicle from the 57156
dealer when that individual resides in a county that is subject to 57157
the motor vehicle inspection and maintenance program; 57158

(2) To provide payment for more than one free passing 57159
emissions inspection or a total of three emissions inspections for 57160
a motor vehicle in any three-hundred-sixty-five-day period. The 57161
owner or lessee of a motor vehicle is responsible for inspection 57162
fees that are related to emissions inspections beyond one free 57163
passing emissions inspection or three total emissions inspections 57164
in any three-hundred-sixty-five-day period. Inspection fees that 57165
are charged by a contractor conducting emissions inspections under 57166
a motor vehicle inspection and maintenance program shall be 57167
approved by the director of environmental protection. 57168

(E) The motor vehicle inspection and maintenance program 57169
established under this section expires upon the termination of all 57170
contracts entered into under this section and shall not be 57171
implemented beyond the final date on which termination occurs. 57172

Sec. 3705.08. (A) The director of health, by rule, shall 57173
prescribe the form of records and certificates required by this 57174
chapter. Records and certificates shall include the items and 57175
information prescribed by the director, including the items 57176
recommended by the national center for health statistics of the 57177
United States department of health and human services, subject to 57178
approval of and modification by the director. 57179

(B) All birth certificates shall include a statement setting 57180
forth the names of the child's parents and a line for the mother's 57181
and the father's signature. 57182

(C) All death certificates shall include, in the medical 57183
certification portion of the certificate, a space to indicate, if 57184
the deceased individual is female and the manner of death is 57185
determined to be a suspicious or violent death, whether any of the 57186
following conditions apply to the individual: 57187

(1) Not pregnant within the past year; 57188

(2) Pregnant at the time of death; 57189

(3) Not pregnant, but had been pregnant within forty-two days 57190
prior to the time of death; 57191

(4) Not pregnant, but had been pregnant within forty-three 57192
days to one year prior to the time of death; 57193

(5) Unknown whether pregnant within the past year. 57194

(D)(1) The director shall prescribe methods, forms, and 57195
blanks and shall furnish necessary postage, forms, and blanks for 57196
obtaining registration of births, deaths, and other vital 57197
statistics in each registration district, and for preserving the 57198
records of the office of vital statistics, and no forms or blanks 57199
shall be used other than those prescribed by the director. 57200

(2) All birth, fetal death, and death records and 57201
certificates shall be ~~printed legibly or typewritten in unfading~~ 57202

~~black ink and signed. Except as provided in division (G) of~~ 57203
~~section 3705.09, section 3705.12, 3705.121, 3705.122, or 3705.124,~~ 57204
~~division (D) of section 3705.15, or section 3705.16 of the Revised~~ 57205
~~Code, a signature required on a birth, fetal death, or death~~ 57206
~~certificate shall be written signed by the person required to sign~~ 57207
~~and a facsimile signature shall not be used the certificate.~~ 57208

(3) All vital records shall contain the date received for 57209
registration. 57210

(4) Information and signatures required in certificates, 57211
records, or reports authorized by this chapter may be filed and 57212
registered by photographic, electronic, or other means as 57213
prescribed by the director. 57214

Sec. 3705.231. (A) A local registrar shall issue, on receipt 57215
of a signed application for a birth or death record and the fee 57216
specified in division (B) of this section, a noncertified copy of 57217
a birth or death record, and the birth or death record shall 57218
contain at least the name, sex, date of birth or death, 57219
registration date, and place of birth or death of the person to 57220
whose birth or death the record attests and shall attest that the 57221
person's birth or death has been registered. 57222

(B) A local registrar may charge a fee for providing a 57223
noncertified copy, not to exceed twenty-five cents per page when 57224
provided in black and white, or, if a local registrar offers to 57225
provide a color copy, a reasonable amount not to exceed the amount 57226
the local registrar expends in producing the color copy. 57227

Sec. 3709.03. (A) There is hereby created in each general 57228
health district a district advisory council. A council shall 57229
consist of the president of the board of county commissioners, the 57230
chief executive of each municipal corporation not constituting a 57231
city health district, and the president of the board of township 57232

trustees of each township. The board of county commissioners, the 57233
legislative body of a municipal corporation, and the board of 57234
township trustees of a township may select an alternate from among 57235
themselves to serve if the president, the chief executive, or the 57236
president of the board of township trustees is unable to attend 57237
any meeting of the district advisory council. When attending a 57238
meeting on behalf of a council member, the alternate may vote on 57239
any matter on which the member is authorized to vote. 57240

The council shall organize by selecting a chair and secretary 57241
from among its members. The council shall adopt bylaws governing 57242
its meetings, the transaction of business, and voting procedures. 57243

The council shall meet annually in March at a place 57244
determined by the chair and the health commissioner for the 57245
purpose of electing the chair and the secretary, making necessary 57246
appointments to the board of health, receiving and considering the 57247
annual or special reports from the board of health, and making 57248
recommendations to the board of health or to the department of 57249
health in regard to matters for the betterment of health and 57250
sanitation within the district or for needed legislation. The 57251
secretary of the council shall notify the district health 57252
commissioner and the director of health of the proceedings of such 57253
meeting. 57254

Special meetings of the council shall be held on the order of 57255
any of the following: 57256

(1) The director of health; 57257

(2) The board of health; 57258

(3) The lesser of five or a majority of district advisory 57259
council members. 57260

The district health commissioner shall attend all meetings of 57261
the council. 57262

(B) The district advisory council shall appoint ~~four~~ five 57263
members of the board of health, ~~and the remaining member shall be~~ 57264
~~appointed by the~~ unless the board of health has established a 57265
health district licensing council ~~established~~ under section 57266
3709.41 of the Revised Code, in which case, the district advisory 57267
council shall appoint four members of the board of health, and the 57268
health district licensing council shall appoint one member of the 57269
board of health. At least one member of the board of health shall 57270
be a physician. Appointments shall be made with due regard to 57271
equal representation of all parts of the district. 57272

(C) If at an annual or special meeting at which a member of 57273
the board of health is to be appointed fewer than a majority of 57274
the members of the district council are present, the council, by 57275
the majority vote of council members present, may organize an 57276
executive committee to make the appointment. An executive 57277
committee shall consist of five council members, including the 57278
president of the board of county commissioners, the council chair, 57279
the council secretary, and two additional council members selected 57280
by majority affirmative vote of the council members present at the 57281
meeting. The additional members selected shall include one 57282
representative of municipal corporations in the district that are 57283
not city health districts and one representative of townships in 57284
the district. If an individual is eligible for more than one 57285
position on the executive committee due to holding a particular 57286
office, the individual shall fill one position on the committee 57287
and the other position shall be filled by a member selected by a 57288
majority affirmative vote of the council members present at the 57289
meeting. A council member's alternate for annual meetings may 57290
serve as the member's alternate at meetings of the executive 57291
committee. 57292

Not later than thirty days after an executive committee is 57293
organized, the committee shall meet and the council chair shall 57294

present to the committee the matter of appointing a member of the 57295
board of health. The committee shall appoint the board member by 57296
majority affirmative vote. In the case of a combined health 57297
district, the executive committee shall appoint only members of 57298
the board of health that are to be appointed by the district 57299
advisory council, unless the contract for administration of health 57300
affairs in the combined district provides otherwise. If a majority 57301
affirmative vote is not reached within thirty days after the 57302
executive committee is organized, the director of health shall 57303
appoint the member of the board of health under the authority 57304
conferred by section 3709.03 of the Revised Code. 57305

If the council fails to meet or appoint a member of the board 57306
of health as required by this section or section 3709.02 of the 57307
Revised Code, the director of health may appoint the member. 57308

Sec. 3709.05. (A) Unless an administration of public health 57309
different from that specifically provided in this section is 57310
established and maintained under authority of its charter, or 57311
unless a combined city health district is formed under section 57312
3709.051 of the Revised Code, the legislative authority of each 57313
city constituting a city health district shall establish a board 57314
of health. The board of health shall be composed of ~~four~~ five 57315
members appointed by the mayor and confirmed by the legislative 57316
authority ~~and one member appointed by the,~~ unless the board of 57317
health has established a health district licensing council 57318
~~established~~ under section 3709.41 of the Revised Code, in which 57319
case, the mayor shall appoint four members of the board of health, 57320
confirmed by the legislative authority, and the health district 57321
licensing council shall appoint one member of the board of health. 57322

(B) Each member of the board shall be paid a sum not to 57323
exceed eighty dollars a day for the member's attendance at each 57324
meeting of the board. No member shall receive compensation for 57325

attendance at more than eighteen meetings in any year. 57326

(C) Each member of the board shall receive travel expenses at 57327
rates established by the director of budget and management 57328
pursuant to section 126.31 of the Revised Code to cover the actual 57329
and necessary travel expenses incurred for travel to and from 57330
meetings that take place outside the county in which the member 57331
resides, except that any member may receive travel expenses for 57332
registration for any conference that takes place inside the county 57333
in which the member resides. 57334

(D) A majority of the members constitutes a quorum, and the 57335
mayor shall be president of the board. 57336

(E) The term of office of the members shall be five years 57337
from the date of appointment, except that of those first 57338
appointed, one shall serve for five years, one for four years, one 57339
for three years, one for two years, and one for one year, and 57340
thereafter one shall be appointed each year. 57341

A vacancy in the membership of the board shall be filled in 57342
like manner as an original appointment and shall be for the 57343
unexpired term. 57344

Sec. 3709.07. Except as provided in section 3709.071 of the 57345
Revised Code, when it is proposed that one or more city health 57346
districts unite with a general health district in the formation of 57347
a single district, the district advisory council of the general 57348
health district shall meet and vote on the question of union. It 57349
shall require a majority affirmative vote of the members of the 57350
district advisory council to carry the question. The legislative 57351
authority of each city shall likewise vote on the question. A 57352
majority voting affirmatively shall be required for approval. When 57353
the majority of the district advisory council and the legislative 57354
authority have voted affirmatively, the chair of the council and 57355
the chief executive of each city shall enter into a contract for 57356

the administration of health affairs in the combined district. 57357
Such contract shall state the proportion of the expenses of the 57358
board of health or health department of the combined district to 57359
be paid by the city or cities and by the original general health 57360
district. The contract may provide that the administration of the 57361
combined district shall be taken over by either the board of 57362
health or health department of one of the cities, by the board of 57363
health of the general health district, or by a combined board of 57364
health. Such contract shall prescribe the date on which such 57365
change of administration shall be made. A copy of such contract 57366
shall be filed with the director of health. 57367

The combined district shall constitute a general health 57368
district, and the board of health or health department of the 57369
city, the board of health of the original general health district, 57370
or the combined board of health, as may be agreed in the contract, 57371
shall have, within the combined district, all the powers granted 57372
to, and perform all the duties required of, the board of health of 57373
a general health district. 57374

The district advisory council of the combined general health 57375
district shall consist of the members of the district advisory 57376
council of the original general health district and the chief 57377
executive of each city constituting a city health district, each 57378
member having one vote. 57379

If the contract provides that the administration of the 57380
combined district shall be taken over by a combined board of 57381
health, rather than the board of health of the original health 57382
district, the contract shall set forth the number of members of 57383
such board, their terms of office, and the manner of appointment 57384
or election of officers. One of the members of such combined board 57385
of health shall be a physician, and one member shall be an 57386
individual appointed by the health district licensing council, if 57387
such council is established under section 3709.41 of the Revised 57388

Code. The contract may also provide for the representation of 57389
areas by one or more members and shall, in such event, specify the 57390
territory to be included in each such area. 57391

The appointment of any member of the combined board who is 57392
designated by the provisions of the contract to represent a city 57393
shall be made by the chief executive and approved by the 57394
legislative authority of such city. If a member is designated by 57395
the contract to represent more than one city, the member shall be 57396
appointed by majority vote of the chief executives of all cities 57397
included in any such area. Except for the member appointed by the 57398
health district licensing council, if such council is established, 57399
the appointment of all members of the combined board who are 57400
designated to represent the balance of the district shall be made 57401
by the district advisory council. 57402

The service status of any person employed by a city or 57403
general health district shall not be affected by the creation of a 57404
combined district. 57405

Sec. 3709.41. (A) ~~There is hereby created in~~ The board of 57406
health of each city and ~~in~~ of each general health district may 57407
establish a health district licensing council, to be appointed by 57408
the entity that has responsibility for appointing the board of 57409
health in the health district. The members of the council shall 57410
consist of one representative of each business activity for which 57411
the board of health operates a licensing program. To be appointed 57412
and remain a member, an individual shall be a resident of the 57413
health district for which the council was created. 57414

The appointing authority shall make initial appointments to 57415
the council not later than thirty days after ~~November 21, 2001~~ the 57416
board of health establishes the council. Of the initial 57417
appointments to the council, one-third of the members, rounded to 57418
the nearest whole number, shall serve for a term ending three 57419

years after ~~November 21, 2001~~ the date of appointment; one-third, 57420
rounded to the nearest whole number, shall serve for a term ending 57421
four years after ~~November 21, 2001~~ the date of appointment; and 57422
the remaining members shall serve for a term ending five years 57423
after ~~November 21, 2001~~ the date of appointment. Thereafter, terms 57424
of office shall be five years, with each term ending on the same 57425
day of the same month as did the term that it succeeds. 57426

Each member shall hold office from the date of the member's 57427
appointment until the end of the term for which the member was 57428
appointed. Members may be reappointed. 57429

Vacancies shall be filled in the manner provided for original 57430
appointments. Any member appointed to fill a vacancy occurring 57431
prior to the expiration of the term for which the member's 57432
predecessor was appointed shall hold office as a member for the 57433
remainder of that term. A member shall continue in office 57434
subsequent to the expiration date of the member's term until the 57435
member's successor takes office or until a period of sixty days 57436
has elapsed, whichever occurs first. 57437

Members shall serve without compensation, except to the 57438
extent that serving on the council is part of their regular duties 57439
of employment. 57440

(B) Each health district licensing council shall organize by 57441
selecting from among its members a chairperson, a secretary, and 57442
any other officers it considers necessary. Each council shall 57443
adopt bylaws for the regulation of its affairs and the conduct of 57444
its business. 57445

Each council shall meet at least annually or at more frequent 57446
intervals if specified in its bylaws. In addition to the mandatory 57447
meetings, a council shall meet at the call of the chairperson or 57448
the request of a majority of the council members. 57449

(C) Pursuant to sections 3709.03, 3709.05, and 3709.07 of the 57450

Revised Code, the health district licensing council, if 57451
established by the board of health, shall appoint one ~~of its~~ 57452
~~members to serve as a~~ member of the board of health. The council 57453
shall appoint one of its members to serve as an alternate board of 57454
health member if for any reason the original member is required to 57455
abstain from voting on a particular issue being considered by the 57456
board of health. While serving on behalf of the original member, 57457
the alternate member has the same powers and duties as the 57458
original member. 57459

Sec. 3714.051. (A)(1) Not later than one hundred eighty days 57460
after ~~the effective date of this section~~ December 22, 2005, and in 57461
accordance with rules adopted under section 3714.02 of the Revised 57462
Code, the director of environmental protection shall establish a 57463
program for the issuance of permits to install for new 57464
construction and demolition debris facilities. 57465

(2) On and after ~~the effective date of this section~~ December 57466
22, 2005, no person shall establish a new construction and 57467
demolition debris facility without first obtaining a permit to 57468
install issued by the board of health of the health district in 57469
which the facility is or is to be located or from the director if 57470
the facility is or is to be located in a health district that is 57471
not on the approved list under section 3714.09 of the Revised Code 57472
or if a board of health requests the director to issue the permit 57473
to install under division (G) of this section. 57474

(B) The director, the director's authorized representative, a 57475
board of health, or an authorized representative of the board may 57476
assist an applicant for a permit to install during the permitting 57477
process by providing guidance and technical assistance. 57478

(C) An applicant for a permit to install shall submit an 57479
application to a board of health or the director, as applicable, 57480
on a form that the director prescribes. The applicant shall 57481

include with the application all of the following: 57482

(1) The name and address of the applicant, of all partners if 57483
the applicant is a partnership or of all officers and directors if 57484
the applicant is a corporation, and of any other person who has a 57485
right to control or in fact controls management of the applicant 57486
or the selection of officers, directors, or managers of the 57487
applicant; 57488

(2) The designs and plans for the construction and demolition 57489
debris facility that include the location or proposed location of 57490
the facility, design and construction plans and specifications, 57491
anticipated beginning and ending dates for work performed, and any 57492
other related information that the director requires by rule; 57493

(3) The information required under section 3714.052 of the 57494
Revised Code; 57495

(4) An application fee of two thousand dollars. A board of 57496
health shall deposit money collected under division (C)(4) of this 57497
section into the special fund of the health district created under 57498
section 3714.07 of the Revised Code. The director shall transmit 57499
money collected under division (C)(4) of this section to the 57500
treasurer of state to be credited to the ~~construction and~~ 57501
~~demolition debris facility oversight~~ waste management fund created 57502
in ~~that~~ section 3734.061 of the Revised Code. Not later than six 57503
months after a facility that is issued a permit to install begins 57504
accepting construction and demolition debris for disposal, a board 57505
of health or the director, as applicable, shall refund the 57506
application fee received under division (C)(4) of this section to 57507
the person that submitted the application for the permit to 57508
install. 57509

(5) Any other information required by the director in 57510
accordance with rules adopted under section 3714.02 of the Revised 57511
Code. 57512

(D) A permit to install may be issued with terms and 57513
conditions that a board of health or the director, as applicable, 57514
finds necessary to ensure that the facility will comply with this 57515
chapter and rules adopted under it and to protect public health 57516
and safety and the environment. 57517

(E) A permit to install shall expire after a time period 57518
specified by the director or board of health, as applicable, in 57519
accordance with rules adopted under section 3714.02 of the Revised 57520
Code unless the applicant has undertaken a continuing program of 57521
construction or has entered into a binding contractual obligation 57522
to undertake and complete a continuing program of construction 57523
within a reasonable time, in which case the director or board, as 57524
applicable, may extend the expiration date of a permit to install 57525
upon request of the applicant. 57526

(F) The director or a board of health, as applicable, may 57527
issue, deny, modify, suspend, or revoke a permit to install in 57528
accordance with rules. 57529

(G) A board of health shall notify the director of its 57530
receipt of an application for a permit to install. A board of 57531
health, or its authorized representative, may request the director 57532
to review an application, or part of an application, for a permit 57533
to install and also may request that the director issue or deny it 57534
when the board determines that additional expertise is required. 57535
The director shall comply with such a request. 57536

Upon a board of health's issuance of a permit to install for 57537
a new construction and demolition debris facility under this 57538
section, the board shall mail a copy of the permit to the director 57539
together with approved plans, specifications, and information 57540
regarding the facility. 57541

Sec. 3714.07. (A)(1) For the purpose of assisting boards of 57542
health and the environmental protection agency in administering 57543

and enforcing this chapter and rules adopted under it, there is 57544
hereby levied a fee of thirty cents per cubic yard or sixty cents 57545
per ton, as applicable, on both of the following: 57546

(a) The disposal of construction and demolition debris at a 57547
construction and demolition debris facility that is licensed under 57548
this chapter or at a solid waste facility that is licensed under 57549
Chapter 3734. of the Revised Code; 57550

(b) The disposal of asbestos or asbestos-containing materials 57551
or products at a construction and demolition debris facility that 57552
is licensed under this chapter or at a solid waste facility that 57553
is licensed under Chapter 3734. of the Revised Code. 57554

(2) The owner or operator of a construction and demolition 57555
debris facility or a solid waste facility shall determine if cubic 57556
yards or tons will be used as the unit of measurement. If basing 57557
the fee on cubic yards, the owner or operator shall utilize either 57558
the maximum cubic yard capacity of the container, or the hauling 57559
volume of the vehicle, that transports the construction and 57560
demolition debris to the facility or the cubic yards actually 57561
logged for disposal by the owner or operator in accordance with 57562
rules adopted under section 3714.02 of the Revised Code. If basing 57563
the fee on tonnage, the owner or operator shall use certified 57564
scales to determine the tonnage of construction and demolition 57565
debris that is disposed of. 57566

(3) The owner or operator of a construction and demolition 57567
debris facility or a solid waste facility shall calculate the 57568
amount of money generated from the fee levied under division 57569
(A)(1) of this section and shall hold that amount as a trustee for 57570
the health district having jurisdiction over the facility, if that 57571
district is on the approved list under section 3714.09 of the 57572
Revised Code, or for the state. The owner or operator shall 57573
prepare and file with the appropriate board of health or the 57574

director of environmental protection monthly returns indicating 57575
the total volume or weight, as applicable, of construction and 57576
demolition debris and asbestos or asbestos-containing materials or 57577
products disposed of at the facility and the total amount of money 57578
generated during that month from the fee levied under division 57579
(A)(1) of this section on the disposal of construction and 57580
demolition debris and asbestos or asbestos-containing materials or 57581
products. Not later than thirty days after the last day of the 57582
month to which the return applies, the owner or operator shall 57583
mail to the board of health or the director the return for that 57584
month together with the amount of money calculated under division 57585
(A)(3) of this section on the disposal of construction and 57586
demolition debris and asbestos or asbestos-containing materials or 57587
products during that month or may submit the return and money 57588
electronically in a manner approved by the director. The owner or 57589
operator may request, in writing, an extension of not more than 57590
thirty days after the last day of the month to which the return 57591
applies. A request for extension may be denied. If the owner or 57592
operator submits the money late, the owner or operator shall pay a 57593
penalty of ten per cent of the amount of the money due for each 57594
month that it is late. 57595

(4) Of the money that is submitted by a construction and 57596
demolition debris facility or a solid waste facility on a per 57597
cubic yard or per ton basis under this section, a board of health 57598
shall transmit three cents per cubic yard or six cents per ton, as 57599
applicable, to the director not later than forty-five days after 57600
the receipt of the money. The money retained by a board of health 57601
under this section shall be paid into a special fund, which is 57602
hereby created in each health district, and used solely for the 57603
following purposes: 57604

(a) To administer and enforce this chapter and rules adopted 57605
under it; 57606

(b) To abate abandoned accumulations of construction and demolition debris as provided in section 3714.074 of the Revised Code. 57607
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The director shall transmit all money received under this section to the treasurer of state to be ~~credited~~ deposited in the state treasury to the ~~construction and demolition debris facility oversight credit of the waste management~~ fund, ~~which is hereby~~ created in the ~~state treasury~~ section 3734.061 of the Revised Code. ~~The fund shall be administered by the director, and money credited to the fund shall be used exclusively for the administration and enforcement of this chapter and rules adopted under it.~~ 57610
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(B) The board of health of a health district or the director may enter into an agreement with the owner or operator of a construction and demolition debris facility or a solid waste facility for the quarterly payment of money generated from the disposal fee as calculated in division (A)(3) of this section. The board of health shall notify the director of any such agreement. Not later than forty-five days after receipt of the quarterly payment, the board of health shall transmit the amount established in division (A)(4) of this section to the director. The money retained by the board of health shall be deposited in the special fund of the district as required under that division. Upon receipt of the money from a board of health, the director shall transmit the money to the treasurer of state to be credited to the ~~construction and demolition debris facility oversight~~ waste management fund. 57619
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(C) If a construction and demolition debris facility or a solid waste facility is located within the territorial boundaries of a municipal corporation or the unincorporated area of a township, the municipal corporation or township may appropriate up to four cents per cubic yard or up to eight cents per ton of the 57634
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disposal fee required to be paid by the facility under division 57639
(A)(1) of this section for the same purposes that a municipal 57640
corporation or township may levy a fee under division (C) of 57641
section 3734.57 of the Revised Code. 57642

The legislative authority of the municipal corporation or 57643
township may appropriate the money from the fee by enacting an 57644
ordinance or adopting a resolution establishing the amount of the 57645
fee to be appropriated. Upon doing so, the legislative authority 57646
shall mail a certified copy of the ordinance or resolution to the 57647
board of health of the health district in which the construction 57648
and demolition debris facility or the solid waste facility is 57649
located or, if the facility is located in a health district that 57650
is not on the approved list under section 3714.09 of the Revised 57651
Code, to the director. Upon receipt of the copy of the ordinance 57652
or resolution and not later than forty-five days after receipt of 57653
money generated from the fee, the board or the director, as 57654
applicable, shall transmit to the treasurer or other appropriate 57655
officer of the municipal corporation or clerk of the township that 57656
portion of the money generated from the disposal fee by the owner 57657
or operator of the facility that is required by the ordinance or 57658
resolution to be paid to that municipal corporation or township. 57659

Money received by the treasurer or other appropriate officer 57660
of a municipal corporation under this division shall be paid into 57661
the general fund of the municipal corporation. Money received by 57662
the clerk of a township under this division shall be paid into the 57663
general fund of the township. The treasurer or other officer of 57664
the municipal corporation or the clerk of the township, as 57665
appropriate, shall maintain separate records of the money received 57666
under this division. 57667

The legislative authority of a municipal corporation or 57668
township may cease appropriating money under this division by 57669
repealing the ordinance or resolution that was enacted or adopted 57670

under this division. 57671

The director shall adopt rules in accordance with Chapter 57672
119. of the Revised Code establishing requirements for prorating 57673
the amount of the fee that may be appropriated under this division 57674
by a municipal corporation or township in which only a portion of 57675
a construction and demolition debris facility is located within 57676
the territorial boundaries of the municipal corporation or 57677
township. 57678

(D) The board of county commissioners of a county in which a 57679
construction and demolition debris facility or a solid waste 57680
facility is located may appropriate up to three cents per cubic 57681
yard or up to six cents per ton of the disposal fee required to be 57682
paid by the facility under division (A)(1) of this section for the 57683
same purposes that a solid waste management district may levy a 57684
fee under division (B) of section 3734.57 of the Revised Code. 57685

The board of county commissioners may appropriate the money 57686
from the fee by adopting a resolution establishing the amount of 57687
the fee to be appropriated. Upon doing so, the board of county 57688
commissioners shall mail a certified copy of the resolution to the 57689
board of health of the health district in which the construction 57690
and demolition debris facility or the solid waste facility is 57691
located or, if the facility is located in a health district that 57692
is not on the approved list under section 3714.09 of the Revised 57693
Code, to the director. Upon receipt of the copy of the resolution 57694
and not later than forty-five days after receipt of money 57695
generated from the fee, the board of health or the director, as 57696
applicable, shall transmit to the treasurer of the county that 57697
portion of the money generated from the disposal fee by the owner 57698
or operator of the facility that is required by the resolution to 57699
be paid to that county. 57700

Money received by a county treasurer under this division 57701
shall be paid into the general fund of the county. The county 57702

treasurer shall maintain separate records of the money received 57703
under this division. 57704

A board of county commissioners may cease appropriating money 57705
under this division by repealing the resolution that was adopted 57706
under this division. 57707

(E)(1) This section does not apply to the disposal of 57708
construction and demolition debris at a solid waste facility that 57709
is licensed under Chapter 3734. of the Revised Code if there is no 57710
construction and demolition debris facility licensed under this 57711
chapter within thirty-five miles of the solid waste facility as 57712
determined by a facility's property boundaries. 57713

(2) This section does not apply to the disposal of 57714
construction and demolition debris at a solid waste facility that 57715
is licensed under Chapter 3734. of the Revised Code if the owner 57716
or operator of the facility chooses to collect fees on the 57717
disposal of the construction and demolition debris and asbestos or 57718
asbestos-containing materials or products that are identical to 57719
the fees that are collected under Chapters 343. and 3734. of the 57720
Revised Code on the disposal of solid wastes at that facility. 57721

(3) This section does not apply to the disposal of source 57722
separated materials that are exclusively composed of reinforced or 57723
nonreinforced concrete, asphalt, clay tile, building or paving 57724
brick, or building or paving stone at a construction and 57725
demolition debris facility that is licensed under this chapter 57726
when either of the following applies: 57727

(a) The materials are placed within the limits of 57728
construction and demolition debris placement at the facility as 57729
specified in the license issued to the facility under section 57730
3714.06 of the Revised Code, are not placed within the unloading 57731
zone of the facility, and are used as a fire prevention measure in 57732
accordance with rules adopted by the director under section 57733

3714.02 of the Revised Code. 57734

(b) The materials are not placed within the unloading zone of 57735
the facility or within the limits of construction and demolition 57736
debris placement at the facility as specified in the license 57737
issued to the facility under section 3714.06 of the Revised Code, 57738
but are used as fill material, either alone or in conjunction with 57739
clean soil, sand, gravel, or other clean aggregates, in legitimate 57740
fill operations for construction purposes at the facility or to 57741
bring the facility up to a consistent grade. 57742

Sec. 3714.073. (A) In addition to the fee levied under 57743
division (A)(1) of section 3714.07 of the Revised Code, beginning 57744
July 1, 2005, there is hereby levied on the disposal of 57745
construction and demolition debris at a construction and 57746
demolition debris facility that is licensed under this chapter or 57747
at a solid waste facility that is licensed under Chapter 3734. of 57748
the Revised Code and on the disposal of asbestos or 57749
asbestos-containing materials or products at a construction and 57750
demolition debris facility that is licensed under this chapter or 57751
at a solid waste facility that is licensed under Chapter 3734. of 57752
the Revised Code the following fees: 57753

(1) A fee of twelve and one-half cents per cubic yard or 57754
twenty-five cents per ton, as applicable, the proceeds of which 57755
shall be deposited in the state treasury to the credit of the soil 57756
and water conservation district assistance fund created in section 57757
~~1515.14~~ 940.15 of the Revised Code; 57758

(2) A fee of thirty-seven and one-half cents per cubic yard 57759
or seventy-five cents per ton, as applicable, the proceeds of 57760
which shall be deposited in the state treasury to the credit of 57761
the recycling and litter prevention fund created in section 57762
3736.03 of the Revised Code. 57763

(B) The owner or operator of a construction and demolition 57764

debris facility or a solid waste facility, as a trustee of the 57765
state, shall calculate the amount of money generated from the fees 57766
levied under this section and remit the money from the fees in the 57767
manner that is established in divisions (A)(2) and (3) of section 57768
3714.07 of the Revised Code for the fee that is levied under 57769
division (A)(1) of that section and may enter into an agreement 57770
for the quarterly payment of money generated from the fees in the 57771
manner established in division (B) of that section for the 57772
quarterly payment of money generated from the fee that is levied 57773
under division (A)(1) of that section. 57774

(C) The amount of money that is calculated by the owner or 57775
operator of a construction and demolition debris facility or a 57776
solid waste facility and remitted to a board of health or the 57777
director of environmental protection, as applicable, pursuant to 57778
this section shall be transmitted by the board or director to the 57779
treasurer of state not later than forty-five days after the 57780
receipt of the money to be credited to the soil and water 57781
conservation district assistance fund or the recycling and litter 57782
prevention fund, as applicable. 57783

(D) This section does not apply to the disposal of 57784
construction and demolition debris at a solid waste facility that 57785
is licensed under Chapter 3734. of the Revised Code if the owner 57786
or operator of the facility chooses to collect fees on the 57787
disposal of the construction and demolition debris and asbestos or 57788
asbestos-containing materials or products that are identical to 57789
the fees that are collected under Chapters 343. and 3734. of the 57790
Revised Code on the disposal of solid wastes at that facility. 57791

(E) This section does not apply to the disposal of source 57792
separated materials that are exclusively composed of reinforced or 57793
nonreinforced concrete, asphalt, clay tile, building or paving 57794
brick, or building or paving stone at a construction and 57795
demolition debris facility that is licensed under this chapter 57796

when either of the following applies: 57797

(1) The materials are placed within the limits of 57798
construction and demolition debris placement at the facility as 57799
specified in the license issued to the facility under section 57800
3714.06 of the Revised Code, are not placed within the unloading 57801
zone of the facility, and are used as a fire prevention measure in 57802
accordance with rules adopted by the director under section 57803
3714.02 of the Revised Code. 57804

(2) The materials are not placed within the unloading zone of 57805
the facility or within the limits of construction and demolition 57806
debris placement at the facility as specified in the license 57807
issued to the facility under section 3714.06 of the Revised Code, 57808
but are used as fill material, either alone or in conjunction with 57809
clean soil, sand, gravel, or other clean aggregates, in legitimate 57810
fill operations for construction purposes at the facility or to 57811
bring the facility up to a consistent grade. 57812

Sec. 3714.08. (A) At least annually, the board of health of a 57813
health district or the director of environmental protection shall 57814
cause each construction and demolition debris facility for which 57815
the board or the director, as appropriate, issued a license under 57816
section 3714.06 of the Revised Code to be inspected and shall 57817
cause a record to be made of each inspection. The board or the 57818
director shall require each such facility to be in substantial 57819
compliance with this chapter and rules adopted under it. 57820

(B) Within thirty days after the issuance of a license, the 57821
board of health shall certify to the director of environmental 57822
protection that the construction and demolition debris facility 57823
has been inspected and is in substantial compliance with this 57824
chapter and rules adopted under it. Each board of health shall 57825
provide the director with such other information as ~~he~~ the 57826
director may require from time to time. 57827

(C) The board of health or its authorized representative and 57828
the director or ~~his~~ the director's authorized representative, upon 57829
proper identification and upon stating the purpose and necessity 57830
of an inspection, may enter at reasonable times upon any public or 57831
private property, real or personal, to inspect or investigate, 57832
obtain samples, and examine or copy records to determine 57833
compliance with this chapter and rules adopted under it. The board 57834
of health or its authorized representative or the director or ~~his~~ 57835
the director's authorized representative may apply for, and any 57836
judge of a court of record may issue, an appropriate search 57837
warrant necessary to achieve the purposes of this chapter and 57838
rules adopted under it within the court's territorial 57839
jurisdiction. If entry is refused or inspection or investigation 57840
is refused, hindered, or thwarted, the board of health or the 57841
director may suspend or revoke the construction and demolition 57842
debris facility's license. 57843

(D) If the entry authorized by division (C) of this section 57844
is refused or if the inspection or investigation so authorized is 57845
refused, hindered, or thwarted by intimidation or otherwise and if 57846
the director, the board of health, or authorized representative of 57847
either applies for and obtains a search warrant under division (C) 57848
of this section to conduct the inspection or investigation, the 57849
owner or operator of the premises where entry was refused or 57850
inspection or investigation was refused, hindered, or thwarted is 57851
liable to the director or board of health for the reasonable costs 57852
incurred by either for ~~the~~ all of the following: 57853

(1) The regular salaries and fringe benefit costs of 57854
personnel assigned to conduct the inspection or investigation from 57855
the time the entry, inspection, or investigation was refused, 57856
hindered, or thwarted until the search warrant is executed; ~~for~~ 57857
~~the~~ 57858

(2) The salary, fringe benefits, and travel expenses of the 57859

attorney general, prosecuting attorney of the county, or city 57860
director of law, or an authorized assistant, incurred in obtaining 57861
the search warrant; ~~and for expenses~~ 57862

(3) Expenses necessarily incurred for the assistance of local 57863
law enforcement officers in executing the search warrant. ~~In~~ 57864

In the application for a search warrant, the director or 57865
board of health may request and the court, in its order granting 57866
the search warrant, may order the owner or operator of the 57867
premises to reimburse the director or board of health for such of 57868
those costs as the court finds reasonable. From moneys recovered 57869
under this division, the director shall reimburse the attorney 57870
general for the costs incurred by ~~him~~ the attorney general or ~~his~~ 57871
the attorney general's authorized assistant in connection with 57872
proceedings for obtaining the search warrant, shall reimburse the 57873
political subdivision in which the premises is located for the 57874
assistance of its law enforcement officers in executing the search 57875
warrant, and shall deposit the remainder in the state treasury to 57876
the credit of the ~~construction and demolition debris facility~~ 57877
~~oversight~~ waste management fund created in section ~~3714.07~~ 57878
3734.061 of the Revised Code. From moneys recovered under this 57879
division, the board of health shall reimburse the prosecuting 57880
attorney of the county or the city director of law for the costs 57881
incurred by ~~him~~ the prosecuting attorney or the city director of 57882
law or ~~his~~ the authorized assistant of the prosecuting attorney or 57883
the city director of law in connection with proceedings for 57884
obtaining the search warrant, shall reimburse the political 57885
subdivision in which the premises is located for the assistance of 57886
its law enforcement officers in executing the search warrant, and 57887
shall deposit the remainder of any such moneys to the credit of 57888
the special fund of the health district created in section 3714.07 57889
of the Revised Code. 57890

Sec. 3714.09. (A) The director of environmental protection 57891
shall place each health district that is on the approved list 57892
under division (A) or (B) of section 3734.08 of the Revised Code 57893
on the approved list for the purposes of issuing permits to 57894
install and licenses under this chapter. Any survey or resurvey of 57895
any such health district conducted under section 3734.08 of the 57896
Revised Code shall also determine whether there is substantial 57897
compliance with this chapter. If the director removes any such 57898
health district from the approved list under division (B) of that 57899
section, the director shall also remove the health district from 57900
the approved list under this division and shall administer and 57901
enforce this chapter in the health district until the health 57902
district is placed on the approved list under division (B) of 57903
section 3734.08 of the Revised Code or division (B)(1) of this 57904
section. 57905

(B)(1) Upon the request of the board of health of a health 57906
district that is not on the approved list under division (A) or 57907
(B) of section 3734.08 of the Revised Code, the director may place 57908
the board on the approved list for the purpose of permitting and 57909
licensing construction and demolition debris facilities under this 57910
chapter if the director determines that the board is both capable 57911
of and willing to enforce all of the applicable requirements of 57912
this chapter and rules adopted under it. 57913

(2) The director shall annually survey each health district 57914
on the approved list under division (B)(1) of this section to 57915
determine whether there is substantial compliance with this 57916
chapter and rules adopted under it. Upon determining that there is 57917
substantial compliance, the director shall place the health 57918
district on the approved list under that division. The director 57919
shall make a resurvey when in the director's opinion a resurvey is 57920
necessary and shall remove from the approved list under division 57921
(B)(1) of this section any health district not substantially 57922

complying with this chapter and rules adopted under it. 57923

(3) If, after a survey or resurvey is made under division 57924
(B)(2) of this section, the director determines that a health 57925
district is not eligible to be placed on the approved list or to 57926
continue on that list, the director shall certify that fact to the 57927
board of health of the health district and shall administer and 57928
enforce this chapter and rules adopted under it in the health 57929
district until such time as the health district is placed on the 57930
approved list. 57931

(4) Whenever the director is required to administer and 57932
enforce this chapter in any health district under division (A) or 57933
(B)(3) of this section, the director is hereby vested with all of 57934
the authority and all the duties granted to or imposed upon a 57935
board of health under this chapter and rules adopted under it 57936
within the health district. All disposal fees required to be paid 57937
to a board of health by section 3714.07 of the Revised Code and 57938
all such previous fees paid to the board, together with any money 57939
from construction and demolition debris facility license fees that 57940
were required to be paid to the board under section 3714.07 of the 57941
Revised Code as that section existed prior to April 15, 2005, that 57942
have not been expended or encumbered shall be paid to the director 57943
and deposited by the director in the state treasury to the credit 57944
of the ~~construction and demolition debris facility oversight~~ waste 57945
management fund created in section ~~3714.07~~ 3734.061 of the Revised 57946
Code. 57947

(C) Nothing in this chapter limits the authority of the 57948
director to initiate and pursue any administrative remedy or to 57949
request the attorney general, the prosecuting attorney of the 57950
appropriate county, or the city director of law of the appropriate 57951
city to initiate and pursue any appropriate judicial remedy 57952
available under this chapter to enforce any provision of this 57953
chapter and any rules or terms or conditions of any permit or 57954

license or order adopted or issued under this chapter with respect 57955
to any construction and demolition debris facility regardless of 57956
whether the facility is located in a health district that is on 57957
the approved list under this section. 57958

Sec. 3718.03. (A) There is hereby created the sewage 57959
treatment system technical advisory committee consisting of the 57960
director of health or the director's designee and thirteen members 57961
who are knowledgeable about sewage treatment systems and 57962
technologies. The director or the director's designee shall serve 57963
as committee secretary and may vote on actions taken by the 57964
committee. Of the thirteen members, five shall be appointed by the 57965
governor, four shall be appointed by the president of the senate, 57966
and four shall be appointed by the speaker of the house of 57967
representatives. 57968

(1) Of the members appointed by the governor, one shall 57969
represent academia and shall be active in teaching or research in 57970
the area of on-site wastewater treatment, one shall be a 57971
representative of the public who is not employed by the state or 57972
any of its political subdivisions and who does not have a 57973
pecuniary interest in sewage treatment systems, one shall be a 57974
registered professional engineer employed by the environmental 57975
protection agency, one shall be selected from among soil 57976
scientists in the division of soil and water ~~resources~~ 57977
conservation in the department of ~~natural resources~~ agriculture, 57978
and one shall be a representative of a statewide organization 57979
representing townships. 57980

(2) Of the members appointed by the president of the senate, 57981
one shall be a health commissioner who is a member of and 57982
recommended by the association of Ohio health commissioners, one 57983
shall represent the interests of manufacturers of sewage treatment 57984
systems, one shall represent installers and service providers, and 57985

one shall be a person with demonstrated experience in the design 57986
of sewage treatment systems. 57987

(3) Of the members appointed by the speaker of the house of 57988
representatives, one shall be a health commissioner who is a 57989
member of and recommended by the association of Ohio health 57990
commissioners, one shall represent the interests of manufacturers 57991
of sewage treatment systems, one shall be a sanitarian who is 57992
registered under Chapter 4736. of the Revised Code and who is a 57993
member of the Ohio environmental health association, and one shall 57994
be a registered professional engineer with experience in sewage 57995
treatment systems. 57996

(B) Terms of members appointed to the committee shall be for 57997
three years, with each term ending on the same day of the same 57998
month as did the term that it succeeds. Each member shall serve 57999
from the date of appointment until the end of the term for which 58000
the member was appointed. 58001

Members may be reappointed. Vacancies shall be filled in the 58002
same manner as provided for original appointments. Any member 58003
appointed to fill a vacancy occurring prior to the expiration date 58004
of the term for which the member was appointed shall hold office 58005
for the remainder of that term. A member shall continue to serve 58006
after the expiration date of the member's term until the member's 58007
successor is appointed or until a period of sixty days has 58008
elapsed, whichever occurs first. The applicable appointing 58009
authority may remove a member from the committee for failure to 58010
attend two consecutive meetings without showing good cause for the 58011
absences. 58012

(C) The technical advisory committee annually shall select 58013
from among its members a chairperson and a vice-chairperson. The 58014
secretary shall keep a record of its proceedings. A majority vote 58015
of the members of the full committee is necessary to take action 58016
on any matter. The committee may adopt bylaws governing its 58017

operation, including bylaws that establish the frequency of 58018
meetings. 58019

(D) Serving as a member of the sewage treatment system 58020
technical advisory committee does not constitute holding a public 58021
office or position of employment under the laws of this state and 58022
does not constitute grounds for removal of public officers or 58023
employees from their offices or positions of employment. Members 58024
of the committee shall serve without compensation for attending 58025
committee meetings. 58026

(E) A member of the committee shall not have a conflict of 58027
interest with the position. For the purposes of this division, 58028
"conflict of interest" means the taking of any action that 58029
violates any provision of Chapter 102. or 2921. of the Revised 58030
Code. 58031

(F) The sewage treatment system technical advisory committee 58032
shall do all of the following: 58033

(1) Develop with the department of health standards, 58034
guidelines, and protocols for approving or disapproving a sewage 58035
treatment system or components of a system under section 3718.04 58036
of the Revised Code. Any guideline requiring the submission of 58037
scientific information or testing data shall specify, in writing, 58038
the protocol and format to be used in submitting the information 58039
or data. 58040

(2) Develop with the department an application form to be 58041
submitted to the director by an applicant for approval or 58042
disapproval of a sewage treatment system or components of a system 58043
and specify the information that must be included with an 58044
application form; 58045

(3) Make recommendations to the director regarding the 58046
approval or disapproval of an application sent to the director 58047
under section 3718.04 of the Revised Code requesting approval of a 58048

sewage treatment system or components of a system; 58049

(4) Pursue and recruit in an active manner the research, 58050
development, introduction, and timely approval of innovative and 58051
cost-effective sewage treatment systems and components of a system 58052
for use in this state, which shall include conducting pilot 58053
projects to assess the effectiveness of a system or components of 58054
a system. 58055

(G) The chairperson of the committee shall prepare and submit 58056
an annual report concerning the activities of the committee to the 58057
general assembly not later than ninety days after the end of the 58058
calendar year. The report shall discuss the number of applications 58059
submitted under section 3718.04 of the Revised Code for the 58060
approval of a new sewage treatment system or a component of a 58061
system, the number of such systems and components that were 58062
approved, any information that the committee considers beneficial 58063
to the general assembly, and any other information that the 58064
chairperson determines is beneficial to the general assembly. If 58065
other members of the committee determine that certain information 58066
should be included in the report, they shall submit the 58067
information to the chairperson not later than thirty days after 58068
the end of the calendar year. 58069

(H) The department shall provide meeting space for the 58070
committee. The committee shall be assisted in its duties by the 58071
staff of the department. 58072

(I) Sections 101.82 to 101.87 of the Revised Code do not 58073
apply to the sewage treatment system technical advisory committee. 58074

Sec. 3734.01. As used in this chapter: 58075

(A) "Board of health" means the board of health of a city or 58076
general health district or the authority having the duties of a 58077
board of health in any city as authorized by section 3709.05 of 58078

the Revised Code. 58079

(B) "Director" means the director of environmental 58080
protection. 58081

(C) "Health district" means a city or general health district 58082
as created by or under authority of Chapter 3709. of the Revised 58083
Code. 58084

(D) "Agency" means the environmental protection agency. 58085

(E) "Solid wastes" means such unwanted residual solid or 58086
semisolid material as results from industrial, commercial, 58087
agricultural, and community operations, excluding earth or 58088
material from construction, mining, or demolition operations, or 58089
other waste materials of the type that normally would be included 58090
in demolition debris, nontoxic fly ash and bottom ash, including 58091
at least ash that results from the combustion of coal and ash that 58092
results from the combustion of coal in combination with scrap 58093
tires where scrap tires comprise not more than fifty per cent of 58094
heat input in any month, spent nontoxic foundry sand, nontoxic, 58095
nonhazardous, unwanted fired and unfired, glazed and unglazed, 58096
structural shale and clay products, and slag and other substances 58097
that are not harmful or inimical to public health, and includes, 58098
but is not limited to, garbage, scrap tires, combustible and 58099
noncombustible material, street dirt, and debris. "Solid wastes" 58100
does not include any material that is an infectious waste or a 58101
hazardous waste. 58102

(F) "Disposal" means the discharge, deposit, injection, 58103
dumping, spilling, leaking, emitting, or placing of any solid 58104
wastes or hazardous waste into or on any land or ground or surface 58105
water or into the air, except if the disposition or placement 58106
constitutes storage or treatment or, if the solid wastes consist 58107
of scrap tires, the disposition or placement constitutes a 58108
beneficial use or occurs at a scrap tire recovery facility 58109

licensed under section 3734.81 of the Revised Code. 58110

(G) "Person" includes the state, any political subdivision 58111
and other state or local body, the United States and any agency or 58112
instrumentality thereof, and any legal entity defined as a person 58113
under section 1.59 of the Revised Code. 58114

(H) "Open burning" means the burning of solid wastes in an 58115
open area or burning of solid wastes in a type of chamber or 58116
vessel that is not approved or authorized in rules adopted by the 58117
director under section 3734.02 of the Revised Code or, if the 58118
solid wastes consist of scrap tires, in rules adopted under 58119
division (V) of this section or section 3734.73 of the Revised 58120
Code, or the burning of treated or untreated infectious wastes in 58121
an open area or in a type of chamber or vessel that is not 58122
approved in rules adopted by the director under section 3734.021 58123
of the Revised Code. 58124

(I) "Open dumping" means the depositing of solid wastes into 58125
a body or stream of water or onto the surface of the ground at a 58126
site that is not licensed as a solid waste facility under section 58127
3734.05 of the Revised Code or, if the solid wastes consist of 58128
scrap tires, as a scrap tire collection, storage, monocell, 58129
monofill, or recovery facility under section 3734.81 of the 58130
Revised Code; the depositing of solid wastes that consist of scrap 58131
tires onto the surface of the ground at a site or in a manner not 58132
specifically identified in divisions (C)(2) to (5), (7), or (10) 58133
of section 3734.85 of the Revised Code; the depositing of 58134
untreated infectious wastes into a body or stream of water or onto 58135
the surface of the ground; or the depositing of treated infectious 58136
wastes into a body or stream of water or onto the surface of the 58137
ground at a site that is not licensed as a solid waste facility 58138
under section 3734.05 of the Revised Code. 58139

(J) "Hazardous waste" means any waste or combination of 58140
wastes in solid, liquid, semisolid, or contained gaseous form that 58141

in the determination of the director, because of its quantity, 58142
concentration, or physical or chemical characteristics, may do 58143
either of the following: 58144

(1) Cause or significantly contribute to an increase in 58145
mortality or an increase in serious irreversible or incapacitating 58146
reversible illness; 58147

(2) Pose a substantial present or potential hazard to human 58148
health or safety or to the environment when improperly stored, 58149
treated, transported, disposed of, or otherwise managed. 58150

"Hazardous waste" includes any substance identified by 58151
regulation as hazardous waste under the "Resource Conservation and 58152
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 58153
amended, and does not include any substance that is subject to the 58154
"Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as 58155
amended. 58156

(K) "Treat" or "treatment," when used in connection with 58157
hazardous waste, means any method, technique, or process designed 58158
to change the physical, chemical, or biological characteristics or 58159
composition of any hazardous waste; to neutralize the waste; to 58160
recover energy or material resources from the waste; to render the 58161
waste nonhazardous or less hazardous, safer to transport, store, 58162
or dispose of, or amenable for recovery, storage, further 58163
treatment, or disposal; or to reduce the volume of the waste. When 58164
used in connection with infectious wastes, "treat" or "treatment" 58165
means any method, technique, or process that renders the wastes 58166
noninfectious so that it is no longer an infectious waste and is 58167
no longer an infectious substance as defined in applicable federal 58168
law, including, without limitation, steam sterilization and 58169
incineration, and, in the instance of wastes identified in 58170
division (R)(7) of this section, to substantially reduce or 58171
eliminate the potential for the wastes to cause lacerations or 58172
puncture wounds. 58173

(L) "Manifest" means the form used for identifying the quantity, composition, origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage.

(M) "Storage," when used in connection with hazardous waste, means the holding of hazardous waste for a temporary period in such a manner that it remains retrievable and substantially unchanged physically and chemically and, at the end of the period, is treated; disposed of; stored elsewhere; or reused, recycled, or reclaimed in a beneficial manner. When used in connection with solid wastes that consist of scrap tires, "storage" means the holding of scrap tires for a temporary period in such a manner that they remain retrievable and, at the end of that period, are beneficially used; stored elsewhere; placed in a scrap tire monocell or monofill facility licensed under section 3734.81 of the Revised Code; processed at a scrap tire recovery facility licensed under that section or a solid waste incineration or energy recovery facility subject to regulation under this chapter; or transported to a scrap tire monocell, monofill, or recovery facility, any other solid waste facility authorized to dispose of scrap tires, or a facility that will beneficially use the scrap tires, that is located in another state and is operating in compliance with the laws of the state in which the facility is located.

(N) "Facility" means any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes or, if the solid wastes consist of scrap tires, for the collection, storage, or processing of the solid wastes; for the transfer of solid wastes; for the treatment of infectious wastes; or for the storage, treatment, or disposal of hazardous waste.

(O) "Closure" means the time at which a hazardous waste

facility will no longer accept hazardous waste for treatment, 58206
storage, or disposal, the time at which a solid waste facility 58207
will no longer accept solid wastes for transfer or disposal or, if 58208
the solid wastes consist of scrap tires, for storage or 58209
processing, or the effective date of an order revoking the permit 58210
for a hazardous waste facility or the registration certificate, 58211
permit, or license for a solid waste facility, as applicable. 58212
"Closure" includes measures performed to protect public health or 58213
safety, to prevent air or water pollution, or to make the facility 58214
suitable for other uses, if any, including, but not limited to, 58215
the removal of processing residues resulting from solid wastes 58216
that consist of scrap tires; the establishment and maintenance of 58217
a suitable cover of soil and vegetation over cells in which 58218
hazardous waste or solid wastes are buried; minimization of 58219
erosion, the infiltration of surface water into such cells, the 58220
production of leachate, and the accumulation and runoff of 58221
contaminated surface water; the final construction of facilities 58222
for the collection and treatment of leachate and contaminated 58223
surface water runoff, except as otherwise provided in this 58224
division; the final construction of air and water quality 58225
monitoring facilities, except as otherwise provided in this 58226
division; the final construction of methane gas extraction and 58227
treatment systems; or the removal and proper disposal of hazardous 58228
waste or solid wastes from a facility when necessary to protect 58229
public health or safety or to abate or prevent air or water 58230
pollution. With regard to a solid waste facility that is a scrap 58231
tire facility, "closure" includes the final construction of 58232
facilities for the collection and treatment of leachate and 58233
contaminated surface water runoff and the final construction of 58234
air and water quality monitoring facilities only if those actions 58235
are determined to be necessary. 58236

(P) "Premises" means either of the following: 58237

(1) Geographically contiguous property owned by a generator;	58238
(2) Noncontiguous property that is owned by a generator and connected by a right-of-way that the generator controls and to which the public does not have access. Two or more pieces of property that are geographically contiguous and divided by public or private right-of-way or rights-of-way are a single premises.	58239 58240 58241 58242 58243
(Q) "Post-closure" means that period of time following closure during which a hazardous waste facility is required to be monitored and maintained under this chapter and rules adopted under it, including, without limitation, operation and maintenance of methane gas extraction and treatment systems, or the period of time after closure during which a scrap tire monocell or monofill facility licensed under section 3734.81 of the Revised Code is required to be monitored and maintained under this chapter and rules adopted under it.	58244 58245 58246 58247 58248 58249 58250 58251 58252
(R) "Infectious wastes" means any wastes or combination of wastes that include cultures and stocks of infectious agents and associated biologicals, human blood and blood products, and substances that were or are likely to have been exposed to or contaminated with or are likely to transmit an infectious agent or zoonotic agent, including all of the following:	58253 58254 58255 58256 58257 58258
(1) Laboratory wastes;	58259
(2) Pathological wastes;	58260
(3) Animal blood and blood products;	58261
(4) Animal carcasses and parts;	58262
(5) Waste materials from the rooms of humans, or the enclosures of animals, that have been isolated because of diagnosed communicable disease that are likely to transmit infectious agents. Such waste materials from the rooms of humans do not include any wastes of patients who have been placed on	58263 58264 58265 58266 58267

blood and body fluid precautions under the universal precaution 58268
system established by the centers for disease control in the 58269
public health service of the United States department of health 58270
and human services, except to the extent specific wastes generated 58271
under the universal precautions system have been identified as 58272
infectious wastes by rules adopted under division (R)(7) of this 58273
section. 58274

(6) Sharp wastes used in the treatment, diagnosis, or 58275
inoculation of human beings or animals; 58276

(7) Any other waste materials generated in the diagnosis, 58277
treatment, or immunization of human beings or animals, in research 58278
pertaining thereto, or in the production or testing of 58279
biologicals, that the director of health, by rules adopted in 58280
accordance with Chapter 119. of the Revised Code, identifies as 58281
infectious wastes after determining that the wastes present a 58282
substantial threat to human health when improperly managed because 58283
they are contaminated with, or are likely to be contaminated with, 58284
infectious agents. 58285

As used in this division, "blood products" does not include 58286
patient care waste such as bandages or disposable gowns that are 58287
lightly soiled with blood or other body fluids unless those wastes 58288
are soiled to the extent that the generator of the wastes 58289
determines that they should be managed as infectious wastes. 58290

(S) "Infectious agent" means a type of microorganism, 58291
pathogen, virus, or proteinaceous infectious particle that can 58292
cause or significantly contribute to disease in or death of human 58293
beings. 58294

(T) "Zoonotic agent" means a type of microorganism, pathogen, 58295
or virus that causes disease in vertebrate animals, is 58296
transmissible to human beings, and can cause or significantly 58297
contribute to disease in or death of human beings. 58298

(U) "Solid waste transfer facility" means any site, location, tract of land, installation, or building that is used or intended to be used primarily for the purpose of transferring solid wastes that were generated off the premises of the facility from vehicles or containers into other vehicles for transportation to a solid waste disposal facility. "Solid waste transfer facility" does not include any facility that consists solely of portable containers that have an aggregate volume of fifty cubic yards or less nor any facility where legitimate recycling activities are conducted.

(V) "Beneficially use" includes:

(1) With regard to scrap tires, to use a scrap tire in a manner that results in a commodity for sale or exchange or in any other manner authorized as a beneficial use in rules adopted by the director in accordance with Chapter 119. of the Revised Code;

(2) With regard to material from a horizontal well that has come in contact with a refined oil-based substance and that is not technologically enhanced naturally occurring radioactive material, to use the material in any manner authorized as a beneficial use in rules adopted by the director under section 3734.125 of the Revised Code.

(W) "Commercial car," "commercial tractor," "farm machinery," "motor bus," "vehicles," "motor vehicle," and "semitrailer" have the same meanings as in section 4501.01 of the Revised Code.

(X) "Construction equipment" means road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work, or in mining or producing or processing aggregates, and not designed for or used in general highway transportation.

(Y) "Motor vehicle salvage dealer" has the same meaning as in section 4738.01 of the Revised Code.

(Z) "Scrap tire" means an unwanted or discarded tire.

(AA) "Scrap tire collection facility" means any facility that 58330
meets all of the following qualifications: 58331

(1) The facility is used for the receipt and storage of whole 58332
scrap tires from the public prior to their transportation to a 58333
scrap tire storage, monocell, monofill, or recovery facility 58334
licensed under section 3734.81 of the Revised Code; a solid waste 58335
incineration or energy recovery facility subject to regulation 58336
under this chapter; a premises within the state where the scrap 58337
tires will be beneficially used; or a scrap tire storage, 58338
monocell, monofill, or recovery facility, any other solid waste 58339
disposal facility authorized to dispose of scrap tires, or a 58340
facility that will beneficially use the scrap tires, that is 58341
located in another state, and that is operating in compliance with 58342
the laws of the state in which the facility is located. 58343

(2) The facility exclusively stores scrap tires in portable 58344
containers. 58345

(3) The aggregate storage of the portable containers in which 58346
the scrap tires are stored does not exceed five thousand cubic 58347
feet. 58348

(BB) "Scrap tire monocell facility" means an individual site 58349
within a solid waste landfill that is used exclusively for the 58350
environmentally sound storage or disposal of whole scrap tires or 58351
scrap tires that have been shredded, chipped, or otherwise 58352
mechanically processed. 58353

(CC) "Scrap tire monofill facility" means an engineered 58354
facility used or intended to be used exclusively for the storage 58355
or disposal of scrap tires, including at least facilities for the 58356
submergence of whole scrap tires in a body of water. 58357

(DD) "Scrap tire recovery facility" means any facility, or 58358
portion thereof, for the processing of scrap tires for the purpose 58359
of extracting or producing usable products, materials, or energy 58360

from the scrap tires through a controlled combustion process, 58361
mechanical process, or chemical process. "Scrap tire recovery 58362
facility" includes any facility that uses the controlled 58363
combustion of scrap tires in a manufacturing process to produce 58364
process heat or steam or any facility that produces usable heat or 58365
electric power through the controlled combustion of scrap tires in 58366
combination with another fuel, but does not include any solid 58367
waste incineration or energy recovery facility that is designed, 58368
constructed, and used for the primary purpose of incinerating 58369
mixed municipal solid wastes and that burns scrap tires in 58370
conjunction with mixed municipal solid wastes, or any tire 58371
retreading business, tire manufacturing finishing center, or tire 58372
adjustment center having on the premises of the business a single, 58373
covered scrap tire storage area at which not more than four 58374
thousand scrap tires are stored. 58375

(EE) "Scrap tire storage facility" means any facility where 58376
whole scrap tires are stored prior to their transportation to a 58377
scrap tire monocell, monofill, or recovery facility licensed under 58378
section 3734.81 of the Revised Code; a solid waste incineration or 58379
energy recovery facility subject to regulation under this chapter; 58380
a premises within the state where the scrap tires will be 58381
beneficially used; or a scrap tire storage, monocell, monofill, or 58382
recovery facility, any other solid waste disposal facility 58383
authorized to dispose of scrap tires, or a facility that will 58384
beneficially use the scrap tires, that is located in another 58385
state, and that is operating in compliance with the laws of the 58386
state in which the facility is located. 58387

(FF) "Used oil" means any oil that has been refined from 58388
crude oil, or any synthetic oil, that has been used and, as a 58389
result of that use, is contaminated by physical or chemical 58390
impurities. "Used oil" includes only those substances identified 58391
as used oil by the United States environmental protection agency 58392

under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 58393
U.S.C.A. 6901a, as amended. 58394

(GG) "Accumulated speculatively" has the same meaning as in 58395
rules adopted by the director under section 3734.12 of the Revised 58396
Code. 58397

(HH) "Horizontal well" has the same meaning as in section 58398
1509.01 of the Revised Code. 58399

(II) "Technologically enhanced naturally occurring 58400
radioactive material" has the same meaning as in section 3748.01 58401
of the Revised Code. 58402

Sec. 3734.02. (A) The director of environmental protection, 58403
in accordance with Chapter 119. of the Revised Code, shall adopt 58404
and may amend, suspend, or rescind rules having uniform 58405
application throughout the state governing solid waste facilities 58406
and the inspections of and issuance of permits and licenses for 58407
all solid waste facilities in order to ensure that the facilities 58408
will be located, maintained, and operated, and will undergo 58409
closure and post-closure care, in a sanitary manner so as not to 58410
create a nuisance, cause or contribute to water pollution, create 58411
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 58412
257.3-8, as amended. The rules may include, without limitation, 58413
financial assurance requirements for closure and post-closure care 58414
and corrective action and requirements for taking corrective 58415
action in the event of the surface or subsurface discharge or 58416
migration of explosive gases or leachate from a solid waste 58417
facility, or of ground water contamination resulting from the 58418
transfer or disposal of solid wastes at a facility, beyond the 58419
boundaries of any area within a facility that is operating or is 58420
undergoing closure or post-closure care where solid wastes were 58421
disposed of or are being disposed of. The rules shall not concern 58422
or relate to personnel policies, salaries, wages, fringe benefits, 58423

or other conditions of employment of employees of persons owning 58424
or operating solid waste facilities. The director, in accordance 58425
with Chapter 119. of the Revised Code, shall adopt and may amend, 58426
suspend, or rescind rules governing the issuance, modification, 58427
revocation, suspension, or denial of variances from the director's 58428
solid waste rules, including, without limitation, rules adopted 58429
under this chapter governing the management of scrap tires. 58430

Variances shall be issued, modified, revoked, suspended, or 58431
rescinded in accordance with this division, rules adopted under 58432
it, and Chapter 3745. of the Revised Code. The director may order 58433
the person to whom a variance is issued to take such action within 58434
such time as the director may determine to be appropriate and 58435
reasonable to prevent the creation of a nuisance or a hazard to 58436
the public health or safety or the environment. Applications for 58437
variances shall contain such detail plans, specifications, and 58438
information regarding objectives, procedures, controls, and other 58439
pertinent data as the director may require. The director shall 58440
grant a variance only if the applicant demonstrates to the 58441
director's satisfaction that construction and operation of the 58442
solid waste facility in the manner allowed by the variance and any 58443
terms or conditions imposed as part of the variance will not 58444
create a nuisance or a hazard to the public health or safety or 58445
the environment. In granting any variance, the director shall 58446
state the specific provision or provisions whose terms are to be 58447
varied and also shall state specific terms or conditions imposed 58448
upon the applicant in place of the provision or provisions. ~~The~~ 58449

The director may hold a public hearing on an application for 58450
a variance or renewal of a variance at a location in the county 58451
where the operations that are the subject of the application for 58452
the variance are conducted. The director shall give not less than 58453
twenty days' notice of the hearing to the applicant by certified 58454
mail or by another type of mail accompanied by a receipt and shall 58455

publish at least one notice of the hearing in a newspaper with 58456
general circulation in the county where the hearing is to be held. 58457
The director shall make available for public inspection at the 58458
principal office of the environmental protection agency a current 58459
list of pending applications for variances and a current schedule 58460
of pending variance hearings. The director shall make a complete 58461
stenographic record of testimony and other evidence submitted at 58462
the hearing. ~~Within~~ 58463

Within ten days after the hearing, the director shall make a 58464
written determination to issue, renew, or deny the variance and 58465
shall enter the determination and the basis for it into the record 58466
of the hearing. The director shall issue, renew, or deny an 58467
application for a variance or renewal of a variance within six 58468
months of the date upon which the director receives a complete 58469
application with all pertinent information and data required. No 58470
variance shall be issued, revoked, modified, or denied until the 58471
director has considered the relative interests of the applicant, 58472
other persons and property affected by the variance, and the 58473
general public. Any variance granted under this division shall be 58474
for a period specified by the director and may be renewed from 58475
time to time on such terms and for such periods as the director 58476
determines to be appropriate. No application shall be denied and 58477
no variance shall be revoked or modified without a written order 58478
stating the findings upon which the denial, revocation, or 58479
modification is based. A copy of the order shall be sent to the 58480
applicant or variance holder by certified mail or by another type 58481
of mail accompanied by a receipt. 58482

(B) The director shall prescribe and furnish the forms 58483
necessary to administer and enforce this chapter. The director may 58484
cooperate with and enter into agreements with other state, local, 58485
or federal agencies to carry out the purposes of this chapter. The 58486
director may exercise all incidental powers necessary to carry out 58487

the purposes of this chapter. 58488

~~The director may use moneys in the infectious waste 58489
management fund created in section 3734.021 of the Revised Code 58490
exclusively for administering and enforcing the provisions of this 58491
chapter governing the management of infectious wastes. 58492~~

(C) Except as provided in this division and divisions (N)(2) 58493
and (3) of this section, no person shall establish a new solid 58494
waste facility or infectious waste treatment facility, or modify 58495
an existing solid waste facility or infectious waste treatment 58496
facility, without submitting an application for a permit with 58497
accompanying detail plans, specifications, and information 58498
regarding the facility and method of operation and receiving a 58499
permit issued by the director, except that no permit shall be 58500
required under this division to install or operate a solid waste 58501
facility for sewage sludge treatment or disposal when the 58502
treatment or disposal is authorized by a current permit issued 58503
under Chapter 3704. or 6111. of the Revised Code. 58504

No person shall continue to operate a solid waste facility 58505
for which the director has denied a permit for which an 58506
application was required under division (A)(3) of section 3734.05 58507
of the Revised Code, or for which the director has disapproved 58508
plans and specifications required to be filed by an order issued 58509
under division (A)(5) of that section, after the date prescribed 58510
for commencement of closure of the facility in the order issued 58511
under division (A)(6) of section 3734.05 of the Revised Code 58512
denying the permit application or approval. 58513

On and after the effective date of the rules adopted under 58514
division (A) of this section and division (D) of section 3734.12 58515
of the Revised Code governing solid waste transfer facilities, no 58516
person shall establish a new, or modify an existing, solid waste 58517
transfer facility without first submitting an application for a 58518
permit with accompanying engineering detail plans, specifications, 58519

and information regarding the facility and its method of operation 58520
to the director and receiving a permit issued by the director. 58521

No person shall establish a new compost facility or continue 58522
to operate an existing compost facility that accepts exclusively 58523
source separated yard wastes without submitting a completed 58524
registration for the facility to the director in accordance with 58525
rules adopted under divisions (A) and (N)(3) of this section. 58526

This division does not apply to a generator of infectious 58527
wastes that does any of the following: 58528

(1) Treats, by methods, techniques, and practices established 58529
by rules adopted under division (B)(2)(a) of section 3734.021 of 58530
the Revised Code, any of the following: 58531

(a) Infectious wastes that are generated on any premises that 58532
are owned or operated by the generator; 58533

(b) Infectious wastes that are generated by a generator who 58534
has staff privileges at a hospital as defined in section 3727.01 58535
of the Revised Code; 58536

(c) Infectious wastes that are generated in providing care to 58537
a patient by an emergency medical services organization as defined 58538
in section 4765.01 of the Revised Code. 58539

(2) Holds a license or renewal of a license to operate a 58540
crematory facility issued under Chapter 4717. and a permit issued 58541
under Chapter 3704. of the Revised Code; 58542

(3) Treats or disposes of dead animals or parts thereof, or 58543
the blood of animals, and is subject to any of the following: 58544

(a) Inspection under the "Federal Meat Inspection Act," 81 58545
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 58546

(b) Chapter 918. of the Revised Code; 58547

(c) Chapter 953. of the Revised Code. 58548

(D) Neither this chapter nor any rules adopted under it apply 58549
to single-family residential premises; to infectious wastes 58550
generated by individuals for purposes of their own care or 58551
treatment; to the temporary storage of solid wastes, other than 58552
scrap tires, prior to their collection for disposal; to the 58553
storage of one hundred or fewer scrap tires unless they are stored 58554
in such a manner that, in the judgment of the director or the 58555
board of health of the health district in which the scrap tires 58556
are stored, the storage causes a nuisance, a hazard to public 58557
health or safety, or a fire hazard; or to the collection of solid 58558
wastes, other than scrap tires, by a political subdivision or a 58559
person holding a franchise or license from a political subdivision 58560
of the state; to composting, as defined in section 1511.01 of the 58561
Revised Code, conducted in accordance with section 1511.022 of the 58562
Revised Code; or to any person who is licensed to transport raw 58563
rendering material to a compost facility pursuant to section 58564
953.23 of the Revised Code. 58565

(E)(1) As used in this division: 58566

(a) "On-site facility" means a facility that stores, treats, 58567
or disposes of hazardous waste that is generated on the premises 58568
of the facility. 58569

(b) "Off-site facility" means a facility that stores, treats, 58570
or disposes of hazardous waste that is generated off the premises 58571
of the facility and includes such a facility that is also an 58572
on-site facility. 58573

(c) "Satellite facility" means any of the following: 58574

(i) An on-site facility that also receives hazardous waste 58575
from other premises owned by the same person who generates the 58576
waste on the facility premises; 58577

(ii) An off-site facility operated so that all of the 58578
hazardous waste it receives is generated on one or more premises 58579

owned by the person who owns the facility; 58580

(iii) An on-site facility that also receives hazardous waste 58581
that is transported uninterruptedly and directly to the facility 58582
through a pipeline from a generator who is not the owner of the 58583
facility. 58584

(2) Except as provided in division (E)(3) of this section, no 58585
person shall establish or operate a hazardous waste facility, or 58586
use a solid waste facility for the storage, treatment, or disposal 58587
of any hazardous waste, without a hazardous waste facility 58588
installation and operation permit issued in accordance with 58589
section 3734.05 of the Revised Code and subject to the payment of 58590
an application fee not to exceed one thousand five hundred 58591
dollars, payable upon application for a hazardous waste facility 58592
installation and operation permit and upon application for a 58593
renewal permit issued under division (H) of section 3734.05 of the 58594
Revised Code, to be credited to the hazardous waste facility 58595
management fund created in section 3734.18 of the Revised Code. 58596
The term of a hazardous waste facility installation and operation 58597
permit shall not exceed ten years. 58598

In addition to the application fee, there is hereby levied an 58599
annual permit fee to be paid by the permit holder upon the 58600
anniversaries of the date of issuance of the hazardous waste 58601
facility installation and operation permit and of any subsequent 58602
renewal permits and to be credited to the hazardous waste facility 58603
management fund. Annual permit fees totaling forty thousand 58604
dollars or more for any one facility may be paid on a quarterly 58605
basis with the first quarterly payment each year being due on the 58606
anniversary of the date of issuance of the hazardous waste 58607
facility installation and operation permit and of any subsequent 58608
renewal permits. The annual permit fee shall be determined for 58609
each permit holder by the director in accordance with the 58610
following schedule: 58611

TYPE OF BASIC			58612
MANAGEMENT UNIT	TYPE OF FACILITY	FEE	58613
Storage facility using:			58614
Containers	On-site, off-site, and satellite	\$ 500	58615 58616
Tanks	On-site, off-site, and satellite	500	58617 58618
Waste pile	On-site, off-site, and satellite	3,000	58619 58620
Surface impoundment	On-site and satellite	8,000	58621
	Off-site	10,000	58622
Disposal facility using:			58623
Deep well injection	On-site and satellite	15,000	58624
	Off-site	25,000	58625
Landfill	On-site and satellite	25,000	58626
	Off-site	40,000	58627
Land application	On-site and satellite	2,500	58628
	Off-site	5,000	58629
Surface impoundment	On-site and satellite	10,000	58630
	Off-site	20,000	58631
Treatment facility using:			58632
Tanks	On-site, off-site, and satellite	700	58633 58634
Surface impoundment	On-site and satellite	8,000	58635
	Off-site	10,000	58636
Incinerator	On-site and satellite	5,000	58637
	Off-site	10,000	58638
Other forms of treatment	On-site, off-site, and satellite	1,000	58639 58640 58641

A hazardous waste disposal facility that disposes of 58642
hazardous waste by deep well injection and that pays the annual 58643
permit fee established in section 6111.046 of the Revised Code is 58644

not subject to the permit fee established in this division for 58645
disposal facilities using deep well injection unless the director 58646
determines that the facility is not in compliance with applicable 58647
requirements established under this chapter and rules adopted 58648
under it. 58649

In determining the annual permit fee required by this 58650
section, the director shall not require additional payments for 58651
multiple units of the same method of storage, treatment, or 58652
disposal or for individual units that are used for both storage 58653
and treatment. A facility using more than one method of storage, 58654
treatment, or disposal shall pay the permit fee indicated by the 58655
schedule for each such method. 58656

The director shall not require the payment of that portion of 58657
an annual permit fee of any permit holder that would apply to a 58658
hazardous waste management unit for which a permit has been 58659
issued, but for which construction has not yet commenced. Once 58660
construction has commenced, the director shall require the payment 58661
of a part of the appropriate fee indicated by the schedule that 58662
bears the same relationship to the total fee that the number of 58663
days remaining until the next anniversary date at which payment of 58664
the annual permit fee is due bears to three hundred sixty-five. 58665

The director, by rules adopted in accordance with Chapters 58666
119. and 3745. of the Revised Code, shall prescribe procedures for 58667
collecting the annual permit fee established by this division and 58668
may prescribe other requirements necessary to carry out this 58669
division. 58670

(3) The prohibition against establishing or operating a 58671
hazardous waste facility without a hazardous waste facility 58672
installation and operation permit does not apply to either of the 58673
following: 58674

(a) A facility that is operating in accordance with a permit 58675

renewal issued under division (H) of section 3734.05 of the Revised Code, a revision issued under division (I) of that section as it existed prior to August 20, 1996, or a modification issued by the director under division (I) of that section on and after August 20, 1996;

(b) Except as provided in division (J) of section 3734.05 of the Revised Code, a facility that will operate or is operating in accordance with a permit by rule, or that is not subject to permit requirements, under rules adopted by the director. In accordance with Chapter 119. of the Revised Code, the director shall adopt, and subsequently may amend, suspend, or rescind, rules for the purposes of division (E)(3)(b) of this section. Any rules so adopted shall be consistent with and equivalent to regulations pertaining to interim status adopted under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise provided in this chapter.

If a modification is requested or proposed for a facility described in division (E)(3)(a) or (b) of this section, division (I)(7) of section 3734.05 of the Revised Code applies.

(F) No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following:

(1) A hazardous waste facility operating under a permit issued in accordance with this chapter;

(2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as

amended; 58707

(3) A facility in another nation operating in accordance with 58708
the laws of that nation; 58709

(4) A facility holding a permit issued pursuant to Title I of 58710
the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 58711
Stat. 1052, 33 U.S.C.A. 1401, as amended; 58712

(5) A hazardous waste facility as described in division 58713
(E)(3)(a) or (b) of this section. 58714

(G) The director, by order, may exempt any person generating, 58715
collecting, storing, treating, disposing of, or transporting solid 58716
wastes, infectious wastes, or hazardous waste, or processing solid 58717
wastes that consist of scrap tires, in such quantities or under 58718
such circumstances that, in the determination of the director, are 58719
unlikely to adversely affect the public health or safety or the 58720
environment from any requirement to obtain a registration 58721
certificate, permit, or license or comply with the manifest system 58722
or other requirements of this chapter. Such an exemption shall be 58723
consistent with and equivalent to any regulations adopted by the 58724
administrator of the United States environmental protection agency 58725
under the "Resource Conservation and Recovery Act of 1976," 90 58726
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 58727
provided in this chapter. 58728

(H) No person shall engage in filling, grading, excavating, 58729
building, drilling, or mining on land where a hazardous waste 58730
facility, or a solid waste facility, was operated without prior 58731
authorization from the director, who shall establish the procedure 58732
for granting such authorization by rules adopted in accordance 58733
with Chapter 119. of the Revised Code. 58734

A public utility that has main or distribution lines above or 58735
below the land surface located on an easement or right-of-way 58736
across land where a solid waste facility was operated may engage 58737

in any such activity within the easement or right-of-way without 58738
prior authorization from the director for purposes of performing 58739
emergency repair or emergency replacement of its lines; of the 58740
poles, towers, foundations, or other structures supporting or 58741
sustaining any such lines; or of the appurtenances to those 58742
structures, necessary to restore or maintain existing public 58743
utility service. A public utility may enter upon any such easement 58744
or right-of-way without prior authorization from the director for 58745
purposes of performing necessary or routine maintenance of those 58746
portions of its existing lines; of the existing poles, towers, 58747
foundations, or other structures sustaining or supporting its 58748
lines; or of the appurtenances to any such supporting or 58749
sustaining structure, located on or above the land surface on any 58750
such easement or right-of-way. Within twenty-four hours after 58751
commencing any such emergency repair, replacement, or maintenance 58752
work, the public utility shall notify the director or the 58753
director's authorized representative of those activities and shall 58754
provide such information regarding those activities as the 58755
director or the director's representative may request. Upon 58756
completion of the emergency repair, replacement, or maintenance 58757
activities, the public utility shall restore any land of the solid 58758
waste facility disturbed by those activities to the condition 58759
existing prior to the commencement of those activities. 58760

(I) No owner or operator of a hazardous waste facility, in 58761
the operation of the facility, shall cause, permit, or allow the 58762
emission therefrom of any particulate matter, dust, fumes, gas, 58763
mist, smoke, vapor, or odorous substance that, in the opinion of 58764
the director, unreasonably interferes with the comfortable 58765
enjoyment of life or property by persons living or working in the 58766
vicinity of the facility, or that is injurious to public health. 58767
Any such action is hereby declared to be a public nuisance. 58768

(J) Notwithstanding any other provision of this chapter, in 58769

the event the director finds an imminent and substantial danger to public health or safety or the environment that creates an emergency situation requiring the immediate treatment, storage, or disposal of hazardous waste, the director may issue a temporary emergency permit to allow the treatment, storage, or disposal of the hazardous waste at a facility that is not otherwise authorized by a hazardous waste facility installation and operation permit to treat, store, or dispose of the waste. The emergency permit shall not exceed ninety days in duration and shall not be renewed. The director shall adopt, and may amend, suspend, or rescind, rules in accordance with Chapter 119. of the Revised Code governing the issuance, modification, revocation, and denial of emergency permits.

(K) Except for infectious wastes generated by a person who produces fewer than fifty pounds of infectious wastes at a premises during any one month, no owner or operator of a sanitary landfill shall knowingly accept for disposal, or dispose of, any infectious wastes that have not been treated to render them noninfectious.

(L) The director, in accordance with Chapter 119. of the Revised Code, shall adopt, and may amend, suspend, or rescind, rules having uniform application throughout the state establishing a training and certification program that shall be required for employees of boards of health who are responsible for enforcing the solid waste and infectious waste provisions of this chapter and rules adopted under them and for persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities. The rules shall provide all of the following, without limitation:

(1) The program shall be administered by the director and shall consist of a course on new solid waste and infectious waste technologies, enforcement procedures, and rules;

(2) The course shall be offered on an annual basis;	58802
(3) Those persons who are required to take the course under division (L) of this section shall do so triennially;	58803 58804
(4) Persons who successfully complete the course shall be certified by the director;	58805 58806
(5) Certification shall be required for all employees of boards of health who are responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and for all persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities;	58807 58808 58809 58810 58811 58812
(6)(a) All employees of a board of health who, on the effective date of the rules adopted under this division, are responsible for enforcing the solid waste or infectious waste provisions of this chapter and the rules adopted under them shall complete the course and be certified by the director not later than January 1, 1995;	58813 58814 58815 58816 58817 58818
(b) All employees of a board of health who, after the effective date of the rules adopted under division (L) of this section, become responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and who do not hold a current and valid certification from the director at that time shall complete the course and be certified by the director within two years after becoming responsible for performing those activities.	58819 58820 58821 58822 58823 58824 58825 58826
No person shall fail to obtain the certification required under this division.	58827 58828
(M) The director shall not issue a permit under section 3734.05 of the Revised Code to establish a solid waste facility, or to modify a solid waste facility operating on December 21, 1988, in a manner that expands the disposal capacity or geographic	58829 58830 58831 58832

area covered by the facility, that is or is to be located within 58833
the boundaries of a state park established or dedicated under 58834
Chapter 1541. of the Revised Code, a state park purchase area 58835
established under section 1541.02 of the Revised Code, any unit of 58836
the national park system, or any property that lies within the 58837
boundaries of a national park or recreation area, but that has not 58838
been acquired or is not administered by the secretary of the 58839
United States department of the interior, located in this state, 58840
or any candidate area located in this state and identified for 58841
potential inclusion in the national park system in the edition of 58842
the "national park system plan" submitted under paragraph (b) of 58843
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 58844
U.S.C.A. 1a-5, as amended, current at the time of filing of the 58845
application for the permit, unless the facility or proposed 58846
facility is or is to be used exclusively for the disposal of solid 58847
wastes generated within the park or recreation area and the 58848
director determines that the facility or proposed facility will 58849
not degrade any of the natural or cultural resources of the park 58850
or recreation area. The director shall not issue a variance under 58851
division (A) of this section and rules adopted under it, or issue 58852
an exemption order under division (G) of this section, that would 58853
authorize any such establishment or expansion of a solid waste 58854
facility within the boundaries of any such park or recreation 58855
area, state park purchase area, or candidate area, other than a 58856
solid waste facility exclusively for the disposal of solid wastes 58857
generated within the park or recreation area when the director 58858
determines that the facility will not degrade any of the natural 58859
or cultural resources of the park or recreation area. 58860

(N)(1) The rules adopted under division (A) of this section, 58861
other than those governing variances, do not apply to scrap tire 58862
collection, storage, monocell, monofill, and recovery facilities. 58863
Those facilities are subject to and governed by rules adopted 58864
under sections 3734.70 to 3734.73 of the Revised Code, as 58865

applicable. 58866

(2) Division (C) of this section does not apply to scrap tire 58867
collection, storage, monocell, monofill, and recovery facilities. 58868
The establishment and modification of those facilities are subject 58869
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 58870
Code, as applicable. 58871

(3) The director may adopt, amend, suspend, or rescind rules 58872
under division (A) of this section creating an alternative system 58873
for authorizing the establishment, operation, or modification of a 58874
solid waste compost facility in lieu of the requirement that a 58875
person seeking to establish, operate, or modify a solid waste 58876
compost facility apply for and receive a permit under division (C) 58877
of this section and section 3734.05 of the Revised Code and a 58878
license under division (A)(1) of that section. The rules may 58879
include requirements governing, without limitation, the 58880
classification of solid waste compost facilities, the submittal of 58881
operating records for solid waste compost facilities, and the 58882
creation of a registration or notification system in lieu of the 58883
issuance of permits and licenses for solid waste compost 58884
facilities. The rules shall specify the applicability of divisions 58885
(A)(1), (2)(a), (3), and (4) of section 3734.05 of the Revised 58886
Code to a solid waste compost facility. 58887

(O)(1) As used in this division, "secondary aluminum waste" 58888
means waste material or byproducts, when disposed of, containing 58889
aluminum generated from secondary aluminum smelting operations and 58890
consisting of dross, salt cake, baghouse dust associated with 58891
aluminum recycling furnace operations, or dry-milled wastes. 58892

(2) The owner or operator of a sanitary landfill shall not 58893
dispose of municipal solid waste that has been commingled with 58894
secondary aluminum waste. 58895

(3) The owner or operator of a sanitary landfill may dispose 58896

of secondary aluminum waste, but only in a monocell or monofill 58897
that has been permitted for that purpose in accordance with this 58898
chapter and rules adopted under it. 58899

(P)(1) As used in divisions (P) and (Q) of this section: 58900

(a) "Natural background" means two picocuries per gram or the 58901
actual number of picocuries per gram as measured at an individual 58902
solid waste facility, subject to verification by the director of 58903
health. 58904

(b) "Drilling operation" includes a production operation as 58905
defined in section 1509.01 of the Revised Code. 58906

(2) The owner or operator of a solid waste facility shall not 58907
accept for transfer or disposal technologically enhanced naturally 58908
occurring radioactive material if that material contains or is 58909
contaminated with radium-226, radium-228, or any combination of 58910
radium-226 and radium-228 at concentrations equal to or greater 58911
than five picocuries per gram above natural background. 58912

(3) The owner or operator of a solid waste facility may 58913
receive and process for purposes other than transfer or disposal 58914
technologically enhanced naturally occurring radioactive material 58915
that contains or is contaminated with radium-226, radium-228, or 58916
any combination of radium-226 and radium-228 at concentrations 58917
equal to or greater than five picocuries per gram above natural 58918
background, provided that the owner or operator has obtained and 58919
maintains all other necessary authorizations, including any 58920
authorization required by rules adopted by the director of health 58921
under section 3748.04 of the Revised Code. 58922

(4) The director of environmental protection may adopt rules 58923
in accordance with Chapter 119. of the Revised Code governing the 58924
receipt, acceptance, processing, handling, management, and 58925
disposal by solid waste facilities of material that contains or is 58926
contaminated with radioactive material, including, without 58927

limitation, technologically enhanced naturally occurring 58928
radioactive material that contains or is contaminated with 58929
radium-226, radium-228, or any combination of radium-226 and 58930
radium-228 at concentrations less than five picocuries per gram 58931
above natural background. Rules adopted by the director may 58932
include at a minimum both of the following: 58933

(a) Requirements in accordance with which the owner or 58934
operator of a solid waste facility must monitor leachate and 58935
ground water for radium-226, radium-228, and other radionuclides; 58936

(b) Requirements in accordance with which the owner or 58937
operator of a solid waste facility must develop procedures to 58938
ensure that technologically enhanced naturally occurring 58939
radioactive material accepted at the facility neither contains nor 58940
is contaminated with radium-226, radium-228, or any combination of 58941
radium-226 and radium-228 at concentrations equal to or greater 58942
than five picocuries per gram above natural background. 58943

(Q) Notwithstanding any other provision of this section, the 58944
owner or operator of a solid waste facility shall not receive, 58945
accept, process, handle, manage, or dispose of technologically 58946
enhanced naturally occurring radioactive material associated with 58947
drilling operations without first obtaining representative 58948
analytical results to determine compliance with divisions (P)(2) 58949
and (3) of this section and rules adopted under it. 58950

Sec. 3734.021. (A) Infectious wastes shall be segregated, 58951
managed, treated, and disposed of in accordance with rules adopted 58952
under this section. 58953

(B) The director of environmental protection, in accordance 58954
with Chapter 119. of the Revised Code, shall adopt rules necessary 58955
or appropriate to protect human health or safety or the 58956
environment that do both of the following: 58957

(1) Establish standards for generators of infectious wastes	58958
that include, without limitation, the following requirements and	58959
authorizations that:	58960
(a) All generators of infectious wastes:	58961
(i) Either treat all specimen cultures and cultures of viable	58962
infectious agents on the premises where they are generated to	58963
render them noninfectious by methods, techniques, or practices	58964
prescribed by rules adopted under division (B)(2)(a) of this	58965
section before they are transported off that premises for disposal	58966
or ensure that such wastes are treated to render them	58967
noninfectious at an infectious waste treatment facility off that	58968
premises prior to disposal of the wastes;	58969
(ii) Transport and dispose of infectious wastes, if a	58970
generator produces fewer than fifty pounds of infectious wastes	58971
during any one month that are subject to and packaged and labeled	58972
in accordance with federal requirements, in the same manner as	58973
solid wastes. Such generators who treat specimen cultures and	58974
cultures of viable infectious agents on the premises where they	58975
are generated shall not be considered treatment facilities as	58976
"treatment" and "facility" are defined in section 3734.01 of the	58977
Revised Code.	58978
(iii) Dispose of infectious wastes subject to and treated in	58979
accordance with rules adopted under division (B)(1)(a)(i) of this	58980
section in the same manner as solid wastes;	58981
(iv) May take wastes generated in providing care to a patient	58982
by an emergency medical services organization, as defined in	58983
section 4765.01 of the Revised Code, to and leave them at a	58984
hospital, as defined in section 3727.01 of the Revised Code, for	58985
treatment at a treatment facility owned or operated by the	58986
hospital or, in conjunction with infectious wastes generated by	58987
the hospital, at another treatment facility regardless of whether	58988

the wastes were generated in providing care to the patient at the 58989
scene of an emergency or during the transportation of the patient 58990
to a hospital; 58991

(v) May take wastes generated by an individual for purposes 58992
of the individual's own care or treatment to and leave them at a 58993
hospital, as defined in section 3727.01 of the Revised Code, for 58994
treatment at a treatment facility owned or operated by the 58995
hospital or, in conjunction with infectious wastes generated by 58996
the hospital, at another treatment facility. 58997

(b) Each generator of fifty pounds or more of infectious 58998
wastes during any one month: 58999

(i) Register with the environmental protection agency as a 59000
generator of infectious wastes and obtain a registration 59001
certificate. The fee for issuance of a generator registration 59002
certificate is one hundred forty dollars payable at the time of 59003
application. The registration certificate applies to all the 59004
premises owned or operated by the generator in this state where 59005
infectious wastes are generated and shall list the address of each 59006
such premises. If a generator owns or operates facilities for the 59007
treatment of infectious wastes it generates, the certificate shall 59008
list the address and method of treatment used at each such 59009
facility. 59010

A generator registration certificate is valid for three years 59011
from the date of issuance and shall be renewed for a term of three 59012
years upon the generator's submission of an application for 59013
renewal and payment of a one hundred forty dollar renewal fee. 59014

The rules may establish a system of staggered renewal dates 59015
with approximately one-third of such certificates subject to 59016
renewal each year. The applicable renewal date shall be prescribed 59017
on each registration certificate. Registration fees shall be 59018
prorated according to the time remaining in the registration cycle 59019

to the nearest year. 59020

The registration and renewal fees collected under division 59021
(B)(1)(b)(i) of this section shall be ~~credited~~ deposited in the 59022
state treasury to the ~~infectious wastes management~~ credit of the 59023
waste management fund, ~~hereby~~ created in the ~~state treasury~~ 59024
section 3734.061 of the Revised Code. 59025

(ii) Segregate infectious wastes from other wastes at the 59026
point of generation. Nothing in this section and rules adopted 59027
under it prohibits a generator of infectious wastes from 59028
designating and managing any wastes, in addition to those defined 59029
as infectious wastes under section 3734.01 of the Revised Code, as 59030
infectious wastes. After designating any such other wastes as 59031
infectious, the generator shall manage those wastes in compliance 59032
with the requirements of this chapter and rules adopted under it 59033
applicable to the management of infectious wastes. 59034

(iii) Either treat the infectious wastes that it generates at 59035
a facility owned or operated by the generator by methods, 59036
techniques, or practices prescribed by rules adopted under 59037
division (B)(2)(a) of this section to render them noninfectious, 59038
or designate the wastes for treatment off that premises at an 59039
infectious waste treatment facility holding a license issued under 59040
division (B) of section 3734.05 of the Revised Code, at an 59041
infectious waste treatment facility that is located in another 59042
state that is in compliance with applicable state and federal 59043
laws, or at a treatment facility authorized by rules adopted under 59044
division (B)(2)(d) of this section, prior to disposal of the 59045
wastes. After being treated to render them noninfectious, the 59046
wastes shall be disposed of at a solid waste disposal facility 59047
holding a license issued under division (A) of section 3734.05 of 59048
the Revised Code or at a disposal facility in another state that 59049
is in compliance with applicable state and federal laws. 59050

(iv) Not compact or grind any type of infectious wastes prior 59051

to treatment in accordance with rules adopted under division 59052
(B)(2)(a) of this section; 59053

(v) May discharge untreated liquid or semiliquid infectious 59054
wastes consisting of blood, blood products, body fluids, and 59055
excreta into a disposal system, as defined in section 6111.01 of 59056
the Revised Code, unless the discharge of those wastes into a 59057
disposal system is inconsistent with the terms and conditions of 59058
the permit for the system issued under Chapter 6111. of the 59059
Revised Code; 59060

(vi) May transport or cause to be transported infectious 59061
wastes that have been treated to render them noninfectious in the 59062
same manner as solid wastes are transported. 59063

(2) Establish standards for owners and operators of 59064
infectious waste treatment facilities that include, without 59065
limitation, the following requirements and authorizations that: 59066

(a) Require treatment of all wastes received to be performed 59067
in accordance with methods, techniques, and practices approved by 59068
the director; 59069

(b) Govern the location, design, construction, and operation 59070
of infectious waste treatment facilities. The rules adopted under 59071
division (B)(2)(b) of this section shall require that a new 59072
infectious waste incineration facility be located so that the 59073
incinerator unit and all areas where infectious wastes are handled 59074
on the premises where the facility is proposed to be located are 59075
at least three hundred feet inside the property line of the tract 59076
of land on which the facility is proposed to be located and are at 59077
least one thousand feet from any domicile, school, prison, or jail 59078
that is in existence on the date on which the application for the 59079
permit to establish the incinerator is submitted under division 59080
(B)(2)(b) of section 3734.05 of the Revised Code. 59081

(c) Establish quality control and testing procedures to 59082

ensure compliance with the rules adopted under division (B)(2)(b) 59083
of this section; 59084

(d) Authorize infectious wastes to be treated at a facility 59085
that holds a license or renewal of a license to operate a 59086
crematory facility issued under Chapter 4717., and a permit issued 59087
under Chapter 3704., of the Revised Code to the extent that the 59088
treatment of those wastes is consistent with that permit and its 59089
terms and conditions. The rules adopted under divisions (B)(2)(b) 59090
and (c) of this section do not apply to a facility holding such a 59091
license and permit. 59092

In adopting the rules required by divisions (B)(2)(a) to (d) 59093
of this section, the director shall consider and, to the maximum 59094
feasible extent, utilize existing standards and guidelines 59095
established by professional and governmental organizations having 59096
expertise in the fields of infection control and infectious wastes 59097
management. 59098

(e) Require shipping papers to accompany shipments of wastes 59099
that have been treated to render them noninfectious. The shipping 59100
papers shall include only the following elements: 59101

(i) The name of the owner or operator of the facility where 59102
the wastes were treated and the address of the treatment facility; 59103
59104

(ii) A certification by the owner or operator of the 59105
treatment facility where the wastes were treated indicating that 59106
the wastes have been treated by the methods, techniques, and 59107
practices prescribed in rules adopted under division (B)(2)(a) of 59108
this section. 59109

(C) This section and rules adopted under it do not apply to 59110
the treatment or disposal of wastes consisting of dead animals or 59111
parts thereof, or the blood of animals: 59112

(1) By the owner of the animal after slaughter by the owner 59113
on the owner's premises to obtain meat for consumption by the 59114
owner and the members of the owner's household; 59115

(2) In accordance with Chapter 941. of the Revised Code; or 59116

(3) By persons who are subject to any of the following: 59117

(a) Inspection under the "Federal Meat Inspection Act," 81 59118
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 59119

(b) Chapter 918. of the Revised Code; 59120

(c) Chapter 953. of the Revised Code. 59121

(D) As used in this section, "generator" means a person who 59122
produces infectious wastes at a specific premises. 59123

(E) Rules adopted under this section shall not concern or 59124
relate to personnel policies, salaries, wages, fringe benefits, or 59125
other conditions of employment of employees of persons owning or 59126
operating infectious waste treatment facilities. 59127

(F)(1) The director, in accordance with Chapter 119. of the 59128
Revised Code, shall adopt rules governing the issuance, 59129
modification, revocation, suspension, and denial of variances from 59130
the rules adopted under division (B) of this section. Variances 59131
shall be issued, modified, revoked, suspended, or denied in 59132
accordance with division (F) of this section, rules adopted under 59133
it, and Chapter 3745. of the Revised Code. 59134

(2) A person who desires to obtain a variance or renew a 59135
variance from the rules adopted under division (B) of this section 59136
shall submit to the director an application as prescribed by the 59137
director. The application shall contain detail plans, 59138
specifications, and information regarding objectives, procedures, 59139
controls, and any other information that the director may require. 59140
The director shall issue, renew, or deny a variance or renewal of 59141
a variance within six months of the date on which the director 59142

receives a complete application with all required information and data. 59143
59144

(3) The director may hold a public hearing on an application submitted under division (F) of this section for a variance at a location in the county in which the operations that are the subject of the application for a variance or renewal of variance are conducted. Not less than twenty days before the hearing, the director shall provide to the applicant notice of the hearing by certified mail or by another type of mail that is accompanied by a receipt and shall publish notice of the hearing at least one time in a newspaper of general circulation in the county in which the hearing is to be held. The director shall make a complete stenographic record of testimony and other evidence submitted at the hearing. Not later than ten days after the hearing, the director shall make a written determination to issue, renew, or deny the variance and shall enter the determination and the basis for it into the record of the hearing. 59145
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(4) A variance shall not be issued, modified, revoked, or denied under division (F) of this section until the director has considered the relative interests of the applicant, other persons and property that will be affected by the variance, and the general public. The director shall grant a variance only if the applicant demonstrates to the director's satisfaction that the requested action will not create a nuisance or a hazard to the health or safety of the public or to the environment. In granting a variance, the director shall state the specific provision or provisions whose terms are to be varied and also shall state specific terms or conditions imposed on the applicant in place of the provision or provisions. 59160
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(5) A variance granted under division (F) of this section shall be for a period specified by the director and may be renewed from time to time on terms and for periods that the director 59172
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59174

determines to be appropriate. The director may order the person to 59175
whom a variance has been issued to take action within the time 59176
that the director determines to be appropriate and reasonable to 59177
prevent the creation of a nuisance or a hazard to the health or 59178
safety of the public or to the environment. 59179

(6) An application submitted under division (F) of this 59180
section shall not be denied and a variance shall not be revoked or 59181
modified under that division without a written order of the 59182
director stating the findings on which the denial, revocation, or 59183
modification is based. A copy of the order shall be sent to the 59184
applicant or holder of a variance by certified mail or by another 59185
type of mail that is accompanied by a receipt. 59186

(7) The director shall make available for public inspection 59187
at the principal office of the environmental protection agency a 59188
current list of pending applications for variances submitted under 59189
division (F) of this section and a current schedule of pending 59190
variance hearings under it. 59191

Sec. 3734.029. (A)(1) Except as otherwise provided in 59192
division (A)(2) of this section, the standards of quality for 59193
compost products established in rules adopted under division (A) 59194
of section 3734.028 of the Revised Code apply to compost products 59195
produced by a facility composting dead animals that is subject to 59196
section ~~1511.022~~ 939.04 of the Revised Code in addition to compost 59197
products produced by facilities subject to this chapter. 59198

(2) The standards of quality established in rules adopted 59199
under division (A) of section 3734.028 of the Revised Code do not 59200
apply to the use, distribution for use, or giving away of the 59201
compost products produced by a composting facility subject to 59202
section ~~1511.022~~ 939.04 of the Revised Code when either of the 59203
following applies: 59204

(a) The composting is conducted by the person who raises the 59205

animals and the compost product is used in agricultural operations 59206
owned or operated by that person, regardless of whether the person 59207
owns the animals; 59208

(b) The composting is conducted by the person who owns the 59209
animals, but does not raise them and the compost product is used 59210
in agricultural operations either by a person who raises the 59211
animals or by a person who raises grain that is used to feed them 59212
and that is supplied by the owner of the animals. 59213

(B) No owner or operator of a composting facility that is 59214
subject to regulation under section ~~1511.022~~ 939.04 of the Revised 59215
Code shall sell or offer for sale at retail or wholesale, 59216
distribute for use, or give away any compost product that does not 59217
comply with the standard of quality applicable under division (A) 59218
of this section for the use for which the product is being sold, 59219
offered for sale, distributed, or given away. 59220

No person shall violate this division. 59221

Sec. 3734.061. (A) There is hereby created in the state 59222
treasury the waste management fund. The fund shall consist of 59223
money credited to it under division (C)(4) of section 3714.051, 59224
divisions (A)(4) and (B) of section 3714.07, division (D) of 59225
section 3714.08, division (B)(4) of section 3714.09, division (B) 59226
of section 3734.021, division (D)(4) of section 3734.07, division 59227
(B) of section 3734.551, and division (A)(2) of section 3734.57 of 59228
the Revised Code. 59229

(B) The director of environmental protection shall use money 59230
in the fund as follows: 59231

(1) Money credited to the fund under division (C)(4) of 59232
section 3714.051, divisions (A)(4) and (B) of section 3714.07, 59233
division (D) of section 3714.08, and division (B)(4) of section 59234
3714.09 of the Revised Code exclusively for the administration and 59235

enforcement of Chapter 3714. of the Revised Code and rules adopted 59236
under it; 59237

(2) Money credited to the fund under division (B) of section 59238
3734.551 and division (A)(2) of section 3734.57 of the Revised 59239
Code exclusively to pay the costs of administering and enforcing 59240
the laws pertaining to solid wastes, infectious wastes, and 59241
construction and demolition debris, including ground water 59242
evaluations related to solid wastes, infectious wastes, and 59243
construction and demolition debris, under this chapter and Chapter 59244
3714. of the Revised Code and any rules adopted under those 59245
chapters and addressing violations of Chapters 3704. and 6111. of 59246
the Revised Code at facilities; 59247

(3) Money credited to the fund under division (B) of section 59248
3734.021 and division (D)(4) of section 3734.07 of the Revised 59249
Code exclusively for the administration and enforcement of the 59250
provisions of this chapter governing the management of infectious 59251
wastes and rules adopted under them. 59252

Sec. 3734.07. (A) Before a license is initially issued and 59253
annually thereafter, or more often if necessary, the board of 59254
health shall cause each solid waste facility and infectious waste 59255
treatment facility to be inspected and a record to be made of each 59256
inspection and shall require each solid waste facility and 59257
infectious waste treatment facility in the health district to be 59258
in substantial compliance with this chapter and the rules adopted 59259
under it. 59260

(B) Within thirty days after the issuance of a license, the 59261
board of health shall certify to the director of environmental 59262
protection that the solid waste facility or infectious waste 59263
treatment facility has been inspected and is in substantial 59264
compliance with this chapter and the rules adopted under it. Each 59265
board of health shall provide the director with such other 59266

information as he may require from time to time. 59267

(C) The board of health or its authorized representative and 59268
the director or ~~his~~ the director's authorized representative, upon 59269
proper identification and upon stating the purpose and necessity 59270
of an inspection, may enter at reasonable times upon any private 59271
or public property, real or personal, to inspect or investigate, 59272
obtain samples, and examine or copy any records to determine 59273
compliance with this chapter and the rules adopted under it. The 59274
board of health or its authorized representative or the director 59275
or ~~his~~ the director's authorized representative may apply for, and 59276
any judge of a court of record may issue, an appropriate search 59277
warrant necessary to achieve the purposes of this chapter and the 59278
rules adopted under it within the court's territorial 59279
jurisdiction. If entry is refused or inspection or investigation 59280
is refused, hindered, or thwarted, the board of health may suspend 59281
or revoke the operating license of the solid waste facility or 59282
infectious waste treatment facility that refused entry, or the 59283
director may suspend or revoke the license or permit of the solid 59284
waste facility, hazardous waste facility, or infectious waste 59285
treatment facility that refused entry. 59286

(D) If the entry authorized by division (C) of this section 59287
is refused or if the inspection or investigation so authorized is 59288
refused, hindered, or thwarted by intimidation or otherwise and 59289
the director, board of health, or authorized representative of 59290
either applies for and obtains a search warrant under division (C) 59291
of this section to conduct the inspection or investigation, the 59292
owner or operator of the premises where entry was refused or 59293
inspection or investigation was refused, hindered, or thwarted is 59294
liable to the director or board of health for the reasonable costs 59295
incurred by either for the regular salaries and fringe benefit 59296
costs of personnel assigned to conduct the inspection or 59297
investigation from the time the entry, inspection, or 59298

investigation was refused, hindered, or thwarted until the search 59299
warrant is executed; for the salary, fringe benefits, and travel 59300
expenses of the attorney general, prosecuting attorney of the 59301
county, or city director of law, or an authorized assistant, 59302
incurred in obtaining the search warrant; and for expenses 59303
necessarily incurred for the assistance of local law enforcement 59304
officers in executing the search warrant. In the application for 59305
the search warrant, the director or board of health may request 59306
and the court, in its order granting the search warrant, may order 59307
the owner or operator of the premises to reimburse the director or 59308
board of health for such of those costs as the court finds 59309
reasonable. ~~From~~ 59310

From moneys recovered under this division, the director shall 59311
reimburse the attorney general for the costs incurred by ~~him~~ the 59312
attorney general or ~~his~~ the attorney general's authorized 59313
assistant in connection with proceedings for obtaining the search 59314
warrant; shall reimburse the political subdivision in which the 59315
premises is located for the assistance of its law enforcement 59316
officers in executing the search warrant; and shall deposit the 59317
remainder of any such moneys to the credit of the following, as 59318
applicable: 59319

(1) The hazardous waste facility management fund created in 59320
section 3734.18 of the Revised Code if the inspection or 59321
investigation pertained to compliance with the hazardous waste 59322
provisions of this chapter or a rule, order, or term or condition 59323
of a permit adopted or issued under them or with a rule adopted 59324
under section 3734.121 of the Revised Code ~~to the credit of the;~~ 59325

(2) The general revenue fund if the inspection or 59326
investigation pertained to compliance with the solid waste 59327
provisions of this chapter or rules, orders, or terms and 59328
conditions of a permit, license, or variance adopted or issued 59329
under them, other than the provisions governing solid wastes that 59330

consist of scrap tires; ~~to the credit of the~~ 59331

(3) The scrap tire management fund created in section 3734.82 59332
of the Revised Code if the inspection or investigation pertained 59333
to compliance with the provisions of this chapter governing solid 59334
wastes that consist of scrap tires or rules, orders, or terms and 59335
conditions of a permit, license, or variance adopted or issued 59336
under them; ~~or to the credit of the infectious~~ 59337

(4) The waste management fund created in section ~~3734.021~~ 59338
3734.061 of the Revised Code if the inspection or investigation 59339
pertained to compliance with the infectious waste provisions of 59340
this chapter or rules, orders, or terms and conditions of a permit 59341
or license issued under them. ~~From~~ 59342

From moneys recovered under this division, the board of 59343
health shall reimburse the prosecuting attorney of the county or 59344
city director of law for the costs incurred by ~~him~~ the prosecuting 59345
attorney or city director of law or an authorized assistant in 59346
connection with proceedings for obtaining the search warrant; 59347
shall reimburse the political subdivision in which the premises is 59348
located for the assistance of its law enforcement officers in 59349
executing the search warrant; and shall deposit the remainder of 59350
any such moneys to the special infectious waste fund of the health 59351
district created under division (C) of section 3734.06 of the 59352
Revised Code if the inspection or investigation pertained to 59353
compliance with the infectious waste provisions of this chapter or 59354
rules, orders, or terms and conditions of a permit or license 59355
issued under them; to the credit of the special fund of the health 59356
district created under division (B) of section 3734.06 of the 59357
Revised Code if the inspection or investigation pertained to 59358
compliance with the solid waste provisions of this chapter or 59359
rules, orders, or terms and conditions of a permit, license, or 59360
variance adopted or issued under them, other than the provisions 59361
governing solid wastes that consist of scrap tires; or to the 59362

credit of the special fund of the health district created under 59363
division (F) of section 3734.82 of the Revised Code if the 59364
inspection or investigation pertained to compliance with the 59365
provisions of this chapter governing solid wastes that consist of 59366
scrap tires or rules, orders, or terms and conditions of a permit, 59367
license, or variance adopted or issued under them. 59368

Sec. 3734.49. (A) There is hereby created within the 59369
environmental protection agency the materials management advisory 59370
council consisting of the following thirteen members who shall be 59371
appointed by the governor with the advice and consent of the 59372
senate: 59373

(1) One member who is an employee of a health district whose 59374
duties include enforcement of the solid waste provisions of this 59375
chapter; 59376

(2) One member representing the interests of counties; 59377

(3) One member representing the interests of municipal 59378
corporations; 59379

(4) One member representing the interests of townships; 59380

(5) One member representing the interests of solid waste 59381
management districts; 59382

(6) One member representing a statewide environmental 59383
advocacy organization; 59384

(7) One member representing the public; 59385

(8) Six members, representing private industry, with 59386
knowledge of or experience in waste management, recycling, or 59387
litter prevention programs. Those members also shall represent a 59388
broad range of interests, including manufacturing, wholesale, 59389
retail, labor, raw materials, commercial recycling, and solid 59390
waste management. 59391

<u>(B)(1) The governor shall make initial appointments to the advisory council not later than forty-five days after the effective date of this section.</u>	59392
	59393
	59394
<u>(2) The following initial members of the advisory council each shall be appointed for a term ending July 1, 2016:</u>	59395
	59396
<u>(a) The member representing the interests of counties;</u>	59397
<u>(b) The member representing the interests of solid waste management districts;</u>	59398
	59399
<u>(c) Three of the members with knowledge of or experience in waste management, recycling, or litter prevention programs.</u>	59400
	59401
<u>(3) The following initial members of the advisory council each shall be appointed for a term ending July 1, 2017:</u>	59402
	59403
<u>(a) The member who is an employee of a health district whose duties include enforcement of the solid waste provisions of this chapter;</u>	59404
	59405
	59406
<u>(b) The member representing the interests of municipal corporations;</u>	59407
	59408
<u>(c) Three of the members with knowledge of or experience in waste management, recycling, or litter prevention programs.</u>	59409
	59410
<u>(4) The following initial members of the advisory council each shall be appointed for a term ending July 1, 2018:</u>	59411
	59412
<u>(a) The member representing the interests of townships;</u>	59413
<u>(b) The member representing a statewide environmental advocacy organization;</u>	59414
	59415
<u>(c) The member representing the public.</u>	59416
<u>Thereafter, terms of office shall be for three years. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. In the event of death, removal, resignation, or incapacity of a</u>	59417
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member, the governor, with the advice and consent of the senate, 59421
shall appoint a successor who shall hold office for the remainder 59422
of the term for which the successor's predecessor was appointed. A 59423
member shall continue in office subsequent to the expiration date 59424
of the member's term until the member's successor takes office or 59425
until a period of sixty days has elapsed, whichever occurs first. 59426
Members may be reappointed. The governor at any time may remove a 59427
member for misfeasance, nonfeasance, or malfeasance in office. 59428

(C) The advisory council shall hold at least two meetings 59429
each year. Special meetings may be held at the request of the 59430
chairperson or a majority of the members. The director of 59431
environmental protection shall select from among the advisory 59432
council's members a chairperson. The advisory council annually 59433
shall select from among its members a vice-chairperson and a 59434
secretary to keep a record of its proceedings. Not later than two 59435
hundred days after the selection of the first chairperson of the 59436
advisory council, the advisory council shall adopt bylaws 59437
governing its procedural operations. A majority vote of the 59438
members of the advisory council is necessary to take action on any 59439
matter. 59440

(D) Membership on the advisory council does not constitute 59441
holding a public office or position of employment under the laws 59442
of this state and does not constitute grounds for removal of 59443
public officers or employees from their offices or positions of 59444
employment. 59445

(E) A member of the advisory council shall serve without 59446
compensation for attending advisory council meetings, but shall be 59447
reimbursed for all ordinary and necessary expenses incurred in the 59448
performance of duties as a member. 59449

(F) The advisory council shall do all of the following: 59450

(1) Advise and assist the director with preparation of the 59451

state solid waste management plan and periodic revisions to the 59452
plan under section 3734.50 of the Revised Code; 59453

(2) Approve or disapprove the draft state solid waste 59454
management plan and periodic revisions prior to adoption of the 59455
plan under section 3734.50 of the Revised Code; 59456

(3) Annually review implementation of the state solid waste 59457
management plan; 59458

(4) Prepare and submit an annual report to the general 59459
assembly on the state's solid waste management system and efforts 59460
towards achieving the goals, restrictions, and objectives 59461
established under divisions (A) to (C) of section 3734.50 of the 59462
Revised Code. The report may recommend legislative action. 59463

(5) Triennially advise the director in conducting a review of 59464
the progress made toward achieving the objectives, restrictions, 59465
and goals established under divisions (A) to (C) of section 59466
3734.50 of the Revised Code; 59467

(6) With the approval of the director, establish criteria by 59468
which to certify, and certify, agencies of the state and political 59469
subdivisions for receipt of grants for activities or projects that 59470
are intended to accomplish the purposes of any of the programs 59471
established under section 3736.02 or 3736.05 of the Revised Code; 59472

(7) Advise the director on establishing and implementing 59473
statewide source reduction, recycling, recycling market 59474
development, and litter prevention programs; 59475

(8) Research and respond to questions posed to the advisory 59476
council by the director; 59477

(9) Establish and develop formal and informal partnerships 59478
with other entities that foster a productive marketplace for the 59479
collection and use of recycled materials. 59480

Sec. 3734.50. The director of environmental protection, with 59481

the advice of the ~~solid waste~~ materials management advisory 59482
council created in section ~~3734.51~~ 3734.49 of the Revised Code, 59483
shall prepare a state solid waste management plan to do all of the 59484
following: 59485

(A) Reduce reliance on the use of landfills for management of 59486
solid wastes; 59487

(B) Establish objectives for solid waste reduction, 59488
recycling, reuse, and minimization and a schedule for implementing 59489
those objectives; 59490

(C) Establish restrictions on the types of solid wastes 59491
disposed of by landfilling for which alternative management 59492
methods are available, such as yard wastes, and a schedule for 59493
implementing those restrictions. The objectives under division (B) 59494
of this section and restrictions under this division need not be 59495
of uniform application throughout the state or as to categories of 59496
solid waste generators. Rather, in establishing those objectives 59497
and restrictions, the director shall take into consideration the 59498
feasibility of waste reduction, recycling, reuse, and minimization 59499
measures and landfilling restrictions in urban, suburban, and 59500
rural areas and also shall take into consideration the extent to 59501
which those measures have been implemented by specific categories 59502
of solid waste generators and political subdivisions prior to June 59503
24, 1988. 59504

(D) Establish revised general criteria for the location of 59505
solid waste facilities; 59506

(E) Examine alternative methods for disposal of fly ash and 59507
bottom ash resulting from the burning of mixed municipal solid 59508
wastes; 59509

(F) Establish a statewide strategy for managing scrap tires, 59510
which shall include identification of locations within the state 59511
that qualify as scrap tire facilities and accumulations. In 59512

developing the strategy, the director shall examine the 59513
feasibility of recycling or recovering materials or energy from 59514
scrap tires and landfilling scrap tires in abandoned coal strip 59515
mines as well as other methods for managing scrap tires. 59516

(G) Establish a strategy that contains specific 59517
recommendations for legislative and administrative action to 59518
promote markets for products containing recycled materials 59519
generally and for promoting the use by state government of 59520
products containing recycled materials; 59521

(H) Establish a program for the proper separation and 59522
disposal of hazardous waste generated by households. 59523

The director shall adopt the state solid waste management 59524
plan within one year after June 24, 1988. After completion of a 59525
draft plan, the director shall hold a public hearing on the draft 59526
plan at each of five different locations within the state. After 59527
receiving public comments on the draft plan, the director may make 59528
such revisions to it as ~~he~~ the director considers appropriate 59529
based on the comments received and shall submit the draft plan 59530
with any revisions to the advisory council for approval. If the 59531
advisory council approves the draft plan, the director shall adopt 59532
it as the state solid waste management plan. If the advisory 59533
council disapproves the draft plan, the director, with the advice 59534
of the advisory council, shall prepare a new draft plan and 59535
proceed in the same manner as for the initial draft plan to hold 59536
hearings on, revise, and submit the new draft plan to the advisory 59537
council for approval, and adopt the new draft plan. 59538

Not later than one year after adoption of the plan, the 59539
director shall adopt rules in accordance with Chapter 119. of the 59540
Revised Code establishing the objectives and restrictions of the 59541
state plan, and schedules for implementing them, under divisions 59542
(B) and (C) of this section as mandatory elements of the solid 59543
waste management plans of county and joint solid waste management 59544

districts under division (A) of section 3734.53 of the Revised Code. Within one year after adoption of the plan, the director shall adopt rules in accordance with Chapter 119. of the Revised Code, which rules are hereby deemed to constitute rules adopted under division (A) of section 3734.02 of the Revised Code, establishing revised general location criteria for solid waste facilities, other than solid waste transfer facilities, and standards for the disposal of fly ash and bottom ash resulting from the burning of mixed municipal solid waste.

Triennially the director, with the advice of the advisory council, shall conduct a thorough review of the progress made toward achieving the goals set forth in divisions (A) to (H) of this section. Based upon the findings of ~~his~~ the review, the director, in accordance with the procedures of this section, may prepare and adopt a revised state solid waste management plan. If the revised plan modifies any of the objectives, restrictions, or implementation schedules established under division (B) or (C) of this section, the director, not later than one year after adoption of the revised plan, shall amend the existing rules adopted under this section in a manner consistent with those revisions.

If any revision to the plan or enactment or amendment of a statute by the general assembly that takes effect on or after April 16, 1993, establishes a restriction on the landfilling or burning or other thermal processing in an incinerator or energy recovery facility of any type of solid waste with mixed municipal solid waste, or prescribes for a type of solid waste a management method alternative to landfilling or thermal processing with mixed municipal solid waste, the estimated reduction in the quantity of solid wastes being disposed of by landfilling or thermal processing that results from the implementation of the restriction or alternative management method within a county or joint solid waste management district constitutes a reduction in solid waste

generation within the district for purposes of determining the 59577
district's compliance with the waste reduction objective 59578
established under division (C) of this section and any revisions 59579
thereof and the rules and amendments thereto adopted under this 59580
section to implement that objective. 59581

Sec. 3734.551. (A) The board of county commissioners of a 59582
county or board of directors of a joint solid waste management 59583
district that is ordered to implement an initial or amended solid 59584
waste management plan prepared by the director of environmental 59585
protection under section 3734.521, 3734.55, or 3734.56 of the 59586
Revised Code and that is levying fees under division (A) or (B) of 59587
section 3734.574 of the Revised Code shall reimburse the director 59588
from moneys in the special fund of the district created in 59589
division (G) of section 3734.57 of the Revised Code for the 59590
expenses incurred by the director in preparing and ordering the 59591
implementation of the plan or amended plan for all of the 59592
following purposes, as applicable: 59593

(1) Postage; 59594

(2) Copying and duplicating; 59595

(3) Notices published in newspapers; 59596

(4) A court reporter to record testimony at public hearings 59597
and transcribe the record of those hearings; 59598

(5) Facility rental for holding public information sessions 59599
or public hearings; 59600

(6) Conducting a survey of industrial solid waste generators 59601
within the district and other primary data collection activities 59602
when the necessary data are not available from the district, 59603
including, without limitation, the costs of conducting the survey 59604
or data collection by contract; 59605

(7) Fuel, meals, and lodging for the staff of the 59606

environmental protection agency when travel to the district is 59607
necessary to conduct data collection and other plan preparation 59608
activities; 59609

(8) Necessary long-distance telephone calls. 59610

(B) Upon ordering a district to implement a plan or amended 59611
plan under section 3734.521, 3734.55, or 3734.56 of the Revised 59612
Code, the director shall send to the board of county commissioners 59613
or directors an itemized demand for the expenses enumerated in 59614
division (A) of this section that were incurred by the director in 59615
preparing and ordering the implementation of the plan or amended 59616
plan. The board of county commissioners or directors shall pay to 59617
the director the amount stated in the demand within sixty days 59618
after receiving it. Moneys received by the director under this 59619
division shall be deposited in the state treasury to the credit of 59620
the ~~solid~~ waste management fund created in ~~division (A) of~~ section 59621
~~3734.57~~ 3734.061 of the Revised Code. 59622

Sec. 3734.57. (A) The following fees are hereby levied on the 59623
transfer or disposal of solid wastes in this state: 59624

(1) ~~One dollar~~ Ninety cents per ton through June 30, ~~2016~~ 59625
~~2018~~, ~~thirty per cent~~ twenty cents of the proceeds of which shall 59626
be deposited in the state treasury to the credit of the hazardous 59627
waste facility management fund created in section 3734.18 of the 59628
Revised Code and seventy ~~per cent~~ cents of the proceeds of which 59629
shall be deposited in the state treasury to the credit of the 59630
hazardous waste clean-up fund created in section 3734.28 of the 59631
Revised Code; 59632

(2) An additional ~~one dollar~~ seventy-five cents per ton 59633
through June 30, ~~2016~~ 2018, the proceeds of which shall be 59634
deposited in the state treasury to the credit of the ~~solid~~ waste 59635
management fund, ~~which is hereby~~ created in section 3734.061 of 59636
the Revised Code. ~~The environmental protection agency shall use~~ 59637

~~money in the solid waste fund to pay the costs of administering 59638
and enforcing the laws pertaining to solid wastes, infectious 59639
wastes, and construction and demolition debris, including, without 59640
limitation, ground water evaluations related to solid wastes, 59641
infectious wastes, and construction and demolition debris, under 59642
this chapter and Chapter 3714. of the Revised Code and any rules 59643
adopted under them, providing compliance assistance to small 59644
businesses, and paying a share of the administrative costs of the 59645
environmental protection agency pursuant to section 3745.014 of 59646
the Revised Code. 59647~~

(3) An additional two dollars and ~~fifty~~ eighty-five cents per 59648
ton through June 30, ~~2016~~ 2018, the proceeds of which shall be 59649
deposited in the state treasury to the credit of the environmental 59650
protection fund created in section 3745.015 of the Revised Code; 59651

(4) An additional twenty-five cents per ton through June 30, 59652
~~2016~~ 2018, the proceeds of which shall be deposited in the state 59653
treasury to the credit of the soil and water conservation district 59654
assistance fund created in section ~~1515.14~~ 940.15 of the Revised 59655
Code. 59656

In the case of solid wastes that are taken to a solid waste 59657
transfer facility located in this state prior to being transported 59658
for disposal at a solid waste disposal facility located in this 59659
state or outside of this state, the fees levied under this 59660
division shall be collected by the owner or operator of the 59661
transfer facility as a trustee for the state. The amount of fees 59662
required to be collected under this division at such a transfer 59663
facility shall equal the total tonnage of solid wastes received at 59664
the facility multiplied by the fees levied under this division. In 59665
the case of solid wastes that are not taken to a solid waste 59666
transfer facility located in this state prior to being transported 59667
to a solid waste disposal facility, the fees shall be collected by 59668
the owner or operator of the solid waste disposal facility as a 59669

trustee for the state. The amount of fees required to be collected 59670
under this division at such a disposal facility shall equal the 59671
total tonnage of solid wastes received at the facility that was 59672
not previously taken to a solid waste transfer facility located in 59673
this state multiplied by the fees levied under this division. Fees 59674
levied under this division do not apply to materials separated 59675
from a mixed waste stream for recycling by a generator or 59676
materials removed from the solid waste stream through recycling, 59677
as "recycling" is defined in rules adopted under section 3734.02 59678
of the Revised Code. 59679

The owner or operator of a solid waste transfer facility or 59680
disposal facility, as applicable, shall prepare and file with the 59681
director of environmental protection each month a return 59682
indicating the total tonnage of solid wastes received at the 59683
facility during that month and the total amount of the fees 59684
required to be collected under this division during that month. In 59685
addition, the owner or operator of a solid waste disposal facility 59686
shall indicate on the return the total tonnage of solid wastes 59687
received from transfer facilities located in this state during 59688
that month for which the fees were required to be collected by the 59689
transfer facilities. The monthly returns shall be filed on a form 59690
prescribed by the director. Not later than thirty days after the 59691
last day of the month to which a return applies, the owner or 59692
operator shall mail to the director the return for that month 59693
together with the fees required to be collected under this 59694
division during that month as indicated on the return or may 59695
submit the return and fees electronically in a manner approved by 59696
the director. If the return is filed and the amount of the fees 59697
due is paid in a timely manner as required in this division, the 59698
owner or operator may retain a discount of three-fourths of one 59699
per cent of the total amount of the fees that are required to be 59700
paid as indicated on the return. 59701

The owner or operator may request an extension of not more than thirty days for filing the return and remitting the fees, provided that the owner or operator has submitted such a request in writing to the director together with a detailed description of why the extension is requested, the director has received the request not later than the day on which the return is required to be filed, and the director has approved the request. If the fees are not remitted within thirty days after the last day of the month to which the return applies or are not remitted by the last day of an extension approved by the director, the owner or operator shall not retain the three-fourths of one per cent discount and shall pay an additional ten per cent of the amount of the fees for each month that they are late. For purposes of calculating the late fee, the first month in which fees are late begins on the first day after the deadline has passed for timely submitting the return and fees, and one additional month shall be counted every thirty days thereafter.

The owner or operator of a solid waste facility may request a refund or credit of fees levied under this division and remitted to the director that have not been paid to the owner or operator. Such a request shall be made only if the fees have not been collected by the owner or operator, have become a debt that has become worthless or uncollectable for a period of six months or more, and may be claimed as a deduction, including a deduction claimed if the owner or operator keeps accounts on an accrual basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted under it. Prior to making a request for a refund or credit, an owner or operator shall make reasonable efforts to collect the applicable fees. A request for a refund or credit shall not include any costs resulting from those efforts to collect unpaid fees.

A request for a refund or credit of fees shall be made in

writing, on a form prescribed by the director, and shall be 59734
supported by evidence that may be required in rules adopted by the 59735
director under this chapter. After reviewing the request, and if 59736
the request and evidence submitted with the request indicate that 59737
a refund or credit is warranted, the director shall grant a refund 59738
to the owner or operator or shall permit a credit to be taken by 59739
the owner or operator on a subsequent monthly return submitted by 59740
the owner or operator. The amount of a refund or credit shall not 59741
exceed an amount that is equal to ninety days' worth of fees owed 59742
to an owner or operator by a particular debtor of the owner or 59743
operator. A refund or credit shall not be granted by the director 59744
to an owner or operator more than once in any twelve-month period 59745
for fees owed to the owner or operator by a particular debtor. 59746

If, after receiving a refund or credit from the director, an 59747
owner or operator receives payment of all or part of the fees, the 59748
owner or operator shall remit the fees with the next monthly 59749
return submitted to the director together with a written 59750
explanation of the reason for the submittal. 59751

For purposes of computing the fees levied under this division 59752
or division (B) of this section, any solid waste transfer or 59753
disposal facility that does not use scales as a means of 59754
determining gate receipts shall use a conversion factor of three 59755
cubic yards per ton of solid waste or one cubic yard per ton for 59756
baled waste, as applicable. 59757

The fees levied under this division and divisions (B) and (C) 59758
of this section are in addition to all other applicable fees and 59759
taxes and shall be paid by the customer or a political subdivision 59760
to the owner or operator of a solid waste transfer or disposal 59761
facility. In the alternative, the fees shall be paid by a customer 59762
or political subdivision to a transporter of waste who 59763
subsequently transfers the fees to the owner or operator of such a 59764
facility. The fees shall be paid notwithstanding the existence of 59765

any provision in a contract that the customer or a political 59766
subdivision may have with the owner or operator or with a 59767
transporter of waste to the facility that would not require or 59768
allow such payment regardless of whether the contract was entered 59769
prior to or after October 16, 2009. For those purposes, "customer" 59770
means a person who contracts with, or utilizes the solid waste 59771
services of, the owner or operator of a solid waste transfer or 59772
disposal facility or a transporter of solid waste to such a 59773
facility. 59774

(B) For the purposes specified in division (G) of this 59775
section, the solid waste management policy committee of a county 59776
or joint solid waste management district may levy fees upon the 59777
following activities: 59778

(1) The disposal at a solid waste disposal facility located 59779
in the district of solid wastes generated within the district; 59780

(2) The disposal at a solid waste disposal facility within 59781
the district of solid wastes generated outside the boundaries of 59782
the district, but inside this state; 59783

(3) The disposal at a solid waste disposal facility within 59784
the district of solid wastes generated outside the boundaries of 59785
this state. 59786

The solid waste management plan of the county or joint 59787
district approved under section 3734.521 or 3734.55 of the Revised 59788
Code and any amendments to it, or the resolution adopted under 59789
this division, as appropriate, shall establish the rates of the 59790
fees levied under divisions (B)(1), (2), and (3) of this section, 59791
if any, and shall specify whether the fees are levied on the basis 59792
of tons or cubic yards as the unit of measurement. A solid waste 59793
management district that levies fees under this division on the 59794
basis of cubic yards shall do so in accordance with division (A) 59795
of this section. 59796

The fee levied under division (B)(1) of this section shall be 59797
not less than one dollar per ton nor more than two dollars per 59798
ton, the fee levied under division (B)(2) of this section shall be 59799
not less than two dollars per ton nor more than four dollars per 59800
ton, and the fee levied under division (B)(3) of this section 59801
shall be not more than the fee levied under division (B)(1) of 59802
this section. 59803

Prior to the approval of the solid waste management plan of a 59804
district under section 3734.55 of the Revised Code, the solid 59805
waste management policy committee of a district may levy fees 59806
under this division by adopting a resolution establishing the 59807
proposed amount of the fees. Upon adopting the resolution, the 59808
committee shall deliver a copy of the resolution to the board of 59809
county commissioners of each county forming the district and to 59810
the legislative authority of each municipal corporation and 59811
township under the jurisdiction of the district and shall prepare 59812
and publish the resolution and a notice of the time and location 59813
where a public hearing on the fees will be held. Upon adopting the 59814
resolution, the committee shall deliver written notice of the 59815
adoption of the resolution; of the amount of the proposed fees; 59816
and of the date, time, and location of the public hearing to the 59817
director and to the fifty industrial, commercial, or institutional 59818
generators of solid wastes within the district that generate the 59819
largest quantities of solid wastes, as determined by the 59820
committee, and to their local trade associations. The committee 59821
shall make good faith efforts to identify those generators within 59822
the district and their local trade associations, but the 59823
nonprovision of notice under this division to a particular 59824
generator or local trade association does not invalidate the 59825
proceedings under this division. The publication shall occur at 59826
least thirty days before the hearing. After the hearing, the 59827
committee may make such revisions to the proposed fees as it 59828
considers appropriate and thereafter, by resolution, shall adopt 59829

the revised fee schedule. Upon adopting the revised fee schedule, 59830
the committee shall deliver a copy of the resolution doing so to 59831
the board of county commissioners of each county forming the 59832
district and to the legislative authority of each municipal 59833
corporation and township under the jurisdiction of the district. 59834
Within sixty days after the delivery of a copy of the resolution 59835
adopting the proposed revised fees by the policy committee, each 59836
such board and legislative authority, by ordinance or resolution, 59837
shall approve or disapprove the revised fees and deliver a copy of 59838
the ordinance or resolution to the committee. If any such board or 59839
legislative authority fails to adopt and deliver to the policy 59840
committee an ordinance or resolution approving or disapproving the 59841
revised fees within sixty days after the policy committee 59842
delivered its resolution adopting the proposed revised fees, it 59843
shall be conclusively presumed that the board or legislative 59844
authority has approved the proposed revised fees. The committee 59845
shall determine if the resolution has been ratified in the same 59846
manner in which it determines if a draft solid waste management 59847
plan has been ratified under division (B) of section 3734.55 of 59848
the Revised Code. 59849

The committee may amend the schedule of fees levied pursuant 59850
to a resolution adopted and ratified under this division by 59851
adopting a resolution establishing the proposed amount of the 59852
amended fees. The committee may repeal the fees levied pursuant to 59853
such a resolution by adopting a resolution proposing to repeal 59854
them. Upon adopting such a resolution, the committee shall proceed 59855
to obtain ratification of the resolution in accordance with this 59856
division. 59857

Not later than fourteen days after declaring the new fees to 59858
be ratified or the fees to be repealed under this division, the 59859
committee shall notify by certified mail the owner or operator of 59860
each solid waste disposal facility that is required to collect the 59861

fees of the ratification and the amount of the fees or of the 59862
repeal of the fees. Collection of any fees shall commence or 59863
collection of repealed fees shall cease on the first day of the 59864
second month following the month in which notification is sent to 59865
the owner or operator. 59866

Fees levied under this division also may be established, 59867
amended, or repealed by a solid waste management policy committee 59868
through the adoption of a new district solid waste management 59869
plan, the adoption of an amended plan, or the amendment of the 59870
plan or amended plan in accordance with sections 3734.55 and 59871
3734.56 of the Revised Code or the adoption or amendment of a 59872
district plan in connection with a change in district composition 59873
under section 3734.521 of the Revised Code. 59874

Not later than fourteen days after the director issues an 59875
order approving a district's solid waste management plan, amended 59876
plan, or amendment to a plan or amended plan that establishes, 59877
amends, or repeals a schedule of fees levied by the district, the 59878
committee shall notify by certified mail the owner or operator of 59879
each solid waste disposal facility that is required to collect the 59880
fees of the approval of the plan or amended plan, or the amendment 59881
to the plan, as appropriate, and the amount of the fees, if any. 59882
In the case of an initial or amended plan approved under section 59883
3734.521 of the Revised Code in connection with a change in 59884
district composition, other than one involving the withdrawal of a 59885
county from a joint district, the committee, within fourteen days 59886
after the change takes effect pursuant to division (G) of that 59887
section, shall notify by certified mail the owner or operator of 59888
each solid waste disposal facility that is required to collect the 59889
fees that the change has taken effect and of the amount of the 59890
fees, if any. Collection of any fees shall commence or collection 59891
of repealed fees shall cease on the first day of the second month 59892
following the month in which notification is sent to the owner or 59893

operator. 59894

If, in the case of a change in district composition involving 59895
the withdrawal of a county from a joint district, the director 59896
completes the actions required under division (G)(1) or (3) of 59897
section 3734.521 of the Revised Code, as appropriate, forty-five 59898
days or more before the beginning of a calendar year, the policy 59899
committee of each of the districts resulting from the change that 59900
obtained the director's approval of an initial or amended plan in 59901
connection with the change, within fourteen days after the 59902
director's completion of the required actions, shall notify by 59903
certified mail the owner or operator of each solid waste disposal 59904
facility that is required to collect the district's fees that the 59905
change is to take effect on the first day of January immediately 59906
following the issuance of the notice and of the amount of the fees 59907
or amended fees levied under divisions (B)(1) to (3) of this 59908
section pursuant to the district's initial or amended plan as so 59909
approved or, if appropriate, the repeal of the district's fees by 59910
that initial or amended plan. Collection of any fees set forth in 59911
such a plan or amended plan shall commence on the first day of 59912
January immediately following the issuance of the notice. If such 59913
an initial or amended plan repeals a schedule of fees, collection 59914
of the fees shall cease on that first day of January. 59915

If, in the case of a change in district composition involving 59916
the withdrawal of a county from a joint district, the director 59917
completes the actions required under division (G)(1) or (3) of 59918
section 3734.521 of the Revised Code, as appropriate, less than 59919
forty-five days before the beginning of a calendar year, the 59920
director, on behalf of each of the districts resulting from the 59921
change that obtained the director's approval of an initial or 59922
amended plan in connection with the change proceedings, shall 59923
notify by certified mail the owner or operator of each solid waste 59924
disposal facility that is required to collect the district's fees 59925

that the change is to take effect on the first day of January 59926
immediately following the mailing of the notice and of the amount 59927
of the fees or amended fees levied under divisions (B)(1) to (3) 59928
of this section pursuant to the district's initial or amended plan 59929
as so approved or, if appropriate, the repeal of the district's 59930
fees by that initial or amended plan. Collection of any fees set 59931
forth in such a plan or amended plan shall commence on the first 59932
day of the second month following the month in which notification 59933
is sent to the owner or operator. If such an initial or amended 59934
plan repeals a schedule of fees, collection of the fees shall 59935
cease on the first day of the second month following the month in 59936
which notification is sent to the owner or operator. 59937

If the schedule of fees that a solid waste management 59938
district is levying under divisions (B)(1) to (3) of this section 59939
is amended or repealed, the fees in effect immediately prior to 59940
the amendment or repeal shall continue to be collected until 59941
collection of the amended fees commences or collection of the 59942
repealed fees ceases, as applicable, as specified in this 59943
division. In the case of a change in district composition, money 59944
so received from the collection of the fees of the former 59945
districts shall be divided among the resulting districts in 59946
accordance with division (B) of section 343.012 of the Revised 59947
Code and the agreements entered into under division (B) of section 59948
343.01 of the Revised Code to establish the former and resulting 59949
districts and any amendments to those agreements. 59950

For the purposes of the provisions of division (B) of this 59951
section establishing the times when newly established or amended 59952
fees levied by a district are required to commence and the 59953
collection of fees that have been amended or repealed is required 59954
to cease, "fees" or "schedule of fees" includes, in addition to 59955
fees levied under divisions (B)(1) to (3) of this section, those 59956
levied under section 3734.573 or 3734.574 of the Revised Code. 59957

(C) For the purposes of defraying the added costs to a 59958
municipal corporation or township of maintaining roads and other 59959
public facilities and of providing emergency and other public 59960
services, and compensating a municipal corporation or township for 59961
reductions in real property tax revenues due to reductions in real 59962
property valuations resulting from the location and operation of a 59963
solid waste disposal facility within the municipal corporation or 59964
township, a municipal corporation or township in which such a 59965
solid waste disposal facility is located may levy a fee of not 59966
more than twenty-five cents per ton on the disposal of solid 59967
wastes at a solid waste disposal facility located within the 59968
boundaries of the municipal corporation or township regardless of 59969
where the wastes were generated. 59970

The legislative authority of a municipal corporation or 59971
township may levy fees under this division by enacting an 59972
ordinance or adopting a resolution establishing the amount of the 59973
fees. Upon so doing the legislative authority shall mail a 59974
certified copy of the ordinance or resolution to the board of 59975
county commissioners or directors of the county or joint solid 59976
waste management district in which the municipal corporation or 59977
township is located or, if a regional solid waste management 59978
authority has been formed under section 343.011 of the Revised 59979
Code, to the board of trustees of that regional authority, the 59980
owner or operator of each solid waste disposal facility in the 59981
municipal corporation or township that is required to collect the 59982
fee by the ordinance or resolution, and the director of 59983
environmental protection. Although the fees levied under this 59984
division are levied on the basis of tons as the unit of 59985
measurement, the legislative authority, in its ordinance or 59986
resolution levying the fees under this division, may direct that 59987
the fees be levied on the basis of cubic yards as the unit of 59988
measurement based upon a conversion factor of three cubic yards 59989
per ton generally or one cubic yard per ton for baled wastes. 59990

Not later than five days after enacting an ordinance or 59991
adopting a resolution under this division, the legislative 59992
authority shall so notify by certified mail the owner or operator 59993
of each solid waste disposal facility that is required to collect 59994
the fee. Collection of any fee levied on or after March 24, 1992, 59995
shall commence on the first day of the second month following the 59996
month in which notification is sent to the owner or operator. 59997

(D)(1) The fees levied under divisions (A), (B), and (C) of 59998
this section do not apply to the disposal of solid wastes that: 59999

(a) Are disposed of at a facility owned by the generator of 60000
the wastes when the solid waste facility exclusively disposes of 60001
solid wastes generated at one or more premises owned by the 60002
generator regardless of whether the facility is located on a 60003
premises where the wastes are generated; 60004

(b) Are generated from the combustion of coal, or from the 60005
combustion of primarily coal, regardless of whether the disposal 60006
facility is located on the premises where the wastes are 60007
generated; 60008

(c) Are asbestos or asbestos-containing materials or products 60009
disposed of at a construction and demolition debris facility that 60010
is licensed under Chapter 3714. of the Revised Code or at a solid 60011
waste facility that is licensed under this chapter. 60012

(2) Except as provided in section 3734.571 of the Revised 60013
Code, any fees levied under division (B)(1) of this section apply 60014
to solid wastes originating outside the boundaries of a county or 60015
joint district that are covered by an agreement for the joint use 60016
of solid waste facilities entered into under section 343.02 of the 60017
Revised Code by the board of county commissioners or board of 60018
directors of the county or joint district where the wastes are 60019
generated and disposed of. 60020

(3) When solid wastes, other than solid wastes that consist 60021

of scrap tires, are burned in a disposal facility that is an 60022
incinerator or energy recovery facility, the fees levied under 60023
divisions (A), (B), and (C) of this section shall be levied upon 60024
the disposal of the fly ash and bottom ash remaining after burning 60025
of the solid wastes and shall be collected by the owner or 60026
operator of the sanitary landfill where the ash is disposed of. 60027

(4) When solid wastes are delivered to a solid waste transfer 60028
facility, the fees levied under divisions (B) and (C) of this 60029
section shall be levied upon the disposal of solid wastes 60030
transported off the premises of the transfer facility for disposal 60031
and shall be collected by the owner or operator of the solid waste 60032
disposal facility where the wastes are disposed of. 60033

(5) The fees levied under divisions (A), (B), and (C) of this 60034
section do not apply to sewage sludge that is generated by a waste 60035
water treatment facility holding a national pollutant discharge 60036
elimination system permit and that is disposed of through 60037
incineration, land application, or composting or at another 60038
resource recovery or disposal facility that is not a landfill. 60039

(6) The fees levied under divisions (A), (B), and (C) of this 60040
section do not apply to solid wastes delivered to a solid waste 60041
composting facility for processing. When any unprocessed solid 60042
waste or compost product is transported off the premises of a 60043
composting facility and disposed of at a landfill, the fees levied 60044
under divisions (A), (B), and (C) of this section shall be 60045
collected by the owner or operator of the landfill where the 60046
unprocessed waste or compost product is disposed of. 60047

(7) When solid wastes that consist of scrap tires are 60048
processed at a scrap tire recovery facility, the fees levied under 60049
divisions (A), (B), and (C) of this section shall be levied upon 60050
the disposal of the fly ash and bottom ash or other solid wastes 60051
remaining after the processing of the scrap tires and shall be 60052
collected by the owner or operator of the solid waste disposal 60053

facility where the ash or other solid wastes are disposed of. 60054

(8) The director of environmental protection may issue an 60055
order exempting from the fees levied under this section solid 60056
wastes, including, but not limited to, scrap tires, that are 60057
generated, transferred, or disposed of as a result of a contract 60058
providing for the expenditure of public funds entered into by the 60059
administrator or regional administrator of the United States 60060
environmental protection agency, the director of environmental 60061
protection, or the director of administrative services on behalf 60062
of the director of environmental protection for the purpose of 60063
remediating conditions at a hazardous waste facility, solid waste 60064
facility, or other location at which the administrator or regional 60065
administrator or the director of environmental protection has 60066
reason to believe that there is a substantial threat to public 60067
health or safety or the environment or that the conditions are 60068
causing or contributing to air or water pollution or soil 60069
contamination. An order issued by the director of environmental 60070
protection under division (D)(8) of this section shall include a 60071
determination that the amount of the fees not received by a solid 60072
waste management district as a result of the order will not 60073
adversely impact the implementation and financing of the 60074
district's approved solid waste management plan and any approved 60075
amendments to the plan. Such an order is a final action of the 60076
director of environmental protection. 60077

(E) The fees levied under divisions (B) and (C) of this 60078
section shall be collected by the owner or operator of the solid 60079
waste disposal facility where the wastes are disposed of as a 60080
trustee for the county or joint district and municipal corporation 60081
or township where the wastes are disposed of. Moneys from the fees 60082
levied under division (B) of this section shall be forwarded to 60083
the board of county commissioners or board of directors of the 60084
district in accordance with rules adopted under division (H) of 60085

this section. Moneys from the fees levied under division (C) of 60086
this section shall be forwarded to the treasurer or such other 60087
officer of the municipal corporation as, by virtue of the charter, 60088
has the duties of the treasurer or to the fiscal officer of the 60089
township, as appropriate, in accordance with those rules. 60090

(F) Moneys received by the treasurer or other officer of the 60091
municipal corporation under division (E) of this section shall be 60092
paid into the general fund of the municipal corporation. Moneys 60093
received by the fiscal officer of the township under that division 60094
shall be paid into the general fund of the township. The treasurer 60095
or other officer of the municipal corporation or the township 60096
fiscal officer, as appropriate, shall maintain separate records of 60097
the moneys received from the fees levied under division (C) of 60098
this section. 60099

(G) Moneys received by the board of county commissioners or 60100
board of directors under division (E) of this section or section 60101
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 60102
shall be paid to the county treasurer, or other official acting in 60103
a similar capacity under a county charter, in a county district or 60104
to the county treasurer or other official designated by the board 60105
of directors in a joint district and kept in a separate and 60106
distinct fund to the credit of the district. If a regional solid 60107
waste management authority has been formed under section 343.011 60108
of the Revised Code, moneys received by the board of trustees of 60109
that regional authority under division (E) of this section shall 60110
be kept by the board in a separate and distinct fund to the credit 60111
of the district. Moneys in the special fund of the county or joint 60112
district arising from the fees levied under division (B) of this 60113
section and the fee levied under division (A) of section 3734.573 60114
of the Revised Code shall be expended by the board of county 60115
commissioners or directors of the district in accordance with the 60116
district's solid waste management plan or amended plan approved 60117

under section 3734.521, 3734.55, or 3734.56 of the Revised Code 60118
exclusively for the following purposes: 60119

(1) Preparation of the solid waste management plan of the 60120
district under section 3734.54 of the Revised Code, monitoring 60121
implementation of the plan, and conducting the periodic review and 60122
amendment of the plan required by section 3734.56 of the Revised 60123
Code by the solid waste management policy committee; 60124

(2) Implementation of the approved solid waste management 60125
plan or amended plan of the district, including, without 60126
limitation, the development and implementation of solid waste 60127
recycling or reduction programs; 60128

(3) Providing financial assistance to boards of health within 60129
the district, if solid waste facilities are located within the 60130
district, for enforcement of this chapter and rules, orders, and 60131
terms and conditions of permits, licenses, and variances adopted 60132
or issued under it, other than the hazardous waste provisions of 60133
this chapter and rules adopted and orders and terms and conditions 60134
of permits issued under those provisions; 60135

(4) Providing financial assistance to each county within the 60136
district to defray the added costs of maintaining roads and other 60137
public facilities and of providing emergency and other public 60138
services resulting from the location and operation of a solid 60139
waste facility within the county under the district's approved 60140
solid waste management plan or amended plan; 60141

(5) Pursuant to contracts entered into with boards of health 60142
within the district, if solid waste facilities contained in the 60143
district's approved plan or amended plan are located within the 60144
district, for paying the costs incurred by those boards of health 60145
for collecting and analyzing samples from public or private water 60146
wells on lands adjacent to those facilities; 60147

(6) Developing and implementing a program for the inspection 60148

of solid wastes generated outside the boundaries of this state 60149
that are disposed of at solid waste facilities included in the 60150
district's approved solid waste management plan or amended plan; 60151

(7) Providing financial assistance to boards of health within 60152
the district for the enforcement of section 3734.03 of the Revised 60153
Code or to local law enforcement agencies having jurisdiction 60154
within the district for enforcing anti-littering laws and 60155
ordinances; 60156

(8) Providing financial assistance to boards of health of 60157
health districts within the district that are on the approved list 60158
under section 3734.08 of the Revised Code to defray the costs to 60159
the health districts for the participation of their employees 60160
responsible for enforcement of the solid waste provisions of this 60161
chapter and rules adopted and orders and terms and conditions of 60162
permits, licenses, and variances issued under those provisions in 60163
the training and certification program as required by rules 60164
adopted under division (L) of section 3734.02 of the Revised Code; 60165

(9) Providing financial assistance to individual municipal 60166
corporations and townships within the district to defray their 60167
added costs of maintaining roads and other public facilities and 60168
of providing emergency and other public services resulting from 60169
the location and operation within their boundaries of a 60170
composting, energy or resource recovery, incineration, or 60171
recycling facility that either is owned by the district or is 60172
furnishing solid waste management facility or recycling services 60173
to the district pursuant to a contract or agreement with the board 60174
of county commissioners or directors of the district; 60175

(10) Payment of any expenses that are agreed to, awarded, or 60176
ordered to be paid under section 3734.35 of the Revised Code and 60177
of any administrative costs incurred pursuant to that section. In 60178
the case of a joint solid waste management district, if the board 60179
of county commissioners of one of the counties in the district is 60180

negotiating on behalf of affected communities, as defined in that 60181
section, in that county, the board shall obtain the approval of 60182
the board of directors of the district in order to expend moneys 60183
for administrative costs incurred. 60184

Prior to the approval of the district's solid waste 60185
management plan under section 3734.55 of the Revised Code, moneys 60186
in the special fund of the district arising from the fees shall be 60187
expended for those purposes in the manner prescribed by the solid 60188
waste management policy committee by resolution. 60189

Notwithstanding division (G)(6) of this section as it existed 60190
prior to October 29, 1993, or any provision in a district's solid 60191
waste management plan prepared in accordance with division 60192
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 60193
prior to that date, any moneys arising from the fees levied under 60194
division (B)(3) of this section prior to January 1, 1994, may be 60195
expended for any of the purposes authorized in divisions (G)(1) to 60196
(10) of this section. 60197

(H) The director shall adopt rules in accordance with Chapter 60198
119. of the Revised Code prescribing procedures for collecting and 60199
forwarding the fees levied under divisions (B) and (C) of this 60200
section to the boards of county commissioners or directors of 60201
county or joint solid waste management districts and to the 60202
treasurers or other officers of municipal corporations and the 60203
fiscal officers of townships. The rules also shall prescribe the 60204
dates for forwarding the fees to the boards and officials and may 60205
prescribe any other requirements the director considers necessary 60206
or appropriate to implement and administer divisions (A), (B), and 60207
(C) of this section. 60208

Sec. 3734.822. (A) There is hereby created in the state 60209
treasury the scrap tire grant fund, consisting of moneys 60210
transferred to the fund under section 3734.82 of the Revised Code. 60211

The director of environmental protection may make grants from the fund for the following purposes:

(1) Supporting market development activities for scrap tires and synthetic rubber from tire manufacturing processes and tire recycling processes;

(2) Supporting scrap tire amnesty and cleanup events sponsored by solid waste management districts.

Grants awarded under division (A)(1) of this section may be awarded to individuals, businesses, and entities certified under division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the Revised Code.

(B) Projects and activities that are eligible for grants under division (A)(1) of this section shall be evaluated for funding using, at a minimum, the following criteria:

(1) The degree to which a proposed project contributes to the increased use of scrap tires generated in this state;

(2) The degree of local financial support for a proposed project;

(3) The technical merit and quality of a proposed project.

Sec. 3734.901. (A)(1) For the purpose of providing revenue to defray the cost of administering and enforcing the scrap tire provisions of this chapter, rules adopted under those provisions, and terms and conditions of orders, variances, and licenses issued under those provisions; to abate accumulations of scrap tires; to make grants supporting market development activities for scrap tires and synthetic rubber from tire manufacturing processes and tire recycling processes and to support scrap tire amnesty and cleanup events; to make loans to promote the recycling or recovery of energy from scrap tires; and to defray the costs of administering and enforcing sections 3734.90 to 3734.9014 of the

Revised Code, a fee of fifty cents per tire is hereby levied on 60241
the sale of tires. The proceeds of the fee shall be deposited in 60242
the state treasury to the credit of the scrap tire management fund 60243
created in section 3734.82 of the Revised Code. The fee is levied 60244
from the first day of the calendar month that begins next after 60245
thirty days from October 29, 1993, through June 30, ~~2016~~ 2018. 60246

(2) Beginning on July 1, 2011, and ending on June 30, ~~2016~~ 60247
2018, there is hereby levied an additional fee of fifty cents per 60248
tire on the sale of tires the proceeds of which shall be deposited 60249
in the state treasury to the credit of the soil and water 60250
conservation district assistance fund created in section ~~1515.14~~ 60251
940.15 of the Revised Code. 60252

(B) Only one sale of the same article shall be used in 60253
computing the amount of the fee due. 60254

Sec. 3736.03. (A) There is hereby created in the state 60255
treasury the recycling and litter prevention fund, consisting of 60256
moneys distributed to it from fees, including the fee levied under 60257
division (A)(2) of section 3714.073 of the Revised Code, gifts, 60258
donations, grants, reimbursements, and other sources, including 60259
investment earnings. 60260

(B) The director of environmental protection shall do all of 60261
the following: 60262

(1) Use moneys credited to the fund exclusively for the 60263
purposes set forth in sections 3734.49, 3736.02, ~~3736.04~~, 3736.05, 60264
and 3745.014 of the Revised Code, with particular emphasis on 60265
programs relating to recycling; 60266

(2) Require recipients of grants under section 3736.05 of the 60267
Revised Code, as a condition of receiving and retaining them, to 60268
do all of the following: 60269

(a) Create a separate account for the grants and any cash 60270

donations received that qualify for the donor credit allowed by 60271
section 5733.064 of the Revised Code; 60272

(b) Make expenditures from the account exclusively for the 60273
purposes for which the grants were received; 60274

(c) Use any auditing and accounting practices the director 60275
considers necessary regarding the account; 60276

(d) Report to the director information regarding the amount 60277
and donor of cash donations received as described by section 60278
5733.064 of the Revised Code; 60279

(e) Use grants received to supplement and not to replace any 60280
existing funding for such purposes. 60281

(3) Report to the tax commissioner information the director 60282
receives pursuant to division (B)(2)(d) of this section. 60283

Sec. 3736.05. (A) The director of environmental protection, 60284
pursuant to division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the 60285
Revised Code, may make grants from the recycling and litter 60286
prevention fund created in section 3736.03 of the Revised Code to 60287
accomplish the purposes of the programs established under section 60288
3736.02 of the Revised Code. 60289

(B) Except as provided in division (C) of this section, the 60290
director may require any eligible applicant certified by the 60291
~~recycling and litter prevention~~ materials management advisory 60292
council under division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the 60293
Revised Code that applies for a grant for an activity or project 60294
that is intended to further the purposes of any program 60295
established under division (A)(1), (2), or (4) of section 3736.02 60296
of the Revised Code to provide a matching contribution of not more 60297
than fifty per cent of the grant. 60298

(C) Notwithstanding division (B) of this section, any grant 60299
awarded under division (A) of this section to foster cooperative 60300

research and development regarding recycling or the cooperative 60301
establishment or expansion of private recycling facilities or 60302
programs shall be made in conjunction with a contribution to the 60303
project by a cooperating enterprise that maintains or proposes to 60304
maintain a relevant research and development or recycling facility 60305
or program in this state or by an agency of the state, provided 60306
that funding provided by a state agency shall not be provided from 60307
general revenue funds appropriated by the general assembly. No 60308
grant made under division (A) of this section for the purposes 60309
described in this division shall exceed the contribution made by 60310
the cooperating enterprise or state agency. The director may 60311
consider cooperating contributions in the form of state of the art 60312
new equipment or in other forms if the director determines that 60313
the contribution is essential to the successful implementation of 60314
the project. 60315

Grants made under division (A) of this section for the 60316
purposes described in this division shall be made in such form and 60317
conditioned on such terms as the director considers to be 60318
appropriate. 60319

(D)(1) The director may require any eligible applicant 60320
certified by the ~~recycling and litter prevention~~ advisory council 60321
under division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the Revised 60322
Code that applies for a grant that is intended to further the 60323
purposes of the program established under division (A)(3) of 60324
section 3736.02 of the Revised Code, except any eligible applicant 60325
that is or is located in a county that has a per capita income 60326
equal to or below ninety per cent of the median county per capita 60327
income of the state as determined by the director using the most 60328
recently available figures from the United States census bureau, 60329
to provide a matching contribution as follows: 60330

(a) Up to ten per cent of the grant from any eligible 60331
applicant that is or is located in a county that has a per capita 60332

income above ninety per cent of the median county per capita 60333
income of the state, but equal to or below one hundred per cent of 60334
the median county per capita income of the state; 60335

(b) Up to twenty per cent of the grant from any eligible 60336
applicant that is or is located in a county that has a per capita 60337
income above the median county per capita income of the state. 60338

(2) If the eligible applicant is a joint solid waste 60339
management district or is filing a joint application on behalf of 60340
two or more counties, the matching contribution required under 60341
division (D)(1) of this section shall be the average of the 60342
matching contributions of all of the counties covered by the 60343
application as determined in accordance with that division. The 60344
matching contribution of a county that has a per capita income 60345
equal to or below ninety per cent of the median county per capita 60346
income of the state shall be included as zero in calculating the 60347
average matching contribution. 60348

(E) The director shall ensure that not less than fifty per 60349
cent of the moneys distributed as grants under this section shall 60350
be expended for the purposes of recycling and recycling market 60351
development. 60352

(F) No information that is submitted to, acquired by, or 60353
exchanged with employees of the environmental protection agency 60354
who administer or provide services under this section and that is 60355
submitted, acquired, or exchanged in order to obtain a grant 60356
pursuant to division (A) of this section shall be used in any 60357
manner for the purpose of the enforcement of any requirement 60358
established in an environmental law or used as evidence in any 60359
judicial or administrative enforcement proceeding unless that 60360
information reveals a clear and immediate danger to the 60361
environment or to the health, safety, or welfare of the public. 60362

(G) Nothing in this section confers immunity on persons from 60363

enforcement that is based on information that is obtained by the 60364
director or the director's authorized representatives who are not 60365
employees of the agency who administer or provide services under 60366
this section. 60367

(H) As used in this section, "environmental law" means a law 60368
that is administered by the environmental protection agency. 60369

Sec. 3736.06. (A) Agencies of the state certified pursuant to 60370
section ~~3736.04~~ 3734.49 of the Revised Code as eligible to receive 60371
a grant shall designate an employee as the liaison with the 60372
director of environmental protection to cooperate with the 60373
director in carrying out the director's duties under this chapter. 60374

(B) The executive and legislative authorities of municipal 60375
corporations, counties, and townships and the boards of park 60376
commissioners of township park districts created under section 60377
511.18 of the Revised Code, boards of park commissioners of park 60378
districts created under section 1545.04 of the Revised Code, and 60379
boards of education of city, exempted village, local, and joint 60380
vocational school districts may participate in the programs 60381
established under section 3736.02 of the Revised Code. 60382

Sec. 3737.17. (A) As used in this section, a "qualifying 60383
small government" means any of the following: 60384

(1) A township that has a population of not more than five 60385
thousand or, regardless of its population, is located in a county 60386
that has a population of less than one hundred thousand; 60387

(2) A municipal corporation that has a population of not more 60388
than seven thousand five hundred; 60389

(3) A fire district, joint fire district, or fire and 60390
ambulance district that shares territory exclusively with 60391
townships or municipal corporations that meet the conditions of 60392
division (A)(1) or (2) of this section. 60393

(B) The state fire marshal shall administer a small government fire department services revolving loan program under which the state fire marshal makes loans to qualifying small governments for the following purposes:

(1) To expedite purchases of major equipment for fire fighting, ambulance, emergency medical, or rescue services;

(2) To expedite projects for the construction or renovation of fire department buildings.

A loan for either purpose under the small government fire department services revolving loan program is not to carry interest, and is to be repaid within a term of not longer than twenty years. A qualifying small government is not eligible to receive a loan for a project or purchase under the program unless the qualifying small government contributes to the project or purchase an amount equal to at least five per cent of the loan amount.

(C) A qualifying small government may apply to the state fire marshal for a loan under the small government fire department services revolving loan program. In its application, the qualifying small government shall explain how it qualifies for the loan, describe the project or purchase for which it is requesting a loan, state the amount of the loan it requests, and state the amount it is prepared to contribute to the project or purchase. The qualifying small government shall provide additional information to support its application for a loan under the program as requested by the state fire marshal.

(D) The state fire marshal, in accordance with Chapter 119. of the Revised Code, shall adopt rules for the administration of the small government fire department services revolving loan program.

(E) There is hereby created in the state treasury the small

government fire department services revolving loan fund, into 60425
which shall be deposited repayments by qualifying small 60426
governments of loans authorized under this section. The fund also 60427
shall consist of appropriated money. Investment earnings on money 60428
in the fund shall be credited to the fund. The state fire marshal 60429
shall use the money credited to the fund to make loans to 60430
qualifying small governments as described in this section. The 60431
state fire marshal may loan money from repaid loans credited to 60432
the fund at any time to qualifying small governments in accordance 60433
with this section. 60434

Sec. 3737.84. (A) The state fire code adopted pursuant to 60435
sections 3737.82 and 3737.83 of the Revised Code shall not contain 60436
any provision as follows: 60437

(1) Relating to the organization or structure of a municipal 60438
or township fire department; 60439

(2) Relating to structural building requirements covered by 60440
the Ohio building code; 60441

(3) That would cause an employer, in complying with it, to be 60442
in violation of the "Occupational Safety and Health Act of 1970," 60443
84 Stat. 1590, 29 U.S.C.A. 651, or the "Consumer Product Safety 60444
Act of 1972," 86 Stat. 1207, 15 U.S.C.A. 2051; 60445

(4) Regulating manufacturers or manufacturing facilities with 60446
respect to occupational hazards where they are subject to 60447
regulation by the federal occupational safety and health 60448
administration; 60449

(5) That is inconsistent with, or in conflict with, 60450
regulations of the federal occupational safety and health 60451
administration or the hazardous materials regulations of the 60452
hazardous materials regulations board of the federal highway 60453
administration, United States department of transportation, or the 60454

public utilities commission; 60455

(6) That establishes a minimum standard of flammability for 60456
consumer goods in any area where the "Flammable Fabrics Act," 81 60457
Stat. 568 (1967), 15 U.S.C. 1191 authorizes the federal government 60458
or any department or agency of the federal government to establish 60459
national standards of flammability for consumer goods; 60460

(7) That establishes a health or safety standard for the use 60461
of explosives in mining, for which the federal government through 60462
its authorized agency sets health or safety standards pursuant to 60463
section 6 of the "Federal Metal and Nonmetallic Mine Safety Act of 60464
1966," 80 Stat. 772, 30 U.S.C. 725, or section 101 of the "Federal 60465
Coal Mine Health and Safety Act of 1969," 83 Stat. 745, 30 60466
U.S.C.A. 811; 60467

(8) That is inconsistent with, or in conflict with, section 60468
3737.73 or Chapter 3743. of the Revised Code, or the rules adopted 60469
pursuant to that chapter; 60470

(9)(a) Restricting the dispensing of diesel fuel at a 60471
terminal or bulk plant into a motor vehicle that is transporting 60472
petroleum products or equipment essential to the operation of the 60473
terminal or bulk plant, provided that the motor vehicle is owned 60474
or leased by or operated under a contract with a person who has 60475
been issued a motor fuel dealer's license under section 5735.02 of 60476
the Revised Code; 60477

(b) Authorizing the dispensing of any petroleum products at a 60478
terminal or bulk plant from an ~~above-ground~~ aboveground storage 60479
tank at the terminal or bulk plant to a motor vehicle other than a 60480
motor vehicle that is described in division (A)(9)(a) of this 60481
section or to a member of the general public. 60482

As used in division (A)(9) of this section, "terminal or bulk 60483
plant" means that portion of a property where petroleum products 60484
are received by tank vessels, pipelines, tank cars, or tank 60485

vehicles and are stored or blended in bulk for the purpose of 60486
distributing the petroleum products via tank vessel, pipeline, 60487
tank car, tank vehicle, portable tank, or container. 60488

(10) That prohibits the use of a device described in section 60489
3381.106 of the Revised Code and used in accordance with rules 60490
adopted pursuant to that section. 60491

(B) No penalty shall be imposed by the fire marshal on any 60492
person for a violation of the state fire code if a penalty has 60493
been imposed or an order issued by the federal government for a 60494
violation of a similar provision contained in or adopted pursuant 60495
to the federal acts referred to in this section, where the facts 60496
that constitute the violation of the state fire code are the same 60497
as those that constitute the violation or alleged violation of the 60498
federal act. 60499

Sec. 3743.07. (A) Licensed manufacturers of fireworks shall 60500
keep complete records of all fireworks in their inventory. 60501

(B) Licensed manufacturers of fireworks shall keep the 60502
following records with respect to fireworks sold at wholesale ~~or~~ 60503
~~retail~~ for a period of three years after the date of their sale: 60504

~~(1) In the case of a wholesale sale,;~~ the name and address of 60505
the purchaser; the destination to which the fireworks will be 60506
transported; if applicable, the number of the purchaser's 60507
wholesale license; the date of purchase; when the fireworks are to 60508
be shipped directly out of this state by a manufacturer to a 60509
purchaser, the manner in which the fireworks were shipped to the 60510
purchaser; and such other information as the fire marshal may 60511
require. 60512

~~(2) In the case of a retail sale, the name and address of the 60513~~
~~purchaser; the destination to which the fireworks will be 60514~~
~~transported; if applicable, the number of the purchaser's 60515~~

~~exhibitor's license and the number and political subdivision 60516
designation of the purchaser's permit for a fireworks exhibition; 60517
the date of purchase; when the fireworks are shipped directly out 60518
of this state by a manufacturer to a purchaser, the manner in 60519
which the fireworks were shipped to the purchaser; and such other 60520
information as the fire marshal may require. 60521~~

(C) The seller shall require each purchaser described in 60522
division (B) of this section to complete a purchaser's form, which 60523
shall be prescribed by the fire marshal and furnished by the 60524
seller. On this form the purchaser shall include the information 60525
described in division (B) of this section and the purchaser's 60526
signature. Each purchaser's form shall contain a statement printed 60527
in bold letters indicating that knowingly making a false statement 60528
on the form is falsification under section 2921.13 of the Revised 60529
Code and is a misdemeanor of the first degree. Each seller shall 60530
keep each purchaser's form for a period of three years after the 60531
date of the purchase, and such forms shall be open to inspection 60532
by the fire marshal or the fire marshal's designated authority. 60533

(D) A licensed manufacturer of fireworks shall keep its 60534
wholesale sale and retail sale records in separate books. These 60535
records and the inventory records shall be open to inspection by 60536
the fire marshal or the fire marshal's designated authority. 60537

Sec. 3743.20. (A) Licensed wholesalers of fireworks shall 60538
keep complete records of all fireworks in their inventory. 60539

(B) Licensed wholesalers of fireworks shall keep the 60540
following records with respect to fireworks sold at wholesale ~~or~~ 60541
~~retail~~ for a period of three years after the date of their sale: 60542

~~(1) In the case of a wholesale sale,:~~ the name and address of 60543
the purchaser; the destination to which the fireworks will be 60544
transported; if applicable, the number of the purchaser's 60545
wholesale license; the date of the purchase; when the fireworks 60546

are to be shipped directly out of this state by a wholesaler to a purchaser, the manner in which the fireworks were shipped to the purchaser; and such other information as the fire marshal may require;

~~(2) In the case of a retail sale, the name and address of the purchaser; the destination to which the fireworks will be transported; if applicable, the number of the purchaser's exhibitor's license and the number and political subdivision designation of the purchaser's permit for a fireworks exhibition; the date of purchase; when the fireworks are shipped directly out of this state by a wholesaler to a purchaser, the manner in which the fireworks were shipped to the purchaser; and such other information as the fire marshal may require.~~

(C) The seller shall require each purchaser described in division (B) of this section to complete a purchaser's form, which shall be prescribed by the fire marshal and furnished by the seller. On this form the purchaser shall include the information described in division (B) of this section and the purchaser's signature. Each purchaser's form shall contain a statement printed in bold letters indicating that knowingly making a false statement on the form is falsification under section 2921.13 of the Revised Code and is a misdemeanor of the first degree. Each seller shall keep each purchaser's form for a period of three years after the date of the purchase, and such forms shall be open to inspection by the fire marshal or the fire marshal's designated authority.

(D) A licensed wholesaler of fireworks shall keep its wholesale sale and retail sale records in separate books. These records and the inventory records shall be open to inspection by the fire marshal or the fire marshal's designated authority.

Sec. 3743.44. (A) Any person who resides in another state and who intends to obtain possession in this state of fireworks

purchased in this state shall obtain possession of the fireworks 60578
only from a licensed manufacturer or licensed wholesaler and only 60579
possess the fireworks in this state while in the course of 60580
directly transporting them out of this state. ~~No~~ 60581

No licensed manufacturer or licensed wholesaler shall sell 60582
1.3G fireworks to a person who resides in another state unless 60583
that person has been issued a license or permit in the state of 60584
the person's residence that authorizes the person to engage in the 60585
manufacture, wholesale sale, or retail sale of 1.3G fireworks or 60586
that authorizes the person to conduct 1.3G fireworks exhibitions 60587
in that state and that person presents a certified copy of the 60588
license. ~~No~~ 60589

No licensed manufacturer or licensed wholesaler shall sell 60590
fireworks to a person who resides in another state unless that 60591
person has been issued a license or permit in the state of the 60592
person's residence that authorizes the person to engage in the 60593
manufacture, wholesale sale, or retail sale of fireworks in that 60594
state or that authorizes the person to conduct fireworks 60595
exhibitions in that state and that person presents a certified 60596
copy of the license, or, if that person does not possess a license 60597
or permit of that nature, only if the person presents a current 60598
valid motor vehicle operator's license issued to the person in the 60599
person's state of residence, or, if that person does not possess a 60600
motor vehicle operator's license issued in that state, an 60601
identification card issued to the person by a governmental agency 60602
in the person's state of residence indicating that the person is a 60603
resident of that state. If a person who is required to present a 60604
motor vehicle operator's license or other identification card 60605
intends to transport the fireworks purchased directly out of this 60606
state by a motor vehicle and the person will not also be the 60607
operator of that motor vehicle while so transporting the 60608
fireworks, the operator of the motor vehicle also shall present 60609

the operator's motor vehicle operator's license. 60610

~~(B) A licensed manufacturer or licensed wholesaler selling 60611
fireworks under this section shall require the purchaser to 60612
complete a purchaser's form. The fire marshal shall prescribe the 60613
form, and the licensed manufacturer or licensed wholesaler shall 60614
furnish the form. On this form the purchaser shall include the 60615
purchaser's name and address; the date of the purchase; a 60616
statement that the purchaser acknowledges that the purchaser is 60617
responsible for any illegal use of the fireworks, including any 60618
damages caused by improper use; the number of the purchaser's 60619
license or permit authorizing the purchaser to manufacture, sell 60620
at wholesale, or sell at retail fireworks or to conduct fireworks 60621
exhibitions, or the number of the purchaser's motor vehicle 60622
operator's license or other identification card, as applicable; 60623
such other information as the fire marshal may require; and the 60624
purchaser's signature. Each purchaser's form shall contain a 60625
statement printed in bold letters indicating that knowingly making 60626
a false statement on the form is falsification under section 60627
2921.13 of the Revised Code and is a misdemeanor of the first 60628
degree. 60629~~

~~Each licensed manufacturer and licensed wholesaler shall keep 60630
each purchaser's form for a period of three years after the date 60631
of the purchase, and such forms shall be open to inspection by the 60632
fire marshal or the fire marshal's designated authority. 60633~~

~~(C) Each purchaser of fireworks under this section shall 60634
transport the fireworks so purchased directly out of this state 60635
within forty-eight hours after the time of their purchase. 60636~~

This section regulates wholesale sales and retail sales of 60637
fireworks in this state only insofar as purchasers of fireworks 60638
are residents of other states and will be obtaining possession in 60639
this state of purchased fireworks. This section does not prohibit 60640
licensed manufacturers or wholesalers from selling fireworks, in 60641

accordance with section 3743.04 or sections 3743.17 and 3743.25 of 60642
the Revised Code, to a resident of another state and from shipping 60643
the purchased fireworks directly out of this state to the 60644
purchaser. 60645

Sec. 3743.45. (A) Any person who resides in this state and 60646
who intends to obtain possession in this state of 1.4G fireworks 60647
purchased in this state shall obtain possession of the 1.4G 60648
fireworks only from a licensed manufacturer or licensed 60649
wholesaler. 60650

~~A licensed manufacturer or licensed wholesaler selling 1.4G 60651
fireworks under this division shall require the purchaser to 60652
complete a purchaser's form, which shall be prescribed by the 60653
state fire marshal and furnished by the licensed manufacturer or 60654
licensed wholesaler. On this form the purchaser shall include the 60655
purchaser's name and address; the date of the purchase; a 60656
statement that the purchaser acknowledges that the purchaser is 60657
responsible for any illegal use of the fireworks, including any 60658
damages caused by improper use; such other information as the fire 60659
marshal may require; and the purchaser's signature. Each 60660
purchaser's form shall contain a statement printed in bold letters 60661
indicating that knowingly making a false statement on the form is 60662
falsification under section 2921.13 of the Revised Code and is a 60663
misdemeanor of the first degree. 60664~~

~~Each licensed manufacturer and licensed wholesaler shall keep 60665
each purchaser's form for a period of three years after the date 60666
of the purchase, and such forms shall be open to inspection by the 60667
fire marshal or the fire marshal's designated authority. 60668~~

Each purchaser of 1.4G fireworks under this division shall 60669
transport the fireworks so purchased directly out of this state 60670
within forty-eight hours after the time of their purchase. 60671

This division does not apply to a person who resides in this 60672

state and who is also a licensed manufacturer, licensed 60673
wholesaler, or licensed exhibitor of fireworks in this state. 60674

(B) No licensed manufacturer or licensed wholesaler shall 60675
sell 1.3G fireworks to a person who resides in this state unless 60676
that person is a licensed manufacturer, licensed wholesaler, or 60677
licensed exhibitor of fireworks in this state. 60678

Sec. 3743.63. (A) No person who resides in another state and 60679
purchases fireworks in this state shall obtain possession of the 60680
fireworks in this state unless the person complies with section 60681
3743.44 of the Revised Code, ~~provided that knowingly making a~~ 60682
~~false statement on the fireworks purchaser form is not a violation~~ 60683
~~of this section but is a violation of section 2921.13 of the~~ 60684
~~Revised Code.~~ 60685

(B) No person who resides in another state and who purchases 60686
fireworks in this state shall obtain possession of fireworks in 60687
this state other than from a licensed manufacturer or wholesaler, 60688
or fail, when transporting ~~the~~ 1.3G fireworks, to transport them 60689
directly out of this state within seventy-two hours after the time 60690
of their purchase. No such person shall give or sell to any other 60691
person in this state fireworks that the person has acquired in 60692
this state. 60693

(C) No person who resides in this state and purchases 60694
fireworks in this state shall obtain possession of the fireworks 60695
in this state unless the person complies with section 3743.45 of 60696
the Revised Code, ~~provided that knowingly making a false statement~~ 60697
~~on the fireworks purchaser form is not a violation of this section~~ 60698
~~but is a violation of section 2921.13 of the Revised Code.~~ 60699

(D) No person who resides in this state and who purchases 60700
fireworks in this state under section 3743.45 of the Revised Code 60701
shall obtain possession of fireworks in this state other than from 60702
a licensed manufacturer or licensed wholesaler, or fail, when 60703

transporting the fireworks, to transport them directly out of this 60704
state within forty-eight hours after the time of their purchase. 60705
No such person shall give or sell to any other person in this 60706
state fireworks that the person has acquired in this state. 60707

Sec. 3743.65. (A) No person shall possess fireworks in this 60708
state or shall possess for sale or sell fireworks in this state, 60709
except a licensed manufacturer of fireworks as authorized by 60710
sections 3743.02 to 3743.08 of the Revised Code, a licensed 60711
wholesaler of fireworks as authorized by sections 3743.15 to 60712
3743.21 of the Revised Code, a shipping permit holder as 60713
authorized by section 3743.40 of the Revised Code, an out-of-state 60714
resident as authorized by section 3743.44 of the Revised Code, a 60715
resident of this state as authorized by section 3743.45 of the 60716
Revised Code, or a licensed exhibitor of fireworks as authorized 60717
by sections 3743.50 to 3743.55 of the Revised Code, and except as 60718
provided in section 3743.80 of the Revised Code. 60719

(B) Except as provided in section 3743.80 of the Revised Code 60720
and except for licensed exhibitors of fireworks authorized to 60721
conduct a fireworks exhibition pursuant to sections 3743.50 to 60722
3743.55 of the Revised Code, no person shall discharge, ignite, or 60723
explode any fireworks in this state. 60724

(C) No person shall use in a theater or public hall, what is 60725
technically known as fireworks showers, or a mixture containing 60726
potassium chlorate and sulphur. 60727

(D) No person shall sell fireworks of any kind to a person 60728
under eighteen years of age. No person under eighteen years of age 60729
shall enter a fireworks sales showroom unless that person is 60730
accompanied by a parent, legal guardian, or other responsible 60731
adult. No person under eighteen years of age shall touch or 60732
possess fireworks on a licensed premises without the consent of 60733
the licensee. A licensee may eject any person from a licensed 60734

premises that is in any way disruptive to the safe operation of 60735
the premises. 60736

(E) ~~No~~ Except as otherwise provided in section 3743.44 of the 60737
Revised Code, no person, other than a licensed manufacturer, 60738
licensed wholesaler, licensed exhibitor, or shipping permit 60739
holder, shall possess 1.3G fireworks in this state. 60740

(F) Except as otherwise provided in division (J) of section 60741
3743.06 and division (K) of section 3743.19 of the Revised Code, 60742
no person shall knowingly disable a fire suppression system as 60743
defined in section 3781.108 of the Revised Code on the premises of 60744
a fireworks plant of a licensed manufacturer of fireworks or on 60745
the premises of the business operations of a licensed wholesaler 60746
of fireworks. 60747

Sec. 3743.75. (A) During the period beginning on June 29, 60748
2001, and ending on December 15, ~~2015~~ 2017, the state fire marshal 60749
shall not do any of the following: 60750

(1) Issue a license as a manufacturer of fireworks under 60751
sections 3743.02 and 3743.03 of the Revised Code to a person for a 60752
particular fireworks plant unless that person possessed such a 60753
license for that fireworks plant immediately prior to June 29, 60754
2001; 60755

(2) Issue a license as a wholesaler of fireworks under 60756
sections 3743.15 and 3743.16 of the Revised Code to a person for a 60757
particular location unless that person possessed such a license 60758
for that location immediately prior to June 29, 2001; 60759

(3) Except as provided in division (B) of this section, 60760
approve the geographic transfer of a license as a manufacturer or 60761
wholesaler of fireworks issued under this chapter to any location 60762
other than a location for which a license was issued under this 60763
chapter immediately prior to June 29, 2001. 60764

(B) Division (A)(3) of this section does not apply to a 60765
transfer that the state fire marshal approves under division (F) 60766
of section 3743.17 of the Revised Code. 60767

(C) Notwithstanding section 3743.59 of the Revised Code, the 60768
prohibited activities established in divisions (A)(1) and (2) of 60769
this section, geographic transfers approved pursuant to division 60770
(F) of section 3743.17 of the Revised Code, and storage locations 60771
allowed pursuant to division (I) of section 3743.04 of the Revised 60772
Code or division (G) of section 3743.17 of the Revised Code are 60773
not subject to any variance, waiver, or exclusion. 60774

(D) As used in division (A) of this section: 60775

(1) "Person" includes any person or entity, in whatever form 60776
or name, that acquires possession of a manufacturer or wholesaler 60777
of fireworks license issued pursuant to this chapter by transfer 60778
of possession of a license, whether that transfer occurs by 60779
purchase, assignment, inheritance, bequest, stock transfer, or any 60780
other type of transfer, on the condition that the transfer is in 60781
accordance with division (D) of section 3743.04 of the Revised 60782
Code or division (D) of section 3743.17 of the Revised Code and is 60783
approved by the fire marshal. 60784

(2) "Particular location" includes a licensed premises and, 60785
regardless of when approved, any storage location approved in 60786
accordance with section 3743.04 or 3743.17 of the Revised Code. 60787

(3) "Such a license" includes a wholesaler of fireworks 60788
license that was issued in place of a manufacturer of fireworks 60789
license that existed prior to June 29, 2001, and was requested to 60790
be canceled by the license holder pursuant to division (D) of 60791
section 3743.03 of the Revised Code. 60792

Sec. 3745.015. There is hereby created in the state treasury 60793
the environmental protection fund consisting of money credited to 60794

the fund under division (A)(3) of section 3734.57 of the Revised Code. The environmental protection agency shall use money in the fund to pay the agency's costs associated with administering and enforcing, or otherwise conducting activities under, this chapter and Chapters 3704., 3734., 3746., 3747., 3748., 3750., 3751., 3752., 3753., 5709., 6101., 6103., 6105., 6109., 6111., 6112., 6113., 6115., 6117., and 6119. and sections 122.65 and 1521.19 of the Revised Code, including providing compliance assistance to small businesses.

Sec. 3745.11. (A) Applicants for and holders of permits, licenses, variances, plan approvals, and certifications issued by the director of environmental protection pursuant to Chapters 3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee to the environmental protection agency for each such issuance and each application for an issuance as provided by this section. No fee shall be charged for any issuance for which no application has been submitted to the director.

(B) Except as otherwise provided in division (C)(2) of this section, beginning July 1, 1994, each person who owns or operates an air contaminant source and who is required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay the fees set forth in this division. For the purposes of this division, total emissions of air contaminants may be calculated using engineering calculations, emissions factors, material balance calculations, or performance testing procedures, as authorized by the director.

The following fees shall be assessed on the total actual emissions from a source in tons per year of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead:

(1) Fifteen dollars per ton on the total actual emissions of each such regulated pollutant during the period July through December 1993, to be collected no sooner than July 1, 1994;

(2) Twenty dollars per ton on the total actual emissions of each such regulated pollutant during calendar year 1994, to be collected no sooner than April 15, 1995;

(3) Twenty-five dollars per ton on the total actual emissions of each such regulated pollutant in calendar year 1995, and each subsequent calendar year, to be collected no sooner than the fifteenth day of April of the year next succeeding the calendar year in which the emissions occurred.

The fees levied under this division do not apply to that portion of the emissions of a regulated pollutant at a facility that exceed four thousand tons during a calendar year.

(C)(1) The fees assessed under division (B) of this section are for the purpose of providing funding for the Title V permit program.

(2) The fees assessed under division (B) of this section do not apply to emissions from any electric generating unit designated as a Phase I unit under Title IV of the federal Clean Air Act prior to calendar year 2000. Those fees shall be assessed on the emissions from such a generating unit commencing in calendar year 2001 based upon the total actual emissions from the generating unit during calendar year 2000 and shall continue to be assessed each subsequent calendar year based on the total actual emissions from the generating unit during the preceding calendar year.

(3) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (B) or (D) of this section. Any such invoice shall be issued no sooner than the applicable date when the fee first

may be collected in a year under the applicable division, shall 60856
identify the nature and amount of the fee assessed, and shall 60857
indicate that the fee is required to be paid within thirty days 60858
after the issuance of the invoice. 60859

(D)(1) Except as provided in division (D)(3) of this section, 60860
from January 1, 1994, through December 31, 2003, each person who 60861
owns or operates an air contaminant source; who is required to 60862
apply for a permit to operate pursuant to rules adopted under 60863
division (G), or a variance pursuant to division (H), of section 60864
3704.03 of the Revised Code; and who is not required to apply for 60865
and obtain a Title V permit under section 3704.036 of the Revised 60866
Code shall pay a single fee based upon the sum of the actual 60867
annual emissions from the facility of the regulated pollutants 60868
particulate matter, sulfur dioxide, nitrogen oxides, organic 60869
compounds, and lead in accordance with the following schedule: 60870

Total tons per year of regulated pollutants emitted	Annual fee per facility	
More than 0, but less than 50	\$ 75	60874
50 or more, but less than 100	300	60875
100 or more	700	60876

(2) Except as provided in division (D)(3) of this section, 60877
beginning January 1, 2004, each person who owns or operates an air 60878
contaminant source; who is required to apply for a permit to 60879
operate pursuant to rules adopted under division (G), or a 60880
variance pursuant to division (H), of section 3704.03 of the 60881
Revised Code; and who is not required to apply for and obtain a 60882
Title V permit under section 3704.03 of the Revised Code shall pay 60883
a single fee based upon the sum of the actual annual emissions 60884
from the facility of the regulated pollutants particulate matter, 60885
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 60886
accordance with the following schedule: 60887

Total tons per year		60888
of regulated pollutants	Annual fee	60889
emitted	per facility	60890
More than 0, but less than 10	\$ 100	60891
10 or more, but less than 50	200	60892
50 or more, but less than 100	300	60893
100 or more	700	60894

(3)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2016~~ 2018, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

Combined total tons		60908
per year of all regulated	Annual fee	60909
pollutants emitted	per facility	60910
Less than 10	\$ 170	60911
10 or more, but less than 20	340	60912
20 or more, but less than 30	670	60913
30 or more, but less than 40	1,010	60914
40 or more, but less than 50	1,340	60915
50 or more, but less than 60	1,680	60916
60 or more, but less than 70	2,010	60917
70 or more, but less than 80	2,350	60918
80 or more, but less than 90	2,680	60919

90 or more, but less than 100	3,020	60920
100 or more	3,350	60921

(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division (D)(3) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (B) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for the purposes of division (B) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of

the consumer price index for all urban consumers published by the 60952
United States department of labor as of the close of the 60953
twelve-month period ending on the thirty-first day of August of 60954
that year. 60955

(b) If the 1989 consumer price index is revised, the director 60956
shall use the revision of the consumer price index that is most 60957
consistent with that for calendar year 1989. 60958

(F) Each person who is issued a permit to install pursuant to 60959
rules adopted under division (F) of section 3704.03 of the Revised 60960
Code on or after July 1, 2003, shall pay the fees specified in the 60961
following schedules: 60962

(1) Fuel-burning equipment (boilers, furnaces, or process 60963
heaters used in the process of burning fuel for the primary 60964
purpose of producing heat or power by indirect heat transfer) 60965
Input capacity (maximum) 60966
(million British thermal units per hour) Permit to install 60967

Greater than 0, but less than 10	\$ 200	60968
10 or more, but less than 100	400	60969
100 or more, but less than 300	1000	60970
300 or more, but less than 500	2250	60971
500 or more, but less than 1000	3750	60972
1000 or more, but less than 5000	6000	60973
5000 or more	9000	60974

Units burning exclusively natural gas, number two fuel oil, 60975
or both shall be assessed a fee that is one-half the applicable 60976
amount shown in division (F)(1) of this section. 60977

(2) Combustion turbines and stationary internal combustion 60978
engines designed to generate electricity 60979
Generating capacity (mega watts) Permit to install 60980

0 or more, but less than 10	\$ 25	60981
10 or more, but less than 25	150	60982

25 or more, but less than 50	300	60983
50 or more, but less than 100	500	60984
100 or more, but less than 250	1000	60985
250 or more	2000	60986

(3) Incinerators 60987

Input capacity (pounds per hour)	Permit to install	60988
0 to 100	\$ 100	60989
101 to 500	500	60990
501 to 2000	1000	60991
2001 to 20,000	1500	60992
more than 20,000	3750	60993

(4)(a) Process 60994

Process weight rate (pounds per hour)	Permit to install	60995
0 to 1000	\$ 200	60996
1001 to 5000	500	60997
5001 to 10,000	750	60998
10,001 to 50,000	1000	60999
more than 50,000	1250	61000

In any process where process weight rate cannot be 61001
ascertained, the minimum fee shall be assessed. A boiler, furnace, 61002
combustion turbine, stationary internal combustion engine, or 61003
process heater designed to provide direct heat or power to a 61004
process not designed to generate electricity shall be assessed a 61005
fee established in division (F)(4)(a) of this section. A 61006
combustion turbine or stationary internal combustion engine 61007
designed to generate electricity shall be assessed a fee 61008
established in division (F)(2) of this section. 61009

(b) Notwithstanding division (F)(4)(a) of this section, any 61010
person issued a permit to install pursuant to rules adopted under 61011
division (F) of section 3704.03 of the Revised Code shall pay the 61012
fees set forth in division (F)(4)(c) of this section for a process 61013
used in any of the following industries, as identified by the 61014

applicable two-digit, three-digit, or four-digit standard	61015	
industrial classification code according to the Standard	61016	
Industrial Classification Manual published by the United States	61017	
office of management and budget in the executive office of the	61018	
president, 1987, as revised:	61019	
Major group 10, metal mining;	61020	
Major group 12, coal mining;	61021	
Major group 14, mining and quarrying of nonmetallic minerals;	61022	
Industry group 204, grain mill products;	61023	
2873 Nitrogen fertilizers;	61024	
2874 Phosphatic fertilizers;	61025	
3281 Cut stone and stone products;	61026	
3295 Minerals and earth, ground or otherwise treated;	61027	
4221 Grain elevators (storage only);	61028	
5159 Farm related raw materials;	61029	
5261 Retail nurseries and lawn and garden supply stores.	61030	
(c) The fees set forth in the following schedule apply to the	61031	
issuance of a permit to install pursuant to rules adopted under	61032	
division (F) of section 3704.03 of the Revised Code for a process	61033	
identified in division (F)(4)(b) of this section:	61034	
Process weight rate (pounds per	Permit to install	61035
hour)		
0 to 10,000	\$ 200	61036
10,001 to 50,000	400	61037
50,001 to 100,000	500	61038
100,001 to 200,000	600	61039
200,001 to 400,000	750	61040
400,001 or more	900	61041
(5) Storage tanks		61042

Gallons (maximum useful capacity)	Permit to install	61043
0 to 20,000	\$ 100	61044
20,001 to 40,000	150	61045
40,001 to 100,000	250	61046
100,001 to 500,000	400	61047
500,001 or greater	750	61048
(6) Gasoline/fuel dispensing facilities		61049
For each gasoline/fuel		61050
dispensing facility (includes all	Permit to install	61051
units at the facility)	\$ 100	61052
(7) Dry cleaning facilities		61053
For each dry cleaning		61054
facility (includes all units	Permit to install	61055
at the facility)	\$ 100	61056
(8) Registration status		61057
For each source covered	Permit to install	61058
by registration status	\$ 75	61059
(G) An owner or operator who is responsible for an asbestos		61060
demolition or renovation project pursuant to rules adopted under		61061
section 3704.03 of the Revised Code shall pay the fees set forth		61062
in the following schedule:		61063
Action	Fee	61064
Each notification	\$75	61065
Asbestos removal	\$3/unit	61066
Asbestos cleanup	\$4/cubic yard	61067
For purposes of this division, "unit" means any combination of		61068
linear feet or square feet equal to fifty.		61069
(H) A person who is issued an extension of time for a permit		61070
to install an air contaminant source pursuant to rules adopted		61071
under division (F) of section 3704.03 of the Revised Code shall		61072
pay a fee equal to one-half the fee originally assessed for the		61073

permit to install under this section, except that the fee for such 61074
an extension shall not exceed two hundred dollars. 61075

(I) A person who is issued a modification to a permit to 61076
install an air contaminant source pursuant to rules adopted under 61077
section 3704.03 of the Revised Code shall pay a fee equal to 61078
one-half of the fee that would be assessed under this section to 61079
obtain a permit to install the source. The fee assessed by this 61080
division only applies to modifications that are initiated by the 61081
owner or operator of the source and shall not exceed two thousand 61082
dollars. 61083

(J) Notwithstanding division (F) of this section, a person 61084
who applies for or obtains a permit to install pursuant to rules 61085
adopted under division (F) of section 3704.03 of the Revised Code 61086
after the date actual construction of the source began shall pay a 61087
fee for the permit to install that is equal to twice the fee that 61088
otherwise would be assessed under the applicable division unless 61089
the applicant received authorization to begin construction under 61090
division (W) of section 3704.03 of the Revised Code. This division 61091
only applies to sources for which actual construction of the 61092
source begins on or after July 1, 1993. The imposition or payment 61093
of the fee established in this division does not preclude the 61094
director from taking any administrative or judicial enforcement 61095
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 61096
of the Revised Code, or a rule adopted under any of them, in 61097
connection with a violation of rules adopted under division (F) of 61098
section 3704.03 of the Revised Code. 61099

As used in this division, "actual construction of the source" 61100
means the initiation of physical on-site construction activities 61101
in connection with improvements to the source that are permanent 61102
in nature, including, without limitation, the installation of 61103
building supports and foundations and the laying of underground 61104
pipework. 61105

(K)(1) Money received under division (B) of this section shall be deposited in the state treasury to the credit of the Title V clean air fund created in section 3704.035 of the Revised Code. Annually, fifty cents per ton of each fee assessed under division (B) of this section on actual emissions from a source and received by the environmental protection agency pursuant to that division shall be transferred using an interstate transfer voucher to the state treasury to the credit of the small business assistance fund created in section 3706.19 of the Revised Code. In addition, annually, the amount of money necessary for the operation of the office of ombudsperson as determined under division (B) of that section shall be transferred to the state treasury to the credit of the small business ombudsperson fund created by that section.

(2) Money received by the agency pursuant to divisions (D), (F), (G), (H), (I), and (J) of this section shall be deposited in the state treasury to the credit of the non-Title V clean air fund created in section 3704.035 of the Revised Code.

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) or (c) of this section, a person issued a water discharge permit or renewal of a water discharge permit pursuant to Chapter 6111. of the Revised Code shall pay a fee based on each point source to which the issuance is applicable in accordance with the following schedule:

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	61131
1,001 to 5000	100	61132
5,001 to 50,000	200	61133
50,001 to 100,000	300	61134
100,001 to 300,000	525	61135
over 300,000	750	61136

(b) Notwithstanding the fee schedule specified in division 61137

(L)(1)(a) of this section, the fee for a water discharge permit 61138
that is applicable to coal mining operations regulated under 61139
Chapter 1513. of the Revised Code shall be two hundred fifty 61140
dollars per mine. 61141

(c) Notwithstanding the fee schedule specified in division 61142
(L)(1)(a) of this section, the fee for a water discharge permit 61143
for a public discharger identified by I in the third character of 61144
the permittee's NPDES permit number shall not exceed seven hundred 61145
fifty dollars. 61146

(2) A person applying for a plan approval for a wastewater 61147
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 61148
of the Revised Code shall pay a fee of one hundred dollars plus 61149
sixty-five one-hundredths of one per cent of the estimated project 61150
cost through June 30, ~~2016~~ 2018, and one hundred dollars plus 61151
two-tenths of one per cent of the estimated project cost on and 61152
after July 1, ~~2016~~ 2018, except that the total fee shall not 61153
exceed fifteen thousand dollars through June 30, ~~2016~~ 2018, and 61154
five thousand dollars on and after July 1, ~~2016~~ 2018. The fee 61155
shall be paid at the time the application is submitted. 61156

(3) A person issued a modification of a water discharge 61157
permit shall pay a fee equal to one-half the fee that otherwise 61158
would be charged for a water discharge permit, except that the fee 61159
for the modification shall not exceed four hundred dollars. 61160

(4) A person who has entered into an agreement with the 61161
director under section 6111.14 of the Revised Code shall pay an 61162
administrative service fee for each plan submitted under that 61163
section for approval that shall not exceed the minimum amount 61164
necessary to pay administrative costs directly attributable to 61165
processing plan approvals. The director annually shall calculate 61166
the fee and shall notify all persons who have entered into 61167
agreements under that section, or who have applied for agreements, 61168
of the amount of the fee. 61169

(5)(a)(i) Not later than January 30, ~~2014~~ 2016, and January 30, ~~2015~~ 2017, a person holding an NPDES discharge permit issued pursuant to Chapter 6111. of the Revised Code with an average daily discharge flow of five thousand gallons or more shall pay a nonrefundable annual discharge fee. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required annual discharge fee.

(ii) The billing year for the annual discharge fee established in division (L)(5)(a)(i) of this section shall consist of a twelve-month period beginning on the first day of January of the year preceding the date when the annual discharge fee is due. In the case of an existing source that permanently ceases to discharge during a billing year, the director shall reduce the annual discharge fee, including the surcharge applicable to certain industrial facilities pursuant to division (L)(5)(c) of this section, by one-twelfth for each full month during the billing year that the source was not discharging, but only if the person holding the NPDES discharge permit for the source notifies the director in writing, not later than the first day of October of the billing year, of the circumstances causing the cessation of discharge.

(iii) The annual discharge fee established in division (L)(5)(a)(i) of this section, except for the surcharge applicable to certain industrial facilities pursuant to division (L)(5)(c) of this section, shall be based upon the average daily discharge flow in gallons per day calculated using first day of May through thirty-first day of October flow data for the period two years prior to the date on which the fee is due. In the case of NPDES discharge permits for new sources, the fee shall be calculated using the average daily design flow of the facility until actual average daily discharge flow values are available for the time period specified in division (L)(5)(a)(iii) of this section. The

annual discharge fee may be prorated for a new source as described 61202
in division (L)(5)(a)(ii) of this section. 61203

(b) An NPDES permit holder that is a public discharger shall 61204
pay the fee specified in the following schedule: 61205

Average daily	Fee due by	
discharge flow	January 30,	
	2014 <u>2016</u> , and	
	January 30, 2015	
	<u>2017</u>	
5,000 to 49,999	\$ 200	61210
50,000 to 100,000	500	61211
100,001 to 250,000	1,050	61212
250,001 to 1,000,000	2,600	61213
1,000,001 to 5,000,000	5,200	61214
5,000,001 to 10,000,000	10,350	61215
10,000,001 to 20,000,000	15,550	61216
20,000,001 to 50,000,000	25,900	61217
50,000,001 to 100,000,000	41,400	61218
100,000,001 or more	62,100	61219

Public dischargers owning or operating two or more publicly 61220
owned treatment works serving the same political subdivision, as 61221
"treatment works" is defined in section 6111.01 of the Revised 61222
Code, and that serve exclusively political subdivisions having a 61223
population of fewer than one hundred thousand shall pay an annual 61224
discharge fee under division (L)(5)(b) of this section that is 61225
based on the combined average daily discharge flow of the 61226
treatment works. 61227

(c) An NPDES permit holder that is an industrial discharger, 61228
other than a coal mining operator identified by P in the third 61229
character of the permittee's NPDES permit number, shall pay the 61230
fee specified in the following schedule: 61231

Average daily	Fee due by	
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discharge flow	January 30,	61233
	2014 <u>2016</u> , and	61234
	January 30, 2015	61235
	<u>2017</u>	
5,000 to 49,999	\$ 250	61236
50,000 to 250,000	1,200	61237
250,001 to 1,000,000	2,950	61238
1,000,001 to 5,000,000	5,850	61239
5,000,001 to 10,000,000	8,800	61240
10,000,001 to 20,000,000	11,700	61241
20,000,001 to 100,000,000	14,050	61242
100,000,001 to 250,000,000	16,400	61243
250,000,001 or more	18,700	61244

In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(5)(a)(ii) of this section shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, ~~2014~~ 2016, and not later than January 30, ~~2015~~ 2017. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(5)(b) and (c) of this section, a public discharger identified by I in the third character of the permittee's NPDES permit number and an industrial discharger identified by I, J, L, V, W, X, Y, or Z in the third character of the permittee's NPDES permit number shall pay a nonrefundable annual discharge fee of one hundred eighty dollars not later than January 30, ~~2014~~ 2016, and not later than January 30, ~~2015~~ 2017. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee.

(6) Each person obtaining a national pollutant discharge elimination system general or individual permit for municipal storm water discharge shall pay a nonrefundable storm water discharge fee of one hundred dollars per square mile of area permitted. The fee shall not exceed ten thousand dollars and shall be payable on or before January 30, 2004, and the thirtieth day of January of each year thereafter. Any person who fails to pay the fee on the date specified in division (L)(6) of this section shall pay an additional amount per year equal to ten per cent of the annual fee that is unpaid.

(7) The director shall transmit all moneys collected under division (L) of this section to the treasurer of state for deposit into the state treasury to the credit of the surface water protection fund created in section 6111.038 of the Revised Code.

(8) As used in division (L) of this section:

(a) "NPDES" means the federally approved national pollutant discharge elimination system program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under Chapter 6111. of the Revised Code and rules adopted under it.

(b) "Public discharger" means any holder of an NPDES permit identified by P in the second character of the NPDES permit number assigned by the director.

(c) "Industrial discharger" means any holder of an NPDES permit identified by I in the second character of the NPDES permit number assigned by the director.

(d) "Major discharger" means any holder of an NPDES permit classified as major by the regional administrator of the United States environmental protection agency in conjunction with the director.

(M) Through June 30, ~~2016~~ 2018, a person applying for a

license or license renewal to operate a public water system under 61295
section 6109.21 of the Revised Code shall pay the appropriate fee 61296
established under this division at the time of application to the 61297
director. Any person who fails to pay the fee at that time shall 61298
pay an additional amount that equals ten per cent of the required 61299
fee. The director shall transmit all moneys collected under this 61300
division to the treasurer of state for deposit into the drinking 61301
water protection fund created in section 6109.30 of the Revised 61302
Code. 61303

Except as provided in divisions (M)(4) and (5) of this 61304
section, fees required under this division shall be calculated and 61305
paid in accordance with the following schedule: 61306

(1) For the initial license required under section 6109.21 of 61307
the Revised Code for any public water system that is a community 61308
water system as defined in section 6109.01 of the Revised Code, 61309
and for each license renewal required for such a system prior to 61310
January 31, ~~2016~~ 2018, the fee is: 61311

Number of service connections	Fee amount	
Not more than 49	\$ 112	61312
50 to 99	176	61313
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	61314
2,500 to 4,999	1.48	61315
5,000 to 7,499	1.42	61316
7,500 to 9,999	1.34	61317
10,000 to 14,999	1.16	61318
15,000 to 24,999	1.10	61319
25,000 to 49,999	1.04	61320
50,000 to 99,999	.92	61321
100,000 to 149,999	.86	61322
150,000 to 199,999	.80	61323
200,000 or more	.76	61324

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2016~~ 2018, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	
150 to 299	176	
300 to 749	384	
750 to 1,499	628	
1,500 to 2,999	1,268	
3,000 to 7,499	2,816	
7,500 to 14,999	5,510	
15,000 to 22,499	9,048	
22,500 to 29,999	12,430	
30,000 or more	16,820	

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a

community water system and serves a transient population, and for 61359
each license renewal required for such a system prior to January 61360
31, ~~2016~~ 2018, the fee is: 61361

Number of wells or sources, other 61362	Fee amount	
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than surface water, supplying system

1	\$112	61363
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2	112	61364
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3	176	61365
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4	278	61366
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5	568	61367
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System designated as using a 61368		
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surface water source	792	61369
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As used in division (M)(3) of this section, "number of wells 61370
or sources, other than surface water, supplying system" means 61371
those wells or sources that are physically connected to the 61372
plumbing system serving the public water system. 61373

(4) A public water system designated as using a surface water 61374
source shall pay a fee of seven hundred ninety-two dollars or the 61375
amount calculated under division (M)(1) or (2) of this section, 61376
whichever is greater. 61377

(5) An applicant for an initial license who is proposing to 61378
operate a new public water supply system shall submit a fee that 61379
equals a prorated amount of the appropriate fee for the remainder 61380
of the licensing year. 61381

(N)(1) A person applying for a plan approval for a public 61382
water supply system under section 6109.07 of the Revised Code 61383
shall pay a fee of one hundred fifty dollars plus thirty-five 61384
hundredths of one per cent of the estimated project cost, except 61385
that the total fee shall not exceed twenty thousand dollars 61386
through June 30, ~~2016~~ 2018, and fifteen thousand dollars on and 61387
after July 1, ~~2016~~ 2018. The fee shall be paid at the time the 61388
application is submitted. 61389

(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, ~~2016~~ 2018, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

microbiological		61405
MMO-MUG	\$2,000	61406
MF	2,100	61407
MMO-MUG and MF	2,550	61408
organic chemical	5,400	61409
trace metals	5,400	61410
standard chemistry	2,800	61411
limited chemistry	1,550	61412

On and after July 1, ~~2016~~ 2018, the following fee, on a per survey basis, shall be charged any such person:

microbiological	\$ 1,650	61415
organic chemicals	3,500	61416
trace metals	3,500	61417
standard chemistry	1,800	61418
limited chemistry	1,000	61419

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, ~~2016~~ 2018, an individual

laboratory shall not be assessed a fee under this division more than once in any three-year period unless the person requests the addition of analytical methods or analysts, in which case the person shall pay eighteen hundred dollars for each additional survey requested.

As used in division (N)(3) of this section:

(a) "MF" means microfiltration.

(b) "MMO" means minimal medium ONPG.

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(O) Any person applying to the director to take an examination for certification as an operator of a water supply system or wastewater system under Chapter 6109. or 6111. of the Revised Code that is administered by the director, at the time the application is submitted, shall pay a fee in accordance with the following schedule through November 30, ~~2016~~ 2018:

Class A operator	\$ 80	61442
Class I operator	105	61443
Class II operator	120	61444
Class III operator	130	61445
Class IV operator	145	61446

On and after December 1, ~~2016~~ 2018, the applicant shall pay a fee in accordance with the following schedule:

Class A operator	\$ 50	61449
Class I operator	70	61450
Class II operator	80	61451

Class III operator	90	61452
Class IV operator	100	61453

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	61462
Class I operator	35	61463
Class II operator	45	61464
Class III operator	55	61465
Class IV operator	65	61466

If a certification renewal fee is received by the director more than thirty days, but not more than one year after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

Class A operator	\$45	61472
Class I operator	55	61473
Class II operator	65	61474
Class III operator	75	61475
Class IV operator	85	61476

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

Any person applying to be a water supply system or wastewater treatment system examination provider shall pay an application fee of five hundred dollars. Any person approved by the director as a water supply system or wastewater treatment system examination provider shall pay an annual fee that is equal to ten per cent of

the fees that the provider assesses and collects for administering 61484
water supply system or wastewater treatment system certification 61485
examinations in this state for the calendar year. The fee shall be 61486
paid not later than forty-five days after the end of a calendar 61487
year. 61488

The director shall transmit all moneys collected under this 61489
division to the treasurer of state for deposit into the drinking 61490
water protection fund created in section 6109.30 of the Revised 61491
Code. 61492

(P) Any person submitting an application for an industrial 61493
water pollution control certificate under section 6111.31 of the 61494
Revised Code, as that section existed before its repeal by H.B. 95 61495
of the 125th general assembly, shall pay a nonrefundable fee of 61496
five hundred dollars at the time the application is submitted. The 61497
director shall transmit all moneys collected under this division 61498
to the treasurer of state for deposit into the surface water 61499
protection fund created in section 6111.038 of the Revised Code. A 61500
person paying a certificate fee under this division shall not pay 61501
an application fee under division (S)(1) of this section. On and 61502
after June 26, 2003, persons shall file such applications and pay 61503
the fee as required under sections 5709.20 to 5709.27 of the 61504
Revised Code, and proceeds from the fee shall be credited as 61505
provided in section 5709.212 of the Revised Code. 61506

(Q) Except as otherwise provided in division (R) of this 61507
section, a person issued a permit by the director for a new solid 61508
waste disposal facility other than an incineration or composting 61509
facility, a new infectious waste treatment facility other than an 61510
incineration facility, or a modification of such an existing 61511
facility that includes an increase in the total disposal or 61512
treatment capacity of the facility pursuant to Chapter 3734. of 61513
the Revised Code shall pay a fee of ten dollars per thousand cubic 61514
yards of disposal or treatment capacity, or one thousand dollars, 61515

whichever is greater, except that the total fee for any such 61516
permit shall not exceed eighty thousand dollars. A person issued a 61517
modification of a permit for a solid waste disposal facility or an 61518
infectious waste treatment facility that does not involve an 61519
increase in the total disposal or treatment capacity of the 61520
facility shall pay a fee of one thousand dollars. A person issued 61521
a permit to install a new, or modify an existing, solid waste 61522
transfer facility under that chapter shall pay a fee of two 61523
thousand five hundred dollars. A person issued a permit to install 61524
a new or to modify an existing solid waste incineration or 61525
composting facility, or an existing infectious waste treatment 61526
facility using incineration as its principal method of treatment, 61527
under that chapter shall pay a fee of one thousand dollars. The 61528
increases in the permit fees under this division resulting from 61529
the amendments made by Amended Substitute House Bill 592 of the 61530
117th general assembly do not apply to any person who submitted an 61531
application for a permit to install a new, or modify an existing, 61532
solid waste disposal facility under that chapter prior to 61533
September 1, 1987; any such person shall pay the permit fee 61534
established in this division as it existed prior to June 24, 1988. 61535
In addition to the applicable permit fee under this division, a 61536
person issued a permit to install or modify a solid waste facility 61537
or an infectious waste treatment facility under that chapter who 61538
fails to pay the permit fee to the director in compliance with 61539
division (V) of this section shall pay an additional ten per cent 61540
of the amount of the fee for each week that the permit fee is 61541
late. 61542

Permit and late payment fees paid to the director under this 61543
division shall be credited to the general revenue fund. 61544

(R)(1) A person issued a registration certificate for a scrap 61545
tire collection facility under section 3734.75 of the Revised Code 61546
shall pay a fee of two hundred dollars, except that if the 61547

facility is owned or operated by a motor vehicle salvage dealer 61548
licensed under Chapter 4738. of the Revised Code, the person shall 61549
pay a fee of twenty-five dollars. 61550

(2) A person issued a registration certificate for a new 61551
scrap tire storage facility under section 3734.76 of the Revised 61552
Code shall pay a fee of three hundred dollars, except that if the 61553
facility is owned or operated by a motor vehicle salvage dealer 61554
licensed under Chapter 4738. of the Revised Code, the person shall 61555
pay a fee of twenty-five dollars. 61556

(3) A person issued a permit for a scrap tire storage 61557
facility under section 3734.76 of the Revised Code shall pay a fee 61558
of one thousand dollars, except that if the facility is owned or 61559
operated by a motor vehicle salvage dealer licensed under Chapter 61560
4738. of the Revised Code, the person shall pay a fee of fifty 61561
dollars. 61562

(4) A person issued a permit for a scrap tire monocell or 61563
monofill facility under section 3734.77 of the Revised Code shall 61564
pay a fee of ten dollars per thousand cubic yards of disposal 61565
capacity or one thousand dollars, whichever is greater, except 61566
that the total fee for any such permit shall not exceed eighty 61567
thousand dollars. 61568

(5) A person issued a registration certificate for a scrap 61569
tire recovery facility under section 3734.78 of the Revised Code 61570
shall pay a fee of one hundred dollars. 61571

(6) A person issued a permit for a scrap tire recovery 61572
facility under section 3734.78 of the Revised Code shall pay a fee 61573
of one thousand dollars. 61574

(7) In addition to the applicable registration certificate or 61575
permit fee under divisions (R)(1) to (6) of this section, a person 61576
issued a registration certificate or permit for any such scrap 61577
tire facility who fails to pay the registration certificate or 61578

permit fee to the director in compliance with division (V) of this 61579
section shall pay an additional ten per cent of the amount of the 61580
fee for each week that the fee is late. 61581

(8) The registration certificate, permit, and late payment 61582
fees paid to the director under divisions (R)(1) to (7) of this 61583
section shall be credited to the scrap tire management fund 61584
created in section 3734.82 of the Revised Code. 61585

(S)(1) Except as provided by divisions (L), (M), (N), (O), 61586
(P), and (S)(2) of this section, division (A)(2) of section 61587
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 61588
and rules adopted under division (T)(1) of this section, any 61589
person applying for a registration certificate under section 61590
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 61591
variance, or plan approval under Chapter 3734. of the Revised Code 61592
shall pay a nonrefundable fee of fifteen dollars at the time the 61593
application is submitted. 61594

Except as otherwise provided, any person applying for a 61595
permit, variance, or plan approval under Chapter 6109. or 6111. of 61596
the Revised Code shall pay a nonrefundable fee of one hundred 61597
dollars at the time the application is submitted through June 30, 61598
~~2016~~ 2018, and a nonrefundable fee of fifteen dollars at the time 61599
the application is submitted on and after July 1, ~~2016~~ 2018. 61600

Except as provided in division (S)(3) of this section, through 61601
June 30, ~~2016~~ 2018, any person applying for a national pollutant 61602
discharge elimination system permit under Chapter 6111. of the 61603
Revised Code shall pay a nonrefundable fee of two hundred dollars 61604
at the time of application for the permit. On and after July 1, 61605
~~2016~~ 2018, such a person shall pay a nonrefundable fee of fifteen 61606
dollars at the time of application. 61607

In addition to the application fee established under division 61608
(S)(1) of this section, any person applying for a national 61609
pollutant discharge elimination system general storm water 61610

construction permit shall pay a nonrefundable fee of twenty 61611
dollars per acre for each acre that is permitted above five acres 61612
at the time the application is submitted. However, the per acreage 61613
fee shall not exceed three hundred dollars. In addition, any 61614
person applying for a national pollutant discharge elimination 61615
system general storm water industrial permit shall pay a 61616
nonrefundable fee of one hundred fifty dollars at the time the 61617
application is submitted. 61618

The director shall transmit all moneys collected under 61619
division (S)(1) of this section pursuant to Chapter 6109. of the 61620
Revised Code to the treasurer of state for deposit into the 61621
drinking water protection fund created in section 6109.30 of the 61622
Revised Code. 61623

The director shall transmit all moneys collected under 61624
division (S)(1) of this section pursuant to Chapter 6111. of the 61625
Revised Code and under division (S)(3) of this section to the 61626
treasurer of state for deposit into the surface water protection 61627
fund created in section 6111.038 of the Revised Code. 61628

If a registration certificate is issued under section 61629
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 61630
the application fee paid shall be deducted from the amount of the 61631
registration certificate fee due under division (R)(1), (2), or 61632
(5) of this section, as applicable. 61633

If a person submits an electronic application for a 61634
registration certificate, permit, variance, or plan approval for 61635
which an application fee is established under division (S)(1) of 61636
this section, the person shall pay the applicable application fee 61637
as expeditiously as possible after the submission of the 61638
electronic application. An application for a registration 61639
certificate, permit, variance, or plan approval for which an 61640
application fee is established under division (S)(1) of this 61641
section shall not be reviewed or processed until the applicable 61642

application fee, and any other fees established under this 61643
division, are paid. 61644

(2) Division (S)(1) of this section does not apply to an 61645
application for a registration certificate for a scrap tire 61646
collection or storage facility submitted under section 3734.75 or 61647
3734.76 of the Revised Code, as applicable, if the owner or 61648
operator of the facility or proposed facility is a motor vehicle 61649
salvage dealer licensed under Chapter 4738. of the Revised Code. 61650

(3) A person applying for coverage under a national pollutant 61651
discharge elimination system general discharge permit for 61652
household sewage treatment systems shall pay the following fees: 61653

(a) A nonrefundable fee of two hundred dollars at the time of 61654
application for initial permit coverage; 61655

(b) A nonrefundable fee of one hundred dollars at the time of 61656
application for a renewal of permit coverage. 61657

(T) The director may adopt, amend, and rescind rules in 61658
accordance with Chapter 119. of the Revised Code that do all of 61659
the following: 61660

(1) Prescribe fees to be paid by applicants for and holders 61661
of any license, permit, variance, plan approval, or certification 61662
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 61663
the Revised Code that are not specifically established in this 61664
section. The fees shall be designed to defray the cost of 61665
processing, issuing, revoking, modifying, denying, and enforcing 61666
the licenses, permits, variances, plan approvals, and 61667
certifications. 61668

The director shall transmit all moneys collected under rules 61669
adopted under division (T)(1) of this section pursuant to Chapter 61670
6109. of the Revised Code to the treasurer of state for deposit 61671
into the drinking water protection fund created in section 6109.30 61672
of the Revised Code. 61673

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6111. of the Revised Code to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code.

(2) Exempt the state and political subdivisions thereof, including education facilities or medical facilities owned by the state or a political subdivision, or any person exempted from taxation by section 5709.07 or 5709.12 of the Revised Code, from any fee required by this section;

(3) Provide for the waiver of any fee, or any part thereof, otherwise required by this section whenever the director determines that the imposition of the fee would constitute an unreasonable cost of doing business for any applicant, class of applicants, or other person subject to the fee;

(4) Prescribe measures that the director considers necessary to carry out this section.

(U) When the director reasonably demonstrates that the direct cost to the state associated with the issuance of a permit to install, license, variance, plan approval, or certification exceeds the fee for the issuance or review specified by this section, the director may condition the issuance or review on the payment by the person receiving the issuance or review of, in addition to the fee specified by this section, the amount, or any portion thereof, in excess of the fee specified under this section. The director shall not so condition issuances for which a fee is prescribed in division (L)(1)(b) of this section.

(V) Except as provided in divisions (L), (M), and (P) of this section or unless otherwise prescribed by a rule of the director adopted pursuant to Chapter 119. of the Revised Code, all fees required by this section are payable within thirty days after the

issuance of an invoice for the fee by the director or the 61705
effective date of the issuance of the license, permit, variance, 61706
plan approval, or certification. If payment is late, the person 61707
responsible for payment of the fee shall pay an additional ten per 61708
cent of the amount due for each month that it is late. 61709

(W) As used in this section, "fuel-burning equipment," 61710
"fuel-burning equipment input capacity," "incinerator," 61711
"incinerator input capacity," "process," "process weight rate," 61712
"storage tank," "gasoline dispensing facility," "dry cleaning 61713
facility," "design flow discharge," and "new source treatment 61714
works" have the meanings ascribed to those terms by applicable 61715
rules or standards adopted by the director under Chapter 3704. or 61716
6111. of the Revised Code. 61717

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 61718
(J) of this section, and in any other provision of this section 61719
pertaining to fees paid pursuant to Chapter 3704. of the Revised 61720
Code: 61721

(1) "Facility," "federal Clean Air Act," "person," and "Title 61722
V permit" have the same meanings as in section 3704.01 of the 61723
Revised Code. 61724

(2) "Title V permit program" means the following activities 61725
as necessary to meet the requirements of Title V of the federal 61726
Clean Air Act and 40 C.F.R. part 70, including at least: 61727

(a) Preparing and adopting, if applicable, generally 61728
applicable rules or guidance regarding the permit program or its 61729
implementation or enforcement; 61730

(b) Reviewing and acting on any application for a Title V 61731
permit, permit revision, or permit renewal, including the 61732
development of an applicable requirement as part of the processing 61733
of a permit, permit revision, or permit renewal; 61734

(c) Administering the permit program, including the 61735

supporting and tracking of permit applications, compliance 61736
certification, and related data entry; 61737

(d) Determining which sources are subject to the program and 61738
implementing and enforcing the terms of any Title V permit, not 61739
including any court actions or other formal enforcement actions; 61740

(e) Emission and ambient monitoring; 61741

(f) Modeling, analyses, or demonstrations; 61742

(g) Preparing inventories and tracking emissions; 61743

(h) Providing direct and indirect support to small business 61744
stationary sources to determine and meet their obligations under 61745
the federal Clean Air Act pursuant to the small business 61746
stationary source technical and environmental compliance 61747
assistance program required by section 507 of that act and 61748
established in sections 3704.18, 3704.19, and 3706.19 of the 61749
Revised Code. 61750

(3) "Organic compound" means any chemical compound of carbon, 61751
excluding carbon monoxide, carbon dioxide, carbonic acid, metallic 61752
carbides or carbonates, and ammonium carbonate. 61753

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) 61754
of this section, each sewage sludge facility shall pay a 61755
nonrefundable annual sludge fee equal to three dollars and fifty 61756
cents per dry ton of sewage sludge, including the dry tons of 61757
sewage sludge in materials derived from sewage sludge, that the 61758
sewage sludge facility treats or disposes of in this state. The 61759
annual volume of sewage sludge treated or disposed of by a sewage 61760
sludge facility shall be calculated using the first day of January 61761
through the thirty-first day of December of the calendar year 61762
preceding the date on which payment of the fee is due. 61763

(2)(a) Except as provided in division (Y)(2)(d) of this 61764
section, each sewage sludge facility shall pay a minimum annual 61765

sewage sludge fee of one hundred dollars. 61766

(b) The annual sludge fee required to be paid by a sewage 61767
sludge facility that treats or disposes of exceptional quality 61768
sludge in this state shall be thirty-five per cent less per dry 61769
ton of exceptional quality sludge than the fee assessed under 61770
division (Y)(1) of this section, subject to the following 61771
exceptions: 61772

(i) Except as provided in division (Y)(2)(d) of this section, 61773
a sewage sludge facility that treats or disposes of exceptional 61774
quality sludge shall pay a minimum annual sewage sludge fee of one 61775
hundred dollars. 61776

(ii) A sewage sludge facility that treats or disposes of 61777
exceptional quality sludge shall not be required to pay the annual 61778
sludge fee for treatment or disposal in this state of exceptional 61779
quality sludge generated outside of this state and contained in 61780
bags or other containers not greater than one hundred pounds in 61781
capacity. 61782

A thirty-five per cent reduction for exceptional quality 61783
sludge applies to the maximum annual fees established under 61784
division (Y)(3) of this section. 61785

(c) A sewage sludge facility that transfers sewage sludge to 61786
another sewage sludge facility in this state for further treatment 61787
prior to disposal in this state shall not be required to pay the 61788
annual sludge fee for the tons of sewage sludge that have been 61789
transferred. In such a case, the sewage sludge facility that 61790
disposes of the sewage sludge shall pay the annual sludge fee. 61791
However, the facility transferring the sewage sludge shall pay the 61792
one-hundred-dollar minimum fee required under division (Y)(2)(a) 61793
of this section. 61794

In the case of a sewage sludge facility that treats sewage 61795
sludge in this state and transfers it out of this state to another 61796

entity for disposal, the sewage sludge facility in this state 61797
shall be required to pay the annual sludge fee for the tons of 61798
sewage sludge that have been transferred. 61799

(d) A sewage sludge facility that generates sewage sludge 61800
resulting from an average daily discharge flow of less than five 61801
thousand gallons per day is not subject to the fees assessed under 61802
division (Y) of this section. 61803

(3) No sewage sludge facility required to pay the annual 61804
sludge fee shall be required to pay more than the maximum annual 61805
fee for each disposal method that the sewage sludge facility uses. 61806
The maximum annual fee does not include the additional amount that 61807
may be charged under division (Y)(5) of this section for late 61808
payment of the annual sludge fee. The maximum annual fee for the 61809
following methods of disposal of sewage sludge is as follows: 61810

(a) Incineration: five thousand dollars; 61811

(b) Preexisting land reclamation project or disposal in a 61812
landfill: five thousand dollars; 61813

(c) Land application, land reclamation, surface disposal, or 61814
any other disposal method not specified in division (Y)(3)(a) or 61815
(b) of this section: twenty thousand dollars. 61816

(4)(a) In the case of an entity that generates sewage sludge 61817
or a sewage sludge facility that treats sewage sludge and 61818
transfers the sewage sludge to an incineration facility for 61819
disposal, the incineration facility, and not the entity generating 61820
the sewage sludge or the sewage sludge facility treating the 61821
sewage sludge, shall pay the annual sludge fee for the tons of 61822
sewage sludge that are transferred. However, the entity or 61823
facility generating or treating the sewage sludge shall pay the 61824
one-hundred-dollar minimum fee required under division (Y)(2)(a) 61825
of this section. 61826

(b) In the case of an entity that generates sewage sludge and 61827

transfers the sewage sludge to a landfill for disposal or to a 61828
sewage sludge facility for land reclamation or surface disposal, 61829
the entity generating the sewage sludge, and not the landfill or 61830
sewage sludge facility, shall pay the annual sludge fee for the 61831
tons of sewage sludge that are transferred. 61832

(5) Not later than the first day of April of the calendar 61833
year following March 17, 2000, and each first day of April 61834
thereafter, the director shall issue invoices to persons who are 61835
required to pay the annual sludge fee. The invoice shall identify 61836
the nature and amount of the annual sludge fee assessed and state 61837
the first day of May as the deadline for receipt by the director 61838
of objections regarding the amount of the fee and the first day of 61839
July as the deadline for payment of the fee. 61840

Not later than the first day of May following receipt of an 61841
invoice, a person required to pay the annual sludge fee may submit 61842
objections to the director concerning the accuracy of information 61843
regarding the number of dry tons of sewage sludge used to 61844
calculate the amount of the annual sludge fee or regarding whether 61845
the sewage sludge qualifies for the exceptional quality sludge 61846
discount established in division (Y)(2)(b) of this section. The 61847
director may consider the objections and adjust the amount of the 61848
fee to ensure that it is accurate. 61849

If the director does not adjust the amount of the annual 61850
sludge fee in response to a person's objections, the person may 61851
appeal the director's determination in accordance with Chapter 61852
119. of the Revised Code. 61853

Not later than the first day of June, the director shall 61854
notify the objecting person regarding whether the director has 61855
found the objections to be valid and the reasons for the finding. 61856
If the director finds the objections to be valid and adjusts the 61857
amount of the annual sludge fee accordingly, the director shall 61858
issue with the notification a new invoice to the person 61859

identifying the amount of the annual sludge fee assessed and 61860
stating the first day of July as the deadline for payment. 61861

Not later than the first day of July, any person who is 61862
required to do so shall pay the annual sludge fee. Any person who 61863
is required to pay the fee, but who fails to do so on or before 61864
that date shall pay an additional amount that equals ten per cent 61865
of the required annual sludge fee. 61866

(6) The director shall transmit all moneys collected under 61867
division (Y) of this section to the treasurer of state for deposit 61868
into the surface water protection fund created in section 6111.038 61869
of the Revised Code. The moneys shall be used to defray the costs 61870
of administering and enforcing provisions in Chapter 6111. of the 61871
Revised Code and rules adopted under it that govern the use, 61872
storage, treatment, or disposal of sewage sludge. 61873

(7) Beginning in fiscal year 2001, and every two years 61874
thereafter, the director shall review the total amount of moneys 61875
generated by the annual sludge fees to determine if that amount 61876
exceeded six hundred thousand dollars in either of the two 61877
preceding fiscal years. If the total amount of moneys in the fund 61878
exceeded six hundred thousand dollars in either fiscal year, the 61879
director, after review of the fee structure and consultation with 61880
affected persons, shall issue an order reducing the amount of the 61881
fees levied under division (Y) of this section so that the 61882
estimated amount of moneys resulting from the fees will not exceed 61883
six hundred thousand dollars in any fiscal year. 61884

If, upon review of the fees under division (Y)(7) of this 61885
section and after the fees have been reduced, the director 61886
determines that the total amount of moneys collected and 61887
accumulated is less than six hundred thousand dollars, the 61888
director, after review of the fee structure and consultation with 61889
affected persons, may issue an order increasing the amount of the 61890
fees levied under division (Y) of this section so that the 61891

estimated amount of moneys resulting from the fees will be 61892
approximately six hundred thousand dollars. Fees shall never be 61893
increased to an amount exceeding the amount specified in division 61894
(Y)(7) of this section. 61895

Notwithstanding section 119.06 of the Revised Code, the 61896
director may issue an order under division (Y)(7) of this section 61897
without the necessity to hold an adjudicatory hearing in 61898
connection with the order. The issuance of an order under this 61899
division is not an act or action for purposes of section 3745.04 61900
of the Revised Code. 61901

(8) As used in division (Y) of this section: 61902

(a) "Sewage sludge facility" means an entity that performs 61903
treatment on or is responsible for the disposal of sewage sludge. 61904

(b) "Sewage sludge" means a solid, semi-solid, or liquid 61905
residue generated during the treatment of domestic sewage in a 61906
treatment works as defined in section 6111.01 of the Revised Code. 61907
"Sewage sludge" includes, but is not limited to, scum or solids 61908
removed in primary, secondary, or advanced wastewater treatment 61909
processes. "Sewage sludge" does not include ash generated during 61910
the firing of sewage sludge in a sewage sludge incinerator, grit 61911
and screenings generated during preliminary treatment of domestic 61912
sewage in a treatment works, animal manure, residue generated 61913
during treatment of animal manure, or domestic septage. 61914

(c) "Exceptional quality sludge" means sewage sludge that 61915
meets all of the following qualifications: 61916

(i) Satisfies the class A pathogen standards in 40 C.F.R. 61917
503.32(a); 61918

(ii) Satisfies one of the vector attraction reduction 61919
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 61920

(iii) Does not exceed the ceiling concentration limitations 61921

for metals listed in table one of 40 C.F.R. 503.13; 61922

(iv) Does not exceed the concentration limitations for metals 61923
listed in table three of 40 C.F.R. 503.13. 61924

(d) "Treatment" means the preparation of sewage sludge for 61925
final use or disposal and includes, but is not limited to, 61926
thickening, stabilization, and dewatering of sewage sludge. 61927

(e) "Disposal" means the final use of sewage sludge, 61928
including, but not limited to, land application, land reclamation, 61929
surface disposal, or disposal in a landfill or an incinerator. 61930

(f) "Land application" means the spraying or spreading of 61931
sewage sludge onto the land surface, the injection of sewage 61932
sludge below the land surface, or the incorporation of sewage 61933
sludge into the soil for the purposes of conditioning the soil or 61934
fertilizing crops or vegetation grown in the soil. 61935

(g) "Land reclamation" means the returning of disturbed land 61936
to productive use. 61937

(h) "Surface disposal" means the placement of sludge on an 61938
area of land for disposal, including, but not limited to, 61939
monofills, surface impoundments, lagoons, waste piles, or 61940
dedicated disposal sites. 61941

(i) "Incinerator" means an entity that disposes of sewage 61942
sludge through the combustion of organic matter and inorganic 61943
matter in sewage sludge by high temperatures in an enclosed 61944
device. 61945

(j) "Incineration facility" includes all incinerators owned 61946
or operated by the same entity and located on a contiguous tract 61947
of land. Areas of land are considered to be contiguous even if 61948
they are separated by a public road or highway. 61949

(k) "Annual sludge fee" means the fee assessed under division 61950
(Y)(1) of this section. 61951

(l) "Landfill" means a sanitary landfill facility, as defined 61952
in rules adopted under section 3734.02 of the Revised Code, that 61953
is licensed under section 3734.05 of the Revised Code. 61954

(m) "Preexisting land reclamation project" means a 61955
property-specific land reclamation project that has been in 61956
continuous operation for not less than five years pursuant to 61957
approval of the activity by the director and includes the 61958
implementation of a community outreach program concerning the 61959
activity. 61960

Sec. 3745.70. As used in sections 3745.70 to 3745.73 of the 61961
Revised Code: 61962

(A) "Environmental audit" means a voluntary, thorough, and 61963
discrete self-evaluation of one or more activities at one or more 61964
facilities or properties that is documented; is designed to 61965
improve compliance, or identify, correct, or prevent 61966
noncompliance, with environmental laws; and is conducted by the 61967
owner or operator of a facility or property or the owner's or 61968
operator's employee or independent contractor. An environmental 61969
audit may be conducted by the owner or operator of a facility or 61970
property, the owner's or operator's employees, or independent 61971
contractors. Once initiated, an audit shall be completed within a 61972
reasonable time, not to exceed six months, unless a written 61973
request for an extension is approved by the head officer of the 61974
governmental agency, or division or office thereof, with 61975
jurisdiction over the activities being audited based on a showing 61976
of reasonable grounds. An audit shall not be considered to be 61977
initiated until the owner or operator or the owner's or operator's 61978
employee or independent contractor actively has begun the 61979
self-evaluation of environmental compliance. 61980

(B) "Activity" means any process, procedure, or function that 61981
is subject to environmental laws. 61982

(C) "Voluntary" means, with respect to an environmental audit 61983
of a particular activity, that both of the following apply when 61984
the audit of that activity commences: 61985

(1) The audit is not required by law, prior litigation, or an 61986
order by a court or a government agency; 61987

(2) The owner or operator who conducts the audit does not 61988
know or have reason to know that a government agency has commenced 61989
an investigation or enforcement action that concerns a violation 61990
of environmental laws involving the activity or that such an 61991
investigation or enforcement action is imminent. 61992

(D) "Environmental audit report" means interim or final data, 61993
documents, records, or plans that are necessary to an 61994
environmental audit and are collected, developed, made, and 61995
maintained in good faith as part of the audit, and may include, 61996
without limitation: 61997

(1) Analytical data, laboratory reports, field notes and 61998
records of observations, findings, opinions, suggestions, 61999
conclusions, drafts, memoranda, drawings, photographs, 62000
computer-generated or electronically recorded information, maps, 62001
charts, graphs, and surveys; 62002

(2) Reports that describe the scope, objectives, and methods 62003
of the environmental audit, audit management policies, the 62004
information gained by the environmental audit, and conclusions and 62005
recommendations together with exhibits and appendices; 62006

(3) Memoranda, documents, records, and plans analyzing the 62007
environmental audit report or discussing implementation, 62008
prevention, compliance, and remediation issues associated with the 62009
environmental audit. 62010

"Environmental audit report" does not mean corrective or 62011
remedial action taken pursuant to an environmental audit. 62012

(E) "Environmental laws" means sections ~~1511.02~~ 939.02 and 62013
1531.29, Chapters 3704., 3734., 3745., 3746., 3750., 3751., 3752., 62014
6109., and 6111. of the Revised Code, and any other sections or 62015
chapters of the Revised Code the principal purpose of which is 62016
environmental protection; any federal or local counterparts or 62017
extensions of those sections or chapters; rules adopted under any 62018
such sections, chapters, counterparts, or extensions; and terms 62019
and conditions of orders, permits, licenses, license renewals, 62020
variances, exemptions, or plan approvals issued under such 62021
sections, chapters, counterparts, or extensions. 62022

Sec. 3750.081. (A) Notwithstanding any provision in this 62023
chapter to the contrary, an owner or operator of a facility that 62024
is regulated under Chapter 1509. of the Revised Code ~~who has filed~~ 62025
~~a log in accordance with section 1509.10 of the Revised Code and a~~ 62026
~~production statement in accordance with section 1509.11 of the~~ 62027
~~Revised Code~~ shall be deemed to have satisfied all of the 62028
~~inventory, notification, listing, and other submission and filing~~ 62029
requirements established under this chapter, except for the 62030
release reporting requirements established under section 3750.06 62031
of the Revised Code, by complying with the requirements 62032
established in section 1509.231 of the Revised Code. 62033

(B) The emergency response commission and every local 62034
emergency planning committee and fire department in this state 62035
shall establish a means by which to access, view, and retrieve 62036
information, ~~through the use of the internet or a computer disk,~~ 62037
from the electronic database maintained by the division of oil and 62038
gas resources management in the department of natural resources in 62039
accordance with section ~~1509.23~~ 1509.231 of the Revised Code. With 62040
respect to facilities regulated under Chapter 1509. of the Revised 62041
Code, the database shall be the means of providing and receiving 62042
the information described in division (A) of this section. 62043

Sec. 3750.13. (A)(1) Except as provided in division (A)(3) or 62044
(4) of this section, the owner or operator of a facility required 62045
to annually file an emergency and hazardous chemical inventory 62046
form under section 3750.08 of the Revised Code shall submit with 62047
the inventory form a filing fee of one hundred fifty dollars. In 62048
addition to the filing fee, the owner or operator shall submit 62049
with the inventory form the following additional fees for 62050
reporting inventories of the individual hazardous chemicals and 62051
extremely hazardous substances produced, used, or stored at the 62052
facility: 62053

(a) Except as provided in division (A)(1)(b) of this section, 62054
an additional fee of twenty dollars per hazardous chemical 62055
enumerated on the inventory form; 62056

(b) An additional fee of one hundred fifty dollars per 62057
extremely hazardous substance enumerated on the inventory form. 62058
The fee established in division (A)(1)(a) of this section does not 62059
apply to the reporting of the inventory of a hazardous chemical 62060
that is also an extremely hazardous substance to which the 62061
inventory reporting fee established in division (A)(1)(b) of this 62062
section applies. 62063

The total fees required to accompany any inventory form shall 62064
not exceed twenty-five hundred dollars. 62065

(2) An owner or operator of a facility who fails to submit 62066
such an inventory form within thirty days after the applicable 62067
filing date prescribed in section 3750.08 of the Revised Code 62068
shall submit with the inventory form a late filing fee in the 62069
amount of ten per cent per year of the total fees due under 62070
division (A)(1) or (4) of this section, in addition to the fees 62071
due under division (A)(1) or (4) of this section. 62072

(3) The owner or operator of a facility who, during the 62073
preceding year, was required to pay a fee to a municipal 62074

corporation pursuant to an ordinance, rule, or requirement that 62075
was in effect on the effective date of this section for the 62076
reporting or providing of the names or amounts of extremely 62077
hazardous substances or hazardous chemicals produced, used, or 62078
stored at the facility may claim a credit against the fees due 62079
under division (A)(1) or (4) of this section for the fees paid to 62080
the municipal corporation pursuant to its reporting requirement. 62081
The amount of the credit claimed in any reporting year shall not 62082
exceed the amount of the fees due under division (A)(1) or (4) of 62083
this section during that reporting year, and no unused portion of 62084
the credit shall be carried over to subsequent years. In order to 62085
claim a credit under this division, the owner or operator shall 62086
submit with the emergency and hazardous chemical inventory form a 62087
receipt issued by the municipal corporation or other documentation 62088
acceptable to the commission indicating the amount of the fee paid 62089
to the municipal corporation and the date on which the fee was 62090
paid. 62091

(4) An owner or operator who is regulated under Chapter 1509. 62092
of the Revised Code and who submits information under section 62093
~~1509.11~~ 1509.231 of the Revised Code for not more than twenty-five 62094
facilities shall submit to the emergency response commission on or 62095
before the first day of March a flat fee of fifty dollars if the 62096
facilities meet all of the following conditions: 62097

(a) The facility exclusively stores crude oil or liquid 62098
hydrocarbons or other fluids resulting, obtained, or produced in 62099
connection with the production or storage of crude oil or natural 62100
gas. 62101

(b) The crude oil, liquid hydrocarbons, or other fluids 62102
stored at the facility are conveyed directly to it through piping 62103
or tubing. 62104

(c) The facility is located on the same site as, or on a site 62105
adjacent to, the well from which the crude oil, liquid 62106

hydrocarbons, or other fluids are produced or obtained. 62107

(d) The facility is used for the storage of the crude oil, 62108
liquid hydrocarbons, or other fluids prior to their transportation 62109
off the premises of the facility for sale, use, or disposal. 62110

An owner or operator who submits information for more than 62111
twenty-five facilities that meet all of the conditions prescribed 62112
in divisions (A)(4)(a) to (d) of this section shall submit to the 62113
commission a base fee of fifty dollars and an additional filing 62114
fee of ten dollars for each facility reported in excess of 62115
twenty-five, but not exceeding a total fee of nine hundred 62116
dollars. 62117

As used in division (A)(4) of this section, "owner or 62118
operator" means the person who actually owns or operates any such 62119
facility and any other person who controls, is controlled by, or 62120
is under common control with the person who actually owns or 62121
operates the facility. 62122

(B) The emergency response commission and the local emergency 62123
planning committee of an emergency planning district may establish 62124
fees to be paid by persons, other than public officers or 62125
employees, obtaining copies of documents or information submitted 62126
to the commission or a committee under this chapter. The fees 62127
shall be established at a level calculated to defray the costs to 62128
the commission or committee for copying the documents or 62129
information, but shall not exceed the maximum fees established in 62130
rules adopted under division (B)(8) of section 3750.02 of the 62131
Revised Code. 62132

(C) Except as provided in this division and division (B) of 62133
this section, and except for fees authorized by section 3737.22 of 62134
the Revised Code or rules adopted under sections 3737.82 to 62135
3737.882 of the Revised Code and collected exclusively for either 62136
of those purposes, no committee or political subdivision shall 62137

levy any fee, tax, excise, or other charge to carry out the 62138
purposes of this chapter. A committee may charge the actual costs 62139
involved in accessing any computerized data base established by 62140
the commission under this chapter or by the United States 62141
environmental protection agency under the "Emergency Planning and 62142
Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 62143
11001. 62144

(D) Moneys collected by the commission under this section 62145
shall be credited to the emergency planning and community 62146
right-to-know fund created in section 3750.14 of the Revised Code. 62147

Sec. 3769.03. The state racing commission shall prescribe the 62148
rules and conditions under which horse racing may be conducted and 62149
may issue, deny, suspend, diminish, or revoke permits to conduct 62150
horse racing as authorized by sections 3769.01 to 3769.14 of the 62151
Revised Code. The commission may impose, in addition to any other 62152
penalty imposed by the commission, fines in an amount not to 62153
exceed ten thousand dollars on any permit holder or any other 62154
person who violates the rules or orders of the commission. The 62155
commission may prescribe the forms of wagering that are 62156
permissible, the number of races, the procedures on wagering, and 62157
the wagering information to be provided to the public. 62158

The commission may require totalizator equipment to display 62159
the amount of wagering in each wagering pool. The commission shall 62160
initiate safeguards as necessary to account for the amount of 62161
money wagered at each track in each wagering pool. It may require 62162
permit holders to install equipment that will provide a complete 62163
check and analysis of the functioning of any computers and require 62164
safeguards on their performance. The commission shall require all 62165
permit holders, except those holding state fair, county fair, or 62166
other fair permits, to provide a photographic recording, approved 62167
by the commission, of the entire running of all races conducted by 62168

the permit holder. 62169

The state racing commission may issue, deny, suspend, or 62170
revoke licenses to those persons engaged in racing and to those 62171
employees of permit holders as is in the public interest for the 62172
purpose of maintaining a proper control over horse-racing 62173
meetings. The commission, as is in the public interest for the 62174
purpose of maintaining proper control over horse-racing meetings, 62175
also may rule any person off a permit holder's premises. License 62176
fees shall include registration fees and shall be set by the 62177
commission. Each license issued by the commission, unless revoked 62178
for cause, shall be for the period of one year from the first day 62179
of January of the year in which it is issued, except as otherwise 62180
provided in section 3769.07 of the Revised Code. Applicants for 62181
licenses issued by the commission shall submit their fingerprints 62182
to the commission, and the commission may forward the fingerprints 62183
to the federal bureau of investigation or to any other agency, or 62184
to both, for examination. 62185

There is hereby created in the state treasury the state 62186
racing commission operating fund. All license fees established and 62187
collected by the commission pursuant to this section, and the 62188
amounts specified in divisions (B) and (C) of section 3769.08 and 62189
division (A)~~(6)~~(5) of section 3769.087 of the Revised Code, shall 62190
be paid into the state treasury to the credit of the fund. Moneys 62191
in the fund shall be expended by the commission to defray its 62192
operating costs, salaries and expenses, and the cost of 62193
administering and enforcing this chapter. 62194

The commission may deny a permit to any permit holder that 62195
has defaulted in payments to the public, employees, or the 62196
horsemen and may deny a permit to any successor purchaser of a 62197
track for as long as any of those defaults have not been satisfied 62198
by either the seller or purchaser. 62199

The commission shall deny a permit to any permit holder that 62200

has defaulted in payments to the state or has defaulted in 62201
payments required under section 3769.089 or 3769.0810 of the 62202
Revised Code and shall deny a permit to any successor purchaser of 62203
a track for as long as those defaults have not been satisfied by 62204
either the seller or purchaser. 62205

Any violation of this chapter, of any rule of racing adopted 62206
by the commission, or of any law or rule with respect to racing in 62207
any jurisdiction shall be sufficient reason for a refusal to issue 62208
a license, or a suspension or revocation of any license issued, 62209
pursuant to this section. 62210

With respect to the issuance, denial, suspension, or 62211
revocation of a license to a participant in horse racing, the 62212
action of the commission shall be subject to Chapter 119. of the 62213
Revised Code. 62214

The commission may sue and be sued in its own name. Any 62215
action against the commission shall be brought in the court of 62216
common pleas of Franklin county. Any appeal from a determination 62217
or decision of the commission rendered in the exercise of its 62218
powers and duties under this chapter shall be brought in the court 62219
of common pleas of Franklin county. 62220

The commission, biennially, shall make a full report to the 62221
governor of its proceedings for the two-year period ending with 62222
the thirty-first day of December preceding the convening of the 62223
general assembly and shall include its recommendations in the 62224
report. The commission, semiannually, on the thirtieth day of June 62225
and on the thirty-first day of December of each year, shall make a 62226
report and accounting to the governor. 62227

Sec. 3769.08. (A) Any person holding a permit to conduct a 62228
horse-racing meeting may provide a place in the race meeting 62229
grounds or enclosure at which the permit holder may conduct and 62230
supervise the pari-mutuel system of wagering by patrons of legal 62231

age on the live racing programs and simulcast racing programs 62232
conducted by the permit holder. 62233

The pari-mutuel method of wagering upon the live racing 62234
programs and simulcast racing programs held at or conducted within 62235
such race track, and at the time of such horse-racing meeting, or 62236
at other times authorized by the state racing commission, shall 62237
not be unlawful. No other place, except that provided and 62238
designated by the permit holder and except as provided in section 62239
3769.26 of the Revised Code, nor any other method or system of 62240
betting or wagering on live racing programs and simulcast racing 62241
programs, except the pari-mutuel system, shall be used or 62242
permitted by the permit holder; nor, except as provided in section 62243
3769.089 or 3769.26 of the Revised Code, shall the pari-mutuel 62244
system of wagering be conducted by the permit holder on any races 62245
except the races at the race track, grounds, or enclosure for 62246
which the person holds a permit. Each permit holder may retain as 62247
a commission an amount not to exceed eighteen per cent of the 62248
total of all moneys wagered on live racing programs and simulcast 62249
racing programs. 62250

The pari-mutuel wagering authorized by this section is 62251
subject to sections 3769.25 to 3769.28 of the Revised Code. 62252

(B) At the close of each racing day, each permit holder 62253
authorized to conduct thoroughbred racing, out of the amount 62254
retained on that day by the permit holder, shall pay in the manner 62255
prescribed under section 3769.103 of the Revised Code, as a tax, a 62256
sum equal to the following percentages of the total of all moneys 62257
wagered on live racing programs on that day and shall separately 62258
compute and pay in the manner prescribed under section 3769.103 of 62259
the Revised Code, as a tax, a sum equal to the following 62260
percentages of the total of all money wagered on simulcast racing 62261
programs on that day: 62262

(1) One per cent of the first two hundred thousand dollars	62263
wagered, or any part of that amount;	62264
(2) Two per cent of the next one hundred thousand dollars	62265
wagered, or any part of that amount;	62266
(3) Three per cent of the next one hundred thousand dollars	62267
wagered, or any part of that amount;	62268
(4) Four per cent of all sums over four hundred thousand	62269
dollars wagered.	62270
Except as otherwise provided in section 3769.089 of the	62271
Revised Code, each permit holder authorized to conduct	62272
thoroughbred racing shall use for purse money a sum equal to fifty	62273
per cent of the pari-mutuel revenues retained by the permit holder	62274
as a commission after payment of the state tax. This fifty per	62275
cent payment shall be in addition to the purse distribution from	62276
breakage specified in this section.	62277
Subject to division (M) of this section, from the moneys paid	62278
to the tax commissioner by thoroughbred racing permit holders,	62279
one-half of one per cent of the total of all moneys so wagered on	62280
a racing day shall be paid into the Ohio fairs fund created by	62281
section 3769.082 of the Revised Code, one and one-eighth per cent	62282
of the total of all moneys so wagered on a racing day shall be	62283
paid into the Ohio thoroughbred race fund created by section	62284
3769.083 of the Revised Code, and one-quarter of one per cent of	62285
the total of all moneys wagered on a racing day by each permit	62286
holder shall be paid into the state racing commission operating	62287
fund created by section 3769.03 of the Revised Code. The required	62288
payment to the state racing commission operating fund does not	62289
apply to county and independent fairs and agricultural societies.	62290
The remaining moneys may be retained by the permit holder, except	62291
as provided in this section with respect to the odd cents	62292
redistribution. Amounts paid into the nursing home franchise	62293

permit fee fund pursuant to this section and section 3769.26 of 62294
the Revised Code shall be used solely for the support of the 62295
PASSPORT program as determined in appropriations made by the 62296
general assembly. If the PASSPORT program is abolished, the amount 62297
that would have been paid to the nursing home franchise permit fee 62298
fund under this chapter shall be paid to the general revenue fund 62299
of the state. As used in this chapter, "PASSPORT program" has the 62300
same meaning as in section 173.51 of the Revised Code. 62301

The total amount paid to the Ohio thoroughbred race fund 62302
under this section and division (A) of section 3769.087 of the 62303
Revised Code shall not exceed by more than six per cent the total 62304
amount paid to this fund under this section and division (A) of 62305
that section during the immediately preceding calendar year. 62306

Each year, the total amount calculated for payment into the 62307
Ohio fairs fund under this division, division (C) of this section, 62308
and division (A) of section 3769.087 of the Revised Code shall be 62309
an amount calculated using the percentages specified in this 62310
division, division (C) of this section, and division (A) of 62311
section 3769.087 of the Revised Code. 62312

A permit holder may contract with a thoroughbred horsemen's 62313
organization for the organization to act as a representative of 62314
all thoroughbred owners and trainers participating in a 62315
horse-racing meeting conducted by the permit holder. A 62316
"thoroughbred horsemen's organization" is any corporation or 62317
association that represents, through membership or otherwise, more 62318
than one-half of the aggregate of all thoroughbred owners and 62319
trainers who were licensed and actively participated in racing 62320
within this state during the preceding calendar year. Except as 62321
otherwise provided in this paragraph, any moneys received by a 62322
thoroughbred horsemen's organization shall be used exclusively for 62323
the benefit of thoroughbred owners and trainers racing in this 62324
state through the administrative purposes of the organization, 62325

benevolent activities on behalf of the horsemen, promotion of the horsemen's rights and interests, and promotion of equine research. A thoroughbred horsemen's organization may expend not more than an aggregate of five per cent of its annual gross receipts, or a larger amount as approved by the organization, for dues, assessments, and other payments to all other local, national, or international organizations having as their primary purposes the promotion of thoroughbred horse racing, thoroughbred horsemen's rights, and equine research.

(C) Except as otherwise provided in division (B) of this section, at the close of each racing day, each permit holder authorized to conduct harness or quarter horse racing, out of the amount retained that day by the permit holder, shall pay in the manner prescribed under section 3769.103 of the Revised Code, as a tax, a sum equal to the following percentages of the total of all moneys wagered on live racing programs and shall separately compute and pay in the manner prescribed under section 3769.103 of the Revised Code, as a tax, a sum equal to the following percentages of the total of all money wagered on simulcast racing programs on that day:

(1) One per cent of the first two hundred thousand dollars wagered, or any part of that amount;

(2) Two per cent of the next one hundred thousand dollars wagered, or any part of that amount;

(3) Three per cent of the next one hundred thousand dollars wagered, or any part of that amount;

(4) Four per cent of all sums over four hundred thousand dollars wagered.

Except as otherwise provided in division (B) and subject to division (M) of this section, from the moneys paid to the tax commissioner by permit holders authorized to conduct harness or

quarter horse racing, one-half of one per cent of all moneys 62357
wagered on that racing day shall be paid into the Ohio fairs fund; 62358
from the moneys paid to the tax commissioner by permit holders 62359
authorized to conduct harness racing, five-eighths of one per cent 62360
of all moneys wagered on that racing day shall be paid into the 62361
Ohio standardbred development fund; and from the moneys paid to 62362
the tax commissioner by permit holders authorized to conduct 62363
quarter horse racing, five-eighths of one per cent of all moneys 62364
wagered on that racing day shall be paid into the Ohio 62365
thoroughbred race fund to support quarter horse development ~~fund~~ 62366
and purses. 62367

(D) In addition, subject to division (M) of this section, 62368
beginning on January 1, 1996, from the money paid to the tax 62369
commissioner as a tax under this section and division (A) of 62370
section 3769.087 of the Revised Code by harness horse permit 62371
holders, one-half of one per cent of the amount wagered on a 62372
racing day shall be paid into the Ohio standardbred development 62373
fund. Beginning January 1, 1998, the payment to the Ohio 62374
standardbred development fund required under this division does 62375
not apply to county agricultural societies or independent 62376
agricultural societies. 62377

The total amount paid to the Ohio standardbred development 62378
fund under this division, division (C) of this section, and 62379
division (A) of section 3769.087 of the Revised Code and the total 62380
amount paid to the Ohio thoroughbred race fund to support quarter 62381
horse development ~~fund~~ and purses under this division and division 62382
(A) of that section shall not exceed by more than six per cent the 62383
total amount paid into the fund under this division, division (C) 62384
of this section, and division (A) of section 3769.087 of the 62385
Revised Code in the immediately preceding calendar year. 62386

(E) Subject to division (M) of this section, from the money 62387
paid as a tax under this chapter by harness and quarter horse 62388

permit holders, one-quarter of one per cent of the total of all 62389
moneys wagered on a racing day by each permit holder shall be paid 62390
into the state racing commission operating fund created by section 62391
3769.03 of the Revised Code. This division does not apply to 62392
county and independent fairs and agricultural societies. 62393

(F) Except as otherwise provided in section 3769.089 of the 62394
Revised Code, each permit holder authorized to conduct harness 62395
racing shall pay to the harness horsemen's purse pool a sum equal 62396
to fifty per cent of the pari-mutuel revenues retained by the 62397
permit holder as a commission after payment of the state tax. This 62398
fifty per cent payment is to be in addition to the purse 62399
distribution from breakage specified in this section. 62400

(G) In addition, each permit holder authorized to conduct 62401
harness racing shall be allowed to retain the odd cents of all 62402
redistribution to be made on all mutual contributions exceeding a 62403
sum equal to the next lowest multiple of ten. 62404

Forty per cent of that portion of that total sum of such odd 62405
cents shall be used by the permit holder for purse money for Ohio 62406
sired, bred, and owned colts, for purse money for Ohio bred 62407
horses, and for increased purse money for horse races. Upon the 62408
formation of the corporation described in section 3769.21 of the 62409
Revised Code to establish a harness horsemen's health and 62410
retirement fund, twenty-five per cent of that portion of that 62411
total sum of odd cents shall be paid at the close of each racing 62412
day by the permit holder to that corporation to establish and fund 62413
the health and retirement fund. Until that corporation is formed, 62414
that twenty-five per cent shall be paid at the close of each 62415
racing day by the permit holder to the tax commissioner or the tax 62416
commissioner's agent in the county seat of the county in which the 62417
permit holder operates race meetings. The remaining thirty-five 62418
per cent of that portion of that total sum of odd cents shall be 62419
retained by the permit holder. 62420

(H) In addition, each permit holder authorized to conduct 62421
thoroughbred racing shall be allowed to retain the odd cents of 62422
all redistribution to be made on all mutuel contributions 62423
exceeding a sum equal to the next lowest multiple of ten. Twenty 62424
per cent of that portion of that total sum of such odd cents shall 62425
be used by the permit holder for increased purse money for horse 62426
races. Upon the formation of the corporation described in section 62427
3769.21 of the Revised Code to establish a thoroughbred horsemen's 62428
health and retirement fund, forty-five per cent of that portion of 62429
that total sum of odd cents shall be paid at the close of each 62430
racing day by the permit holder to that corporation to establish 62431
and fund the health and retirement fund. Until that corporation is 62432
formed, that forty-five per cent shall be paid by the permit 62433
holder to the tax commissioner or the tax commissioner's agent in 62434
the county seat of the county in which the permit holder operates 62435
race meetings, at the close of each racing day. The remaining 62436
thirty-five per cent of that portion of that total sum of odd 62437
cents shall be retained by the permit holder. 62438

(I) In addition, each permit holder authorized to conduct 62439
quarter horse racing shall be allowed to retain the odd cents of 62440
all redistribution to be made on all mutuel contributions 62441
exceeding a sum equal to the next lowest multiple of ten, subject 62442
to a tax of twenty-five per cent on that portion of the total sum 62443
of such odd cents that is in excess of two thousand dollars during 62444
a calendar year, which tax shall be paid at the close of each 62445
racing day by the permit holder to the tax commissioner or the tax 62446
commissioner's agent in the county seat of the county within which 62447
the permit holder operates race meetings. Forty per cent of that 62448
portion of that total sum of such odd cents shall be used by the 62449
permit holder for increased purse money for horse races. The 62450
remaining thirty-five per cent of that portion of that total sum 62451
of odd cents shall be retained by the permit holder. 62452

(J)(1) To encourage the improvement of racing facilities for the benefit of the public, breeders, and horse owners, and to increase the revenue to the state from the increase in pari-mutuel wagering resulting from those improvements, the taxes paid by a permit holder to the state as provided for in this chapter shall be reduced by three-fourths of one per cent of the total amount wagered for those permit holders who make capital improvements to existing race tracks or construct new race tracks. The percentage of the reduction that may be taken each racing day shall equal seventy-five per cent of the taxes levied under divisions (B) and (C) of this section and section 3769.087 of the Revised Code, and division (F)(2) of section 3769.26 of the Revised Code, as applicable, divided by the calculated amount each fund should receive under divisions (B) and (C) of this section and section 3769.087 of the Revised Code, and division (F)(2) of section 3769.26 of the Revised Code and the reduction provided for in this division. If the resulting percentage is less than one, that percentage shall be multiplied by the amount of the reduction provided for in this division. Otherwise, the permit holder shall receive the full reduction provided for in this division. The amount of the allowable reduction not received shall be carried forward and applied against future tax liability. After any reductions expire, any reduction carried forward shall be treated as a reduction as provided for in this division.

If more than one permit holder is authorized to conduct racing at the facility that is being built or improved, the cost of the new race track or capital improvement shall be allocated between or among all the permit holders in the ratio that the permit holders' number of racing days bears to the total number of racing days conducted at the facility.

A reduction for a new race track or a capital improvement shall start from the day racing is first conducted following the

date actual construction of the new race track or each capital 62485
improvement is completed and the construction cost has been 62486
approved by the racing commission, unless otherwise provided in 62487
this section. A reduction for a new race track or a capital 62488
improvement shall continue for a period of twenty-five years for 62489
new race tracks and for fifteen years for capital improvements if 62490
the construction of the capital improvement or new race track 62491
commenced prior to March 29, 1988, and for a period of ten years 62492
for new race tracks or capital improvements if the construction of 62493
the capital improvement or new race track commenced on or after 62494
March 29, 1988, but before June 6, 2001, or until the total tax 62495
reduction reaches seventy per cent of the approved cost of the new 62496
race track or capital improvement, as allocated to each permit 62497
holder, whichever occurs first. A reduction for a new race track 62498
or a capital improvement approved after June 6, 2001, shall 62499
continue until the total tax reduction reaches one hundred per 62500
cent of the approved cost of the new race track or capital 62501
improvement, as allocated to each permit holder. 62502

A reduction granted for a new race track or a capital 62503
improvement, the application for which was approved by the racing 62504
commission after March 29, 1988, but before June 6, 2001, shall 62505
not commence nor shall the ten-year period begin to run until all 62506
prior tax reductions with respect to the same race track have 62507
ended. The total tax reduction because of capital improvements 62508
shall not during any one year exceed for all permit holders using 62509
any one track three-fourths of one per cent of the total amount 62510
wagered, regardless of the number of capital improvements made. 62511
Several capital improvements to a race track may be consolidated 62512
in an application if the racing commission approved the 62513
application prior to March 29, 1988. No permit holder may receive 62514
a tax reduction for a capital improvement approved by the racing 62515
commission on or after March 29, 1988, at a race track until all 62516
tax reductions have ended for all prior capital improvements 62517

approved by the racing commission under this section or section 62518
3769.20 of the Revised Code at that race track. If there are two 62519
or more permit holders operating meetings at the same track, they 62520
may consolidate their applications. The racing commission shall 62521
notify the tax commissioner when the reduction of tax begins and 62522
when it ends. 62523

Each fiscal year the racing commission shall submit a report 62524
to the tax commissioner, the office of budget and management, and 62525
the legislative service commission. The report shall identify each 62526
capital improvement project undertaken under this division and in 62527
progress at each race track, indicate the total cost of each 62528
project, state the tax reduction that resulted from each project 62529
during the immediately preceding fiscal year, estimate the tax 62530
reduction that will result from each project during the current 62531
fiscal year, state the total tax reduction that resulted from all 62532
such projects at all race tracks during the immediately preceding 62533
fiscal year, and estimate the total tax reduction that will result 62534
from all such projects at all race tracks during the current 62535
fiscal year. 62536

(2) In order to qualify for the reduction in tax, a permit 62537
holder shall apply to the racing commission in such form as the 62538
commission may require and shall provide full details of the new 62539
race track or capital improvement, including a schedule for its 62540
construction and completion, and set forth the costs and expenses 62541
incurred in connection with it. The racing commission shall not 62542
approve an application unless the permit holder shows that a 62543
contract for the new race track or capital improvement has been 62544
let under an unrestricted competitive bidding procedure, unless 62545
the contract is exempted by the controlling board because of its 62546
unusual nature. In determining whether to approve an application, 62547
the racing commission shall consider whether the new race track or 62548
capital improvement will promote the safety, convenience, and 62549

comfort of the racing public and horse owners and generally tend 62550
towards the improvement of racing in this state. 62551

(3) If a new race track or capital improvement is approved by 62552
the racing commission and construction has started, the tax 62553
reduction may be authorized by the commission upon presentation of 62554
copies of paid bills in excess of one hundred thousand dollars or 62555
ten per cent of the approved cost, whichever is greater. After the 62556
initial authorization, the permit holder shall present copies of 62557
paid bills. If the permit holder is in substantial compliance with 62558
the schedule for construction and completion of the new race track 62559
or capital improvement, the racing commission may authorize the 62560
continuation of the tax reduction upon the presentation of the 62561
additional paid bills. The total amount of the tax reduction 62562
authorized shall not exceed the percentage of the approved cost of 62563
the new race track or capital improvement specified in division 62564
(J)(1) of this section. The racing commission may terminate any 62565
tax reduction immediately if a permit holder fails to complete the 62566
new race track or capital improvement, or to substantially comply 62567
with the schedule for construction and completion of the new race 62568
track or capital improvement. If a permit holder fails to complete 62569
a new race track or capital improvement, the racing commission 62570
shall order the permit holder to repay to the state the total 62571
amount of tax reduced. The normal tax paid by the permit holder 62572
shall be increased by three-fourths of one per cent of the total 62573
amount wagered until the total amount of the additional tax 62574
collected equals the total amount of tax reduced. 62575

(4) As used in this section: 62576

(a) "Capital improvement" means an addition, replacement, or 62577
remodeling of a structural unit of a race track facility costing 62578
at least one hundred thousand dollars, including, but not limited 62579
to, the construction of barns used exclusively for the race track 62580
facility, backstretch facilities for horsemen, paddock facilities, 62581

new pari-mutuel and totalizator equipment and appurtenances to 62582
that equipment purchased by the track, new access roads, new 62583
parking areas, the complete reconstruction, reshaping, and 62584
leveling of the racing surface and appurtenances, the installation 62585
of permanent new heating or air conditioning, roof replacement or 62586
restoration, installations of a permanent nature forming a part of 62587
the track structure, and construction of buildings that are 62588
located on a permit holder's premises. "Capital improvement" does 62589
not include the cost of replacement of equipment that is not 62590
permanently installed, ordinary repairs, painting, and maintenance 62591
required to keep a race track facility in ordinary operating 62592
condition. 62593

(b) "New race track" includes the reconstruction of a race 62594
track damaged by fire or other cause that has been declared by the 62595
racing commission, as a result of the damage, to be an inadequate 62596
facility for the safe operation of horse racing. 62597

(c) "Approved cost" includes all debt service and interest 62598
costs that are associated with a capital improvement or new race 62599
track and that the racing commission approves for a tax reduction 62600
under division (J) of this section. 62601

(5) The racing commission shall not approve an application 62602
for a tax reduction under this section if it has reasonable cause 62603
to believe that the actions or negligence of the permit holder 62604
substantially contributed to the damage suffered by the track due 62605
to fire or other cause. The racing commission shall obtain any 62606
data or information available from a fire marshal, law enforcement 62607
official, or insurance company concerning any fire or other damage 62608
suffered by a track, prior to approving an application for a tax 62609
reduction. 62610

(6) The approved cost to which a tax reduction applies shall 62611
be determined by generally accepted accounting principles and 62612
verified by an audit of the permit holder's records upon 62613

completion of the project by the racing commission, or by an 62614
independent certified public accountant selected by the permit 62615
holder and approved by the commission. 62616

(K) No other license or excise tax or fee, except as provided 62617
in sections 3769.01 to 3769.14 of the Revised Code, shall be 62618
assessed or collected from such licensee by any county, township, 62619
district, municipal corporation, or other body having power to 62620
assess or collect a tax or fee. That portion of the tax paid under 62621
this section by permit holders for racing conducted at and during 62622
the course of an agricultural exposition or fair, and that portion 62623
of the tax that would have been paid by eligible permit holders 62624
into the nursing home franchise permit fee fund as a result of 62625
racing conducted at and during the course of an agricultural 62626
exposition or fair, shall be deposited into the state treasury to 62627
the credit of the horse racing tax fund, which is hereby created 62628
for the use of the agricultural societies of the several counties 62629
in which the taxes originate. The state racing commission shall 62630
determine eligible permit holders for purposes of the preceding 62631
sentence, taking into account the breed of horse, the racing 62632
dates, the geographic proximity to the fair, and the best 62633
interests of Ohio racing. On the first day of any month on which 62634
there is money in the fund, the tax commissioner shall provide for 62635
payment to the treasurer of each agricultural society the amount 62636
of the taxes collected under this section upon racing conducted at 62637
and during the course of any exposition or fair conducted by the 62638
society. 62639

(L) From the tax paid under this section by harness track 62640
permit holders, the tax commissioner shall pay into the Ohio 62641
thoroughbred race fund a sum equal to a percentage of the amount 62642
wagered upon which the tax is paid. The percentage shall be 62643
determined by the tax commissioner and shall be rounded to the 62644
nearest one-hundredth. The percentage shall be such that, when 62645

multiplied by the amount wagered upon which tax was paid by the harness track permit holders in the most recent year for which final figures are available, it results in a sum that substantially equals the same amount of tax paid by the tax commissioner during that year into the Ohio fairs fund from taxes paid by thoroughbred permit holders. This division does not apply to county and independent fairs and agricultural societies.

(M) Twenty-five per cent of the taxes levied on thoroughbred racing permit holders, harness racing permit holders, and quarter horse racing permit holders under this section, division (A) of section 3769.087 of the Revised Code, and division (F)(2) of section 3769.26 of the Revised Code shall be paid into the nursing home franchise permit fee fund. The tax commissioner shall pay any money remaining, after the payment into the nursing home franchise permit fee fund and the reductions provided for in division (J) of this section and in section 3769.20 of the Revised Code, into the Ohio fairs fund, Ohio thoroughbred race fund, Ohio standardbred development fund, ~~Ohio quarter horse fund~~, and state racing commission operating fund as prescribed in this section and division (A) of section 3769.087 of the Revised Code. The tax commissioner shall thereafter use and apply the balance of the money paid as a tax by any permit holder to cover any shortage in the accounts of such funds resulting from an insufficient payment as a tax by any other permit holder. Subject to section 3769.101 of the Revised Code, the moneys received by the tax commissioner shall be deposited monthly and paid by the tax commissioner into the funds to cover the total aggregate amount due from all permit holders to the funds, as calculated under this section and division (A) of section 3769.087 of the Revised Code, as applicable. If, after the payment into the nursing home franchise permit fee fund, sufficient funds are not available from the tax deposited by the tax commissioner to pay the required amounts into the Ohio fairs fund, Ohio standardbred development fund, Ohio

thoroughbred race fund, ~~Ohio quarter horse fund~~, and the state 62679
racing commission operating fund, the tax commissioner shall 62680
prorate on a proportional basis the amount paid to each of the 62681
funds. Any shortage to the funds as a result of a proration shall 62682
be applied against future deposits for the same calendar year when 62683
funds are available. After this application, the tax commissioner 62684
shall pay any remaining money paid as a tax by all permit holders 62685
into the nursing home franchise permit fee fund. This division 62686
does not apply to permit holders conducting racing at the course 62687
of an agricultural exposition or fair as described in division (K) 62688
of this section. 62689

Sec. 3769.083. (A) As used in this section: 62690

(1) An "accredited Ohio thoroughbred horse" means a horse 62691
conceived in this state and born in this state which is both of 62692
the following: 62693

(a) Born of a mare that is domiciled in this state at the 62694
time of the horse's conception, that remains continuously in the 62695
state through the date on which the horse is born, and that is 62696
registered as required by the rules of the state racing 62697
commission; 62698

(b) By a stallion that stands for breeding purposes only in 62699
this state in the year in which the horse is conceived, and that 62700
is registered as required by the rules of the commission. 62701

(2) An "Ohio foaled horse" means a horse registered as 62702
required by the rules of the state racing commission which is 62703
either of the following: 62704

(a) A horse born of a mare that enters this state before 62705
foaling and remains continuously in this state until the horse is 62706
born; 62707

(b) A thoroughbred foal produced within the state by any 62708

broodmare shipped into the state to foal and be bred to a 62709
registered Ohio stallion. To qualify this foal as an Ohio foaled 62710
horse, the broodmare shall remain in this state one year 62711
continuously after foaling or continuously through foaling to the 62712
cover of the Ohio stallion, whichever is sooner. All horses 62713
previously registered as Ohio conceived and foaled shall be 62714
considered as Ohio foaled horses effective January 1, 1976. 62715

Any thoroughbred mare may leave this state for periods of 62716
time for purposes of activities such as veterinary treatment or 62717
surgery, sales purposes, breeding purposes, racing purposes, and 62718
similar activities if permission is granted by the state racing 62719
commission and the mare is returned to this state immediately upon 62720
the conclusion of the requested activity. 62721

(3) "Horse," "stallion," "mare," or "foal" means a horse of 62722
the thoroughbred breed as distinguished from a horse of the 62723
standard breed or any other breed, and "race" means a race for 62724
thoroughbred horses conducted by a permit holder of the state 62725
racing commission. 62726

(4) "Horse" includes animals of all ages and of both sexes. 62727

(B) There is hereby created in the state treasury the Ohio 62728
thoroughbred race fund, to consist of moneys paid into it pursuant 62729
to sections 3769.08 and 3769.087 of the Revised Code. All 62730
investment earnings on the cash balances in the fund shall be 62731
credited to it. Moneys to the credit of the fund shall be 62732
distributed on order of the state racing commission. The 62733
commission, with the advice and assistance of the Ohio 62734
thoroughbred racing advisory committee, shall use the fund, except 62735
as provided in divisions (C)(2) and (3) and (D) of this section, 62736
to promote races and provide purses for races for horses in the 62737
following classes: 62738

(1) Accredited Ohio thoroughbred horses; 62739

(2) Ohio foaled horses. 62740

Not less than ten nor more than twenty-five per cent of the 62741
total money to be paid from the fund for all types of races shall 62742
be allocated to races restricted to accredited Ohio thoroughbred 62743
horses. The commission may combine the classes of horses described 62744
in divisions (B)(1) and (2) of this section in one race, except in 62745
stakes races. 62746

(C)(1) Each permit holder conducting thoroughbred races shall 62747
schedule races each week for horses in the classes named in 62748
division (B) of this section; the number of the races shall be 62749
prescribed by the state racing commission. The commission, 62750
pursuant to division (B) of this section, shall prescribe the 62751
class or classes of the races to be held by each permit holder 62752
and, with the advice of the Ohio thoroughbred racing advisory 62753
committee, shall fix the dates and conditions of the races and the 62754
amount of moneys to be paid from the Ohio thoroughbred race fund 62755
to be added in each race to the minimum purse established by the 62756
permit holder for the class of race held. 62757

(2) The commission, with the advice of the Ohio thoroughbred 62758
racing advisory committee, may provide for stakes races to be run 62759
each year, and fix the number of stakes races and the time, place, 62760
and conditions under which each shall be run. The commission shall 62761
fix the amount of moneys to be paid from the Ohio thoroughbred 62762
race fund to be added to the purse provided for each stakes race 62763
by the permit holder, except that, in at least four stakes races 62764
each year, the commission shall require, if four stakes races can 62765
be arranged, that the permit holder conducting the stakes race 62766
provide no less than fifteen thousand dollars for the purse for 62767
the stakes race, and the commission shall provide moneys from the 62768
fund to be added to the purse in an amount equal to or greater 62769
than the amount provided by the permit holder. The commission may 62770
require a nominating, sustaining, and entry fee not to exceed one 62771

per cent of the money added from the fund for each horse in any stakes race, which fee shall be added to the purse for the race.

Stakes races where money is added from the Ohio thoroughbred race fund shall be open only to accredited Ohio thoroughbred horses and Ohio foaled horses. Twenty-five per cent of the total moneys to be paid from the fund for stakes races shall be allocated to races for only accredited Ohio thoroughbred horses. The commission may require a nominating, sustaining, and entry fee, not to exceed one per cent of the money added from the fund, for each horse in any of these stakes races. These fees shall be accumulated by the commission and shall be paid out by the commission at its discretion as part of the purse money for additional races.

(3) The commission may pay from the Ohio thoroughbred race fund to the breeder of a horse of class (1) or (2) of division (B) of this section winning first, second, or third prize money of a purse for a thoroughbred race an amount not to exceed fifteen per cent of the first, second, or third prize money of the purse. For the purposes of this division, the term "breeder" shall be defined by rule of the commission.

The commission also may provide for stallion owners' awards in an amount equal to not less than three nor more than ten per cent of the first, second, or third place share of the purse. The award shall be paid to the owner of the stallion, provided that the stallion was standing in this state as provided in division (A)(1)(b) of this section at the time the horse placing first, second, or third was conceived.

(D) The state racing commission may provide for the expenditure of moneys from the Ohio thoroughbred race fund in an amount not to exceed in any one calendar year ten per cent of the total amount received in the account that year to provide for research projects directed toward improving the breeding, raising,

racing, and health and soundness of thoroughbred horses in the 62804
state and toward education or promotion of the industry. Research 62805
for which the moneys from the fund may be used may include, but 62806
shall not be limited to, studies of pre-race blood testing, 62807
post-race testing, improvement of the breed, and nutrition. 62808

(E) The state racing commission shall appoint qualified 62809
personnel as may be required to supervise registration of horses 62810
under the terms of this section, to determine the eligibility of 62811
horses for accredited Ohio thoroughbred races, Ohio foaled races, 62812
and the stakes races authorized by division (C)(2) of this 62813
section, and to assist the Ohio thoroughbred racing advisory 62814
committee and the commission in determining the conditions, class, 62815
and quality of the race program to be established under this 62816
section so as to carry out the purposes of this section. The 62817
personnel shall serve at the pleasure of the commission, and 62818
compensation shall be fixed by the commission. The compensation of 62819
the personnel and necessary expenses shall be paid out of the Ohio 62820
thoroughbred race fund. 62821

The commission shall adopt rules as are necessary to carry 62822
out this section and shall administer the stakes race program and 62823
other races supported by the Ohio thoroughbred race fund in a 62824
manner best designed to aid in the development of the thoroughbred 62825
horse industry in the state, to upgrade the quality of horse 62826
racing in the state, and to improve the quality of horses 62827
conceived and foaled in the state. 62828

(F) The state racing commission shall adopt rules regarding 62829
the maintenance and use of money collected for quarter horse 62830
development and purses under division (C) of section 3769.08 and 62831
division (A) of section 3769.087 of the Revised Code. 62832

Sec. 3769.087. (A) In addition to the commission of eighteen 62833
per cent retained by each permit holder as provided in section 62834

3769.08 of the Revised Code, each permit holder shall retain an 62835
additional amount equal to four per cent of the total of all 62836
moneys wagered on each racing day on all wagering pools other than 62837
win, place, and show, of which amount retained an amount equal to 62838
three per cent of the total of all moneys wagered on each racing 62839
day on those pools shall be paid in the manner prescribed under 62840
section 3769.103 of the Revised Code, as a tax. Subject to the 62841
restrictions contained in divisions (B), (C), and (M) of section 62842
3769.08 of the Revised Code, from such additional moneys paid to 62843
the tax commissioner: 62844

(1) Four-sixths shall be allocated to fund distribution as 62845
provided in division (M) of section 3769.08 of the Revised Code. 62846

(2) One-twelfth shall be paid into the Ohio fairs fund 62847
created by section 3769.082 of the Revised Code. 62848

(3) ~~One-twelfth~~ One-sixth of the additional moneys paid to 62849
the tax commissioner by thoroughbred racing permit holders shall 62850
be paid into the Ohio thoroughbred race fund created by section 62851
3769.083 of the Revised Code. 62852

(4) One-twelfth of the additional moneys paid to the tax 62853
commissioner by harness horse racing permit holders shall be paid 62854
to the Ohio standardbred development fund created by section 62855
3769.085 of the Revised Code. 62856

(5) ~~One-twelfth of the additional moneys paid to the tax~~ 62857
~~commissioner by quarter horse racing permit holders shall be paid~~ 62858
~~to the Ohio quarter horse development fund created by section~~ 62859
~~3769.086 of the Revised Code.~~ 62860

~~(6)~~ One-sixth shall be paid into the state racing commission 62861
operating fund created by section 3769.03 of the Revised Code. 62862

The remaining one per cent that is retained of the total of 62863
all moneys wagered on each racing day on all pools other than win, 62864
place, and show, shall be retained by racing permit holders, and, 62865

except as otherwise provided in section 3769.089 of the Revised Code, racing permit holders shall use one-half for purse money and retain one-half.

(B) In addition to the commission of eighteen per cent retained by each permit holder as provided in section 3769.08 of the Revised Code and the additional amount retained by each permit holder as provided in division (A) of this section, each permit holder shall retain an additional amount equal to one-half of one per cent of the total of all moneys wagered on each racing day on all wagering pools other than win, place, and show. The additional amount retained under this division shall be paid in the manner prescribed under section 3769.103 of the Revised Code, as a tax. The tax commissioner shall pay the amount of the tax received under this division to the state racing commission operating fund created by section 3769.03 of the Revised Code.

(C) Unless otherwise agreed to by the video lottery sales agent and the applicable horsemen's association recognized by the state racing commission to represent such persons, within ninety days after ~~the effective date of this amendment~~ September 29, 2013, for video lottery sales agents operating as such on ~~the effective date of this amendment~~ September 29, 2013, or within six months after the date a video lottery sales agent begins operating as such for video lottery sales agents not operating as such on ~~the effective date of this amendment~~ September 29, 2013, the state racing commission shall direct through rule that a percentage of the lottery sales agent's commission as determined by the state lottery commission for conducting video lottery terminal gaming on behalf of the state be paid to the state racing commission for the benefit of breeding and racing in this state. The percentage so determined shall not be less than nine per cent or more than eleven per cent of the video lottery terminal income, and shall be a sliding scale based upon capital expenditures necessary to build

the video lottery sales agent's facility. The aggregate of one 62898
hundred per cent of video lottery terminal income minus the 62899
lottery sales agent's commission percentage as determined by the 62900
state lottery commission plus the percentage of the lottery sale 62901
agent's commission, as determined by the state racing commission 62902
or otherwise agreed to by the video lottery sales agent and the 62903
applicable horsemen's association recognized by the state racing 62904
commission to represent such persons, for the benefit of breeding 62905
and racing in this state shall not exceed forty-five per cent of 62906
the video lottery terminal income. In addition, beginning July 1, 62907
2013, the state lottery commission shall adopt a rule to require 62908
the lottery sales agent conducting video lottery terminal gaming 62909
on behalf of the state to disperse to the state lottery commission 62910
one-half of one per cent of such a lottery sales agent's 62911
commission for the purpose of providing funding support to 62912
appropriate state agencies for programs that provide for gambling 62913
addiction and other related addiction services. The state lottery 62914
commission's rule also may require the lottery sales agent 62915
conducting video lottery terminal gaming on behalf of the state to 62916
disperse to the state lottery commission an additional amount up 62917
to one-half of one per cent of such a lottery sales agent's 62918
commission for that purpose. 62919

Sec. 3769.089. (A) As used in this chapter: 62920

(1) "Racing day" means any day authorized under a permit 62921
holder's permit on which, at a simulcast host, either a live 62922
racing program is conducted as authorized under section 3769.07 of 62923
the Revised Code or a simulcast racing program is conducted as 62924
authorized under this section. 62925

(2) "Live racing day" means a racing day on which a live 62926
racing program is conducted by the permit holder along with 62927
simulcasts of all other available racing programs from within this 62928

state and simulcast racing programs from outside this state as 62929
authorized under this section. 62930

(3) "Live racing program" means a racing program consisting 62931
of no fewer than seven live horse races at thoroughbred tracks and 62932
nine live races at standardbred tracks and additional horse races 62933
simulcast from other facilities located either inside or outside 62934
this state, in which not more than two horse races on which 62935
pari-mutuel wagering is conducted are simulcast from facilities 62936
located outside this state. If only one racing meeting of a 62937
particular breed of horse is being held, no fewer than nine live 62938
horse races shall be held on a live racing day. If, during the 62939
course of a racing meeting at a standardbred track, the racing 62940
secretary of the permit holder determines that there is an 62941
insufficient number of entries to have a full field of eight 62942
horses for each of nine races on a live racing program, then the 62943
racing secretary of the permit holder, after consultation with the 62944
Ohio harness horsemens association, may reduce the number of live 62945
races on that live racing program, as the racing secretary may 62946
determine. The racing secretary shall not reduce the live racing 62947
program to less than seven live races. If during the course of a 62948
meeting at a thoroughbred track, the racing secretary of a permit 62949
holder determines that there is an insufficient number of entries 62950
to have a full field of eight horses for each of nine races on a 62951
live racing program, then the racing secretary of the permit 62952
holder, with the consent of the thoroughbred horsemens 62953
association, may reduce the number of live races on that live 62954
racing program, as the racing secretary may determine. The racing 62955
secretary shall not reduce the live racing program to less than 62956
seven live races. No more than seventeen races on which 62957
pari-mutuel wagering is conducted, including both live races and 62958
races simulcast from other facilities located either inside or 62959
outside this state, shall be part of a live racing program. 62960

(4) "Simulcast host" means a track or enclosure in this state where, on a racing day, a permit holder is doing one or both of the following:

(a) Conducting a live racing program and offering this program for simulcasting to one or more simulcast guests and satellite facilities in this state;

(b) Receiving a simulcast racing program for simulcasting to one or more simulcast guests and satellite facilities in this state.

(5) "Simulcast guest" means any track or enclosure that is receiving from a simulcast host, on a day other than a racing day, a live racing program or a simulcast racing program.

(6) "Simulcast racing program" means all simulcasts of horse races to a simulcast host or simulcast guest on a racing day or on any other day on which pari-mutuel wagering is conducted, but does not include any simulcast horse races from inside or outside this state that are included in a simulcast host's live racing program.

(7) "Satellite facility" has the same meaning as in section 3769.25 of the Revised Code.

(8) "Collection and settlement agent" has the same meaning as in section 3769.0810 of the Revised Code.

(9) "Special racing event" means individual races in live racing programs or simulcast racing programs, and simulcast racing programs on special event days under division (C) of this section, conducted at facilities located outside this state for which the track, racing association, or state regulatory agency conducting such races charges a simulcast host a fee for the privilege of receiving a simulcast of such races into this state that is higher than the customary and regular fee charged for simulcast races because of the status or popularity of such races.

(B)(1)(a) The state racing commission shall, upon request by any permit holder, permit electronically televised simulcasts of horse races at the permit holder's track or enclosure on racing days authorized by the permit holder's permit. Except as provided in division (B) of this section, the commission shall not permit the simulcast of any simulcast racing program conducted at tracks or facilities located outside this state unless the out-of-state simulcast racing program is available at the same signal rate to all permit holders, whether serving as simulcast hosts or simulcast guests, and all satellite facilities, in this state open and operating on that day. A permit holder or satellite facility may inform the commission that it waives the right to receive the simulcast of a simulcast racing program or a race in a simulcast racing program on that day and in this event the simulcast racing program or simulcast race shall be available to all other simulcast hosts, simulcast guests, and satellite facilities open and operating in this state on that day.

(b) In order for a permit holder to offer simulcasts of horse races conducted at facilities located outside this state, the permit holder shall have conducted live racing programs during the immediately preceding calendar year on a number of days that is not less than the number of regular live racing days it conducted in calendar year 1991, not including additional racing days conducted in calendar year 1991 by the permit holder at a winterized facility under a permit issued under section 3769.07 of the Revised Code, as certified by the commission. In satisfying the foregoing requirement for live racing days during the immediately preceding calendar year, a permit holder may include the number of days on which live racing programs were conducted under a permit issued under section 3769.07 of the Revised Code for additional racing days at a winterized facility. In addition, in order for a permit holder to offer simulcasts of horse races conducted at facilities located outside this state, the permit

holder shall offer all simulcasts of horse races conducted in this state made available to it.

In order for a permit holder to offer simulcasts of races conducted at race tracks located outside this state at the same time and during the hours in which the live races of a live racing program are being conducted at its track, a permit holder conducting a thoroughbred live racing program shall obtain the consent of the thoroughbred horsemen's association and a permit holder conducting a harness live racing program shall obtain the consent of the Ohio harness horsemen's association. The consent of the horsemen's organization shall not be unreasonably withheld, and shall be consistent with the interest of preserving live racing in this state. If a horsemen's organization withholds its consent, the permit holder may file an objection with the commission, which shall promptly consider the objection and determine whether the horsemen's organization's action in withholding consent is without substantial merit and, if the commission so determines, shall authorize the permit holder to simulcast the simulcast racing programs. The determination of the commission is final. A permit holder, as a simulcast host, may offer simulcast racing programs at its track or enclosure of races conducted at tracks and facilities located outside this state prior to the commencement of, and following the conclusion of, its live races without obtaining the consent of a horsemen's organization under this division.

(c) Division (B)(1)(b) of this section remains in effect for each permit holder until the calendar year after that permit holder first receives a commission as a lottery sales agent for conducting video lottery terminal gaming on behalf of the state.

(2) Notwithstanding section 3769.07 of the Revised Code and unless otherwise agreed to by the applicable horsemen's association and the permit holder, beginning in the calendar year

after the permit holder first receives video lottery terminal 63056
income, one of the following applies as determined on a yearly 63057
basis: 63058

(a) If eleven per cent of the gross gaming revenue from video 63059
lottery terminals at the permit holder's facilities (either 63060
existing or relocated) in the previous calendar year exceeds 63061
fifteen million dollars, a permit holder shall conduct a minimum 63062
of one hundred twenty-five live racing days. 63063

(b) If eleven per cent of the gross gaming revenue from video 63064
lottery terminals at the permit holder's facilities (either 63065
existing or relocated) in the previous calendar year exceeds 63066
eleven million dollars, but is less than or equal to fifteen 63067
million dollars, a permit holder shall conduct a minimum of one 63068
hundred live racing days or the number of racing days applied for 63069
by the permit holder in calendar year 2012, whichever is greater. 63070

(c) If eleven per cent of the gross gaming revenue from video 63071
lottery terminals at the permit holder's facilities (either 63072
existing or relocated) in the previous calendar year is less than 63073
or equal to eleven million dollars, a permit holder shall conduct 63074
a minimum of seventy-five racing days or the number of racing days 63075
applied for by the permit holder for calendar year 2012, whichever 63076
is greater. 63077

In no case shall the minimum number of racing days for any 63078
permit holder exceed one hundred twenty-five racing days ~~or the~~ 63079
~~maximum number of racing days for any permit holder exceed two~~ 63080
~~hundred ten racing days.~~ 63081

(3) For the purposes of division (B)(2) of this section, for 63082
live racing conducted at a track with more than one permit, the 63083
minimum ~~and maximum~~ live racing days shall apply to those permits 63084
collectively and not as a single permit. 63085

(4) In addition to the required live racing days, a permit 63086

holder shall simulcast a simulcast racing program on a minimum of 63087
three hundred sixty days each calendar year. The permit holder 63088
shall simulcast all simulcast racing programs conducted in this 63089
state and made available to the permit holder and simulcast racing 63090
programs conducted outside this state. 63091

(5) The commission may make exception to the required minimum 63092
number of live racing days or simulcast racing program days in 63093
instances of natural disaster or other unexpected circumstances as 63094
defined by the commission, in its sole discretion. For any 63095
calendar year, the horsemen's association at each track may 63096
negotiate an agreement with the permit holder for that track to 63097
reduce the number of live racing days at that track to less than 63098
the minimum live racing days required by division (B)(2)(a), (b), 63099
or (c) of this section, as applicable, ~~or to increase the number~~ 63100
~~of live racing days at that track to a number that is greater than~~ 63101
~~the maximum live racing days permitted by division (B)(2)(c) of~~ 63102
~~this section,~~ subject to the approval of the commission. These 63103
negotiations shall not reduce the number of live racing days to 63104
less than fifty days per calendar year. 63105

(6) To satisfy the requirement of live racing days, a permit 63106
holder may include the number of days on which live racing 63107
programs were conducted under a permit issued under section 63108
3769.07 of the Revised Code for racing days authorized at a 63109
winterized facility. 63110

(C) The commission shall allocate to each track one racing 63111
day for each permit holder during each calendar year for the 63112
conduct of a live racing program on which a permit holder may 63113
conduct as few as one live horse race, with the remainder of the 63114
horse races on that racing day on which pari-mutuel wagering is 63115
conducted as part of the live racing program being simulcast from 63116
other tracks and facilities located either inside or outside this 63117
state. In addition, the commission may allocate to each permit 63118

holder racing days on which it may as part of a live racing 63119
program simulcast more than two horse races from facilities 63120
located outside this state if the horse races involve a national 63121
wagering pool and pari-mutuel wagering is conducted on the 63122
national wagering pool, but on such a racing day there shall in no 63123
event be more than two horse races simulcast from facilities 63124
located outside this state included in a live racing program on 63125
which separate pari-mutuel wagering is conducted. As used in this 63126
division, "national wagering pool" means an interstate or 63127
intrastate common pari-mutuel wagering pool involving two or more 63128
selections covering two or more horse races conducted at tracks 63129
located inside or outside this state. 63130

In emergency situations, the commission may authorize a live 63131
racing day at a track in which all horse races on that racing day 63132
on which pari-mutuel wagering is conducted are simulcast from 63133
tracks and facilities located either inside or outside this state 63134
with the consent of the thoroughbred horsemens association for a 63135
track conducting a thoroughbred live racing program and with the 63136
consent of the Ohio harness horsemens association for a track 63137
conducting a harness live racing program. If a horsemen's 63138
organization withholds its consent, the permit holder may file an 63139
objection with the commission, which shall promptly consider the 63140
objection and determine whether the horsemen's organization's 63141
action in withholding consent is without substantial merit and, if 63142
the commission so determines, shall authorize the permit holder to 63143
simulcast the simulcast racing programs. The determination of the 63144
commission is final. 63145

(D) On any day that a racing day has been applied for at any 63146
track in this state, each track in this state may operate as 63147
either a simulcast host or a simulcast guest and may conduct, with 63148
the approval of the state racing commission, pari-mutuel wagering 63149
on all simulcasts of races conducted inside this state made 63150

available to it plus all simulcasts of races conducted at 63151
facilities located outside this state as determined by the 63152
simulcast hosts. Except as otherwise provided in this section, any 63153
simulcast host or simulcast guest may receive and conduct 63154
simulcast racing programs that feature any breed of horse at any 63155
time of day, as authorized by the commission. Those persons 63156
holding state fair, county fair, or other fair permits shall not 63157
receive a simulcast racing program on which pari-mutuel wagering 63158
is conducted, except that a holder of a permit issued under 63159
section 3769.07 of the Revised Code that has been authorized by 63160
the commission to conduct races of the state fair, a county fair, 63161
or other fair at a commercial track may receive and conduct 63162
simulcast racing programs as a simulcast host or simulcast guest 63163
at the same time in conjunction with the live racing program of 63164
the state fair, county fair, or other fair permit holder conducted 63165
at its track. 63166

The simulcast hosts, with the approval of the state racing 63167
commission, shall determine which simulcast racing programs 63168
offered by race tracks located outside this state will be 63169
simulcast at their tracks and at all simulcast hosts, simulcast 63170
guests, and satellite facilities in this state that are open and 63171
operating during the hours that the simulcast hosts are operating. 63172
Simulcast guests and satellite facilities shall receive all 63173
approved simulcast racing programs offered by simulcast hosts. In 63174
addition, a simulcast host and simulcast guest, with the approval 63175
of the commission, may also receive simulcast horse races and 63176
simulcast racing programs not agreed to by simulcast hosts. 63177

A simulcast host that normally operates during the day only 63178
may serve as a simulcast host for only day-simulcast racing 63179
programs, which include all simulcast racing programs that 63180
commence at a track located outside this state on or before four 63181
p.m. A simulcast host that normally operates during the evening 63182

only may serve as a simulcast host for only evening-simulcast 63183
racing programs, which include all simulcast racing programs that 63184
commence at a track located outside this state on or after three 63185
p.m. A simulcast host that normally operates during the evening, 63186
but that under its permit conducts live racing programs during the 63187
day, may serve as a simulcast host for day-simulcast racing 63188
programs. A permit holder that is offering at its track simulcast 63189
racing programs that commence at a track located outside this 63190
state on or before four p.m. and simulcast racing programs that 63191
commence at a track located outside this state on or after three 63192
p.m. may serve as a simulcast host for both the day-simulcast 63193
racing program and the evening-simulcast racing program only if no 63194
other permit holder is serving as a simulcast host for the other 63195
simulcast racing programs. The times listed in this and the 63196
immediately following paragraphs are standard time as described in 63197
section 1.04 of the Revised Code and in the "Uniform Time Act of 63198
1966," 80 Stat. 107, 15 U.S.C. 260 to 265. 63199

~~If a simulcast host is conducting a racing program that 63200
features thoroughbred or quarter horses on the same day that 63201
another simulcast host is conducting a live racing program that 63202
features harness horses at a track located in the same county as, 63203
or within twenty miles of, the track of the first simulcast host, 63204
the first simulcast host shall not conduct pari mutuel wagering on 63205
simulcast racing programs that commence after four p.m. on that 63206
day and the second simulcast host shall not conduct wagering on 63207
simulcast racing programs that commence before three p.m. on that 63208
day. 63209~~

A simulcast host that is conducting a live racing program and 63210
is simulcasting that program to other simulcast hosts and 63211
simulcast guests in this state shall receive from each simulcast 63212
host and each simulcast guest receiving the simulcast an 63213
intrastate simulcast fee of one and three-eighths per cent of the 63214

amounts wagered on such simulcast racing program at its facilities. The simulcast hosts and simulcast guests receiving such simulcast racing program shall pay the intrastate simulcast fee to the collection and settlement agent, and the fee shall be disbursed by the agent, at the time and in the manner provided in section 3769.0810 of the Revised Code.

(E)(1) The moneys wagered on simulcast racing programs on a racing day shall be separated from the moneys wagered on the live racing program on that racing day. From the moneys wagered on the simulcast races, each permit holder may retain as a commission the percentage of the amount wagered as specified in sections 3769.08 and 3769.087 of the Revised Code, as applicable, and shall pay, in the manner prescribed under section 3769.103 of the Revised Code, as a tax, the tax specified in sections 3769.08 and 3769.087 of the Revised Code, as applicable. From the tax collected, the tax commissioner shall make the distributions to the respective funds, and in the proper amounts, as required by sections 3769.08 and 3769.087 of the Revised Code, as applicable. Except as provided in division (E)(2) of this section, from the amount remaining after the payment of state taxes on the moneys wagered on live racing programs and on the moneys wagered on simulcast racing programs, a permit holder shall retain an amount equal to two and three-eighths per cent of the amount wagered on live racing programs and on intrastate and interstate simulcast racing programs simulcast at its track and on the amount wagered on the live racing programs and simulcast racing programs at a satellite facility allocated to it under section 3769.26 of the Revised Code, as a fee to pay for those costs associated with the reception and transmission of simulcasts and the administrative cost of the conduct of live racing programs and simulcast racing programs. From the remaining balance, one-half shall be retained by the permit holder for purses. On a day when a permit holder conducts a live racing program, all purse money generated from

wagering on live racing programs and on simulcast racing programs 63248
at its track shall be used for that permit holder's purse account. 63249
On a day when a permit holder operates as a simulcast host with no 63250
live racing program, or operates as a simulcast guest, all purse 63251
money generated from wagering on intrastate and interstate 63252
simulcast racing programs shall be paid to the state racing 63253
commission for deposit into the Ohio combined simulcast horse 63254
racing purse fund created under this section. In addition, on a 63255
day when a permit holder serves as a simulcast host for a 63256
satellite facility, all purse money generated from amounts wagered 63257
at the satellite facility allocated to the permit holder under 63258
section 3769.26 of the Revised Code shall be paid to the 63259
commission for deposit into the Ohio simulcast horse racing purse 63260
fund. 63261

(2) If there are not four satellite facilities in operation 63262
in this state within one year after September 19, 1996, or if 63263
there are not seven satellite facilities in operation in this 63264
state within two years after September 19, 1996, or if there are 63265
not ten satellite facilities in operation in this state within 63266
three years after September 19, 1996, then in any such event the 63267
amount to be retained as a fee by the permit holder under division 63268
(E)(1) of this section shall be one and seven-eighths per cent 63269
until such time as the number of satellite facilities specified in 63270
division (E)(2) of this section are in operation. For good cause 63271
shown, the thoroughbred horsemens association and Ohio harness 63272
horsemens association may waive the requirements of division 63273
(E)(2) of this section or extend the date for compliance as to any 63274
year by filing a written notification with the state racing 63275
commission. 63276

(3) If a simulcast racing program simulcast by a simulcast 63277
host at its track or enclosure and to other simulcast hosts, 63278
simulcast guests, and satellite facilities in this state is a 63279

special racing event, the permit holder offering the special 63280
racing event and other simulcast hosts, simulcast guests, and 63281
satellite facilities receiving the special racing event shall not 63282
retain the fee provided under division (E)(1) or (2) of this 63283
section but shall retain from the moneys wagered on the special 63284
racing event an amount equal to the fee charged by the track, 63285
racing association, or state regulatory agency simulcasting the 63286
special racing event to the simulcast host. From the remaining 63287
balance, one-half shall be retained by the permit holder for 63288
purses in the manner provided in division (E)(1) of this section. 63289

A permit holder proposing to simulcast a special racing event 63290
as a simulcast host shall advise its horsemen's organization of 63291
the proposed schedule of the special racing event and obtain its 63292
consent to this schedule. The consent of the horsemen's 63293
organization shall not be unreasonably withheld and shall be 63294
consistent with the interest of preserving live racing in this 63295
state. If the horsemen's organization withholds its consent, the 63296
permit holder may file an objection with the state racing 63297
commission, which shall promptly consider the objection and 63298
determine whether the organization's action in withholding consent 63299
is without substantial merit and, if the commission so determines, 63300
shall authorize the permit holder to simulcast the special racing 63301
event. The determination of the commission is final. 63302

(F) There is hereby created in the state treasury the Ohio 63303
combined simulcast horse racing purse fund, to consist of moneys 63304
paid into it by permit holders pursuant to division (E) of this 63305
section and by satellite facilities pursuant to division (F) of 63306
section 3769.26 of the Revised Code. Moneys to the credit of the 63307
fund, including interest earned thereon, may be used by the 63308
commission for the costs of administering this division and the 63309
balance shall be distributed among permit holders no less 63310
frequently than monthly to each permit holder's purse account on 63311

order of the commission. 63312

For each calendar year, permit holders at each track shall 63313
receive a share of each distribution of the Ohio combined 63314
simulcast horse racing purse fund in the same percentage, rounded 63315
to the nearest one-hundredth of the amount of each distribution, 63316
as the average total amount wagered at the track on racing days at 63317
which live racing programs were conducted, including the amount 63318
allocated to the track under section 3769.26 of the Revised Code 63319
for live races, during the five calendar years immediately 63320
preceding the year for which the distribution is made bears to the 63321
average annual total amount wagered at all tracks in the state 63322
operating under permits issued by the state racing commission 63323
under section 3769.07, 3769.071, or 3769.072 of the Revised Code 63324
on all racing days at which live racing programs were conducted, 63325
including the amount allocated to the tracks under section 3769.26 63326
of the Revised Code for live races, during the five calendar years 63327
immediately preceding the year for which the distribution is made. 63328
By the thirty-first day of January of each year the commission 63329
shall calculate the share of the permit holders at each track for 63330
that year, shall enter the share percentages in its official 63331
records, and shall notify all permit holders of the share 63332
percentages of all tracks for that calendar year. 63333

The permit holders at each track, with the approval of the 63334
commission, shall allocate their share of the fund as distributed 63335
to the purse account of each permit holder for each race meeting. 63336

The commission shall cause to be kept accurate records of its 63337
administration of the fund, including all administrative expenses 63338
incurred by it and charged to the fund, and of distributions to 63339
permit holders. These records are public records available for 63340
inspection at any time during the regular business hours of the 63341
commission by any permit holder or horsemen's organization, by an 63342
authorized agent of the permit holder or horsemen's organization, 63343

or by any other person. 63344

(G) Upon the approval of the commission, a permit holder 63345
conducting live racing programs may transmit electronically 63346
televised simulcasts of horse races conducted at the permit 63347
holder's track to racing associations, tracks, and facilities 63348
located outside this state for the conduct of pari-mutuel wagering 63349
thereon, at the times, on the terms, and for the fee agreed upon 63350
by the permit holder and the receiving racing association, track, 63351
or facility. From the fees paid to the permit holder for such 63352
simulcasts, a permit holder shall retain for the costs of 63353
administration a fee in an amount equal to one per cent of the 63354
amount wagered on the races simulcast by the permit holder. From 63355
the remaining balance of the fee, one-half shall be retained by 63356
the permit holder for purses, except that notwithstanding the fee 63357
arrangement between the permit holder and the receiving racing 63358
association, track, or facility, the permit holder shall deposit 63359
into its purse account not less than an amount equal to 63360
three-fourths of one per cent of the amount wagered at racing 63361
associations, tracks, and facilities located outside the state on 63362
the races simulcast by the permit holder. 63363

All televised simulcasts of horse races conducted in this 63364
state to racing associations, tracks, and facilities located 63365
outside this state shall comply with the "Interstate Horse Racing 63366
Act of 1978," 92 Stat. 1811, 15 U.S.C.A. 3001 to 3007. The consent 63367
of the horsemen's organization at the track of the permit holder 63368
applying to the commission to simulcast horse races conducted at 63369
the permit holder's track to racing associations, tracks, and 63370
facilities located outside this state shall be consistent with the 63371
interest of preserving live racing. 63372

(H)(1) The state racing commission may authorize any permit 63373
holder that is authorized to conduct live horse racing on racing 63374
days and that conducts pari-mutuel wagering on simulcasts of horse 63375

63376 races under this section that are conducted at race tracks either
63377 inside or outside this state to conduct, supervise, and
63378 participate in interstate and intrastate common pari-mutuel
63379 wagering pools on those races in the manner provided in division
63380 (H) of this section. Except as otherwise expressly provided in
63381 division (H) of this section or in the rules of the state racing
63382 commission, the provisions of this chapter that govern pari-mutuel
63383 wagering apply to interstate or intrastate common pari-mutuel
63384 wagering pools.

63385 (2) Subject to the approval of the state racing commission,
63386 the types of wagering, calculation of the commission retained by
63387 the permit holder, tax rates, distribution of winnings, and rules
63388 of racing in effect for pari-mutuel wagering pools at the host
63389 track may govern wagers placed at a receiving track in this state
63390 and merged into an interstate or intrastate common pari-mutuel
63391 wagering pool. Breakage from interstate or intrastate common
63392 pari-mutuel wagering pools shall be calculated in accordance with
63393 the rules that govern the host track and shall be distributed
63394 among the tracks participating in the interstate or intrastate
63395 common wagering pool in a manner agreed to by the participating
63396 tracks and the host track. An interstate common pari-mutuel
63397 wagering pool formed under division (H)(3) of this section is
63398 subject to that division rather than to division (H)(2) of this
63399 section.

63400 (3) Subject to the approval of the state racing commission,
63401 an interstate common pari-mutuel wagering pool may be formed
63402 between a permit holder and one or more receiving tracks located
63403 in states other than the state in which the host track is located.
63404 The commission may approve types of wagering, calculation of the
63405 commission retained by the permit holder, tax rates, distribution
63406 of winnings, rules of racing, and calculation of breakage for such
63407 an interstate common pari-mutuel wagering pool that differ from

those that would otherwise be applied in this state under this 63408
chapter but that are consistent for all tracks participating in 63409
the interstate common pari-mutuel wagering pool formed under 63410
division (H)(3) of this section. 63411

(4) As used in division (H) of this section: 63412

(a) "Host track" means a track where live horse races are 63413
conducted and offered for simulcasting to receiving tracks. 63414

(b) "Receiving track" means a track where simulcasts of races 63415
from a host track are displayed and wagered on. 63416

(I) Each permit holder is responsible for paying all costs 63417
associated with the up-link for, and reception of, simulcasts, and 63418
the conduct and operation of simulcast racing programs, for all 63419
fees and costs associated with serving as a simulcast host or 63420
simulcast guest, and for any required fees payable to the tracks, 63421
racing associations, or state regulatory agencies where simulcast 63422
racing is conducted at tracks located outside this state. 63423

(J) No license, fee, or excise tax, other than as specified 63424
in division (E) of this section, shall be assessed upon or 63425
collected from a permit holder or the owners of a permit holder in 63426
connection with, or pertaining to, the operation and conduct of 63427
simulcast racing programs in this state, by any county, township, 63428
municipal corporation, district, or other body having the 63429
authority to assess or collect a tax or fee. 63430

(K)(1) Permit holders operating tracks within the same county 63431
or adjacent counties that are conducting simulcast racing programs 63432
under this section may enter into agreements regarding the conduct 63433
of simulcast racing programs at their respective tracks and the 63434
sharing of the retained commissions therefrom, for such periods of 63435
time, upon such terms and conditions, and subject to such rights 63436
and obligations, as the contracting permit holders consider 63437
appropriate under the circumstances. Permit holders shall notify 63438

the state racing commission of their entry into an agreement 63439
pursuant to this division, the names of the permit holders that 63440
are parties to the agreement, and the length of time the agreement 63441
shall be in effect. 63442

(2) Permit holders and the thoroughbred horsemens association 63443
and Ohio harness horsemens association may agree to do any of the 63444
following: 63445

(a) Increase or reduce the fees and amounts to be retained by 63446
the permit holders under this section; 63447

(b) Increase or reduce the fees and amounts to be allocated 63448
to the purse accounts of permit holders under this section; 63449

(c) Increase or reduce the fees to be paid between and among 63450
simulcast hosts and simulcast guests under this section and under 63451
division (C) of section 3769.0810 of the Revised Code; 63452

(d) Modify, suspend, or waive the requirements set forth in 63453
division (B) of this section as to any permit holder or as to all 63454
permit holders. 63455

All permit holders and both horsemen's organizations shall 63456
approve such agreement. Any agreement entered into under division 63457
(K)(2) of this section shall set forth the effective date of any 63458
such increase or reduction, and the terms and provisions of the 63459
agreement, and a copy of the agreement shall be filed with the 63460
state racing commission. 63461

Sec. 3769.101. (A) For the purposes of receiving, 63462
distributing, and accounting for revenue received from the taxes 63463
levied by sections 3769.08, 3769.087, and 3769.26 of the Revised 63464
Code, there is hereby created in the state treasury the 63465
horse-racing tax revenue fund. 63466

(B) All moneys collected from the taxes imposed by sections 63467
3769.08, 3769.087, and 3769.26 of the Revised Code shall be 63468

deposited into the horse-racing tax revenue fund. 63469

(C) On or before the fifteenth day of each month, the tax 63470
commissioner shall pay into the nursing home franchise permit fee 63471
fund, Ohio fairs fund, Ohio thoroughbred race fund, Ohio 63472
standardbred development fund, ~~Ohio quarter horse fund~~, and state 63473
racing commission operating fund created under this chapter the 63474
amounts required by sections 3769.08, 3769.087, and 3769.26 of the 63475
Revised Code based on amounts received in the preceding month. 63476

Sec. 3770.01. (A) There is hereby created the state lottery 63477
commission consisting of nine members appointed by the governor 63478
with the advice and consent of the senate. No more than five 63479
members of the commission shall be members of the same political 63480
party. Of the additional and new appointments made to the 63481
commission pursuant to the amendment of August 1, 1980, three 63482
shall be for terms ending August 1, 1981, three shall be for terms 63483
ending August 1, 1982, and three shall be for terms ending August 63484
1, 1983. Thereafter, terms of office shall be for three years, 63485
each term ending on the same day of the same month of the year as 63486
did the term which it succeeds. 63487

(B) Each member shall hold office from the date of 63488
appointment until the end of the term for which the member was 63489
appointed. Any member appointed to fill a vacancy occurring prior 63490
to the expiration of the term for which the member's predecessor 63491
was appointed shall hold office for the remainder of that term. 63492
Any member shall continue in office subsequent to the expiration 63493
date of the member's term until the member's successor takes 63494
office, or until a period of sixty days has elapsed, whichever 63495
occurs first. 63496

(C) All members of the commission shall be citizens of the 63497
United States and residents of this state. The members of the 63498
commission shall represent the various geographic regions of the 63499

state. No member of the commission shall have any pecuniary 63500
interest in any contract or license awarded by the commission. One 63501
person appointed as a member of the commission shall ~~represent an~~ 63502
~~organization that deals with~~ have experience or training in the 63503
area of problem gambling and assists or other addictions and in 63504
assistance to recovering gambling or other addicts. Each person 63505
appointed as a member of the commission, except the member 63506
appointed as a ~~representative of an organization that deals with~~ 63507
having experience or training in the area of problem gambling and 63508
~~assists recovering gambling addicts or other addictions and in~~ 63509
assistance to recovering gambling or other addicts, shall have 63510
prior experience or education in business administration, 63511
management, sales, marketing, or advertising. 63512

(D) The commission shall elect annually one of its members to 63513
serve as chairperson for a term of one year. Election as 63514
chairperson shall not extend a member's appointive term. Each 63515
member of the commission shall receive an annual salary of five 63516
thousand dollars, payable in monthly installments. Each member of 63517
the commission also shall receive the member's actual and 63518
necessary expenses incurred in the discharge of the member's 63519
official duties. 63520

(E) Each member of the commission, before entering upon the 63521
discharge of the member's official duties, shall give a bond, 63522
payable to the treasurer of state, in the sum of ten thousand 63523
dollars with sufficient sureties to be approved by the treasurer 63524
of state, which bond shall be filed with the secretary of state. 63525

(F) The governor may remove any member of the commission for 63526
malfeasance, misfeasance, or nonfeasance in office, giving the 63527
member a copy of the charges against the member and affording the 63528
member an opportunity to be publicly heard in person or by counsel 63529
in the member's own defense upon not less than ten days' notice. 63530
If the member is removed, the governor shall file in the office of 63531

the secretary of state a complete statement of all charges made 63532
against the member and the governor's finding on the charges, 63533
together with a complete report of the proceedings, and the 63534
governor's decision on the charges is final. 63535

(G) The commission shall maintain offices at locations in the 63536
state as it may consider necessary for the efficient performance 63537
of its functions. The director shall maintain an office in 63538
Columbus to coordinate the activities of the state lottery 63539
commission with other state departments. 63540

Sec. 3770.03. (A) The state lottery commission shall 63541
promulgate rules under which a statewide lottery may be conducted, 63542
which includes, and since the original enactment of this section 63543
has included, the authority for the commission to operate video 63544
lottery terminal games. Any reference in this chapter to tickets 63545
shall not be construed to in any way limit the authority of the 63546
commission to operate video lottery terminal games. Nothing in 63547
this chapter shall restrict the authority of the commission to 63548
promulgate rules related to the operation of games utilizing video 63549
lottery terminals as described in section 3770.21 of the Revised 63550
Code. The rules shall be promulgated pursuant to Chapter 119. of 63551
the Revised Code, except that instant game rules shall be 63552
promulgated pursuant to section 111.15 of the Revised Code but are 63553
not subject to division (D) of that section. Subjects covered in 63554
these rules shall include, but need not be limited to, the 63555
following: 63556

(1) The type of lottery to be conducted; 63557

(2) The prices of tickets in the lottery; 63558

(3) The number, nature, and value of prize awards, the manner 63559
and frequency of prize drawings, and the manner in which prizes 63560
shall be awarded to holders of winning tickets. 63561

(B) The commission shall promulgate rules, in addition to those described in division (A) of this section, pursuant to Chapter 119. of the Revised Code under which a statewide lottery and statewide joint lottery games may be conducted. Subjects covered in these rules shall include, but not be limited to, the following:

(1) The locations at which lottery tickets may be sold and the manner in which they are to be sold. These rules may authorize the sale of lottery tickets by commission personnel or other licensed individuals from traveling show wagons at the state fair, and at any other expositions the director of the commission considers acceptable. These rules shall prohibit commission personnel or other licensed individuals from soliciting from an exposition the right to sell lottery tickets at that exposition, but shall allow commission personnel or other licensed individuals to sell lottery tickets at an exposition if the exposition requests commission personnel or licensed individuals to do so. These rules may also address the accessibility of sales agent locations to commission products in accordance with the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 et seq.

(2) The manner in which lottery sales revenues are to be collected, including authorization for the director to impose penalties for failure by lottery sales agents to transfer revenues to the commission in a timely manner;

(3) The amount of compensation to be paid licensed lottery sales agents;

(4) The substantive criteria for the licensing of lottery sales agents consistent with section 3770.05 of the Revised Code, and procedures for revoking or suspending their licenses consistent with Chapter 119. of the Revised Code. If circumstances, such as the nonpayment of funds owed by a lottery

sales agent, or other circumstances related to the public safety, 63594
convenience, or trust, require immediate action, the director may 63595
suspend a license without affording an opportunity for a prior 63596
hearing under section 119.07 of the Revised Code. 63597

(5) Special game rules to implement any agreements signed by 63598
the governor that the director enters into with other lottery 63599
jurisdictions under division (J) of section 3770.02 of the Revised 63600
Code to conduct statewide joint lottery games. The rules shall 63601
require that the entire net proceeds of those games that remain, 63602
after associated operating expenses, prize disbursements, lottery 63603
sales agent bonuses, commissions, and reimbursements, and any 63604
other expenses necessary to comply with the agreements or the 63605
rules are deducted from the gross proceeds of those games, be 63606
transferred to the lottery profits education fund under division 63607
(B) of section 3770.06 of the Revised Code. 63608

(6) Making EZPlay keno and EZPlay lucky numbers bingo 63609
self-service terminal-generated instant-win style lottery games 63610
available to licensed lottery sales agents, with at least the 63611
following criteria: 63612

(a) EZPlay keno shall consist of and contain the ability to 63613
be played at multiple ticket prices as established by the 63614
commission, and shall be available as an instant play style 63615
lottery game on the interactive format self-service terminal and 63616
other lottery terminals and devices. 63617

(b) EZPlay lucky numbers bingo shall consist of and contain 63618
the ability to be played at multiple ticket prices as established 63619
by the commission, and shall be available as both instant play and 63620
draw style lottery games on the interactive format self-service 63621
terminal and other lottery terminals and devices. 63622

(c) The games shall be made available using either a 63623
clerk-facing lottery terminal or a self-service lottery terminal, 63624

which shall not be a video lottery terminal, as available from the 63625
commission's gaming systems vendor. 63626

(d) The games shall be available for play in graphical, 63627
paperless, and interactive formats. "Interactive format" means the 63628
ability of a player to initiate, play, and view the game, 63629
including the reveal of a result, on the self-service terminal 63630
from which the game is purchased. 63631

(e) The player shall have the option to receive a paper pay 63632
voucher to be redeemed by a licensed lottery sales agent or 63633
credited through a self-service lottery terminal. 63634

(f) These interactive format self-service terminals shall 63635
only be made available to a licensed lottery sales agent that is 63636
also a holder of a D-1, D-2, D-2x, D-3, D-3x, D-3a, or D-5 liquor 63637
permit issued under Chapter 4303. of the Revised Code. 63638

(g) The commission shall acquire and make available at least 63639
three thousand interactive format self-service terminals before 63640
March 1, 2016, one thousand five hundred of which shall be 63641
acquired, deployed, and in operation before January 1, 2016. 63642

Any other subjects the commission determines are necessary 63643
for the operation of video lottery terminal games, including the 63644
establishment of any fees, fines, or payment schedules. 63645

(C) Chapter 2915. of the Revised Code does not apply to, 63646
affect, or prohibit lotteries conducted pursuant to this chapter. 63647

(D) The commission may promulgate rules, in addition to those 63648
described in divisions (A) and (B) of this section, that establish 63649
standards governing the display of advertising and celebrity 63650
images on lottery tickets and on other items that are used in the 63651
conduct of, or to promote, the statewide lottery and statewide 63652
joint lottery games. Any revenue derived from the sale of 63653
advertising displayed on lottery tickets and on those other items 63654
shall be considered, for purposes of section 3770.06 of the 63655

Revised Code, to be related proceeds in connection with the 63656
statewide lottery or gross proceeds from statewide joint lottery 63657
games, as applicable. 63658

(E)(1) The commission shall meet with the director at least 63659
once each month and shall convene other meetings at the request of 63660
the chairperson or any five of the members. No action taken by the 63661
commission shall be binding unless at least five of the members 63662
present vote in favor of the action. A written record shall be 63663
made of the proceedings of each meeting and shall be transmitted 63664
forthwith to the governor, the president of the senate, the senate 63665
minority leader, the speaker of the house of representatives, and 63666
the house minority leader. 63667

(2) The director shall present to the commission a report 63668
each month, showing the total revenues, prize disbursements, and 63669
operating expenses of the state lottery for the preceding month. 63670
As soon as practicable after the end of each fiscal year, the 63671
commission shall prepare and transmit to the governor and the 63672
general assembly a report of lottery revenues, prize 63673
disbursements, and operating expenses for the preceding fiscal 63674
year and any recommendations for legislation considered necessary 63675
by the commission. 63676

Sec. 3770.05. (A) As used in this section, "person" means any 63677
~~person~~ individual, association, corporation, limited liability 63678
company, partnership, club, trust, estate, society, receiver, 63679
trustee, person acting in a fiduciary or representative capacity, 63680
instrumentality of the state or any of its political subdivisions, 63681
or any other business entity or combination of individuals meeting 63682
the requirements set forth in this section or established by rule 63683
or order of the state lottery commission. 63684

(B) The director of the state lottery commission may license 63685
any person as a lottery sales agent. ~~No license shall be issued to~~ 63686

~~any person or group of persons to engage in the sale of lottery tickets as the person's or group's sole occupation or business.~~ 63687
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Before issuing any license to a lottery sales agent, the director shall consider all of the following: 63689
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(1) The financial responsibility and security of the applicant and the applicant's business or activity; 63691
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(2) The accessibility of the applicant's place of business or activity to the public; 63693
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(3) The sufficiency of existing licensed agents to serve the public interest; 63695
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(4) The volume of expected sales by the applicant; 63697

(5) Any other factors pertaining to the public interest, convenience, or trust. 63698
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(C) Except as otherwise provided in division (F) of this section, the director of the state lottery commission ~~shall~~ may refuse to grant, or ~~shall~~ may suspend or revoke, a license if the applicant or licensee: 63700
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(1) Has been convicted of a felony or has been convicted of a crime involving moral turpitude; 63704
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(2) Has been convicted of an offense that involves illegal gambling; 63706
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(3) Has been found guilty of fraud or misrepresentation in any connection; 63708
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(4) Has been found to have violated any rule or order of the commission; or 63710
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(5) Has been convicted of illegal trafficking in supplemental nutrition assistance program benefits. 63712
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(D) Except as otherwise provided in division (F) of this section, the director of the state lottery commission ~~shall~~ may 63714
63715

refuse to grant, or ~~shall~~ may suspend or revoke, a license if the
applicant or licensee is a corporation or other business entity,
and any of the following applies:

(1) Any of the ~~corporation's~~ directors, officers, managers,
or controlling shareholders has been found guilty of any of the
activities specified in divisions (C)(1) to (5) of this section;

(2) It appears to the director of the state lottery
commission that, due to the experience, character, or general
fitness of any director, officer, manager, or controlling
shareholder ~~of the corporation~~, the granting of a license as a
lottery sales agent would be inconsistent with the public
interest, convenience, or trust;

(3) The corporation or other business entity is not the owner
or lessee of the business at which it would conduct a lottery
sales agency pursuant to the license applied for;

(4) Any person, firm, association, or corporation other than
the applicant or licensee shares or will share in the profits of
the applicant or licensee, other than receiving dividends or
distributions as a shareholder, or participates or will
participate in the management of the affairs of the applicant or
licensee.

(E)(1) The director of the state lottery commission shall
refuse to grant a license to an applicant for a lottery sales
agent license and shall revoke a lottery sales agent license if
the applicant or licensee is or has been convicted of a violation
of division (A) or (C)(1) of section 2913.46 of the Revised Code.

(2) The director shall refuse to grant a license to an
applicant for a lottery sales agent license that is a corporation
and shall revoke the lottery sales agent license of a corporation
if the corporation is or has been convicted of a violation of
division (A) or (C)(1) of section 2913.46 of the Revised Code.

(F) The director of the state lottery commission shall 63747
request the bureau of criminal identification and investigation, 63748
the department of public safety, or any other state, local, or 63749
federal agency to supply the director with the criminal records of 63750
any applicant for a lottery sales agent license, and may 63751
periodically request the criminal records of any person to whom a 63752
lottery sales agent license has been issued. At or prior to the 63753
time of making such a request, the director shall require an 63754
applicant or licensee to obtain fingerprint impressions on 63755
fingerprint cards prescribed by the superintendent of the bureau 63756
of criminal identification and investigation at a qualified law 63757
enforcement agency, and the director shall cause those fingerprint 63758
cards to be forwarded to the bureau of criminal identification and 63759
investigation, to the federal bureau of investigation, or to both 63760
bureaus. The commission shall assume the cost of obtaining the 63761
fingerprint cards. 63762

The director shall pay to each agency supplying criminal 63763
records for each investigation a reasonable fee, as determined by 63764
the agency. 63765

The commission may adopt uniform rules specifying time 63766
periods after which the persons described in divisions (C)(1) to 63767
(5) and (D)(1) to (4) of this section may be issued a license and 63768
establishing requirements for those persons to seek a court order 63769
to have records sealed in accordance with law. 63770

(G)(1) Each applicant for a lottery sales agent license shall 63771
do both of the following: 63772

(a) Pay fees to the state lottery commission, if required by 63773
rule adopted by the director under Chapter 119. of the Revised 63774
Code and the controlling board approves the fees; 63775

(b) Prior to approval of the application, obtain a surety 63776
bond in an amount the director determines by rule adopted under 63777

Chapter 119. of the Revised Code or, alternatively, with the 63778
director's approval, deposit the same amount into a dedicated 63779
account for the benefit of the state lottery. The director also 63780
may approve the obtaining of a surety bond to cover part of the 63781
amount required, together with a dedicated account deposit to 63782
cover the remainder of the amount required. The director also may 63783
establish an alternative program or policy, with the approval of 63784
the commission by rule adopted under Chapter 119. of the Revised 63785
Code, that otherwise ensures the lottery's financial interests are 63786
adequately protected. If such an alternative program or policy is 63787
established, an applicant or lottery sales agent, subject to the 63788
director's approval, may be permitted to participate in the 63789
program or proceed under that policy in lieu of providing a surety 63790
bond or dedicated amount. 63791

A surety bond may be with any company that complies with the 63792
bonding and surety laws of this state and the requirements 63793
established by rules of the commission pursuant to this chapter. A 63794
dedicated account deposit shall be conducted in accordance with 63795
policies and procedures the director establishes. 63796

A surety bond, dedicated account, other established program 63797
or policy, or any combination of these resources, as applicable, 63798
may be used to pay for the lottery sales agent's failure to make 63799
prompt and accurate payments for lottery ticket sales, for missing 63800
or stolen lottery tickets, for damage to equipment or materials 63801
issued to the lottery sales agent, or to pay for expenses the 63802
commission incurs in connection with the lottery sales agent's 63803
license. 63804

(2) A lottery sales agent license is effective for at least 63805
one year, but not more than three years. 63806

A licensed lottery sales agent, on or before the date 63807
established by the director, shall renew the agent's license and 63808
provide at that time evidence to the director that the surety 63809

bond, dedicated account deposit, or both, required under division 63810
(G)(1)(b) of this section has been renewed or is active, whichever 63811
applies. 63812

Before the commission renews a lottery sales agent license, 63813
the lottery sales agent shall submit a renewal fee to the 63814
commission, if one is required by rule adopted by the director 63815
under Chapter 119. of the Revised Code and the controlling board 63816
approves the renewal fee. The renewal fee shall not exceed the 63817
actual cost of administering the license renewal and processing 63818
changes reflected in the renewal application. The renewal of the 63819
license is effective for at least one year, but not more than 63820
three years. 63821

(3) A lottery sales agent license shall be complete, 63822
accurate, and current at all times during the term of the license. 63823
Any changes to an original license application or a renewal 63824
application may subject the applicant or lottery sales agent, as 63825
applicable, to paying an administrative fee that shall be in an 63826
amount that the director determines by rule adopted under Chapter 63827
119. of the Revised Code, and that the controlling board approves, 63828
and that shall not exceed the actual cost of administering and 63829
processing the changes to an application. 63830

(4) The relationship between the commission and a lottery 63831
sales agent is one of trust. A lottery sales agent collects funds 63832
on behalf of the commission through the sale of lottery tickets 63833
for which the agent receives a compensation. 63834

(H) Pending a final resolution of any question arising under 63835
this section, the director of the state lottery commission may 63836
issue a temporary lottery sales agent license, subject to the 63837
terms and conditions the director considers appropriate. 63838

(I) If a lottery sales agent's rental payments for the 63839
lottery sales agent's premises are determined, in whole or in 63840

part, by the amount of retail sales the lottery sales agent makes, 63841
and if the rental agreement does not expressly provide that the 63842
amount of those retail sales includes the amounts the lottery 63843
sales agent receives from lottery ticket sales, only the amounts 63844
the lottery sales agent receives as compensation from the state 63845
lottery commission for selling lottery tickets shall be considered 63846
to be amounts the lottery sales agent receives from the retail 63847
sales the lottery sales agent makes, for the purpose of computing 63848
the lottery sales agent's rental payments. 63849

Sec. 3770.07. (A)(1) Except as provided in division (A)(2) of 63850
this section, lottery prize awards shall be claimed by the holder 63851
of the winning lottery product, or by the executor or 63852
administrator, or the trustee of a trust, of the estate of a 63853
deceased holder of a winning lottery product, in a manner to be 63854
determined by the state lottery commission, within one hundred 63855
eighty days after the date on which the prize award was announced 63856
if the lottery game is an online game, and within one hundred 63857
eighty days after the close of the game if the lottery game is an 63858
instant game. 63859

Any lottery prize award with a value that meets or exceeds 63860
the reportable winnings amounts set by 26 U.S.C. 6041, or a 63861
subsequent analogous section of the Internal Revenue Code, shall 63862
not be claimed by or paid to any person, as defined in section 63863
1.59 of the Revised Code or as defined by rule or order of the 63864
state lottery commission, until the name, address, and social 63865
security number of each beneficial owner of the prize award are 63866
documented for the commission. Except when a beneficial owner 63867
otherwise consents in writing, in the case of a claim for a 63868
lottery prize award made by one or more beneficial owners using a 63869
trust, the name, address, and social security number of each such 63870
beneficial owner in the commission's records as a result of such a 63871
disclosure are confidential and shall not be subject to inspection 63872

or copying under section 149.43 of the Revised Code as a public record. 63873
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Except as otherwise provided in division (A)(1) of this section or as otherwise provided by law, the name and address of any individual claiming a lottery prize award are subject to inspection or copying under section 149.43 of the Revised Code as a public record. 63875
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(2) An eligible person serving on active military duty in any branch of the United States armed forces during a war or national emergency declared in accordance with federal law may submit a delayed claim for a lottery prize award. The eligible person shall do so by notifying the state lottery commission about the claim not later than the five hundred fortieth day after the date on which the prize award was announced if the lottery game is an online game or after the date on which the lottery game closed if the lottery game is an instant game. 63880
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(3) If no valid claim to a lottery prize award is made within the prescribed period, the prize money, the cost of goods and services awarded as prizes, or, if goods or services awarded as prizes are resold by the state lottery commission, the proceeds from their sale shall be returned to the state lottery fund and distributed in accordance with section 3770.06 of the Revised Code. 63889
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(4) The state lottery commission may share with other governmental agencies the name, address, and social security number of a beneficial owner disclosed to the commission under division (A)(1) of this section, as authorized under sections 3770.071 and 3770.073 of the Revised Code. Any shared information as disclosed pursuant to those sections that is made confidential by division (A)(1) of this section remains confidential and shall not be subject to inspection or copying under section 149.43 of the Revised Code as a public record unless the applicable 63896
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beneficial owner otherwise provides written consent. 63905

(5) As used in this division: 63906

(a) "Eligible person" means a person who is entitled to a 63907
lottery prize award and who falls into either of the following 63908
categories: 63909

(i) While on active military duty in this state, the person, 63910
as the result of a war or national emergency declared in 63911
accordance with federal law, is transferred out of this state 63912
before the one hundred eightieth day after the date on which the 63913
winner of the lottery prize award is selected. 63914

(ii) While serving in the reserve forces in this state, the 63915
person, as the result of a war or national emergency declared in 63916
accordance with federal law, is placed on active military duty and 63917
is transferred out of this state before the expiration of the one 63918
hundred eightieth day after the date on which the prize drawing 63919
occurs for an online game or before the expiration of the one 63920
hundred eightieth day following the close of an instant game as 63921
determined by the commission. 63922

(b) "Active military duty" means that a person is covered by 63923
the "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003), 50 63924
U.S.C. 501 et seq., as amended, or the "Uniformed Services 63925
Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 63926
38 U.S.C. 4301 et seq., as amended. 63927

(c) "Each beneficial owner" means the ultimate recipient or, 63928
if there is more than one, each ultimate recipient of a lottery 63929
prize award. 63930

(B) If a prize winner, as defined in section 3770.10 of the 63931
Revised Code, is under eighteen years of age, or is under some 63932
other legal disability, and the prize money or the cost of goods 63933
or services awarded as a prize exceeds one thousand dollars, the 63934
director of the state lottery commission shall order that payment 63935

be made to the order of the legal guardian of that prize winner. 63936
If the amount of the prize money or the cost of goods or services 63937
awarded as a prize is one thousand dollars or less, the director 63938
may order that payment be made to the order of the adult member, 63939
if any, of that prize winner's family legally responsible for the 63940
care of that prize winner. 63941

(C) No right of any prize winner, as defined in section 63942
3770.10 of the Revised Code, to a prize award shall be the subject 63943
of a security interest or used as collateral. 63944

(D)(1) No right of any prize winner, as defined in section 63945
3770.10 of the Revised Code, to a prize award shall be assignable 63946
except as follows: when the payment is to be made to the executor 63947
or administrator, or the trustee of a trust, of the estate of a 63948
prize winner; when the award of a prize is disputed, any person 63949
may be awarded a prize award to which another has claimed title, 63950
pursuant to the order of a court of competent jurisdiction; when a 63951
person is awarded a prize award to which another has claimed 63952
title, pursuant to the order of a federal bankruptcy court under 63953
Title 11 of the United States Code; or as provided in sections 63954
3770.10 to 3770.14 of the Revised Code. 63955

(2)(a) No right of any prize winner, as defined in section 63956
3770.10 of the Revised Code, to a prize award with a remaining 63957
unpaid balance of less than one hundred thousand dollars shall be 63958
subject to garnishment, attachment, execution, withholding, or 63959
deduction except as provided in sections 3119.80, 3119.81, 63960
3121.02, 3121.03, and 3123.06 of the Revised Code or when the 63961
director is to make a payment pursuant to section 3770.071 or 63962
3770.073 of the Revised Code. 63963

(b) No right of any prize winner, as defined in section 63964
3770.10 of the Revised Code, to a prize award with an unpaid 63965
balance of one hundred thousand dollars or more shall be subject 63966
to garnishment, attachment, execution, withholding, or deduction 63967

except as follows: as provided in sections 3119.80, 3119.81, 63968
3121.02, 3121.03, and 3123.06 of the Revised Code; when the 63969
director is to make a payment pursuant to section 3770.071 or 63970
3770.073 of the Revised Code; or pursuant to the order of a court 63971
of competent jurisdiction located in this state in a proceeding in 63972
which the state lottery commission is a named party, in which case 63973
the garnishment, attachment, execution, withholding, or deduction 63974
pursuant to the order shall be subordinate to any payments to be 63975
made pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, 63976
3123.06, 3770.071, or 3770.073 of the Revised Code. 63977

(3) The state lottery commission may adopt and amend rules 63978
pursuant to Chapter 119. of the Revised Code as necessary to 63979
implement division (D) of this section, to provide for payments 63980
from prize awards subject to garnishment, attachment, execution, 63981
withholding, or deduction, and to comply with any applicable 63982
requirements of federal law. 63983

(4) Upon making payments from a prize award as required by 63984
division (D) of this section, the director and the state lottery 63985
commission are discharged from all further liability for those 63986
payments, whether they are made to an executor, administrator, 63987
trustee, judgment creditor, or another person, or to the prize 63988
winner, as defined in section 3770.10 of the Revised Code. 63989

(5) The state lottery commission shall adopt rules pursuant 63990
to section 3770.03 of the Revised Code concerning the payment of 63991
prize awards upon the death of a prize winner, as defined in 63992
section 3770.10 of the Revised Code. Upon the death of a prize 63993
winner, the remainder of the prize winner's prize award, to the 63994
extent it is not subject to a transfer agreement under sections 63995
3770.10 to 3770.14 of the Revised Code, may be paid to the 63996
executor, administrator, or trustee in the form of a discounted 63997
lump sum cash settlement. 63998

(E) No lottery prize award shall be awarded to or for any 63999

officer or employee of the state lottery commission, any officer 64000
or employee of the auditor of state actively auditing, 64001
coordinating, or ~~certifying~~ observing commission drawings, or any 64002
blood relative or spouse of such an officer or employee of the 64003
commission or auditor of state living as a member of the officer's 64004
or employee's household, nor shall any such officer, employee, 64005
blood relative, or spouse attempt to claim a lottery prize award. 64006

(F) The director may prohibit vendors to the state lottery 64007
commission and their employees from being awarded a lottery prize 64008
award. 64009

(G) Upon the payment of prize awards pursuant to a provision 64010
of this section, other than a provision of division (D) of this 64011
section, the director and the state lottery commission are 64012
discharged from all further liability for their payment. 64013
Installment payments of lottery prize awards shall be paid by 64014
official check or warrant, and they shall be sent by mail delivery 64015
to the prize winner's address within the United States or by 64016
electronic funds transfer to an established bank account located 64017
within the United States, or the prize winner may pick them up at 64018
an office of the commission. 64019

Sec. 3772.02. (A) There is hereby created the Ohio casino 64020
control commission described in Section 6(C)(1) of Article XV, 64021
Ohio Constitution. 64022

(B) The commission shall consist of seven members appointed 64023
within one month of September 10, 2010, by the governor with the 64024
advice and consent of the senate. The governor shall forward all 64025
appointments to the senate within twenty-four hours. 64026

(1) Each commission member is eligible for reappointment at 64027
the discretion of the governor. No commission member shall be 64028
appointed for more than three terms in total. 64029

- (2) Each commission member shall be a resident of Ohio. 64030
- (3) At least one commission member shall be experienced in 64031
law enforcement and criminal investigation. 64032
- (4) At least one commission member shall be a certified 64033
public accountant experienced in accounting and auditing. 64034
- (5) At least one commission member shall be an attorney 64035
admitted to the practice of law in Ohio. 64036
- (6) At least one commission member shall be a resident of a 64037
county where one of the casino facilities is located. 64038
- (7) Not more than four commission members shall be of the 64039
same political party. 64040
- (8) No commission member shall have any affiliation with an 64041
Ohio casino operator or facility. 64042
- (C) Commission members shall serve four-year terms, except 64043
that when the governor makes initial appointments to the 64044
commission under this chapter, the governor shall appoint three 64045
members to serve four-year terms with not more than two such 64046
members from the same political party, two members to serve 64047
three-year terms with such members not being from the same 64048
political party, and two members to serve two-year terms with such 64049
members not being from the same political party. 64050
- (D) Each commission member shall hold office from the date of 64051
appointment until the end of the term for which the member was 64052
appointed. Any member appointed to fill a vacancy occurring before 64053
the expiration of the term for which the member's predecessor was 64054
appointed shall hold office for the remainder of the unexpired 64055
term. Any member shall continue in office after the expiration 64056
date of the member's term until the member's successor takes 64057
office, or until a period of sixty days has elapsed, whichever 64058
occurs first. A vacancy in the commission membership shall be 64059

filled in the same manner as the original appointment. 64060

(E) The governor shall select one member to serve as 64061
chairperson and the commission members shall select one member 64062
from a different party than the chairperson to serve as 64063
vice-chairperson. The governor may remove and replace the 64064
chairperson at any time. No such member shall serve as chairperson 64065
for more than six successive years. The vice-chairperson shall 64066
assume the duties of the chairperson in the absence of the 64067
chairperson. The chairperson and vice-chairperson shall perform 64068
but shall not be limited to additional duties as are prescribed by 64069
commission rule. 64070

(F) A commission member is not required to devote the 64071
member's full time to membership on the commission. ~~Each Beginning~~ 64072
~~on the effective date of this amendment, each~~ member of the 64073
commission shall receive compensation of ~~thirty fifty~~ thousand 64074
dollars per year, ~~payable in monthly installments. Beginning July~~ 64075
~~1, 2016, each member of the commission shall receive compensation~~ 64076
~~of forty thousand dollars per year. Beginning July 1, 2017, each~~ 64077
~~member of the commission shall receive compensation of thirty~~ 64078
~~thousand dollars per year.~~ Each member shall receive the member's 64079
actual and necessary expenses incurred in the discharge of the 64080
member's official duties. 64081

(G) The governor shall not appoint an individual to the 64082
commission, and an individual shall not serve on the commission, 64083
if the individual has been convicted of or pleaded guilty or no 64084
contest to a disqualifying offense as defined in section 3772.07 64085
of the Revised Code. Members coming under indictment or bill of 64086
information of a disqualifying offense shall resign from the 64087
commission immediately upon indictment. 64088

(H) At least five commission members shall be present for the 64089
commission to meet. The concurrence of four members is necessary 64090
for the commission to take any action. All members shall vote on 64091

the adoption of rules, and the approval of, and the suspension or 64092
revocation of, the licenses of casino operators or management 64093
companies, unless a member has a written leave of absence filed 64094
with and approved by the chairperson. 64095

(I) A commission member may be removed or suspended from 64096
office in accordance with section 3.04 of the Revised Code. 64097

(J) Each commission member, before entering upon the 64098
discharge of the member's official duties, shall make an oath to 64099
uphold the Ohio Constitution and laws of the state of Ohio and 64100
shall give a bond, payable by the commission, to the treasurer of 64101
state, in the sum of ten thousand dollars with sufficient sureties 64102
to be approved by the treasurer of state, which bond shall be 64103
filed with the secretary of state. 64104

(K) The commission shall hold one regular meeting each month 64105
and shall convene other meetings at the request of the chairperson 64106
or a majority of the members. A member who fails to attend at 64107
least three-fifths of the regular and special meetings of the 64108
commission during any two-year period forfeits membership on the 64109
commission. All meetings of the commission shall be open meetings 64110
under section 121.22 of the Revised Code except as otherwise 64111
allowed by law. 64112

Sec. 3772.03. (A) To ensure the integrity of casino gaming, 64113
the commission shall have authority to complete the functions of 64114
licensing, regulating, investigating, and penalizing casino 64115
operators, management companies, holding companies, key employees, 64116
casino gaming employees, and gaming-related vendors. The 64117
commission also shall have jurisdiction over all persons 64118
participating in casino gaming authorized by Section 6(C) of 64119
Article XV, Ohio Constitution, and this chapter. 64120

(B) All rules adopted by the commission under this chapter 64121
shall be adopted under procedures established in Chapter 119. of 64122

the Revised Code. The commission may contract for the services of 64123
experts and consultants to assist the commission in carrying out 64124
its duties under this section. 64125

(C) ~~Within six months of September 10, 2010, the~~ The 64126
commission shall adopt ~~initial~~ rules as are necessary for 64127
completing the functions stated in division (A) of this section 64128
and for addressing the subjects enumerated in division (D) of this 64129
section. 64130

(D) The commission shall adopt, and as advisable and 64131
necessary shall amend or repeal, rules that include all of the 64132
following: 64133

(1) The prevention of practices detrimental to the public 64134
interest; 64135

(2) Prescribing the method of applying, and the form of 64136
application, that an applicant for a license under this chapter 64137
must follow as otherwise described in this chapter; 64138

(3) Prescribing the information to be furnished by an 64139
applicant or licensee as described in section 3772.11 of the 64140
Revised Code; 64141

(4) Describing the certification standards and duties of an 64142
independent testing laboratory certified under section 3772.31 of 64143
the Revised Code and the relationship between the commission, the 64144
laboratory, the gaming-related vendor, and the casino operator; 64145

(5) The minimum amount of insurance that must be maintained 64146
by a casino operator, management company, holding company, or 64147
gaming-related vendor; 64148

(6) The approval process for a significant change in 64149
ownership or transfer of control of a licensee as provided in 64150
section 3772.091 of the Revised Code; 64151

(7) The design of gaming supplies, devices, and equipment to 64152

be distributed by gaming-related vendors; 64153

(8) Identifying the casino gaming that is permitted, 64154
identifying the gaming supplies, devices, and equipment, that are 64155
permitted, defining the area in which the permitted casino gaming 64156
may be conducted, and specifying the method of operation according 64157
to which the permitted casino gaming is to be conducted as 64158
provided in section 3772.20 of the Revised Code, and requiring 64159
gaming devices and equipment to meet the standards of this state; 64160

(9) Tournament play in any casino facility; 64161

(10) Establishing and implementing a voluntary exclusion 64162
program that provides all of the following: 64163

(a) Except as provided by commission rule, a person who 64164
participates in the program shall agree to refrain from entering a 64165
casino facility. 64166

(b) The name of a person participating in the program shall 64167
be included on a list of persons excluded from all casino 64168
facilities. 64169

(c) Except as provided by commission rule, no person who 64170
participates in the program shall petition the commission for 64171
admittance into a casino facility. 64172

(d) The list of persons participating in the program and the 64173
personal information of those persons shall be confidential and 64174
shall only be disseminated by the commission to a casino operator 64175
and the agents and employees of the casino operator for purposes 64176
of enforcement and to other entities, upon request of the 64177
participant and agreement by the commission. 64178

(e) A casino operator shall make all reasonable attempts as 64179
determined by the commission to cease all direct marketing efforts 64180
to a person participating in the program. 64181

(f) A casino operator shall not cash the check of a person 64182

participating in the program or extend credit to the person in any 64183
manner. However, the program shall not exclude a casino operator 64184
from seeking the payment of a debt accrued by a person before 64185
participating in the program. 64186

(g) Any and all locations at which a person may register as a 64187
participant in the program shall be published. 64188

(11) Requiring the commission to adopt standards regarding 64189
the marketing materials of a licensed casino operator, including 64190
allowing the commission to prohibit marketing materials that are 64191
contrary to the adopted standards; 64192

(12) Requiring that the records, including financial 64193
statements, of any casino operator, management company, holding 64194
company, and gaming-related vendor be maintained in the manner 64195
prescribed by the commission and made available for inspection 64196
upon demand by the commission, but shall be subject to section 64197
3772.16 of the Revised Code; 64198

(13) Permitting a licensed casino operator, management 64199
company, key employee, or casino gaming employee to question a 64200
person suspected of violating this chapter; 64201

(14) The chips, tokens, tickets, electronic cards, or similar 64202
objects that may be purchased by means of an agreement under which 64203
credit is extended to a wagerer by a casino operator; 64204

(15) Establishing standards for provisional key employee 64205
licenses for a person who is required to be licensed as a key 64206
employee and is in exigent circumstances and standards for 64207
provisional licenses for casino gaming employees who submit 64208
complete applications and are compliant under an instant 64209
background check. A provisional license shall be valid not longer 64210
than three months. A provisional license may be renewed one time, 64211
at the commission's discretion, for an additional three months. In 64212
establishing standards with regard to instant background checks 64213

the commission shall take notice of criminal records checks as 64214
they are conducted under section 311.41 of the Revised Code using 64215
electronic fingerprint reading devices. 64216

(16) Establishing approval procedures for third-party 64217
engineering or accounting firms, as described in section 3772.09 64218
of the Revised Code; 64219

(17) Prescribing the manner in which winnings, compensation 64220
from casino gaming, and gross revenue must be computed and 64221
reported by a licensee as described in Chapter 5753. of the 64222
Revised Code; 64223

(18) Prescribing conditions under which a licensee's license 64224
may be suspended or revoked as described in section 3772.04 of the 64225
Revised Code; 64226

(19) Prescribing the manner and procedure of all hearings to 64227
be conducted by the commission or by any hearing examiner; 64228

(20) Prescribing technical standards and requirements that 64229
are to be met by security and surveillance equipment that is used 64230
at and standards and requirements to be met by personnel who are 64231
employed at casino facilities, and standards and requirements for 64232
the provision of security at and surveillance of casino 64233
facilities; 64234

(21) Prescribing requirements for a casino operator to 64235
provide unarmed security services at a casino facility by licensed 64236
casino employees, and the training that shall be completed by 64237
these employees; 64238

(22) Prescribing standards according to which casino 64239
operators shall keep accounts and standards according to which 64240
casino accounts shall be audited, and establish means of assisting 64241
the tax commissioner in levying and collecting the gross casino 64242
revenue tax levied under section 5753.02 of the Revised Code; 64243

(23) Defining penalties for violation of commission rules and a process for imposing such penalties subject to the review of the joint committee on gaming and wagering;	64244 64245 64246
(24) Establishing standards for decertifying contractors that violate statutes or rules of this state or the federal government;	64247 64248
(25) Establishing standards for the repair of casino gaming equipment;	64249 64250
(26) Establishing procedures to ensure that casino operators, management companies, and holding companies are compliant with the compulsive and problem gambling plan submitted under section 3772.18 of the Revised Code;	64251 64252 64253 64254
(27) Prescribing, for institutional investors in or holding companies of a casino operator, management company, holding company, or gaming-related vendor that fall below the threshold needed to be considered an institutional investor or a holding company, standards regarding what any employees, members, or owners of those investors or holding companies may do and shall not do in relation to casino facilities and casino gaming in this state, which standards shall rationally relate to the need to proscribe conduct that is inconsistent with passive institutional investment status;	64255 64256 64257 64258 64259 64260 64261 64262 64263 64264
(28) Providing for any other thing necessary and proper for successful and efficient regulation of casino gaming under this chapter.	64265 64266 64267
(E) The commission shall employ and assign gaming agents as necessary to assist the commission in carrying out the duties of this chapter <u>and Chapter 2915. of the Revised Code</u> . In order to maintain employment as a gaming agent, the gaming agent shall successfully complete all continuing training programs required by the commission and shall not have been convicted of or pleaded guilty or no contest to a disqualifying offense as defined in	64268 64269 64270 64271 64272 64273 64274

section 3772.07 of the Revised Code. 64275

(F) The commission, as a law enforcement agency, and its 64276
gaming agents, as law enforcement officers as defined in section 64277
2901.01 of the Revised Code, shall have authority with regard to 64278
the detection and investigation of, the seizure of evidence 64279
allegedly relating to, and the apprehension and arrest of persons 64280
allegedly committing ~~gaming~~ violations of this chapter or gambling 64281
offenses as defined in section 2915.01 of the Revised Code or 64282
violations of any other law of this state that may affect the 64283
integrity of casino gaming or the operation of skill-based 64284
amusement machines, and shall have access to casino facilities and 64285
skill-based amusement machine facilities to carry out the 64286
requirements of this chapter. 64287

(G) The commission may eject or exclude or authorize the 64288
ejection or exclusion of and a gaming agent may eject a person 64289
from a casino facility for any of the following reasons: 64290

(1) The person's name is on the list of persons voluntarily 64291
excluding themselves from all casinos in a program established 64292
according to rules adopted by the commission; 64293

(2) The person violates or conspires to violate this chapter 64294
or a rule adopted thereunder; or 64295

(3) The commission determines that the person's conduct or 64296
reputation is such that the person's presence within a casino 64297
facility may call into question the honesty and integrity of the 64298
casino gaming operations or interfere with the orderly conduct of 64299
the casino gaming operations. 64300

(H) A person, other than a person participating in a 64301
voluntary exclusion program, may petition the commission for a 64302
public hearing on the person's ejection or exclusion under this 64303
chapter. 64304

(I) A casino operator or management company shall have the 64305

same authority to eject or exclude a person from the management 64306
company's casino facilities as authorized in division (G) of this 64307
section. The licensee shall immediately notify the commission of 64308
an ejection or exclusion. 64309

(J) The commission shall submit a written annual report with 64310
the governor, president and minority leader of the senate, speaker 64311
and minority leader of the house of representatives, and joint 64312
committee on gaming and wagering before the first day of September 64313
each year. The annual report shall cover the previous fiscal year 64314
and shall include all of the following: 64315

(1) A statement describing the receipts and disbursements of 64316
the commission; 64317

(2) Relevant financial data regarding casino gaming, 64318
including gross revenues and disbursements made under this 64319
chapter; 64320

(3) Actions taken by the commission; 64321

(4) An update on casino operators', management companies', 64322
and holding companies' compulsive and problem gambling plans and 64323
the voluntary exclusion program and list; 64324

(5) Information regarding prosecutions for conduct described 64325
in division (H) of section 3772.99 of the Revised Code, including, 64326
but not limited to, the total number of prosecutions commenced and 64327
the name of each person prosecuted; 64328

(6) Any additional information that the commission considers 64329
useful or that the governor, president or minority leader of the 64330
senate, speaker or minority leader of the house of 64331
representatives, or joint committee on gaming and wagering 64332
requests. 64333

(K) ~~Notwithstanding any law to the contrary, beginning on~~ 64334
~~July 1, 2011, the~~ To ensure the integrity of skill-based amusement 64335

machine operations, the commission shall ~~assume~~ have jurisdiction 64336
over and ~~oversee~~ the regulation of all persons conducting or 64337
participating in the conduct of skill-based amusement ~~machines~~ as 64338
is provided in the law of this state machine operations authorized 64339
by this chapter and Chapter 2915. of the Revised Code, including 64340
the authority to complete the functions of licensing, regulating, 64341
investigating, and penalizing those persons in a manner that is 64342
consistent with the commission's authority to do the same with 64343
respect to casino gaming. To carry out this division, the 64344
commission may adopt rules under Chapter 119. of the Revised Code, 64345
including rules establishing fees and penalties related to the 64346
operation of skill-based amusement machines. 64347

Sec. 3772.99. (A) The commission shall levy and collect 64348
penalties for noncriminal violations of this chapter. Noncriminal 64349
violations include using the term "casino" in any advertisement in 64350
regard to a facility operating video lottery terminals, as defined 64351
in section 3770.21 of the Revised Code, in this state. Moneys 64352
collected from such penalty levies shall be credited to the 64353
general revenue fund. 64354

(B) If a licensed casino operator, management company, 64355
holding company, gaming-related vendor, or key employee violates 64356
this chapter or engages in a fraudulent act, the commission may 64357
suspend or revoke the license and may do either or both of the 64358
following: 64359

(1) Suspend, revoke, or restrict the casino gaming operations 64360
of a casino operator; 64361

(2) Require the removal of a management company, key 64362
employee, or discontinuance of services from a gaming-related 64363
vendor. 64364

(C) The commission shall impose civil penalties against a 64365
person who violates this chapter under the penalties adopted by 64366

commission rule and reviewed by the joint committee on gaming and 64367
wagering. 64368

(D) A person who purposely or knowingly ~~or intentionally~~ does 64369
any of the following commits a misdemeanor of the first degree on 64370
the first offense and a felony of the fifth degree for a 64371
subsequent offense: 64372

(1) Makes a false statement on an application submitted under 64373
this chapter; 64374

(2) Permits a person less than twenty-one years of age to 64375
make a wager at a casino facility; 64376

(3) Aids, induces, or causes a person less than twenty-one 64377
years of age who is not an employee of the casino gaming operation 64378
to enter or attempt to enter a casino facility; 64379

(4) Enters or attempts to enter a casino facility while under 64380
twenty-one years of age, unless the person enters a designated 64381
area as described in section 3772.24 of the Revised Code; 64382

(5) Is a casino operator or employee and participates in 64383
casino gaming other than as part of operation or employment. 64384

(E) A person who purposely or knowingly ~~or intentionally~~ does 64385
any of the following commits a felony of the fifth degree on a 64386
first offense and a felony of the fourth degree for a subsequent 64387
offense. If the person is a licensee under this chapter, the 64388
commission shall revoke the person's license after the first 64389
offense. 64390

(1) Uses or possesses with the intent to use a device to 64391
assist in projecting the outcome of the casino game, keeping track 64392
of the cards played, analyzing the probability of the occurrence 64393
of an event relating to the casino game, or analyzing the strategy 64394
for playing or betting to be used in the casino game, except as 64395
permitted by the commission; 64396

(2) Cheats at a casino game;	64397
(3) Manufactures, sells, or distributes any cards, chips, dice, game, or device that is intended to be used to violate this chapter;	64398 64399 64400
(4) Alters or misrepresents the outcome of a casino game on which wagers have been made after the outcome is made sure but before the outcome is revealed to the players;	64401 64402 64403
(5) Places, increases, or decreases a wager on the outcome of a casino game after acquiring knowledge that is not available to all players and concerns the outcome of the casino game that is the subject of the wager;	64404 64405 64406 64407
(6) Aids a person in acquiring the knowledge described in division (E)(5) of this section for the purpose of placing, increasing, or decreasing a wager contingent on the outcome of a casino game;	64408 64409 64410 64411
(7) Claims, collects, takes, or attempts to claim, collect, or take money or anything of value in or from a casino game with the intent to defraud or without having made a wager contingent on winning a casino game;	64412 64413 64414 64415
(8) Claims, collects, or takes an amount of money or thing of value of greater value than the amount won in a casino game;	64416 64417
(9) Uses or possesses counterfeit chips, tokens, or cashless wagering instruments in or for use in a casino game;	64418 64419
(10) Possesses a key or device designed for opening, entering, or affecting the operation of a casino game, drop box, or an electronic or a mechanical device connected with the casino game or removing coins, tokens, chips, or other contents of a casino game. This division does not apply to a casino operator, management company, or gaming-related vendor or their agents and employees in the course of agency or employment.	64420 64421 64422 64423 64424 64425 64426

(11) Possesses materials used to manufacture a device 64427
intended to be used in a manner that violates this chapter; 64428

(12) Operates a casino gaming operation in which wagering is 64429
conducted or is to be conducted in a manner other than the manner 64430
required under this chapter or a skill-based amusement machine 64431
operation in a manner other than the manner required under Chapter 64432
2915. of the Revised Code. 64433

(F) The possession of more than one of the devices described 64434
in division (E)(9), (10), or (11) of this section creates a 64435
rebuttable presumption that the possessor intended to use the 64436
devices for cheating. 64437

(G) A person who purposely or knowingly ~~or intentionally~~ does 64438
any of the following commits a felony of the third degree. If the 64439
person is a licensee under this chapter, the commission shall 64440
revoke the person's license after the first offense. A public 64441
servant or party official who is convicted under this division is 64442
forever disqualified from holding any public office, employment, 64443
or position of trust in this state. 64444

(1) Offers, promises, or gives anything of value or benefit 64445
to a person who is connected with the casino operator, management 64446
company, holding company, or gaming-related vendor, including 64447
their officers and employees, under an agreement to influence or 64448
with the intent to influence the actions of the person to whom the 64449
offer, promise, or gift was made in order to affect or attempt to 64450
affect the outcome of a casino game or an official action of a 64451
commission member, agent, or employee; 64452

(2) Solicits, accepts, or receives a promise of anything of 64453
value or benefit while the person is connected with a casino, 64454
including an officer or employee of a casino operator, management 64455
company, or gaming-related vendor, under an agreement to influence 64456
or with the intent to influence the actions of the person to 64457

affect or attempt to affect the outcome of a casino game or an official action of a commission member, agent, or employee;

(H) A person who knowingly or intentionally does any of the following while participating in casino gaming or otherwise transacting with a casino facility as permitted by Chapter 3772. of the Revised Code commits a felony of the fifth degree on a first offense and a felony of the fourth degree for a subsequent offense:

(1) Causes or attempts to cause a casino facility to fail to file a report required under 31 U.S.C. 5313(a) or 5325 or any regulation prescribed thereunder or section 1315.53 of the Revised Code, or to fail to file a report or maintain a record required by an order issued under section 21 of the "Federal Deposit Insurance Act" or section 123 of Pub. L. No. 91-508;

(2) Causes or attempts to cause a casino facility to file a report required under 31 U.S.C. 5313(a) or 5325 or any regulation prescribed thereunder or section 1315.53 of the Revised Code, to file a report or to maintain a record required by any order issued under 31 U.S.C. 5326, or to maintain a record required under any regulation prescribed under section 21 of the "Federal Deposit Insurance Act" or section 123 of Pub. L. No. 91-508 that contains a material omission or misstatement of fact;

(3) With one or more casino facilities, structures a transaction, is complicit in structuring a transaction, attempts to structure a transaction, or is complicit in an attempt to structure a transaction.

(I) A person who is convicted of a felony described in this chapter may be barred for life from entering a casino facility by the commission.

(J) As used in division (H) of this section:

(1) To be "complicit" means to engage in any conduct of a

type described in divisions (A)(1) to (4) of section 2923.03 of the Revised Code. 64489
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(2) "Structure a transaction" has the same meaning as in section 1315.51 of the Revised Code. 64491
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(K) Premises used or occupied in violation of division (E)(12) of this section constitute a nuisance subject to abatement under Chapter 3767. of the Revised Code. 64493
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Sec. 3781.10. (A)(1) The board of building standards shall formulate and adopt rules governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified in section 3781.06 of the Revised Code, including land area incidental to those buildings, the construction of industrialized units, the installation of equipment, and the standards or requirements for materials used in connection with those buildings. The board shall incorporate those rules into separate residential and nonresidential building codes. The standards shall relate to the conservation of energy and the safety and sanitation of those buildings. 64496
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(2) The rules governing nonresidential buildings are the lawful minimum requirements specified for those buildings and industrialized units, except that no rule other than as provided in division (C) of section 3781.108 of the Revised Code that specifies a higher requirement than is imposed by any section of the Revised Code is enforceable. The rules governing residential buildings are uniform requirements for residential buildings in any area with a building department certified to enforce the state residential building code. In no case shall any local code or regulation differ from the state residential building code unless that code or regulation addresses subject matter not addressed by the state residential building code or is adopted pursuant to section 3781.01 of the Revised Code. 64507
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(3) The rules adopted pursuant to this section are complete, 64520
lawful alternatives to any requirements specified for buildings or 64521
industrialized units in any section of the Revised Code. Except as 64522
otherwise provided in division (I) of this section, the board 64523
shall, on its own motion or on application made under sections 64524
3781.12 and 3781.13 of the Revised Code, formulate, propose, 64525
adopt, modify, amend, or repeal the rules to the extent necessary 64526
or desirable to effectuate the purposes of sections 3781.06 to 64527
3781.18 of the Revised Code. 64528

(B) The board shall report to the general assembly proposals 64529
for amendments to existing statutes relating to the purposes 64530
declared in section 3781.06 of the Revised Code that public health 64531
and safety and the development of the arts require and shall 64532
recommend any additional legislation to assist in carrying out 64533
fully, in statutory form, the purposes declared in that section. 64534
The board shall prepare and submit to the general assembly a 64535
summary report of the number, nature, and disposition of the 64536
petitions filed under sections 3781.13 and 3781.14 of the Revised 64537
Code. 64538

(C) On its own motion or on application made under sections 64539
3781.12 and 3781.13 of the Revised Code, and after thorough 64540
testing and evaluation, the board shall determine by rule that any 64541
particular fixture, device, material, process of manufacture, 64542
manufactured unit or component, method of manufacture, system, or 64543
method of construction complies with performance standards adopted 64544
pursuant to section 3781.11 of the Revised Code. The board shall 64545
make its determination with regard to adaptability for safe and 64546
sanitary erection, use, or construction, to that described in any 64547
section of the Revised Code, wherever the use of a fixture, 64548
device, material, method of manufacture, system, or method of 64549
construction described in that section of the Revised Code is 64550
permitted by law. The board shall amend or annul any rule or issue 64551

an authorization for the use of a new material or manufactured unit on any like application. No department, officer, board, or commission of the state other than the board of building standards or the board of building appeals shall permit the use of any fixture, device, material, method of manufacture, newly designed product, system, or method of construction at variance with what is described in any rule the board of building standards adopts or issues or that is authorized by any section of the Revised Code. Nothing in this section shall be construed as requiring approval, by rule, of plans for an industrialized unit that conforms with the rules the board of building standards adopts pursuant to section 3781.11 of the Revised Code.

(D) The board shall recommend rules, codes, and standards to help carry out the purposes of section 3781.06 of the Revised Code and to help secure uniformity of state administrative rulings and local legislation and administrative action to the bureau of workers' compensation, the director of commerce, any other department, officer, board, or commission of the state, and to legislative authorities and building departments of counties, townships, and municipal corporations, and shall recommend that they audit those recommended rules, codes, and standards by any appropriate action that they are allowed pursuant to law or the constitution.

(E)(1) The board shall certify municipal, township, and county building departments and the personnel of those building departments, and persons and employees of individuals, firms, or corporations as described in division (E)(7) of this section to exercise enforcement authority, to accept and approve plans and specifications, and to make inspections, pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code.

(2) The board shall certify departments, personnel, and persons to enforce the state residential building code, to enforce

the nonresidential building code, or to enforce both the 64584
residential and the nonresidential building codes. Any department, 64585
personnel, or person may enforce only the type of building code 64586
for which certified. 64587

(3) The board shall not require a building department, its 64588
personnel, or any persons that it employs to be certified for 64589
residential building code enforcement if that building department 64590
does not enforce the state residential building code. The board 64591
shall specify, in rules adopted pursuant to Chapter 119. of the 64592
Revised Code, the requirements for certification for residential 64593
and nonresidential building code enforcement, which shall be 64594
consistent with this division. The requirements for residential 64595
and nonresidential certification may differ. Except as otherwise 64596
provided in this division, the requirements shall include, but are 64597
not limited to, the satisfactory completion of an initial 64598
examination and, to remain certified, the completion of a 64599
specified number of hours of continuing building code education 64600
within each three-year period following the date of certification 64601
which shall be not less than thirty hours. The rules shall provide 64602
that continuing education credits and certification issued by the 64603
council of American building officials, national model code 64604
organizations, and agencies or entities the board recognizes are 64605
acceptable for purposes of this division. The rules shall specify 64606
requirements that are consistent with the provisions of section 64607
5903.12 of the Revised Code relating to active duty military 64608
service and are compatible, to the extent possible, with 64609
requirements the council of American building officials and 64610
national model code organizations establish. 64611

(4) The board shall establish and collect a certification and 64612
renewal fee for building department personnel, and persons and 64613
employees of persons, firms, or corporations as described in this 64614
section, who are certified pursuant to this division. 64615

(5) Any individual certified pursuant to this division shall 64616
complete the number of hours of continuing building code education 64617
that the board requires or, for failure to do so, forfeit 64618
certification. 64619

(6) This division does not require or authorize the board to 64620
certify personnel of municipal, township, and county building 64621
departments, and persons and employees of persons, firms, or 64622
corporations as described in this section, whose responsibilities 64623
do not include the exercise of enforcement authority, the approval 64624
of plans and specifications, or making inspections under the state 64625
residential and nonresidential building codes. 64626

(7) Enforcement authority for approval of plans and 64627
specifications and enforcement authority for inspections may be 64628
exercised, and plans and specifications may be approved and 64629
inspections may be made on behalf of a municipal corporation, 64630
township, or county, by any of the following who the board of 64631
building standards certifies: 64632

(a) Officers or employees of the municipal corporation, 64633
township, or county; 64634

(b) Persons, or employees of persons, firms, or corporations, 64635
pursuant to a contract to furnish architectural, engineering, or 64636
other services to the municipal corporation, township, or county; 64637

(c) Officers or employees of, and persons under contract 64638
with, a municipal corporation, township, county, health district, 64639
or other political subdivision, pursuant to a contract to furnish 64640
architectural, engineering, or other services. 64641

(8) Municipal, township, and county building departments have 64642
jurisdiction within the meaning of sections 3781.03, 3791.04, and 64643
4104.43 of the Revised Code, only with respect to the types of 64644
buildings and subject matters for which they are certified under 64645
this section. 64646

(9) A certified municipal, township, or county building department may exercise enforcement authority, accept and approve plans and specifications, and make inspections pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a park district created pursuant to Chapter 1545. of the Revised Code upon the approval, by resolution, of the board of park commissioners of the park district requesting the department to exercise that authority and conduct those activities, as applicable.

(10) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of that application by the board of building standards. The application shall set forth:

(a) Whether the certification is requested for residential or nonresidential buildings, or both;

(b) The number and qualifications of the staff composing the building department;

(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E)(7)(b) of this section;

(d) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E)(7) of this section;

(e) The proposed budget for the operation of the building department.

~~(10)~~(11) The board of building standards shall adopt rules governing all of the following:

(a) The certification of building department personnel and persons and employees of persons, firms, or corporations

exercising authority pursuant to division (E)(7) of this section. 64677
The rules shall disqualify any employee of the department or 64678
person who contracts for services with the department from 64679
performing services for the department when that employee or 64680
person would have to pass upon, inspect, or otherwise exercise 64681
authority over any labor, material, or equipment the employee or 64682
person furnishes for the construction, alteration, or maintenance 64683
of a building or the preparation of working drawings or 64684
specifications for work within the jurisdictional area of the 64685
department. The department shall provide other similarly qualified 64686
personnel to enforce the residential and nonresidential building 64687
codes as they pertain to that work. 64688

(b) The minimum services to be provided by a certified 64689
building department. 64690

~~(11)~~(12) The board of building standards may revoke or 64691
suspend certification to enforce the residential and 64692
nonresidential building codes, on petition to the board by any 64693
person affected by that enforcement or approval of plans, or by 64694
the board on its own motion. Hearings shall be held and appeals 64695
permitted on any proceedings for certification or revocation or 64696
suspension of certification in the same manner as provided in 64697
section 3781.101 of the Revised Code for other proceedings of the 64698
board of building standards. 64699

~~(12)~~(13) Upon certification, and until that authority is 64700
revoked, any county or township building department shall enforce 64701
the residential and nonresidential building codes for which it is 64702
certified without regard to limitation upon the authority of 64703
boards of county commissioners under Chapter 307. of the Revised 64704
Code or boards of township trustees under Chapter 505. of the 64705
Revised Code. 64706

(F) In addition to hearings sections 3781.06 to 3781.18 and 64707
3791.04 of the Revised Code require, the board of building 64708

standards shall make investigations and tests, and require from 64709
other state departments, officers, boards, and commissions 64710
information the board considers necessary or desirable to assist 64711
it in the discharge of any duty or the exercise of any power 64712
mentioned in this section or in sections 3781.06 to 3781.18, 64713
3791.04, and 4104.43 of the Revised Code. 64714

(G) The board shall adopt rules and establish reasonable fees 64715
for the review of all applications submitted where the applicant 64716
applies for authority to use a new material, assembly, or product 64717
of a manufacturing process. The fee shall bear some reasonable 64718
relationship to the cost of the review or testing of the 64719
materials, assembly, or products and for the notification of 64720
approval or disapproval as provided in section 3781.12 of the 64721
Revised Code. 64722

(H) The residential construction advisory committee shall 64723
provide the board with a proposal for a state residential building 64724
code that the committee recommends pursuant to division (D)(1) of 64725
section 4740.14 of the Revised Code. Upon receiving a 64726
recommendation from the committee that is acceptable to the board, 64727
the board shall adopt rules establishing that code as the state 64728
residential building code. 64729

(I)(1) The committee may provide the board with proposed 64730
rules to update or amend the state residential building code that 64731
the committee recommends pursuant to division (E) of section 64732
4740.14 of the Revised Code. 64733

(2) If the board receives a proposed rule to update or amend 64734
the state residential building code as provided in division (I)(1) 64735
of this section, the board either may accept or reject the 64736
proposed rule for incorporation into the residential building 64737
code. If the board does not act to either accept or reject the 64738
proposed rule within ninety days after receiving the proposed rule 64739
from the committee as described in division (I)(1) of this 64740

section, the proposed rule shall become part of the residential building code. 64741
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(J) The board shall cooperate with the director of job and family services when the director promulgates rules pursuant to section 5104.05 of the Revised Code regarding safety and sanitation in type A family day-care homes. 64743
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(K) The board shall adopt rules to implement the requirements of section 3781.108 of the Revised Code. 64747
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Sec. 3781.106. (A) The board of building standards shall adopt rules, in accordance with Chapter 119. of the Revised Code, for the use of a device by a staff member of a public or private school or institution of higher education that prevents both ingress and egress through a door in a school building, for a finite period of time, in an emergency situation, and during active shooter drills. The rules shall provide that the use of a device is permissible only if the device requires minimal steps to remove it after it is engaged. 64749
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The rules shall provide that the administrative authority of a building notify the police chief, or equivalent, of the law enforcement agency that has jurisdiction over the building, and the fire chief, or equivalent, of the fire department that serves the political subdivision in which the building is located, prior to the use of such devices in a building. 64758
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The rules may require that the device be visible from the exterior of the door. 64764
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(B) The device described in division (A) of this section shall not be permanently mounted to the door. 64766
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(C) Each public and private school and institution of higher education shall provide its staff members in-service training on the use of the device described in division (A) of this section. 64768
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The school shall maintain a record verifying this training on file. 64771
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(D) In consultation with the state board of education and the director of higher education, the board shall determine and include in the rules a definition of "emergency situation." These rules shall apply to both existing and new school buildings. 64773
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(E) As used in this section: 64777

(1) "Institution of higher education" means a state institution of higher education as defined in section 3345.011 of the Revised Code, a private nonprofit college or university located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code, or a school located in this state that possesses a certificate of registration and one or more program authorizations issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code. 64778
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(2) "Private school" means a chartered nonpublic school or a nonchartered nonpublic school. 64787
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(3) "Public school" means any school operated by a school district board of education, any community school established under Chapter 3314. of the Revised Code, any STEM school established under Chapter 3326. of the Revised Code, and any college-preparatory boarding school established under Chapter 3328. of the Revised Code. 64789
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(4) "School building" means a structure used for the instruction of students by a public or private school or institution of higher education. 64795
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Sec. 3903.81. As used in sections 3903.81 to 3903.93 of the Revised Code: 64798
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(A) "Adjusted RBC report" means an RBC report that has been 64800

adjusted by the superintendent of insurance in accordance with 64801
division (C) of section 3903.82 of the Revised Code. 64802

(B) "Authorized control level RBC" means the number 64803
determined under the risk-based capital formula in accordance with 64804
the RBC instructions. 64805

(C) "Company action level RBC" means the product of 2.0 and 64806
an insurer's authorized control level RBC. 64807

(D) "Corrective order" means an order issued by the 64808
superintendent of insurance in accordance with division (B)(3) of 64809
section 3903.84 of the Revised Code specifying corrective actions 64810
that the superintendent has determined are required. 64811

(E) "Domestic insurer" means any insurance company organized 64812
under Chapter 3907. or 3925. of the Revised Code. 64813

(F) "Foreign insurer" means any insurance company licensed 64814
under section 3909.01 or 3927.01 of the Revised Code. 64815

(G) "Life or health insurer" means any insurance company 64816
licensed under section 3907.08 or 3909.01 of the Revised Code, a 64817
company possessing a certificate of authority pursuant to section 64818
3929.01 of the Revised Code that writes only accident and health 64819
insurance, ~~or~~ a fraternal benefit society licensed under Chapter 64820
3921. of the Revised Code, or a multiple employer welfare 64821
arrangement issued a certificate of authority under Chapter 1739. 64822
of the Revised Code. 64823

(H) "Mandatory control level RBC" means the product of .70 64824
and an insurer's authorized control level RBC. 64825

(I) "NAIC" means the national association of insurance 64826
commissioners. 64827

(J) "Negative trend" means a negative trend over a period of 64828
time for a life or health insurer as determined in accordance with 64829
the trend test calculation included in the RBC instructions. 64830

(K) "Property and casualty insurer" means any insurance company that has a certificate of authority pursuant to section 3929.01 of the Revised Code. "Property and casualty insurer" does not include monoline mortgage guarantee insurers, financial guarantee insurers, or title insurers.

(L) "RBC" means risk-based capital.

(M) "RBC instructions" means the RBC report, including risk-based capital instructions, as adopted by the NAIC and as amended by the NAIC from time to time in accordance with the procedures adopted by the NAIC. "RBC instructions" shall also include any modifications adopted by the superintendent, as the superintendent considers to be necessary.

(N) "RBC level" means an insurer's company action level RBC, regulatory action level RBC, authorized control level RBC, or mandatory control level RBC.

(O) "RBC plan" means a comprehensive financial plan containing the elements specified in division (B) of section 3903.83 of the Revised Code.

(P) "Revised RBC plan" means an RBC plan rejected by the superintendent of insurance and then revised by an insurer with or without incorporating the superintendent of insurance's recommendation.

(Q) "RBC report" means the report required by section 3903.82 of the Revised Code.

(R) "Regulatory action level RBC" means the product of 1.5 and an insurer's authorized control level RBC.

(S) "Total adjusted capital" means the sum of both of the following:

(1) An insurer's statutory capital and surplus as determined in accordance with the statutory accounting applicable to the

annual statements prepared on a form adopted under section 3901.77 64861
of the Revised Code, as required to be filed by sections 3907.19, 64862
3909.06, and 3929.30 of the Revised Code; 64863

(2) Such other items, if any, as the RBC instructions may 64864
provide. 64865

Sec. 3905.33. (A) No person licensed under section 3905.30 of 64866
the Revised Code shall solicit, procure an application for, bind, 64867
issue, renew, or deliver a policy with any insurer that is not 64868
eligible to write insurance on an unauthorized basis in this 64869
state. 64870

Pursuant to the "Nonadmitted and Reinsurance Reform Act of 64871
2010," 15 U.S.C. 8201 et seq., 124 Stat. 1589, or any successor or 64872
replacement law, where this state is the home state of the 64873
insured, an insurer shall be considered eligible to write 64874
insurance on an unauthorized basis in this state if either of the 64875
following are true: 64876

(1) The insurer meets the requirements and criteria in 64877
sections 5A(2) and 5C(2)(a) of the ~~non-admitted~~ nonadmitted 64878
insurance model act adopted by the national association of 64879
insurance commissioners, or alternative nationwide uniform 64880
eligibility requirements adopted by this state through 64881
participation in a compact or other nationwide system pursuant to 64882
15 U.S.C. 8201 et seq., 124 Stat. 1589. 64883

(2) For unauthorized insurance placed with, or procured from 64884
an unauthorized insurer domiciled outside the United States, the 64885
insurer is listed on the quarterly listing of alien insurers 64886
maintained by the international insurers department of the 64887
national association of insurance commissioners. 64888

(B)(1) No surplus lines broker shall solicit, procure, place, 64889
or renew any insurance with an unauthorized insurer unless an 64890

agent or the surplus lines broker has complied with the due 64891
diligence requirements of this section and is unable to procure 64892
the requested insurance from an authorized insurer. 64893

Due diligence requires an agent to contact at least five of 64894
the authorized insurers the agent represents, or as many insurers 64895
as the agent represents, that customarily write the kind of 64896
insurance required by the insured. Due diligence is presumed if 64897
declinations are received from each authorized insurer contacted. 64898
If any authorized insurer fails to respond within ten days after 64899
the initial contact, the agent may assume the insurer has declined 64900
to accept the risk. 64901

(2) Due diligence shall only be performed by an agent 64902
licensed in this state that holds an active property and casualty 64903
insurance agent license. 64904

(3) An insurance agent or surplus lines broker is exempt from 64905
the due diligence requirements of this section if the agent or 64906
surplus lines broker is procuring insurance from a risk purchasing 64907
group or risk retention group as provided in Chapter 3960. of the 64908
Revised Code. 64909

(4) An insurance agent or surplus lines broker is exempt from 64910
the due diligence requirements of this section if the agent or 64911
surplus lines broker is seeking to procure or place unauthorized 64912
insurance for a person that qualifies as an exempt commercial 64913
purchaser under section 3905.331 of the Revised Code and both of 64914
the following are true: 64915

(a) The surplus lines broker procuring or placing the surplus 64916
lines insurance has disclosed to the exempt commercial purchaser 64917
that the insurance may or may not be available from the authorized 64918
market that may provide greater protection with more regulatory 64919
oversight. 64920

(b) After receipt of the disclosure required under division 64921

(B)(4)(a) of this section, the exempt commercial purchaser has 64922
requested in writing that the insurance agent or broker procure or 64923
place the insurance from an unauthorized insurer. 64924

(C) Except when exempt from due diligence requirements under 64925
division (B) of this section, an insurance agent who procures or 64926
places insurance through a surplus lines broker shall obtain ~~an~~ 64927
~~affidavit~~ a signed statement from the insured acknowledging that 64928
the insurance policy is to be placed with a company or insurer not 64929
authorized to do business in this state and acknowledging that, in 64930
the event of the insolvency of the insurer, the insured is not 64931
entitled to any benefits or proceeds from the Ohio insurance 64932
guaranty association. The ~~affidavit~~ statement must be on a form 64933
prescribed by the superintendent and need not be notarized. The 64934
agent shall submit the ~~originally executed affidavit~~ original 64935
signed statement to the surplus lines broker within thirty days 64936
after the effective date of the policy. If no other agent is 64937
involved, the surplus lines broker shall obtain the ~~affidavit~~ 64938
statement from the insured. 64939

The surplus lines broker shall maintain the ~~originally~~ 64940
~~executed affidavit~~ original signed statement or a copy of the 64941
~~affidavit~~ statement, and the originating agent shall keep a copy 64942
of the ~~affidavit~~ statement, for at least five years after the 64943
effective date of the policy to which the ~~affidavit~~ statement 64944
pertains. A copy of the ~~affidavit~~ signed statement shall be given 64945
to the insured at the time the insurance is bound or a policy is 64946
delivered. 64947

(D) For the purpose of carrying out the "Nonadmitted and 64948
Reinsurance Reform Act of 2010," 124 Stat. 1589, 15 U.S.C. 8201 et 64949
seq., or any successor or replacement law, the superintendent 64950
shall conduct a fiscal analysis of the impact of entering into a 64951
~~multi-state~~ multistate agreement or compact for determining 64952
eligibility for placement of unauthorized insurance and for 64953

payment, reporting, collection, and allocation of the tax on 64954
unauthorized insurance. If the fiscal analysis indicates that 64955
entering into a ~~multi-state~~ multistate agreement or compact is 64956
advantageous to this state, the superintendent may enter into the 64957
surplus lines insurance ~~multi-state~~ multistate compliance compact 64958
adopted by the national conference of insurance legislators and 64959
known as "SLIMPACT," as amended on December 21, 2010, and 64960
including any subsequent amendment; or, if it is in this state's 64961
financial best interest, the superintendent shall request that the 64962
general assembly authorize the superintendent to enter into a 64963
different ~~multi-state~~ multistate agreement or compact. 64964

(E) The superintendent may adopt rules in accordance with 64965
Chapter 119. of the Revised Code to carry out the purposes of 64966
sections 3905.30 to 3905.38 of the Revised Code. 64967

Sec. 3905.481. Each individual who is issued a resident 64968
insurance agent license shall complete at least twenty-four hours 64969
of continuing education ~~in~~ for each license renewal period. The 64970
continuing education shall be offered in a course or program of 64971
study approved by the superintendent of insurance in consultation 64972
with the insurance agent education advisory council and shall 64973
include at least three hours of approved ethics training. 64974

This section does not apply to any person or class of 64975
persons, as determined by the superintendent in consultation with 64976
the council. 64977

Sec. 3929.86. (A) No insurance company doing business in this 64978
state shall pay a claim of a named insured for fire damage to a 64979
structure located within a municipal corporation or township in 64980
this state where the amount recoverable for the fire loss to the 64981
structure under all policies exceeds five thousand dollars, unless 64982
the company is furnished with a certificate pursuant to division 64983

(B) of this section, and unless there is compliance with the 64984
procedures set forth in divisions (C) and (D) of this section. 64985

(B)(1) The county treasurer, upon the written request of the 64986
named insured specifying the tax description of the property and 64987
the date agreed upon by the insurance company and the named 64988
insured as the date of the receipt of a proof of loss of the 64989
claim, shall furnish the named insured, to be supplied by the 64990
named insured to the company, either: 64991

(a) A certificate to the effect that, as of the date 64992
specified in the request, there are no delinquent taxes, 64993
assessments, penalties, or charges against the property and that, 64994
as of the date of the treasurer's certificate, no municipal 64995
corporation or township has certified to the auditor any amount as 64996
total costs incurred by the municipal corporation or township for 64997
removal, repair, or securing of buildings or structures on the 64998
property pursuant to section 715.261 or 505.86 of the Revised 64999
Code; 65000

(b) A certificate and bill showing the amount of delinquent 65001
taxes, assessments, penalties, and charges against the property as 65002
of the date specified in the request that have not been paid as of 65003
the date of the certificate and also showing, as of the date of 65004
the treasurer's certificate, the amount of the total costs, if 65005
any, incurred by a municipal corporation or township for removal, 65006
repair, or securing of buildings or structures on the property 65007
that have been certified to the county auditor under section 65008
715.261 or 505.86 of the Revised Code. The county auditor shall, 65009
for the purposes of division (B) of this section, certify to the 65010
treasurer the total amount, if any, of such costs certified to the 65011
auditor by the municipal corporation or township. 65012

(2)(a) Upon the receipt of a certificate pursuant to division 65013
(B)(1)(a) of this section, the insurance company shall pay the 65014
claim of the named insured in accordance with the policy terms, 65015

unless the loss agreed to between the named insured or insureds 65016
and the company or companies equals or exceeds sixty per cent of 65017
the aggregate limits of liability on all fire policies covering 65018
the building or structure. In the case of such a loss, the 65019
insurance company, the insured property owner, and the municipal 65020
corporation or township shall follow the procedures set forth in 65021
divisions (C) and (D) of this section. 65022

(b) Upon the receipt of a certificate and bill pursuant to 65023
division (B)(1)(b) of this section, the insurance company shall 65024
return the bill to the treasurer and transfer to the county 65025
treasurer an amount from the insurance proceeds necessary to pay 65026
such taxes, assessments, penalties, charges, and costs as shown on 65027
the bill. Notwithstanding section 323.15 of the Revised Code, the 65028
treasurer shall receive such amount and apply or credit it to 65029
payment of the items shown in the bill. 65030

(C) When the loss agreed to between the named insured or 65031
insureds and the company or companies equals or exceeds sixty per 65032
cent of the aggregate limits of liability on all fire policies 65033
covering the building or structure, the insurance company or 65034
companies, in accordance with division (F) of section 715.26 or 65035
division ~~(D)~~(G) of section 505.86 of the Revised Code, shall 65036
transfer from the insurance proceeds to the designated officer of 65037
the municipal corporation or township in the aggregate two 65038
thousand dollars for each fifteen thousand dollars, and each 65039
fraction of that amount, of a claim, or, if, at the time of a 65040
proof of loss agreed to between the named insured or insureds and 65041
the insurance company or companies, the named insured or insureds 65042
have submitted a contractor's signed estimate of the costs of 65043
removing, repairing, or securing the building or other structure, 65044
shall transfer from the insurance proceeds the amount specified in 65045
the estimate. 65046

The transfer of proceeds shall be on a pro rata basis by all 65047

companies insuring the building or other structure. Policy 65048
proceeds remaining after the transfer to the municipal corporation 65049
or township shall be disbursed in accordance with the policy 65050
terms. 65051

The named insured or insureds may submit a contractor's 65052
signed estimate of the costs of removing, repairing, or securing 65053
the building or other structure after the transfer, and the 65054
designated officer shall return the amount of the fund in excess 65055
of the estimate to the named insured or insureds, provided that 65056
the municipal corporation or township has not commenced to remove, 65057
repair, or secure the building or other structure. 65058

This division only applies to municipal corporations or 65059
townships that have adopted a resolution, ordinance, or regulation 65060
authorizing the procedure described in divisions (C) and (D) of 65061
this section and have filed a certified copy of the resolution, 65062
ordinance, or regulation for public record with the superintendent 65063
of insurance, and applies only to fire losses that occur after the 65064
filing of the certified copy. The resolution, ordinance, or 65065
regulation shall designate the officer authorized to carry out the 65066
duties of this section. 65067

(D) Upon receipt of proceeds by the municipal corporation or 65068
township as authorized by this section, the designated officer 65069
shall place the proceeds in a separate fund to be used solely as 65070
security against the total cost of removing, repairing, or 65071
securing incurred by the municipal corporation or township 65072
pursuant to section 715.261 or 505.86 of the Revised Code. 65073

When transferring the funds as required in division (C) of 65074
this section, an insurance company shall provide the municipal 65075
corporation or township with the name and address of the named 65076
insured or insureds, whereupon the municipal corporation or 65077
township shall contact the named insured or insureds, certify that 65078
the proceeds have been received by the municipal corporation or 65079

township, and notify them that the following procedures will be followed: 65080
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The fund shall be returned to the named insured or insureds when repairs, removal, or securing of the building or other structure have been completed and the required proof has been received by the designated officer, if the municipal corporation or township has not incurred any costs for the repairs, removal, or securing. However, the fund shall be returned to the named insured or insureds no later than sixty days after the designated officer receives the required proof. If the municipal corporation or township has incurred any costs for repairs, removal, or securing of the building or other structure, the costs shall be paid from the fund, and if excess funds remain, the municipal corporation or township shall transfer, no later than sixty days after all such costs have been paid, the remaining funds to the named insured or insureds. Nothing in this section shall be construed to limit the ability of a municipal corporation or township to recover any deficiency under section 715.261 or 505.86 of the Revised Code. 65082
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Nothing in this division shall be construed to prohibit the municipal corporation or township and the named insured or insureds from entering into an agreement that permits the transfer of funds to the named insured or insureds if some other reasonable disposition of the damaged property has been negotiated. 65099
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(E) Proof of payment by the company or companies of proceeds under a policy in accordance with division (C) of this section is conclusive evidence of the discharge of its obligation to the insured under the policy to the extent of the payment and of compliance by the company or companies with division (C) of this section. 65104
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(F) Nothing in this section shall be construed to make an insurance company liable for any amount in excess of proceeds 65110
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payable under its insurance policy or for any other act performed 65112
pursuant to this section, or to make a municipal corporation, 65113
township, or public official an insured under a policy of 65114
insurance, or to create an obligation to pay delinquent property 65115
taxes or unpaid removal liens or expenses other than as provided 65116
in this section. 65117

(G) An insurance company making payment of policy proceeds 65118
under this section for delinquent taxes or structure removal liens 65119
or removal expenses incurred by a municipal corporation or 65120
township shall have the full benefit of such payment including all 65121
rights of subrogation and of assignment. 65122

(H) As used in this section and section 3929.87 of the 65123
Revised Code, "insurance company" or "insurer" includes the Ohio 65124
fair plan underwriting association as established in section 65125
3929.43 of the Revised Code. 65126

(I) This section shall be liberally construed to accomplish 65127
its purpose to deter the commission of arson and related crimes, 65128
to discourage the abandonment of property, and to prevent urban 65129
blight and deterioration. 65130

Sec. 4115.03. As used in sections 4115.03 to 4115.16 of the 65131
Revised Code: 65132

(A) "Public authority" means any officer, board, or 65133
commission of the state, or any political subdivision of the 65134
state, authorized to enter into a contract for the construction of 65135
a public improvement or to construct the same by the direct 65136
employment of labor, or any institution supported in whole or in 65137
part by public funds and said sections apply to expenditures of 65138
such institutions made in whole or in part from public funds. 65139

(B) "Construction" means any of the following: 65140

(1) Except as provided in division (B)(3) of this section, 65141

any new construction of a public improvement, the total overall 65142
project cost of which is fairly estimated to be more than the 65143
following amounts and performed by other than full-time employees 65144
who have completed their probationary periods in the classified 65145
service of a public authority: 65146

(a) One hundred twenty-five thousand dollars, beginning on 65147
~~the effective date of this amendment~~ September 29, 2011, and 65148
continuing for one year thereafter; 65149

(b) Two hundred thousand dollars, beginning when the time 65150
period described in division (B)(1)(a) of this section expires and 65151
continuing for one year thereafter; 65152

(c) Two hundred fifty thousand dollars, beginning when the 65153
time period described in division (B)(1)(b) of this section 65154
expires. 65155

(2) Except as provided in division (B)(4) of this section, 65156
any reconstruction, enlargement, alteration, repair, remodeling, 65157
renovation, or painting of a public improvement, the total overall 65158
project cost of which is fairly estimated to be more than the 65159
following amounts and performed by other than full-time employees 65160
who have completed their probationary period in the classified 65161
civil service of a public authority: 65162

(a) Thirty-eight thousand dollars, beginning on ~~the effective~~ 65163
~~date of this amendment~~ September 29, 2011, and continuing for one 65164
year thereafter; 65165

(b) Sixty thousand dollars, beginning when the time period 65166
described in division (B)(2)(a) of this section expires and 65167
continuing for one year thereafter; 65168

(c) Seventy-five thousand dollars, beginning when the time 65169
period described in division (B)(2)(b) of this section expires. 65170

(3) Any new construction of a public improvement that 65171

involves roads, streets, alleys, sewers, ditches, and other works 65172
connected to road or bridge construction, the total overall 65173
project cost of which is fairly estimated to be more than 65174
seventy-eight thousand two hundred fifty-eight dollars adjusted 65175
biennially by the director of commerce pursuant to section 65176
4115.034 of the Revised Code and performed by other than full-time 65177
employees who have completed their probationary periods in the 65178
classified service of a public authority; 65179

(4) Any reconstruction, enlargement, alteration, repair, 65180
remodeling, renovation, or painting of a public improvement that 65181
involves roads, streets, alleys, sewers, ditches, and other works 65182
connected to road or bridge construction, the total overall 65183
project cost of which is fairly estimated to be more than 65184
twenty-three thousand four hundred forty-seven dollars adjusted 65185
biennially by the director of commerce pursuant to section 65186
4115.034 of the Revised ~~code~~ Code and performed by other than 65187
full-time employees who have completed their probationary periods 65188
in the classified service of a public authority. 65189

(C) "Public improvement" includes all buildings, roads, 65190
streets, alleys, sewers, ditches, sewage disposal plants, water 65191
works, and all other structures or works constructed by a public 65192
authority of the state or any political subdivision thereof or by 65193
any person who, pursuant to a contract with a public authority, 65194
constructs any structure for a public authority of the state or a 65195
political subdivision thereof. When a public authority rents or 65196
leases a newly constructed structure within six months after 65197
completion of such construction, all work performed on such 65198
structure to suit it for occupancy by a public authority is a 65199
"public improvement." "Public improvement" does not include an 65200
improvement authorized by section ~~1515.08~~ 940.06 of the Revised 65201
Code that is constructed pursuant to a contract with a soil and 65202
water conservation district, as defined in section ~~1515.01~~ 940.01 65203

of the Revised Code, or performed as a result of a petition filed 65204
pursuant to Chapter 6131., 6133., or 6135. of the Revised Code, 65205
wherein no less than seventy-five per cent of the project is 65206
located on private land and no less than seventy-five per cent of 65207
the cost of the improvement is paid for by private property owners 65208
pursuant to Chapter ~~4515-~~ 940., 6131., 6133., or 6135. of the 65209
Revised Code. 65210

(D) "Locality" means the county wherein the physical work 65211
upon any public improvement is being performed. 65212

(E) "Prevailing wages" means the sum of the following: 65213

(1) The basic hourly rate of pay; 65214

(2) The rate of contribution irrevocably made by a contractor 65215
or subcontractor to a trustee or to a third person pursuant to a 65216
fund, plan, or program; 65217

(3) The rate of costs to the contractor or subcontractor 65218
which may be reasonably anticipated in providing the following 65219
fringe benefits to laborers and mechanics pursuant to an 65220
enforceable commitment to carry out a financially responsible plan 65221
or program which was communicated in writing to the laborers and 65222
mechanics affected: 65223

(a) Medical or hospital care or insurance to provide such; 65224

(b) Pensions on retirement or death or insurance to provide 65225
such; 65226

(c) Compensation for injuries or illnesses resulting from 65227
occupational activities if it is in addition to that coverage 65228
required by Chapters 4121. and 4123. of the Revised Code; 65229

(d) Supplemental unemployment benefits that are in addition 65230
to those required by Chapter 4141. of the Revised Code; 65231

(e) Life insurance; 65232

(f) Disability and sickness insurance; 65233

(g) Accident insurance;	65234
(h) Vacation and holiday pay;	65235
(i) Defraying of costs for apprenticeship or other similar training programs which are beneficial only to the laborers and mechanics affected;	65236 65237 65238
(j) Other bona fide fringe benefits.	65239
None of the benefits enumerated in division (E)(3) of this section may be considered in the determination of prevailing wages if federal, state, or local law requires contractors or subcontractors to provide any of such benefits.	65240 65241 65242 65243
(F) "Interested party," with respect to a particular contract for construction of a public improvement, means:	65244 65245
(1) Any person who submits a bid for the purpose of securing the award of the contract;	65246 65247
(2) Any person acting as a subcontractor of a person described in division (F)(1) of this section;	65248 65249
(3) Any bona fide organization of labor which has as members or is authorized to represent employees of a person described in division (F)(1) or (2) of this section and which exists, in whole or in part, for the purpose of negotiating with employers concerning the wages, hours, or terms and conditions of employment of employees;	65250 65251 65252 65253 65254 65255
(4) Any association having as members any of the persons described in division (F)(1) or (2) of this section.	65256 65257
(G) Except as used in division (A) of this section, "officer" means an individual who has an ownership interest or holds an office of trust, command, or authority in a corporation, business trust, partnership, or association.	65258 65259 65260 65261
Sec. 4116.01. As used in sections 4116.01 to 4116.04 of the	65262

~~Revised Code~~ this chapter: 65263

(A) "~~Public authority~~ State agency" means any officer, board, 65264
or commission of the state, ~~or any political subdivision of the~~ 65265
~~state, or any institution supported in whole or in part by public~~ 65266
~~funds,~~ authorized to enter into a contract for the construction of 65267
a public improvement or to construct a public improvement by the 65268
direct employment of labor, and includes a state institution of 65269
higher education. "~~Public authority~~" shall not mean any municipal 65270
corporation that has adopted a charter under sections three and 65271
seven of article XVIII of the Ohio Constitution, unless the 65272
specific contract for a public improvement includes state funds 65273
appropriated for the purposes of that public improvement. 65274

(B) "Construction" means all of the following: 65275

(1) Any new construction of any public improvement performed 65276
by other than full-time employees who have completed their 65277
probationary periods in the classified service of a ~~public~~ 65278
~~authority~~ state agency or political subdivision; 65279

(2) Any reconstruction, enlargement, alteration, repair, 65280
remodeling, renovation, or painting of any public improvement 65281
performed by other than full-time employees who have completed 65282
their probationary period in the classified civil service of a 65283
~~public authority~~ state agency or political subdivision; 65284

(3) Construction on any project, facility, or project 65285
facility to which section 122.80, 166.02, or 1728.07 of the 65286
Revised Code applies; 65287

(4) Construction on any project as defined in section 122.39 65288
of the Revised Code, any project as defined in section 165.01 of 65289
the Revised Code, any energy resource development facility as 65290
defined in section 1551.01 of the Revised Code, or any project as 65291
defined in section 3706.01 of the Revised Code. 65292

(C) "Public improvement" means all buildings, roads, streets, 65293

alleys, sewers, ditches, sewage disposal plants, water works, and 65294
other structures or works constructed by a ~~public authority~~ state 65295
agency or political subdivision or by any person who, pursuant to 65296
a contract with a ~~public authority~~ state agency or political 65297
subdivision, constructs any structure or work for a ~~public~~ 65298
~~authority~~ state agency or political subdivision. When a ~~public~~ 65299
~~authority~~ state agency or political subdivision rents or leases a 65300
newly constructed structure within six months after completion of 65301
its construction, all work performed on that structure to suit it 65302
for occupancy by a ~~public authority~~ state agency or political 65303
subdivision is a "public improvement." 65304

(D) "Interested party," with respect to a particular public 65305
improvement, means all of the following: 65306

(1) Any person who submits a bid for the purpose of securing 65307
the award of a contract for the public improvement; 65308

(2) Any person acting as a subcontractor of a person 65309
mentioned in division (D)(1) of this section; 65310

(3) Any association having as members any of the persons 65311
mentioned in division (D)(1) or (2) of this section; 65312

(4) Any employee of a person mentioned in division (D)(1), 65313
(2), or (3) of this section; 65314

(5) Any individual who is a resident of the jurisdiction of 65315
the ~~public authority~~ state agency or political subdivision for 65316
whom products or services for a public improvement are being 65317
procured or for whom work on a public improvement is being 65318
performed. 65319

(E) "Political subdivision" has the same meaning as in 65320
section 9.23 of the Revised Code. 65321

(F) "State institution of higher education" has the same 65322
meaning as in section 3345.011 of the Revised Code. 65323

Sec. 4116.02. A ~~public authority~~ state agency, when engaged 65324
in procuring products or services, awarding contracts, or 65325
overseeing procurement or construction for public improvements 65326
undertaken by or on behalf of the state agency, shall ensure that 65327
bid specifications issued by the ~~public authority~~ state agency for 65328
the proposed public improvement, and any subsequent contract or 65329
other agreement for the public improvement to which the ~~public~~ 65330
~~authority~~ state agency and a contractor or subcontractor are 65331
direct parties, do not require or prohibit that a contractor or 65332
subcontractor ~~to~~ do any of the following: 65333

(A) Enter into agreements with any labor organization on the 65334
public improvement; 65335

(B) Enter into any agreement that requires the employees of 65336
that contractor or subcontractor to do either of the following as 65337
a condition of employment or continued employment: 65338

(1) Become members of or affiliated with a labor 65339
organization; 65340

(2) Pay dues or fees to a labor organization. 65341

Sec. 4116.03. No ~~public authority~~ state agency shall do any 65342
of the following: 65343

(A) Award a contract for a public improvement undertaken by 65344
or on behalf of the state agency in violation of section 4116.02 65345
of the Revised Code; 65346

(B) Discriminate against any bidder, contractor, or 65347
subcontractor for refusing or electing to become a party to any 65348
agreement with any labor organization on the public improvement 65349
undertaken by or on behalf of the state agency that currently is 65350
under bid or on projects related to that improvement; 65351

(C) Otherwise violate section 4116.02 of the Revised Code. 65352

Sec. 4116.031. No state funds shall be distributed for the 65353
purpose of the construction of a public improvement by or on 65354
behalf of a political subdivision, if the political subdivision, 65355
in procuring products or services, awarding contracts, or 65356
overseeing procurement or construction for public improvements 65357
undertaken by or on behalf of the political subdivision, requires 65358
in the bid specifications a contractor or subcontractor to enter 65359
into, or prohibits in the bid specifications a contractor or 65360
subcontractor from entering into, an agreement described in 65361
division (A) or (B) of section 4116.02 of the Revised Code. 65362

Sec. 4116.04. (A) An interested party may file a complaint 65363
against a ~~contracting public authority~~ state agency or political 65364
subdivision alleging a violation of section 4116.02 ~~or~~ 4116.03, 65365
or 4116.031 of the Revised Code within two years after the date on 65366
which the contract is signed for the public improvement in the 65367
court of common pleas of the county in which the public 65368
improvement is performed. The performance of the contract forms 65369
the basis of the allegation of a violation. The court in which the 65370
complaint is filed shall hear and decide the case and, upon a 65371
finding that a violation has occurred, shall void the contract and 65372
make any orders that will prevent further violations. 65373

The Rules of Civil Procedure govern all actions under this 65374
section. Any determination of a court under this section is 65375
subject to appellate review. 65376

(B) If, pursuant to this section, a court finds a violation 65377
of section 4116.02 ~~or~~ 4116.03, or 4116.031 of the Revised Code, 65378
the court may award reasonable attorney's fees, court costs, and 65379
any other fees incurred in the course of the civil action to the 65380
prevailing plaintiff. 65381

Sec. 4117.01. As used in this chapter: 65382

(A) "Person," in addition to those included in division (C) 65383
of section 1.59 of the Revised Code, includes employee 65384
organizations, public employees, and public employers. 65385

(B) "Public employer" means the state or any political 65386
subdivision of the state located entirely within the state, 65387
including, without limitation, any municipal corporation with a 65388
population of at least five thousand according to the most recent 65389
federal decennial census; county; township with a population of at 65390
least five thousand in the unincorporated area of the township 65391
according to the most recent federal decennial census; school 65392
district; governing authority of a community school established 65393
under Chapter 3314. of the Revised Code; college preparatory 65394
boarding school established under Chapter 3328. of the Revised 65395
Code or its operator; state institution of higher learning; public 65396
or special district; state agency, authority, commission, or 65397
board; or other branch of public employment. "Public employer" 65398
does not include the nonprofit corporation formed under section 65399
187.01 of the Revised Code. 65400

(C) "Public employee" means any person holding a position by 65401
appointment or employment in the service of a public employer, 65402
including any person working pursuant to a contract between a 65403
public employer and a private employer and over whom the national 65404
labor relations board has declined jurisdiction on the basis that 65405
the involved employees are employees of a public employer, except: 65406

(1) Persons holding elective office; 65407

(2) Employees of the general assembly and employees of any 65408
other legislative body of the public employer whose principal 65409
duties are directly related to the legislative functions of the 65410
body; 65411

(3) Employees on the staff of the governor or the chief 65412
executive of the public employer whose principal duties are 65413

directly related to the performance of the executive functions of	65414
the governor or the chief executive;	65415
(4) Persons who are members of the Ohio organized militia,	65416
while training or performing duty under section 5919.29 or 5923.12	65417
of the Revised Code;	65418
(5) Employees of the state employment relations board,	65419
including those employees of the state employment relations board	65420
utilized by the state personnel board of review in the exercise of	65421
the powers and the performance of the duties and functions of the	65422
state personnel board of review;	65423
(6) Confidential employees;	65424
(7) Management level employees;	65425
(8) Employees and officers of the courts, assistants to the	65426
attorney general, assistant prosecuting attorneys, and employees	65427
of the clerks of courts who perform a judicial function;	65428
(9) Employees of a public official who act in a fiduciary	65429
capacity, appointed pursuant to section 124.11 of the Revised	65430
Code;	65431
(10) Supervisors;	65432
(11) Students whose primary purpose is educational training,	65433
including graduate assistants or associates, residents, interns,	65434
or other students working as part-time public employees less than	65435
fifty per cent of the normal year in the employee's bargaining	65436
unit;	65437
(12) Employees of county boards of election;	65438
(13) Seasonal and casual employees as determined by the state	65439
employment relations board;	65440
(14) Part-time faculty members of an institution of higher	65441
education;	65442

(15) Participants in a work activity, developmental activity, 65443
or alternative work activity under sections 5107.40 to 5107.69 of 65444
the Revised Code who perform a service for a public employer that 65445
the public employer needs but is not performed by an employee of 65446
the public employer if the participant is not engaged in paid 65447
employment or subsidized employment pursuant to the activity; 65448

(16) Employees included in the career professional service of 65449
the department of transportation under section 5501.20 of the 65450
Revised Code; 65451

(17) Employees of community-based correctional facilities and 65452
district community-based correctional facilities created under 65453
sections 2301.51 to 2301.58 of the Revised Code ~~who are not~~ 65454
~~subject to a collective bargaining agreement on June 1, 2005.~~ 65455

(D) "Employee organization" means any labor or bona fide 65456
organization in which public employees participate and that exists 65457
for the purpose, in whole or in part, of dealing with public 65458
employers concerning grievances, labor disputes, wages, hours, 65459
terms, and other conditions of employment. 65460

(E) "Exclusive representative" means the employee 65461
organization certified or recognized as an exclusive 65462
representative under section 4117.05 of the Revised Code. 65463

(F) "Supervisor" means any individual who has authority, in 65464
the interest of the public employer, to hire, transfer, suspend, 65465
lay off, recall, promote, discharge, assign, reward, or discipline 65466
other public employees; to responsibly direct them; to adjust 65467
their grievances; or to effectively recommend such action, if the 65468
exercise of that authority is not of a merely routine or clerical 65469
nature, but requires the use of independent judgment, provided 65470
that: 65471

(1) Employees of school districts who are department 65472
chairpersons or consulting teachers shall not be deemed 65473

supervisors;_ 65474

(2) With respect to members of a police or fire department, 65475
no person shall be deemed a supervisor except the chief of the 65476
department or those individuals who, in the absence of the chief, 65477
are authorized to exercise the authority and perform the duties of 65478
the chief of the department. Where prior to June 1, 1982, a public 65479
employer pursuant to a judicial decision, rendered in litigation 65480
to which the public employer was a party, has declined to engage 65481
in collective bargaining with members of a police or fire 65482
department on the basis that those members are supervisors, those 65483
members of a police or fire department do not have the rights 65484
specified in this chapter for the purposes of future collective 65485
bargaining. The state employment relations board shall decide all 65486
disputes concerning the application of division (F)(2) of this 65487
section. 65488

(3) With respect to faculty members of a state institution of 65489
higher education, heads of departments or divisions are 65490
supervisors; however, no other faculty member or group of faculty 65491
members is a supervisor solely because the faculty member or group 65492
of faculty members participate in decisions with respect to 65493
courses, curriculum, personnel, or other matters of academic 65494
policy;_ 65495

(4) No teacher as defined in section 3319.09 of the Revised 65496
Code shall be designated as a supervisor or a management level 65497
employee unless the teacher is employed under a contract governed 65498
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and 65499
is assigned to a position for which a license deemed to be for 65500
administrators under state board rules is required pursuant to 65501
section 3319.22 of the Revised Code. 65502

(G) "To bargain collectively" means to perform the mutual 65503
obligation of the public employer, by its representatives, and the 65504
representatives of its employees to negotiate in good faith at 65505

reasonable times and places with respect to wages, hours, terms, 65506
and other conditions of employment and the continuation, 65507
modification, or deletion of an existing provision of a collective 65508
bargaining agreement, with the intention of reaching an agreement, 65509
or to resolve questions arising under the agreement. "To bargain 65510
collectively" includes executing a written contract incorporating 65511
the terms of any agreement reached. The obligation to bargain 65512
collectively does not mean that either party is compelled to agree 65513
to a proposal nor does it require the making of a concession. 65514

(H) "Strike" means continuous concerted action in failing to 65515
report to duty; willful absence from one's position; or stoppage 65516
of work in whole from the full, faithful, and proper performance 65517
of the duties of employment, for the purpose of inducing, 65518
influencing, or coercing a change in wages, hours, terms, and 65519
other conditions of employment. "Strike" does not include a 65520
stoppage of work by employees in good faith because of dangerous 65521
or unhealthful working conditions at the place of employment that 65522
are abnormal to the place of employment. 65523

(I) "Unauthorized strike" includes, but is not limited to, 65524
concerted action during the term or extended term of a collective 65525
bargaining agreement or during the pendency of the settlement 65526
procedures set forth in section 4117.14 of the Revised Code in 65527
failing to report to duty; willful absence from one's position; 65528
stoppage of work; slowdown, or abstinence in whole or in part from 65529
the full, faithful, and proper performance of the duties of 65530
employment for the purpose of inducing, influencing, or coercing a 65531
change in wages, hours, terms, and other conditions of employment. 65532
"Unauthorized strike" includes any such action, absence, stoppage, 65533
slowdown, or abstinence when done partially or intermittently, 65534
whether during or after the expiration of the term or extended 65535
term of a collective bargaining agreement or during or after the 65536
pendency of the settlement procedures set forth in section 4117.14 65537

of the Revised Code. 65538

(J) "Professional employee" means any employee engaged in 65539
work that is predominantly intellectual, involving the consistent 65540
exercise of discretion and judgment in its performance and 65541
requiring knowledge of an advanced type in a field of science or 65542
learning customarily acquired by a prolonged course in an 65543
institution of higher learning or a hospital, as distinguished 65544
from a general academic education or from an apprenticeship; or an 65545
employee who has completed the courses of specialized intellectual 65546
instruction and is performing related work under the supervision 65547
of a professional person to become qualified as a professional 65548
employee. 65549

(K) "Confidential employee" means any employee who works in 65550
the personnel offices of a public employer and deals with 65551
information to be used by the public employer in collective 65552
bargaining; or any employee who works in a close continuing 65553
relationship with public officers or representatives directly 65554
participating in collective bargaining on behalf of the employer. 65555

(L) "Management level employee" means an individual who 65556
formulates policy on behalf of the public employer, who 65557
responsibly directs the implementation of policy, or who may 65558
reasonably be required on behalf of the public employer to assist 65559
in the preparation for the conduct of collective negotiations, 65560
administer collectively negotiated agreements, or have a major 65561
role in personnel administration. Assistant superintendents, 65562
principals, and assistant principals whose employment is governed 65563
by section 3319.02 of the Revised Code are management level 65564
employees. With respect to members of a faculty of a state 65565
institution of higher education, no person is a management level 65566
employee because of the person's involvement in the formulation or 65567
implementation of academic or institution policy. 65568

(M) "Wages" means hourly rates of pay, salaries, or other 65569

forms of compensation for services rendered. 65570

(N) "Member of a police department" means a person who is in 65571
the employ of a police department of a municipal corporation as a 65572
full-time regular police officer as the result of an appointment 65573
from a duly established civil service eligibility list or under 65574
section 737.15 or 737.16 of the Revised Code, a full-time deputy 65575
sheriff appointed under section 311.04 of the Revised Code, a 65576
township constable appointed under section 509.01 of the Revised 65577
Code, or a member of a township or joint police district police 65578
department appointed under section 505.49 of the Revised Code. 65579

(O) "Members of the state highway patrol" means highway 65580
patrol troopers and radio operators appointed under section 65581
5503.01 of the Revised Code. 65582

(P) "Member of a fire department" means a person who is in 65583
the employ of a fire department of a municipal corporation or a 65584
township as a fire cadet, full-time regular firefighter, or 65585
promoted rank as the result of an appointment from a duly 65586
established civil service eligibility list or under section 65587
505.38, 709.012, or 737.22 of the Revised Code. 65588

(Q) "Day" means calendar day. 65589

Sec. 4117.10. (A) An agreement between a public employer and 65590
an exclusive representative entered into pursuant to this chapter 65591
governs the wages, hours, and terms and conditions of public 65592
employment covered by the agreement. If the agreement provides for 65593
a final and binding arbitration of grievances, public employers, 65594
employees, and employee organizations are subject solely to that 65595
grievance procedure and the state personnel board of review or 65596
civil service commissions have no jurisdiction to receive and 65597
determine any appeals relating to matters that were the subject of 65598
a final and binding grievance procedure. Where no agreement exists 65599
or where an agreement makes no specification about a matter, the 65600

public employer and public employees are subject to all applicable 65601
state or local laws or ordinances pertaining to the wages, hours, 65602
and terms and conditions of employment for public employees. ~~Laws~~ 65603
All of the following prevail over conflicting provisions of 65604
agreements between employee organizations and public employers: 65605

(1) Laws pertaining to ~~civil~~ any of the following subjects: 65606

(a) Civil rights, ~~affirmative;~~ 65607

(b) Affirmative action, ~~unemployment;~~ 65608

(c) Unemployment compensation, ~~workers';~~ 65609

(d) Workers' compensation, ~~the;~~ 65610

(e) The retirement of public employees, ~~and residency;~~ 65611

(f) Residency requirements, ~~the;~~ 65612

(g) The minimum educational requirements contained in the 65613
Revised Code pertaining to public education including the 65614
requirement of a certificate by the fiscal officer of a school 65615
district pursuant to section 5705.41 of the Revised Code, ~~the;~~ 65616

(h) The provisions of division (A) of section 124.34 of the 65617
Revised Code governing the disciplining of officers and employees 65618
who have been convicted of a felony, ~~and the;~~ 65619

(i) The minimum standards promulgated by the state board of 65620
education pursuant to division (D) of section 3301.07 of the 65621
Revised Code ~~prevail over conflicting provisions of agreements~~ 65622
~~between employee organizations and public employers.~~ 65623

(2) The law pertaining to the leave of absence and 65624
compensation provided under section 5923.05 of the Revised Code 65625
~~prevails over any conflicting provisions of such agreements,~~ if 65626
the terms of the agreement contain benefits which are less than 65627
those contained in that section or the agreement contains no such 65628
terms and the public authority is the state or any agency, 65629
authority, commission, or board of the state or if the public 65630

authority is another entity listed in division (B) of section 4117.01 of the Revised Code that elects to provide leave of absence and compensation as provided in section 5923.05 of the Revised Code;i

(3) The law pertaining to the leave established under section 5906.02 of the Revised Code ~~prevails over any conflicting provision of an agreement between an employee organization and public employer,~~ if the terms of the agreement contain benefits that are less than those contained in section 5906.02 of the Revised Code;i

(4) The law pertaining to excess benefits prohibited under section 3345.311 of the Revised Code with respect to an agreement between an employee organization and a public employer entered into on or after the effective date of this amendment. Except

Except for sections 306.08, 306.12, 306.35, and 4981.22 of the Revised Code and arrangements entered into thereunder, and section 4981.21 of the Revised Code as necessary to comply with section 13(c) of the "Urban Mass Transportation Act of 1964," 87 Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements entered into thereunder, this chapter prevails over any and all other conflicting laws, resolutions, provisions, present or future, except as otherwise specified in this chapter or as otherwise specified by the general assembly. Nothing in this section prohibits or shall be construed to invalidate the provisions of an agreement establishing supplemental workers' compensation or unemployment compensation benefits or exceeding minimum requirements contained in the Revised Code pertaining to public education or the minimum standards promulgated by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code.

(B) The public employer shall submit a request for funds necessary to implement an agreement and for approval of any other

matter requiring the approval of the appropriate legislative body 65663
to the legislative body within fourteen days of the date on which 65664
the parties finalize the agreement, unless otherwise specified, 65665
but if the appropriate legislative body is not in session at the 65666
time, then within fourteen days after it convenes. The legislative 65667
body must approve or reject the submission as a whole, and the 65668
submission is deemed approved if the legislative body fails to act 65669
within thirty days after the public employer submits the 65670
agreement. The parties may specify that those provisions of the 65671
agreement not requiring action by a legislative body are effective 65672
and operative in accordance with the terms of the agreement, 65673
provided there has been compliance with division (C) of this 65674
section. If the legislative body rejects the submission of the 65675
public employer, either party may reopen all or part of the entire 65676
agreement. 65677

As used in this section, "legislative body" includes the 65678
governing board of a municipal corporation, school district, 65679
college or university, village, township, or board of county 65680
commissioners or any other body that has authority to approve the 65681
budget of their public jurisdiction and, with regard to the state, 65682
"legislative body" means the controlling board. 65683

(C) The chief executive officer, or the chief executive 65684
officer's representative, of each municipal corporation, the 65685
designated representative of the board of education of each school 65686
district, college or university, or any other body that has 65687
authority to approve the budget of their public jurisdiction, the 65688
designated representative of the board of county commissioners and 65689
of each elected officeholder of the county whose employees are 65690
covered by the collective negotiations, and the designated 65691
representative of the village or the board of township trustees of 65692
each township is responsible for negotiations in the collective 65693
bargaining process; except that the legislative body may accept or 65694

reject a proposed collective bargaining agreement. When the 65695
matters about which there is agreement are reduced to writing and 65696
approved by the employee organization and the legislative body, 65697
the agreement is binding upon the legislative body, the employer, 65698
and the employee organization and employees covered by the 65699
agreement. 65700

(D) There is hereby established an office of collective 65701
bargaining in the department of administrative services for the 65702
purpose of negotiating with and entering into written agreements 65703
between state agencies, departments, boards, and commissions and 65704
the exclusive representative on matters of wages, hours, terms and 65705
other conditions of employment and the continuation, modification, 65706
or deletion of an existing provision of a collective bargaining 65707
agreement. Nothing in any provision of law to the contrary shall 65708
be interpreted as excluding the bureau of workers' compensation 65709
and the industrial commission from the preceding sentence. This 65710
office shall not negotiate on behalf of other statewide elected 65711
officials or boards of trustees of state institutions of higher 65712
education who shall be considered as separate public employers for 65713
the purposes of this chapter; however, the office may negotiate on 65714
behalf of these officials or trustees where authorized by the 65715
officials or trustees. The staff of the office of collective 65716
bargaining are in the unclassified service. The director of 65717
administrative services shall fix the compensation of the staff. 65718

The office of collective bargaining shall: 65719

(1) Assist the director in formulating management's 65720
philosophy for public collective bargaining as well as planning 65721
bargaining strategies; 65722

(2) Conduct negotiations with the exclusive representatives 65723
of each employee organization; 65724

(3) Coordinate the state's resources in all mediation, 65725

fact-finding, and arbitration cases as well as in all labor disputes;	65726 65727
(4) Conduct systematic reviews of collective bargaining agreements for the purpose of contract negotiations;	65728 65729
(5) Coordinate the systematic compilation of data by all agencies that is required for negotiating purposes;	65730 65731
(6) Prepare and submit an annual report and other reports as requested to the governor and the general assembly on the implementation of this chapter and its impact upon state government.	65732 65733 65734 65735
Sec. 4121.03. (A) The governor shall appoint from among the members of the industrial commission the chairperson of the industrial commission. The chairperson shall serve as chairperson at the pleasure of the governor. The chairperson is the head of the commission and its chief executive officer.	65736 65737 65738 65739 65740
(B) The chairperson shall appoint, after consultation with other commission members and obtaining the approval of at least one other commission member, an executive director of the commission. The executive director shall serve at the pleasure of the chairperson. The executive director, under the direction of the chairperson, shall perform all of the following duties:	65741 65742 65743 65744 65745 65746
(1) Act as chief administrative officer for the commission;	65747
(2) Ensure that all commission personnel follow the rules of the commission;	65748 65749
(3) Ensure that all orders, awards, and determinations are properly heard and signed, prior to attesting to the documents;	65750 65751
(4) Coordinate, to the fullest extent possible, commission activities with the bureau of workers' compensation activities;	65752 65753
(5) Do all things necessary for the efficient and effective	65754

implementation of the duties of the commission. 65755

The responsibilities assigned to the executive director of 65756
the commission do not relieve the chairperson from final 65757
responsibility for the proper performance of the acts specified in 65758
this division. 65759

(C) The chairperson shall do all of the following: 65760

(1) Except as otherwise provided in this division, employ, 65761
promote, supervise, remove, and establish the compensation of all 65762
employees as needed in connection with the performance of the 65763
commission's duties under this chapter and Chapters 4123., 4127., 65764
and 4131. of the Revised Code and may assign to them their duties 65765
to the extent necessary to achieve the most efficient performance 65766
of its functions, and to that end may establish, change, or 65767
abolish positions, and assign and reassign duties and 65768
responsibilities of every employee of the commission. The civil 65769
service status of any person employed by the commission prior to 65770
November 3, 1989, is not affected by this section. Personnel 65771
employed by the bureau or the commission who are subject to 65772
Chapter 4117. of the Revised Code shall retain all of their rights 65773
and benefits conferred pursuant to that chapter as it presently 65774
exists or is hereafter amended and nothing in this chapter or 65775
Chapter 4123. of the Revised Code shall be construed as 65776
eliminating or interfering with Chapter 4117. of the Revised Code 65777
or the rights and benefits conferred under that chapter to public 65778
employees or to any bargaining unit. 65779

(2) Hire district and staff hearing officers after 65780
consultation with other commission members and obtaining the 65781
approval of at least one other commission member; 65782

(3) Fire staff and district hearing officers when the 65783
chairperson finds appropriate after obtaining the approval of at 65784
least one other commission member; 65785

(4) Maintain the office for the commission in Columbus; 65786

(5) To the maximum extent possible, use electronic data 65787
processing equipment for the issuance of orders immediately 65788
following a hearing, scheduling of hearings and medical 65789
examinations, tracking of claims, retrieval of information, and 65790
any other matter within the commission's jurisdiction, and shall 65791
provide and input information into the electronic data processing 65792
equipment as necessary to effect the success of the claims 65793
tracking system established pursuant to division (B)~~(15)~~(14) of 65794
section 4121.121 of the Revised Code; 65795

(6) Exercise all administrative and nonadjudicatory powers 65796
and duties conferred upon the commission by Chapters 4121., 4123., 65797
4127., and 4131. of the Revised Code; 65798

(7) Approve all contracts for special services. 65799

(D) The chairperson is responsible for all administrative 65800
matters and may secure for the commission facilities, equipment, 65801
and supplies necessary to house the commission, any employees, and 65802
files and records under the commission's control and to discharge 65803
any duty imposed upon the commission by law, the expense thereof 65804
to be audited and paid in the same manner as other state expenses. 65805
For that purpose, the chairperson, separately from the budget 65806
prepared by the administrator of workers' compensation, shall 65807
prepare and submit to the office of budget and management a budget 65808
for each biennium according to sections 101.532 and 107.03 of the 65809
Revised Code. The budget submitted shall cover the costs of the 65810
commission and staff and district hearing officers in the 65811
discharge of any duty imposed upon the chairperson, the 65812
commission, and hearing officers by law. 65813

(E) A majority of the commission constitutes a quorum to 65814
transact business. No vacancy impairs the rights of the remaining 65815
members to exercise all of the powers of the commission, so long 65816

as a majority remains. Any investigation, inquiry, or hearing that 65817
the commission may hold or undertake may be held or undertaken by 65818
or before any one member of the commission, or before one of the 65819
deputies of the commission, except as otherwise provided in this 65820
chapter and Chapters 4123., 4127., and 4131. of the Revised Code. 65821
Every order made by a member, or by a deputy, when approved and 65822
confirmed by a majority of the members, and so shown on its record 65823
of proceedings, is the order of the commission. The commission may 65824
hold sessions at any place within the state. The commission is 65825
responsible for all of the following: 65826

(1) Establishing the overall adjudicatory policy and 65827
management of the commission under this chapter and Chapters 65828
4123., 4127., and 4131. of the Revised Code, except for those 65829
administrative matters within the jurisdiction of the chairperson, 65830
bureau of workers' compensation, and the administrator of workers' 65831
compensation under those chapters; 65832

(2) Hearing appeals and reconsiderations under this chapter 65833
and Chapters 4123., 4127., and 4131. of the Revised Code; 65834

(3) Engaging in rulemaking where required by this chapter or 65835
Chapter 4123., 4127., or 4131. of the Revised Code. 65836

Sec. 4121.121. (A) There is hereby created the bureau of 65837
workers' compensation, which shall be administered by the 65838
administrator of workers' compensation. A person appointed to the 65839
position of administrator shall possess significant management 65840
experience in effectively managing an organization or 65841
organizations of substantial size and complexity. A person 65842
appointed to the position of administrator also shall possess a 65843
minimum of five years of experience in the field of workers' 65844
compensation insurance or in another insurance industry, except as 65845
otherwise provided when the conditions specified in division (C) 65846
of this section are satisfied. The governor shall appoint the 65847

administrator as provided in section 121.03 of the Revised Code, 65848
and the administrator shall serve at the pleasure of the governor. 65849
The governor shall fix the administrator's salary on the basis of 65850
the administrator's experience and the administrator's 65851
responsibilities and duties under this chapter and Chapters 4123., 65852
4125., 4127., 4131., and 4167. of the Revised Code. The governor 65853
shall not appoint to the position of administrator any person who 65854
has, or whose spouse has, given a contribution to the campaign 65855
committee of the governor in an amount greater than one thousand 65856
dollars during the two-year period immediately preceding the date 65857
of the appointment of the administrator. 65858

The administrator shall hold no other public office and shall 65859
devote full time to the duties of administrator. Before entering 65860
upon the duties of the office, the administrator shall take an 65861
oath of office as required by sections 3.22 and 3.23 of the 65862
Revised Code, and shall file in the office of the secretary of 65863
state, a bond signed by the administrator and by surety approved 65864
by the governor, for the sum of fifty thousand dollars payable to 65865
the state, conditioned upon the faithful performance of the 65866
administrator's duties. 65867

(B) The administrator is responsible for the management of 65868
the bureau and for the discharge of all administrative duties 65869
imposed upon the administrator in this chapter and Chapters 4123., 65870
4125., 4127., 4131., and 4167. of the Revised Code, and in the 65871
discharge thereof shall do all of the following: 65872

(1) Perform all acts and exercise all authorities and powers, 65873
discretionary and otherwise that are required of or vested in the 65874
bureau or any of its employees in this chapter and Chapters 4123., 65875
4125., 4127., 4131., and 4167. of the Revised Code, except the 65876
acts and the exercise of authority and power that is required of 65877
and vested in the bureau of workers' compensation board of 65878
directors or the industrial commission pursuant to those chapters. 65879

The treasurer of state shall honor all warrants signed by the 65880
administrator, or by one or more of the administrator's employees, 65881
authorized by the administrator in writing, or bearing the 65882
facsimile signature of the administrator or such employee under 65883
sections 4123.42 and 4123.44 of the Revised Code. 65884

(2) Employ, direct, and supervise all employees required in 65885
connection with the performance of the duties assigned to the 65886
bureau by this chapter and Chapters 4123., 4125., 4127., 4131., 65887
and 4167. of the Revised Code, including an actuary, and may 65888
establish job classification plans and compensation for all 65889
employees of the bureau provided that this grant of authority 65890
shall not be construed as affecting any employee for whom the 65891
state employment relations board has established an appropriate 65892
bargaining unit under section 4117.06 of the Revised Code. All 65893
positions of employment in the bureau are in the classified civil 65894
service except those employees the administrator may appoint to 65895
serve at the administrator's pleasure in the unclassified civil 65896
service pursuant to section 124.11 of the Revised Code. The 65897
administrator shall fix the salaries of employees the 65898
administrator appoints to serve at the administrator's pleasure, 65899
including the chief operating officer, staff physicians, and other 65900
senior management personnel of the bureau and shall establish the 65901
compensation of staff attorneys of the bureau's legal section and 65902
their immediate supervisors, and take whatever steps are necessary 65903
to provide adequate compensation for other staff attorneys. 65904

The administrator may appoint a person who holds a certified 65905
position in the classified service within the bureau to a position 65906
in the unclassified service within the bureau. A person appointed 65907
pursuant to this division to a position in the unclassified 65908
service shall retain the right to resume the position and status 65909
held by the person in the classified service immediately prior to 65910
the person's appointment in the unclassified service, regardless 65911

of the number of positions the person held in the unclassified 65912
service. An employee's right to resume a position in the 65913
classified service may only be exercised when the administrator 65914
demotes the employee to a pay range lower than the employee's 65915
current pay range or revokes the employee's appointment to the 65916
unclassified service. An employee forfeits the right to resume a 65917
position in the classified service when the employee is removed 65918
from the position in the unclassified service due to incompetence, 65919
inefficiency, dishonesty, drunkenness, immoral conduct, 65920
insubordination, discourteous treatment of the public, neglect of 65921
duty, violation of this chapter or Chapter 124., 4123., 4125., 65922
4127., 4131., or 4167. of the Revised Code, violation of the rules 65923
of the director of administrative services or the administrator, 65924
any other failure of good behavior, any other acts of misfeasance, 65925
malfeasance, or nonfeasance in office, or conviction of a felony. 65926
An employee also forfeits the right to resume a position in the 65927
classified service upon transfer to a different agency. 65928

Reinstatement to a position in the classified service shall 65929
be to a position substantially equal to that position in the 65930
classified service held previously, as certified by the department 65931
of administrative services. If the position the person previously 65932
held in the classified service has been placed in the unclassified 65933
service or is otherwise unavailable, the person shall be appointed 65934
to a position in the classified service within the bureau that the 65935
director of administrative services certifies is comparable in 65936
compensation to the position the person previously held in the 65937
classified service. Service in the position in the unclassified 65938
service shall be counted as service in the position in the 65939
classified service held by the person immediately prior to the 65940
person's appointment in the unclassified service. When a person is 65941
reinstated to a position in the classified service as provided in 65942
this division, the person is entitled to all rights, status, and 65943
benefits accruing to the position during the person's time of 65944

service in the position in the unclassified service. 65945

(3) Reorganize the work of the bureau, its sections, 65946
departments, and offices to the extent necessary to achieve the 65947
most efficient performance of its functions and to that end may 65948
establish, change, or abolish positions and assign and reassign 65949
duties and responsibilities of every employee of the bureau. All 65950
persons employed by the commission in positions that, after 65951
November 3, 1989, are supervised and directed by the administrator 65952
under this section are transferred to the bureau in their 65953
respective classifications but subject to reassignment and 65954
reclassification of position and compensation as the administrator 65955
determines to be in the interest of efficient administration. The 65956
civil service status of any person employed by the commission is 65957
not affected by this section. Personnel employed by the bureau or 65958
the commission who are subject to Chapter 4117. of the Revised 65959
Code shall retain all of their rights and benefits conferred 65960
pursuant to that chapter as it presently exists or is hereafter 65961
amended and nothing in this chapter or Chapter 4123. of the 65962
Revised Code shall be construed as eliminating or interfering with 65963
Chapter 4117. of the Revised Code or the rights and benefits 65964
conferred under that chapter to public employees or to any 65965
bargaining unit. 65966

(4) Provide offices, equipment, supplies, and other 65967
facilities for the bureau. 65968

(5) Prepare and submit to the board information the 65969
administrator considers pertinent or the board requires, together 65970
with the administrator's recommendations, in the form of 65971
administrative rules, for the advice and consent of the board, for 65972
classifications of occupations or industries, for premium rates 65973
and contributions, for the amount to be credited to the surplus 65974
fund, for rules and systems of rating, rate revisions, and merit 65975
rating. The administrator shall obtain, prepare, and submit any 65976

other information the board requires for the prompt and efficient discharge of its duties. 65977
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(6) Keep the accounts required by division (A) of section 4123.34 of the Revised Code and all other accounts and records necessary to the collection, administration, and distribution of the workers' compensation funds and shall obtain the statistical and other information required by section 4123.19 of the Revised Code. 65979
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(7) Exercise the investment powers vested in the administrator by section 4123.44 of the Revised Code in accordance with the investment policy approved by the board pursuant to section 4121.12 of the Revised Code and in consultation with the chief investment officer of the bureau of workers' compensation. The administrator shall not engage in any prohibited investment activity specified by the board pursuant to division (F)(9) of section 4121.12 of the Revised Code and shall not invest in any type of investment specified in divisions (B)(1) to (10) of section 4123.442 of the Revised Code. All business shall be transacted, all funds invested, all warrants for money drawn and payments made, and all cash and securities and other property held, in the name of the bureau, or in the name of its nominee, provided that nominees are authorized by the administrator solely for the purpose of facilitating the transfer of securities, and restricted to the administrator and designated employees. 65985
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~~(8) Make contracts for and supervise the construction of any project or improvement or the construction or repair of buildings under the control of the bureau.~~ 66001
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~~(9) Purchase In accordance with Chapter 125. of the Revised Code, purchase supplies, materials, equipment, and services; ~~make contracts for, operate, and superintend the telephone, other telecommunication, and computer services for the use of the bureau; and make contracts in connection with office reproduction,~~~~ 66004
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~~forms management, printing, and other services. Notwithstanding sections 125.12 to 125.14 of the Revised Code, the administrator may transfer surplus computers and computer equipment directly to an accredited public school within the state. The computers and computer equipment may be repaired or refurbished prior to the transfer.~~

~~(10)~~(9) Prepare and submit to the board an annual budget for internal operating purposes for the board's approval. The administrator also shall, separately from the budget the industrial commission submits, prepare and submit to the director of budget and management a budget for each biennium. The budgets submitted to the board and the director shall include estimates of the costs and necessary expenditures of the bureau in the discharge of any duty imposed by law.

~~(11)~~(10) As promptly as possible in the course of efficient administration, decentralize and relocate such of the personnel and activities of the bureau as is appropriate to the end that the receipt, investigation, determination, and payment of claims may be undertaken at or near the place of injury or the residence of the claimant and for that purpose establish regional offices, in such places as the administrator considers proper, capable of discharging as many of the functions of the bureau as is practicable so as to promote prompt and efficient administration in the processing of claims. All active and inactive lost-time claims files shall be held at the service office responsible for the claim. A claimant, at the claimant's request, shall be provided with information by telephone as to the location of the file pertaining to the claimant's claim. The administrator shall ensure that all service office employees report directly to the director for their service office.

~~(12)~~(11) Provide a written binder on new coverage where the administrator considers it to be in the best interest of the risk.

The administrator, or any other person authorized by the administrator, shall grant the binder upon submission of a request for coverage by the employer. A binder is effective for a period of thirty days from date of issuance and is nonrenewable. Payroll reports and premium charges shall coincide with the effective date of the binder.

~~(13)~~(12) Set standards for the reasonable and maximum handling time of claims payment functions, ensure, by rules, the impartial and prompt treatment of all claims and employer risk accounts, and establish a secure, accurate method of time stamping all incoming mail and documents hand delivered to bureau employees.

~~(14)~~(13) Ensure that all employees of the bureau follow the orders and rules of the commission as such orders and rules relate to the commission's overall adjudicatory policy-making and management duties under this chapter and Chapters 4123., 4127., and 4131. of the Revised Code.

~~(15)~~(14) Manage and operate a data processing system with a common data base for the use of both the bureau and the commission and, in consultation with the commission, using electronic data processing equipment, shall develop a claims tracking system that is sufficient to monitor the status of a claim at any time and that lists appeals that have been filed and orders or determinations that have been issued pursuant to section 4123.511 or 4123.512 of the Revised Code, including the dates of such filings and issuances.

~~(16)~~(15) Establish and maintain a medical section within the bureau. The medical section shall do all of the following:

(a) Assist the administrator in establishing standard medical fees, approving medical procedures, and determining eligibility and reasonableness of the compensation payments for medical,

hospital, and nursing services, and in establishing guidelines for 66072
payment policies which recognize usual, customary, and reasonable 66073
methods of payment for covered services; 66074

(b) Provide a resource to respond to questions from claims 66075
examiners for employees of the bureau; 66076

(c) Audit fee bill payments; 66077

(d) Implement a program to utilize, to the maximum extent 66078
possible, electronic data processing equipment for storage of 66079
information to facilitate authorizations of compensation payments 66080
for medical, hospital, drug, and nursing services; 66081

(e) Perform other duties assigned to it by the administrator. 66082

~~(17)~~(16) Appoint, as the administrator determines necessary, 66083
panels to review and advise the administrator on disputes arising 66084
over a determination that a health care service or supply provided 66085
to a claimant is not covered under this chapter or Chapter 4123., 66086
4127., or 4131. of the Revised Code or is medically unnecessary. 66087
If an individual health care provider is involved in the dispute, 66088
the panel shall consist of individuals licensed pursuant to the 66089
same section of the Revised Code as such health care provider. 66090

~~(18)~~(17) Pursuant to section 4123.65 of the Revised Code, 66091
approve applications for the final settlement of claims for 66092
compensation or benefits under this chapter and Chapters 4123., 66093
4127., and 4131. of the Revised Code as the administrator 66094
determines appropriate, except in regard to the applications of 66095
self-insuring employers and their employees. 66096

~~(19)~~(18) Comply with section 3517.13 of the Revised Code, and 66097
except in regard to contracts entered into pursuant to the 66098
authority contained in section 4121.44 of the Revised Code, comply 66099
with the competitive bidding procedures set forth in the Revised 66100
Code for all contracts into which the administrator enters 66101
provided that those contracts fall within the type of contracts 66102

and dollar amounts specified in the Revised Code for competitive 66103
bidding and further provided that those contracts are not 66104
otherwise specifically exempt from the competitive bidding 66105
procedures contained in the Revised Code. 66106

~~(20)~~(19) Adopt, with the advice and consent of the board, 66107
rules for the operation of the bureau. 66108

~~(21)~~(20) Prepare and submit to the board information the 66109
administrator considers pertinent or the board requires, together 66110
with the administrator's recommendations, in the form of 66111
administrative rules, for the advice and consent of the board, for 66112
the health partnership program and the qualified health plan 66113
system, as provided in sections 4121.44, 4121.441, and 4121.442 of 66114
the Revised Code. 66115

(C) The administrator, with the advice and consent of the 66116
senate, shall appoint a chief operating officer who has a minimum 66117
of five years of experience in the field of workers' compensation 66118
insurance or in another similar insurance industry if the 66119
administrator does not possess such experience. The chief 66120
operating officer shall not commence the chief operating officer's 66121
duties until after the senate consents to the chief operating 66122
officer's appointment. The chief operating officer shall serve in 66123
the unclassified civil service of the state. 66124

Sec. 4123.01. As used in this chapter: 66125

(A)(1) "Employee" means: 66126

(a) Every person in the service of the state, or of any 66127
county, municipal corporation, township, or school district 66128
therein, including regular members of lawfully constituted police 66129
and fire departments of municipal corporations and townships, 66130
whether paid or volunteer, and wherever serving within the state 66131
or on temporary assignment outside thereof, and executive officers 66132

of boards of education, under any appointment or contract of hire, 66133
express or implied, oral or written, including any elected 66134
official of the state, or of any county, municipal corporation, or 66135
township, or members of boards of education. 66136

As used in division (A)(1)(a) of this section, the term 66137
"employee" includes the following persons when responding to an 66138
inherently dangerous situation that calls for an immediate 66139
response on the part of the person, regardless of whether the 66140
person is within the limits of the jurisdiction of the person's 66141
regular employment or voluntary service when responding, on the 66142
condition that the person responds to the situation as the person 66143
otherwise would if the person were on duty in the person's 66144
jurisdiction: 66145

~~(i) Off-duty peace officers. As used in division (A)(1)(a)(i) 66146
of this section, "peace officer" has the same meaning as in 66147
section 2935.01 of the Revised Code.;~~ 66148

~~(ii) Off-duty firefighters, whether paid or volunteer, of a 66149
lawfully constituted fire department.;~~ 66150

~~(iii) Off-duty first responders, emergency medical 66151
technicians basic, emergency medical technicians intermediate, or 66152
emergency medical technicians paramedic, whether paid or 66153
volunteer, emergency medical workers of an ambulance service 66154
organization or emergency medical service organization pursuant to 66155
Chapter 4765. of the Revised Code. 66156~~

(b) Every person in the service of any person, firm, or 66157
private corporation, including any public service corporation, 66158
that (i) employs one or more persons regularly in the same 66159
business or in or about the same establishment under any contract 66160
of hire, express or implied, oral or written, including aliens and 66161
minors, household workers who earn one hundred sixty dollars or 66162
more in cash in any calendar quarter from a single household and 66163

casual workers who earn one hundred sixty dollars or more in cash 66164
in any calendar quarter from a single employer, or (ii) is bound 66165
by any such contract of hire or by any other written contract, to 66166
pay into the state insurance fund the premiums provided by this 66167
chapter. 66168

(c) Every person who performs labor or provides services 66169
pursuant to a construction contract, as defined in section 4123.79 66170
of the Revised Code, if at least ten of the following criteria 66171
apply: 66172

(i) The person is required to comply with instructions from 66173
the other contracting party regarding the manner or method of 66174
performing services; 66175

(ii) The person is required by the other contracting party to 66176
have particular training; 66177

(iii) The person's services are integrated into the regular 66178
functioning of the other contracting party; 66179

(iv) The person is required to perform the work personally; 66180

(v) The person is hired, supervised, or paid by the other 66181
contracting party; 66182

(vi) A continuing relationship exists between the person and 66183
the other contracting party that contemplates continuing or 66184
recurring work even if the work is not full time; 66185

(vii) The person's hours of work are established by the other 66186
contracting party; 66187

(viii) The person is required to devote full time to the 66188
business of the other contracting party; 66189

(ix) The person is required to perform the work on the 66190
premises of the other contracting party; 66191

(x) The person is required to follow the order of work set by 66192
the other contracting party; 66193

(xi) The person is required to make oral or written reports of progress to the other contracting party;	66194 66195
(xii) The person is paid for services on a regular basis such as hourly, weekly, or monthly;	66196 66197
(xiii) The person's expenses are paid for by the other contracting party;	66198 66199
(xiv) The person's tools and materials are furnished by the other contracting party;	66200 66201
(xv) The person is provided with the facilities used to perform services;	66202 66203
(xvi) The person does not realize a profit or suffer a loss as a result of the services provided;	66204 66205
(xvii) The person is not performing services for a number of employers at the same time;	66206 66207
(xviii) The person does not make the same services available to the general public;	66208 66209
(xix) The other contracting party has a right to discharge the person;	66210 66211
(xx) The person has the right to end the relationship with the other contracting party without incurring liability pursuant to an employment contract or agreement.	66212 66213 66214
Every person in the service of any independent contractor or subcontractor who has failed to pay into the state insurance fund the amount of premium determined and fixed by the administrator of workers' compensation for the person's employment or occupation or if a self-insuring employer has failed to pay compensation and benefits directly to the employer's injured and to the dependents of the employer's killed employees as required by section 4123.35 of the Revised Code, shall be considered as the employee of the person who has entered into a contract, whether written or verbal,	66215 66216 66217 66218 66219 66220 66221 66222 66223

with such independent contractor unless such employees or their 66224
legal representatives or beneficiaries elect, after injury or 66225
death, to regard such independent contractor as the employer. 66226

(2) "Employee" does not mean: 66227

(a) A duly ordained, commissioned, or licensed minister or 66228
assistant or associate minister of a church in the exercise of 66229
ministry; 66230

(b) Any officer of a family farm corporation; 66231

(c) An individual incorporated as a corporation; or 66232

(d) An individual who otherwise is an employee of an employer 66233
but who signs the waiver and affidavit specified in section 66234
4123.15 of the Revised Code on the condition that the 66235
administrator has granted a waiver and exception to the 66236
individual's employer under section 4123.15 of the Revised Code. 66237

Any employer may elect to include as an "employee" within 66238
this chapter, any person excluded from the definition of 66239
"employee" pursuant to division (A)(2) of this section. If an 66240
employer is a partnership, sole proprietorship, individual 66241
incorporated as a corporation, or family farm corporation, such 66242
employer may elect to include as an "employee" within this 66243
chapter, any member of such partnership, the owner of the sole 66244
proprietorship, the individual incorporated as a corporation, or 66245
the officers of the family farm corporation. In the event of an 66246
election, the employer shall serve upon the bureau of workers' 66247
compensation written notice naming the persons to be covered, 66248
include such employee's remuneration for premium purposes in all 66249
future payroll reports, and no person excluded from the definition 66250
of "employee" pursuant to division (A)(2) of this section, 66251
proprietor, individual incorporated as a corporation, or partner 66252
shall be deemed an employee within this division until the 66253
employer has served such notice. 66254

For informational purposes only, the bureau shall prescribe 66255
such language as it considers appropriate, on such of its forms as 66256
it considers appropriate, to advise employers of their right to 66257
elect to include as an "employee" within this chapter a sole 66258
proprietor, any member of a partnership, an individual 66259
incorporated as a corporation, the officers of a family farm 66260
corporation, or a person excluded from the definition of 66261
"employee" under division (A)(2) of this section, that they should 66262
check any health and disability insurance policy, or other form of 66263
health and disability plan or contract, presently covering them, 66264
or the purchase of which they may be considering, to determine 66265
whether such policy, plan, or contract excludes benefits for 66266
illness or injury that they might have elected to have covered by 66267
workers' compensation. 66268

(B) "Employer" means: 66269

(1) The state, including state hospitals, each county, 66270
municipal corporation, township, school district, and hospital 66271
owned by a political subdivision or subdivisions other than the 66272
state; 66273

(2) Every person, firm, professional employer organization, 66274
and private corporation, including any public service corporation, 66275
that (a) has in service one or more employees or shared employees 66276
regularly in the same business or in or about the same 66277
establishment under any contract of hire, express or implied, oral 66278
or written, or (b) is bound by any such contract of hire or by any 66279
other written contract, to pay into the insurance fund the 66280
premiums provided by this chapter. 66281

All such employers are subject to this chapter. Any member of 66282
a firm or association, who regularly performs manual labor in or 66283
about a mine, factory, or other establishment, including a 66284
household establishment, shall be considered an employee in 66285
determining whether such person, firm, or private corporation, or 66286

public service corporation, has in its service, one or more 66287
employees and the employer shall report the income derived from 66288
such labor to the bureau as part of the payroll of such employer, 66289
and such member shall thereupon be entitled to all the benefits of 66290
an employee. 66291

(C) "Injury" includes any injury, whether caused by external 66292
accidental means or accidental in character and result, received 66293
in the course of, and arising out of, the injured employee's 66294
employment. "Injury" does not include: 66295

(1) Psychiatric conditions except ~~where~~ as follows: 66296

(a) Where the claimant's psychiatric conditions have arisen 66297
from an injury or occupational disease sustained by that claimant 66298
~~or where~~; 66299

(b) Where the claimant's psychiatric conditions have arisen 66300
from sexual conduct in which the claimant was forced by threat of 66301
physical harm to engage or participate; 66302

(c) Where the claimant is a peace officer, firefighter, or 66303
emergency medical worker and is diagnosed with post-traumatic 66304
stress disorder that has been received in the course of, and has 66305
arisen out of, the claimant's employment as a peace officer, 66306
firefighter, or emergency medical worker. 66307

(2) Injury or disability caused primarily by the natural 66308
deterioration of tissue, an organ, or part of the body; 66309

(3) Injury or disability incurred in voluntary participation 66310
in an employer-sponsored recreation or fitness activity if the 66311
employee signs a waiver of the employee's right to compensation or 66312
benefits under this chapter prior to engaging in the recreation or 66313
fitness activity; 66314

(4) A condition that pre-existed an injury unless that 66315
pre-existing condition is substantially aggravated by the injury. 66316

Such a substantial aggravation must be documented by objective 66317
diagnostic findings, objective clinical findings, or objective 66318
test results. Subjective complaints may be evidence of such a 66319
substantial aggravation. However, subjective complaints without 66320
objective diagnostic findings, objective clinical findings, or 66321
objective test results are insufficient to substantiate a 66322
substantial aggravation. 66323

(D) "Child" includes a posthumous child and a child legally 66324
adopted prior to the injury. 66325

(E) "Family farm corporation" means a corporation founded for 66326
the purpose of farming agricultural land in which the majority of 66327
the voting stock is held by and the majority of the stockholders 66328
are persons or the spouse of persons related to each other within 66329
the fourth degree of kinship, according to the rules of the civil 66330
law, and at least one of the related persons is residing on or 66331
actively operating the farm, and none of whose stockholders are a 66332
corporation. A family farm corporation does not cease to qualify 66333
under this division where, by reason of any devise, bequest, or 66334
the operation of the laws of descent or distribution, the 66335
ownership of shares of voting stock is transferred to another 66336
person, as long as that person is within the degree of kinship 66337
stipulated in this division. 66338

(F) "Occupational disease" means a disease contracted in the 66339
course of employment, which by its causes and the characteristics 66340
of its manifestation or the condition of the employment results in 66341
a hazard which distinguishes the employment in character from 66342
employment generally, and the employment creates a risk of 66343
contracting the disease in greater degree and in a different 66344
manner from the public in general. 66345

(G) "Self-insuring employer" means an employer who is granted 66346
the privilege of paying compensation and benefits directly under 66347
section 4123.35 of the Revised Code, including a board of county 66348

commissioners for the sole purpose of constructing a sports 66349
facility as defined in section 307.696 of the Revised Code, 66350
provided that the electors of the county in which the sports 66351
facility is to be built have approved construction of a sports 66352
facility by ballot election no later than November 6, 1997. 66353

(H) "Private employer" means an employer as defined in 66354
division (B)(2) of this section. 66355

(I) "Professional employer organization" has the same meaning 66356
as in section 4125.01 of the Revised Code. 66357

(J) "Public employer" means an employer as defined in 66358
division (B)(1) of this section. 66359

(K) "Sexual conduct" means vaginal intercourse between a male 66360
and female; anal intercourse, fellatio, and cunnilingus between 66361
persons regardless of gender; and, without privilege to do so, the 66362
insertion, however slight, of any part of the body or any 66363
instrument, apparatus, or other object into the vaginal or anal 66364
cavity of another. Penetration, however slight, is sufficient to 66365
complete vaginal or anal intercourse. 66366

(L) "Other-states' insurer" means an insurance company that 66367
is authorized to provide workers' compensation insurance coverage 66368
in any of the states that permit employers to obtain insurance for 66369
workers' compensation claims through insurance companies. 66370

(M) "Other-states' coverage" means both of the following: 66371

(1) Insurance coverage secured by an eligible employer for 66372
workers' compensation claims of employees who are in employment 66373
relationships localized in a state other than this state or those 66374
employees' dependents; 66375

(2) Insurance coverage secured by an eligible employer for 66376
workers' compensation claims that arise in a state other than this 66377
state where an employer elects to obtain coverage through either 66378

the administrator or an other-states' insurer. 66379

(N) "Limited other-states coverage" means insurance coverage 66380
provided by the administrator to an eligible employer for workers' 66381
compensation claims of employees who are in an employment 66382
relationship localized in this state but are temporarily working 66383
in a state other than this state, or those employees' dependents. 66384

(O) "Peace officer" has the same meaning as in section 66385
2935.01 of the Revised Code. 66386

(P) "Firefighter" means a firefighter, whether paid or 66387
volunteer, of a lawfully constituted fire department. 66388

(Q) "Emergency medical worker" means a first responder, 66389
emergency medical technician-basic, emergency medical 66390
technician-intermediate, or emergency medical 66391
technician-paramedic, certified under Chapter 4765. of the Revised 66392
Code, whether paid or volunteer. 66393

Sec. 4123.026. ~~(A)~~ The administrator of workers' 66394
compensation, or a self-insuring public employer for the peace 66395
officers, firefighters, and emergency medical workers employed by 66396
or volunteering for that self-insuring public employer, shall pay 66397
the costs of conducting post-exposure medical diagnostic services, 66398
consistent with the standards of medical care existing at the time 66399
of the exposure, to investigate whether an injury or occupational 66400
disease was sustained by a peace officer, firefighter, or 66401
emergency medical worker when coming into contact with the blood 66402
or other body fluid of another person in the course of and arising 66403
out of the peace officer's, firefighter's, or emergency medical 66404
worker's employment, or when responding to an inherently dangerous 66405
situation in the manner described in, and in accordance with the 66406
conditions specified under, division (A)(1)(a) of section 4123.01 66407
of the Revised Code, through any of the following means: 66408

~~(1)(A) Splash or spatter in the eye or mouth, including when received in the course of conducting mouth-to-mouth resuscitation;~~ 66409
66410

~~(2)(B) A puncture in the skin;~~ 66411

~~(3)(C) A cut in the skin or another opening in the skin such as an open sore, wound, lesion, abrasion, or ulcer.~~ 66412
66413

~~(B) As used in this section:~~ 66414

~~(1) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.~~ 66415
66416

~~(2) "Firefighter" means a firefighter, whether paid or volunteer, of a lawfully constituted fire department.~~ 66417
66418

~~(3) "Emergency medical worker" means a first responder, emergency medical technician basic, emergency medical technician intermediate, or emergency medical technician paramedic, certified under Chapter 4765. of the Revised Code, whether paid or volunteer.~~ 66419
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66423

Sec. 4123.322. (A) The administrator of workers' compensation, with the advice and consent of the bureau of workers' compensation board of directors, shall adopt rules establishing a prospective payment system, which shall include all of the following: 66424
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66427
66428

(1) A requirement that upon an initial application for coverage, a private employer shall file with the application an estimate of the employer's payroll for the period the administrator determines pursuant to rules the administrator adopts, and shall pay the amount the administrator determines by rule in order to establish coverage for the employer as described in division (B)(12) of section 4121.121 of the Revised Code; 66429
66430
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66435

(2) A requirement that upon an initial application for coverage, a public employer, except for a state agency or state university or college, shall file with the application an estimate 66436
66437
66438

of the employer's payroll for the period the administrator 66439
determines pursuant to rules the administrator adopts, and shall 66440
pay the amount the administrator determines by rule in order to 66441
establish coverage for the employer as described in division 66442
(B)~~(12)~~(11) of section 4121.121 of the Revised Code; 66443

(3) A requirement that an employer complete periodic payroll 66444
reports of actual expenditures for previous coverage periods for 66445
reconciliation with estimated payroll reports; 66446

(4) The assessment of a penalty for late payroll 66447
reconciliation reports and for late payment of any reconciliation 66448
premium; 66449

(5) The establishment of a transition period during which 66450
time the bureau shall determine the adequacy of existing premium 66451
security deposits of employers, the establishment of provisions 66452
for additional premium payments during that transition, the 66453
provision of a credit of those deposits toward the first premium 66454
due from an employer under the rules adopted under divisions 66455
(A)(1) to (4) of this section, and the establishment of penalties 66456
for late payment or failure to comply with the rules. 66457

(B) For purposes of division (A)(3) of this section, an 66458
employer shall make timely payment of any premium owed when actual 66459
payroll expenditures exceeded estimated payroll, and the employer 66460
shall receive premium credit when the estimated payroll exceeded 66461
the actual payroll. 66462

(C) For purposes of division (A)(4) of this section, if the 66463
employer's actual payroll substantially exceeds the estimated 66464
payroll, the administrator may assess additional penalties 66465
specified in rules the administrator adopts on the reconciliation 66466
premium. 66467

(D) As used in this section, "state university or college" 66468
has the same meaning as in section 4123.32 of the Revised Code. 66469

Sec. 4123.46. (A)(1) Except as provided in division (A)(2) of 66470
this section, the bureau of workers' compensation shall disburse 66471
the state insurance fund to employees of employers who have paid 66472
into the fund the premiums applicable to the classes to which they 66473
belong when the employees have been injured in the course of their 66474
employment, wherever the injuries have occurred, and provided the 66475
injuries have not been purposely self-inflicted, or to the 66476
dependents of the employees in case death has ensued. 66477

(2) As long as injuries have not been purposely 66478
self-inflicted, the bureau shall disburse the surplus fund created 66479
under section 4123.34 of the Revised Code to off-duty peace 66480
officers, firefighters, and emergency medical technicians, ~~and~~ 66481
~~first responders~~ workers, or to their dependents if death ensues, 66482
who are injured while responding to inherently dangerous 66483
situations that call for an immediate response on the part of the 66484
person, regardless of whether the person was within the limits of 66485
the person's jurisdiction when responding, on the condition that 66486
the person responds to the situation as the person otherwise would 66487
if the person were on duty in the person's jurisdiction. 66488

~~As used in division (A)(2) of this section, "peace officer,"~~ 66489
~~"firefighter," "emergency medical technician," "first responder,"~~ 66490
~~and "jurisdiction" have the same meanings as in section 4123.01 of~~ 66491
~~the Revised Code.~~ 66492

(B) All self-insuring employers, in compliance with this 66493
chapter, shall pay the compensation to injured employees, or to 66494
the dependents of employees who have been killed in the course of 66495
their employment, unless the injury or death of the employee was 66496
purposely self-inflicted, and shall furnish the medical, surgical, 66497
nurse, and hospital care and attention or funeral expenses as 66498
would have been paid and furnished by virtue of this chapter under 66499
a similar state of facts by the bureau out of the state insurance 66500

fund if the employer had paid the premium into the fund. 66501

If any rule or regulation of a self-insuring employer 66502
provides for or authorizes the payment of greater compensation or 66503
more complete or extended medical care, nursing, surgical, and 66504
hospital attention, or funeral expenses to the injured employees, 66505
or to the dependents of the employees as may be killed, the 66506
employer shall pay to the employees, or to the dependents of 66507
employees killed, the amount of compensation and furnish the 66508
medical care, nursing, surgical, and hospital attention or funeral 66509
expenses provided by the self-insuring employer's rules and 66510
regulations. 66511

(C) Payment to injured employees, or to their dependents in 66512
case death has ensued, is in lieu of any and all rights of action 66513
against the employer of the injured or killed employees. 66514

Sec. 4123.86. Notwithstanding any provision in section 66515
4123.52, 4123.54, 4123.55, 4123.56, 4123.57, 4123.58, 4123.59, 66516
4123.60, or 4123.66 of the Revised Code to the contrary, in the 66517
case of disability due to an injury described in division 66518
(C)(1)(c) of section 4123.01 of the Revised Code: 66519

(A) Any entitlement of a claimant to compensation as a result 66520
of any order issued under this chapter or Chapter 4121., 4127., or 66521
4131. of the Revised Code regarding that injury shall cease not 66522
later than one year after the date those payments commence under 66523
division (H) of section 4123.511 of the Revised Code. 66524

(B) Any entitlement of a claimant to medical benefits under 66525
this chapter or Chapter 4121., 4127., or 4131. of the Revised Code 66526
regarding that injury shall cease not later than one year after 66527
those payments commence under division (I) of section 4123.511 of 66528
the Revised Code. 66529

Sec. 4301.12. The division of liquor control shall provide 66530

for the custody, safekeeping, and deposit of all moneys, checks, 66531
and drafts received by it or any of its employees or agents prior 66532
to paying them to the treasurer of state as provided by section 66533
113.08 of the Revised Code. 66534

A sum equal to three dollars and thirty-eight cents for each 66535
gallon of spirituous liquor sold by the division, JobsOhio, or a 66536
designee of JobsOhio during the period covered by the payment 66537
shall be paid into the state treasury to the credit of the general 66538
revenue fund. All moneys received from permit fees, except B-2a 66539
and S permit fees from B-2a and S permit holders who do not also 66540
hold A-2 permits, shall be paid to the credit of the undivided 66541
liquor permit fund established by section 4301.30 of the Revised 66542
Code. 66543

Except as otherwise provided by law, the division shall 66544
deposit all moneys collected under Chapters 4301. and 4303. of the 66545
Revised Code ~~shall be paid by the division~~ into the state treasury 66546
to the credit of the ~~liquor control fund, which is hereby created~~ 66547
state liquor regulatory fund created in section 4301.30 of the 66548
Revised Code. In addition, revenue resulting from any contracts 66549
with the department of commerce pertaining to the responsibilities 66550
and operations described in this chapter may be credited to the 66551
fund. ~~Amounts in the liquor control fund may be used to pay the~~ 66552
~~operating expenses of the liquor control commission.~~ 66553

Whenever, in the judgment of the director of budget and 66554
management, the amount in the liquor control fund is in excess of 66555
that needed to meet the maturing obligations of the division, as 66556
working capital for its further operations, to pay the operating 66557
expenses of the commission, and for the alcohol testing program 66558
under section 3701.143 of the Revised Code, the director shall 66559
transfer the excess to the credit of the general revenue fund. If 66560
the director determines that the amount in the liquor control fund 66561
is insufficient, the director may transfer money from the general 66562

revenue fund to the liquor control fund. 66563

Sec. 4301.243. (A) Notwithstanding any other provision of 66564
this chapter or Chapter 4303. of the Revised Code, a manufacturer, 66565
supplier, or solicitor registered pursuant to section 4303.25 of 66566
the Revised Code, or an agent or employee of a manufacturer or 66567
supplier, excluding a distributor or retail permit holder, may 66568
give merchandise or another thing of value to a personal consumer 66569
in connection with the purchase of an alcoholic beverage if both 66570
of the following apply: 66571

(1) The value of the merchandise or other thing of value does 66572
not meet or exceed the retail price of the alcoholic beverage 66573
purchased by the personal consumer; 66574

(2) The merchandise or other thing of value is not made by or 66575
awarded through a distributor or retail permit holder. 66576

(B) As used in this section, "personal consumer" means an 66577
individual who is at least twenty-one years of age, does not hold 66578
a permit issued under chapter 4303. of the Revised Code, and 66579
intends to use a purchased alcoholic beverage for personal 66580
consumption only and not for resale or other commercial purposes. 66581

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 66582
the Revised Code: 66583

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 66584
fluid ounces. 66585

(2) "Sale" or "sell" includes exchange, barter, gift, 66586
distribution, and, except with respect to A-4 permit holders, 66587
offer for sale. 66588

(B) For the purposes of providing revenues for the support of 66589
the state and encouraging the grape industries in the state, a tax 66590
is hereby levied on the sale or distribution of wine in Ohio, 66591

except for known sacramental purposes, at the rate of thirty cents 66592
per wine gallon for wine containing not less than four per cent of 66593
alcohol by volume and not more than fourteen per cent of alcohol 66594
by volume, ninety-eight cents per wine gallon for wine containing 66595
more than fourteen per cent but not more than twenty-one per cent 66596
of alcohol by volume, one dollar and eight cents per wine gallon 66597
for vermouth, and one dollar and forty-eight cents per wine gallon 66598
for sparkling and carbonated wine and champagne, the tax to be 66599
paid by the holders of A-2 and B-5 permits or by any other person 66600
selling or distributing wine upon which no tax has been paid. From 66601
the tax paid under this section on wine, vermouth, and sparkling 66602
and carbonated wine and champagne, the treasurer of state shall 66603
credit to the Ohio grape industries fund created under section 66604
924.54 of the Revised Code a sum equal to one cent per gallon for 66605
each gallon upon which the tax is paid. 66606

(C) For the purpose of providing revenues for the support of 66607
the state, there is hereby levied a tax on prepared and bottled 66608
highballs, cocktails, cordials, and other mixed beverages at the 66609
rate of one dollar and twenty cents per wine gallon to be paid by 66610
holders of A-4 permits or by any other person selling or 66611
distributing those products upon which no tax has been paid. Only 66612
one sale of the same article shall be used in computing the amount 66613
of tax due. The tax on mixed beverages to be paid by holders of 66614
A-4 permits under this section shall not attach until the 66615
ownership of the mixed beverage is transferred for valuable 66616
consideration to a wholesaler or retailer, and no payment of the 66617
tax shall be required prior to that time. 66618

(D) During the period of July 1, ~~2013~~ 2015, through June 30, 66619
~~2015~~ 2017, from the tax paid under this section on wine, vermouth, 66620
and sparkling and carbonated wine and champagne, the treasurer of 66621
state shall credit to the Ohio grape industries fund created under 66622
section 924.54 of the Revised Code a sum equal to two cents per 66623

gallon upon which the tax is paid. The amount credited under this 66624
division is in addition to the amount credited to the Ohio grape 66625
industries fund under division (B) of this section. 66626

(E) For the purpose of providing revenues for the support of 66627
the state, there is hereby levied a tax on cider at the rate of 66628
twenty-four cents per wine gallon to be paid by the holders of A-2 66629
and B-5 permits or by any other person selling or distributing 66630
cider upon which no tax has been paid. Only one sale of the same 66631
article shall be used in computing the amount of the tax due. 66632

Sec. 4301.441. Any information provided to a state agency by 66633
the department of taxation in accordance with division (C)~~(11)~~(10) 66634
of section 5703.21 of the Revised Code shall not be disclosed 66635
publicly by that agency, except for purposes of enforcement, to 66636
deny the renewal of a liquor permit, or to report such information 66637
to the alcohol and tobacco tax and trade bureau in the United 66638
States department of the treasury. 66639

Sec. 4301.61. (A) As used in this section and section 66640
4301.611 of the Revised Code: 66641

(1) "Card holder" means any person who presents a driver's or 66642
commercial driver's license or an identification card to a permit 66643
holder, or an agent or employee of a permit holder, for either of 66644
the purposes listed in division (A)(4)(a) or (b) of this section. 66645

(2) "Identification card" means an identification card issued 66646
under sections 4507.50 to 4507.52 of the Revised Code or an 66647
equivalent identification card issued by another state. 66648

(3) "Permit holder" means the holder of a permit issued under 66649
Chapter 4303. of the Revised Code. 66650

(4) "Transaction scan" means the process by which a permit 66651
holder or an agent or employee of a permit holder checks, by means 66652
of a transaction scan device, the validity of a driver's or 66653

commercial driver's license or an identification card that is 66654
presented as a condition for doing either of the following: 66655

(a) Purchasing any beer, intoxicating liquor, or low-alcohol 66656
beverage; 66657

(b) Gaining admission to a premises that has been issued a 66658
liquor permit authorizing the sale of beer or intoxicating liquor 66659
for consumption on the premises where sold, and where admission is 66660
restricted to persons twenty-one years of age or older. 66661

(5) "Transaction scan device" means any commercial device or 66662
combination of devices used at a point of sale that is capable of 66663
deciphering in an electronically readable format the information 66664
encoded on the magnetic strip or bar code of a driver's or 66665
commercial driver's license or an identification card. 66666

(B)(1) A permit holder or an agent or employee of a permit 66667
holder may perform a transaction scan by means of a transaction 66668
scan device to check the validity of a driver's or commercial 66669
driver's license or identification card presented by a card holder 66670
for either of the purposes listed in division (A)(4)(a) or (b) of 66671
this section. 66672

(2) If the information deciphered by the transaction scan 66673
performed under division (B)(1) of this section fails to match the 66674
information printed on the driver's or commercial driver's license 66675
or identification card presented by the card holder, or if the 66676
transaction scan indicates that the information so printed is 66677
false or fraudulent, neither the permit holder nor any agent or 66678
employee of the permit holder shall sell any beer, intoxicating 66679
liquor, or low-alcohol beverage to the card holder. 66680

(3) Division (B)(1) of this section does not preclude a 66681
permit holder or an agent or employee of a permit holder from 66682
using a transaction scan device to check the validity of a 66683
document other than a driver's or commercial driver's license or 66684

an identification card, if the document includes a bar code or 66685
magnetic strip that may be scanned by the device, as a condition 66686
of a sale of beer, intoxicating liquor, or a low-alcohol beverage 66687
or of granting admission to a premises described in division 66688
(A)(4) of this section. 66689

(C) The registrar of motor vehicles, with the approval of the 66690
liquor control commission, shall adopt, and may amend or rescind, 66691
rules in accordance with Chapter 119. of the Revised Code that do 66692
both of the following: 66693

(1) Govern the recording and maintenance of information 66694
described in divisions (D)(1)(a) and (b) of this section, 66695
divisions (D)(1)(a) and (b) of section 2927.021 of the Revised 66696
Code, and divisions (D)(1)(a) and (b) of section 2925.57 of the 66697
Revised Code; 66698

(2) Ensure quality control in the use of transaction scan 66699
devices under this section and sections 2927.021, 2927.022, 66700
2925.57, 2925.58, and 4301.611 of the Revised Code. 66701

(D)(1) No permit holder or agent or employee of a permit 66702
holder shall electronically or mechanically record or maintain any 66703
information derived from a transaction scan, except the following: 66704

(a) The name and date of birth of the person listed on the 66705
driver's or commercial driver's license or identification card 66706
presented by a card holder; 66707

(b) The expiration date and identification number of the 66708
driver's or commercial driver's license or identification card 66709
presented by a card holder. 66710

(2) No permit holder or agent or employee of a permit holder 66711
shall use the information that is derived from a transaction scan 66712
or that is permitted to be recorded and maintained by division 66713
(D)(1) of this section, except for purposes of section 4301.611 of 66714
the Revised Code. 66715

(3) No permit holder or agent or employee of a permit holder shall use a transaction scan device for a purpose other than a purpose listed in division (A)(4)(a) or (b) of this section.

(4) No permit holder or agent or employee of a permit holder shall sell or otherwise disseminate the information derived from a transaction scan to any third party, including, but not limited to, selling or otherwise disseminating that information for any marketing, advertising, or promotional activities, but a permit holder or agent or employee of a permit holder may release that information pursuant to a court order or as specifically authorized by section 4301.611 or another section of the Revised Code.

(E) Nothing in this section or section 4301.611 of the Revised Code relieves a permit holder or an agent or employee of a permit holder of any responsibility to comply with any other applicable state or federal laws or rules governing the sale of beer, intoxicating liquor, or low-alcohol beverages.

(F) Whoever violates division (B)(2) or (D) of this section is guilty of an illegal liquor transaction scan, and the court may impose upon the offender a civil penalty of up to one thousand dollars for each violation. The clerk of the court shall pay each collected civil penalty to the county treasurer for deposit into the county treasury.

Sec. 4301.639. (A) No permit holder, agent or employee of a permit holder, or any other person may be found guilty of a violation of any section of this chapter or any rule of the liquor control commission in which age is an element of the offense, if the liquor control commission or any court of record finds all of the following:

(1) That the person buying, at the time of so doing, exhibited to the permit holder, the agent or employee of the

permit holder, or the other person a driver's or commercial 66747
driver's license, an identification card ~~issued under sections~~ 66748
~~4507.50 to 4507.52 as defined in section 4301.61~~ of the Revised 66749
Code, ~~or~~ a military identification card issued by the United 66750
States department of defense, or a United States or foreign 66751
passport, that displays a picture of the individual for whom the 66752
license ~~or~~, card, or passport was issued and shows that the person 66753
buying was then at least twenty-one years of age, if the person 66754
was buying beer as defined in section 4301.01 of the Revised Code 66755
or intoxicating liquor, or that the person was then at least 66756
eighteen years of age, if the person was buying any low-alcohol 66757
beverage; 66758

(2) That the permit holder, the agent or employee of the 66759
permit holder, or the other person made a bona fide effort to 66760
ascertain the true age of the person buying by checking the 66761
identification presented, at the time of the purchase, to 66762
ascertain that the description on the identification compared with 66763
the appearance of the buyer and that the identification presented 66764
had not been altered in any way; 66765

(3) That the permit holder, the agent or employee of the 66766
permit holder, or the other person had reason to believe that the 66767
person buying was of legal age. 66768

(B) In any hearing before the liquor control commission and 66769
in any action or proceeding before a court of record in which a 66770
defense is raised under division (A) of this section, the 66771
registrar of motor vehicles or deputy registrar who issued an 66772
identification card under sections 4507.50 to 4507.52 of the 66773
Revised Code shall be permitted to submit certified copies of the 66774
records, in the registrar's or deputy's possession, of that 66775
issuance in lieu of the testimony of the personnel of or 66776
contractors with the bureau of motor vehicles at the hearing, 66777
action, or proceeding. 66778

(C) The defense provided by division (A) of this section is 66779
in addition to the affirmative defense provided by section 66780
4301.611 of the Revised Code. 66781

Sec. 4301.83. (A) As used in this section: 66782

(1) "Qualified permit holder" means a person to which both of 66783
the following apply: 66784

(a) The person is the holder of an A-1, A-1-A, A-1c, A-2, or 66785
D permit issued under Chapter 4303. of the Revised Code. 66786

(b) The location of the premises for which the person has 66787
been issued a permit specified in division (A)(1)(a) of this 66788
section is in a county in which a major event will occur or in a 66789
county contiguous to the county in which a major event will occur. 66790

(2) "Major event" means an event that meets all of the 66791
following conditions: 66792

(a) It is scheduled to occur in a municipal corporation with 66793
a population of three hundred fifty thousand or more on or after 66794
the effective date of this section. 66795

(b) It is expected to attract not less than three thousand 66796
visitors. 66797

(c) It is scheduled to have a duration of not less than one 66798
day and not more than ten days. 66799

(B) Notwithstanding any provision of law to the contrary and 66800
upon issuance of a waiver by the division of liquor control under 66801
this section, a qualified permit holder may serve beer, 66802
intoxicating liquor, or both between five thirty a.m. and four 66803
a.m. the following day during a major event. 66804

(C) Not later than one hundred twenty days prior to the 66805
commencement of a major event, a qualified permit holder may file 66806
an application for a waiver with the chief executive officer of 66807

the municipal corporation in which the permit holder's premises is located or the fiscal officer of the township in which the permit holder's premises is located. The qualified permit holder shall include in the application both of the following: 66808
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(1) The name and address of the qualified permit holder; 66812

(2) The name and address of the premises that is the subject of the application. 66813
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(D)(1) Not later than ninety days prior to the commencement of the major event, the chief executive officer of the municipal corporation or the fiscal officer of the township that receives an application under division (C) of this section shall review all applications received under division (C) of this section and compile a list of the applicants. 66815
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(2) In compiling the list under division (D)(1) of this section, the chief executive officer or fiscal officer shall consult with the chief law enforcement officer of the municipal corporation or township, as applicable, to determine whether to retain each applicant on the list. 66821
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(E)(1) Not later than sixty days prior to the commencement of the major event, the chief executive officer of the municipal corporation or the fiscal officer of the township that compiles a list of qualified permit holders under division (D) of this section shall submit the list to the division. 66826
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(2) The division shall review the list and determine whether to retain each qualified permit holder on the list. The division may remove the name of a permit holder from the list for good cause. After review, the division shall certify the list. 66831
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(F) Not later than thirty days prior to the commencement of the major event, the division shall do both of the following: 66835
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(1) Return the list certified under division (E) of this 66837

section to the chief executive officer of the municipal corporation or the fiscal officer of the township that submitted the original list under division (E) of this section; 66838
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(2) Issue a waiver to each permit holder on the list that allows the permit holder to serve beer, intoxicating liquor, or both between five thirty a.m. and four a.m. the following day during the major event. 66841
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(G) The division shall establish the form of the application to be used under this section and shall make it available for use by qualified permit holders. 66845
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Sec. 4303.181. (A) Permit D-5a may be issued either to the owner or operator of a hotel or motel that is required to be licensed under section 3731.03 of the Revised Code, that contains at least fifty rooms for registered transient guests or is owned by a state institution of higher education as defined in section 3345.011 of the Revised Code or a private college or university, and that qualifies under the other requirements of this section, or to the owner or operator of a restaurant specified under this section, to sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and to registered guests in their rooms, which may be sold by means of a controlled access alcohol and beverage cabinet in accordance with division (B) of section 4301.21 of the Revised Code; and to sell the same products in the same manner and amounts not for consumption on the premises as may be sold by holders of D-1 and D-2 permits. The premises of the hotel or motel shall include a retail food establishment or a food service operation licensed pursuant to Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is affiliated with the hotel or motel and within or contiguous to the hotel or motel, and that serves food within 66848
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the hotel or motel, but the principal business of the owner or operator of the hotel or motel shall be the accommodation of transient guests. In addition to the privileges authorized in this division, the holder of a D-5a permit may exercise the same privileges as the holder of a D-5 permit.

The owner or operator of a hotel, motel, or restaurant who qualified for and held a D-5a permit on August 4, 1976, may, if the owner or operator held another permit before holding a D-5a permit, either retain a D-5a permit or apply for the permit formerly held, and the division of liquor control shall issue the permit for which the owner or operator applies and formerly held, notwithstanding any quota.

A D-5a permit shall not be transferred to another location. No quota restriction shall be placed on the number of D-5a permits that may be issued.

The fee for this permit is two thousand three hundred forty-four dollars.

(B) Permit D-5b may be issued to the owner, operator, tenant, lessee, or occupant of an enclosed shopping center to sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold; and to sell the same products in the same manner and amount not for consumption on the premises as may be sold by holders of D-1 and D-2 permits. In addition to the privileges authorized in this division, the holder of a D-5b permit may exercise the same privileges as a holder of a D-5 permit.

A D-5b permit shall not be transferred to another location.

One D-5b permit may be issued at an enclosed shopping center containing at least two hundred twenty-five thousand, but less than four hundred thousand, square feet of floor area.

Two D-5b permits may be issued at an enclosed shopping center

containing at least four hundred thousand square feet of floor 66900
area. No more than one D-5b permit may be issued at an enclosed 66901
shopping center for each additional two hundred thousand square 66902
feet of floor area or fraction of that floor area, up to a maximum 66903
of five D-5b permits for each enclosed shopping center. The number 66904
of D-5b permits that may be issued at an enclosed shopping center 66905
shall be determined by subtracting the number of D-3 and D-5 66906
permits issued in the enclosed shopping center from the number of 66907
D-5b permits that otherwise may be issued at the enclosed shopping 66908
center under the formulas provided in this division. Except as 66909
provided in this section, no quota shall be placed on the number 66910
of D-5b permits that may be issued. Notwithstanding any quota 66911
provided in this section, the holder of any D-5b permit first 66912
issued in accordance with this section is entitled to its renewal 66913
in accordance with section 4303.271 of the Revised Code. 66914

The holder of a D-5b permit issued before April 4, 1984, 66915
whose tenancy is terminated for a cause other than nonpayment of 66916
rent, may return the D-5b permit to the division of liquor 66917
control, and the division shall cancel that permit. Upon 66918
cancellation of that permit and upon the permit holder's payment 66919
of taxes, contributions, premiums, assessments, and other debts 66920
owing or accrued upon the date of cancellation to this state and 66921
its political subdivisions and a filing with the division of a 66922
certification of that payment, the division shall issue to that 66923
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 66924
that person requests. The division shall issue the D-5 permit, or 66925
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 66926
D-3, or D-5 permits currently issued in the municipal corporation 66927
or in the unincorporated area of the township where that person's 66928
proposed premises is located equals or exceeds the maximum number 66929
of such permits that can be issued in that municipal corporation 66930
or in the unincorporated area of that township under the 66931
population quota restrictions contained in section 4303.29 of the 66932

Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 66933
be transferred to another location. If a D-5b permit is canceled 66934
under the provisions of this paragraph, the number of D-5b permits 66935
that may be issued at the enclosed shopping center for which the 66936
D-5b permit was issued, under the formula provided in this 66937
division, shall be reduced by one if the enclosed shopping center 66938
was entitled to more than one D-5b permit under the formula. 66939

The fee for this permit is two thousand three hundred 66940
forty-four dollars. 66941

(C) Permit D-5c may be issued to the owner or operator of a 66942
retail food establishment or a food service operation licensed 66943
pursuant to Chapter 3717. of the Revised Code that operates as a 66944
restaurant for purposes of this chapter and that qualifies under 66945
the other requirements of this section to sell beer and any 66946
intoxicating liquor at retail, only by the individual drink in 66947
glass and from the container, for consumption on the premises 66948
where sold, and to sell the same products in the same manner and 66949
amounts not for consumption on the premises as may be sold by 66950
holders of D-1 and D-2 permits. In addition to the privileges 66951
authorized in this division, the holder of a D-5c permit may 66952
exercise the same privileges as the holder of a D-5 permit. 66953

To qualify for a D-5c permit, the owner or operator of a 66954
retail food establishment or a food service operation licensed 66955
pursuant to Chapter 3717. of the Revised Code that operates as a 66956
restaurant for purposes of this chapter, shall have operated the 66957
restaurant at the proposed premises for not less than twenty-four 66958
consecutive months immediately preceding the filing of the 66959
application for the permit, have applied for a D-5 permit no later 66960
than December 31, 1988, and appear on the division's quota waiting 66961
list for not less than six months immediately preceding the filing 66962
of the application for the permit. In addition to these 66963
requirements, the proposed D-5c permit premises shall be located 66964

within a municipal corporation and further within an election 66965
precinct that, at the time of the application, has no more than 66966
twenty-five per cent of its total land area zoned for residential 66967
use. 66968

A D-5c permit shall not be transferred to another location. 66969
No quota restriction shall be placed on the number of such permits 66970
that may be issued. 66971

Any person who has held a D-5c permit for at least two years 66972
may apply for a D-5 permit, and the division of liquor control 66973
shall issue the D-5 permit notwithstanding the quota restrictions 66974
contained in section 4303.29 of the Revised Code or in any rule of 66975
the liquor control commission. 66976

The fee for this permit is one thousand five hundred 66977
sixty-three dollars. 66978

(D) Permit D-5d may be issued to the owner or operator of a 66979
retail food establishment or a food service operation licensed 66980
pursuant to Chapter 3717. of the Revised Code that operates as a 66981
restaurant for purposes of this chapter and that is located at an 66982
airport operated by a board of county commissioners pursuant to 66983
section 307.20 of the Revised Code, at an airport operated by a 66984
port authority pursuant to Chapter 4582. of the Revised Code, or 66985
at an airport operated by a regional airport authority pursuant to 66986
Chapter 308. of the Revised Code. The holder of a D-5d permit may 66987
sell beer and any intoxicating liquor at retail, only by the 66988
individual drink in glass and from the container, for consumption 66989
on the premises where sold, and may sell the same products in the 66990
same manner and amounts not for consumption on the premises where 66991
sold as may be sold by the holders of D-1 and D-2 permits. In 66992
addition to the privileges authorized in this division, the holder 66993
of a D-5d permit may exercise the same privileges as the holder of 66994
a D-5 permit. 66995

A D-5d permit shall not be transferred to another location. 66996
No quota restrictions shall be placed on the number of such 66997
permits that may be issued. 66998

The fee for this permit is two thousand three hundred 66999
forty-four dollars. 67000

(E) Permit D-5e may be issued to any nonprofit organization 67001
that is exempt from federal income taxation under the "Internal 67002
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 67003
amended, or that is a charitable organization under any chapter of 67004
the Revised Code, and that owns or operates a riverboat that meets 67005
all of the following: 67006

(1) Is permanently docked at one location; 67007

(2) Is designated as an historical riverboat by the Ohio 67008
historical society; 67009

(3) Contains not less than fifteen hundred square feet of 67010
floor area; 67011

(4) Has a seating capacity of fifty or more persons. 67012

The holder of a D-5e permit may sell beer and intoxicating 67013
liquor at retail, only by the individual drink in glass and from 67014
the container, for consumption on the premises where sold. 67015

A D-5e permit shall not be transferred to another location. 67016
No quota restriction shall be placed on the number of such permits 67017
that may be issued. The population quota restrictions contained in 67018
section 4303.29 of the Revised Code or in any rule of the liquor 67019
control commission shall not apply to this division, and the 67020
division shall issue a D-5e permit to any applicant who meets the 67021
requirements of this division. However, the division shall not 67022
issue a D-5e permit if the permit premises or proposed permit 67023
premises are located within an area in which the sale of 67024
spirituous liquor by the glass is prohibited. 67025

The fee for this permit is one thousand two hundred nineteen dollars. 67026
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(F) Permit D-5f may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following: 67028
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(1) It contains not less than twenty-five hundred square feet of floor area. 67033
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(2) It is located on or in, or immediately adjacent to, the shoreline of, a navigable river. 67035
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(3) It provides docking space for twenty-five boats. 67037

(4) It provides entertainment and recreation, provided that not less than fifty per cent of the business on the permit premises shall be preparing and serving meals for a consideration. 67038
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In addition, each application for a D-5f permit shall be accompanied by a certification from the local legislative authority that the issuance of the D-5f permit is not inconsistent with that political subdivision's comprehensive development plan or other economic development goal as officially established by the local legislative authority. 67041
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The holder of a D-5f permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold. 67047
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A D-5f permit shall not be transferred to another location. 67050

The division of liquor control shall not issue a D-5f permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited. 67051
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67053
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A fee for this permit is two thousand three hundred 67055

forty-four dollars. 67056

As used in this division, "navigable river" means a river 67057
that is also a "navigable water" as defined in the "Federal Power 67058
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 67059

(G) Permit D-5g may be issued to a nonprofit corporation that 67060
is either the owner or the operator of a national professional 67061
sports museum. The holder of a D-5g permit may sell beer and any 67062
intoxicating liquor at retail, only by the individual drink in 67063
glass and from the container, for consumption on the premises 67064
where sold. The holder of a D-5g permit shall sell no beer or 67065
intoxicating liquor for consumption on the premises where sold 67066
after two-thirty a.m. A D-5g permit shall not be transferred to 67067
another location. No quota restrictions shall be placed on the 67068
number of D-5g permits that may be issued. The fee for this permit 67069
is one thousand eight hundred seventy-five dollars. 67070

(H)(1) Permit D-5h may be issued to any nonprofit 67071
organization that is exempt from federal income taxation under the 67072
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 67073
501(c)(3), as amended, that owns or operates any of the following: 67074

(a) A fine arts museum, provided that the nonprofit 67075
organization has no less than one thousand five hundred bona fide 67076
members possessing full membership privileges; 67077

(b) A community arts center. As used in division (H)(1)(b) of 67078
this section, "community arts center" means a facility that 67079
provides arts programming to the community in more than one arts 67080
discipline, including, but not limited to, exhibits of works of 67081
art and performances by both professional and amateur artists. 67082

(c) A community theater, provided that the nonprofit 67083
organization is a member of the Ohio arts council and the American 67084
community theatre association and has been in existence for not 67085
less than ten years. As used in division (H)(1)(c) of this 67086

section, "community theater" means a facility that contains at least one hundred fifty seats and has a primary function of presenting live theatrical performances and providing recreational opportunities to the community.

(2) The holder of a D-5h permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold. The holder of a D-5h permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after one a.m. A D-5h permit shall not be transferred to another location. No quota restrictions shall be placed on the number of D-5h permits that may be issued.

(3) The fee for a D-5h permit is one thousand eight hundred seventy-five dollars.

(I) Permit D-5i may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following requirements:

(1) It is located in a municipal corporation or a township with a population of one hundred thousand or less.

(2) It has inside seating capacity for at least one hundred forty persons.

(3) It has at least four thousand square feet of floor area.

(4) It offers full-course meals, appetizers, and sandwiches.

(5) Its receipts from beer and liquor sales, excluding wine sales, do not exceed twenty-five per cent of its total gross receipts.

(6) It has at least one of the following characteristics:

(a) The value of its real and personal property exceeds seven

hundred twenty-five thousand dollars. 67117

(b) It is located on property that is owned or leased by the 67118
state or a state agency, and its owner or operator has 67119
authorization from the state or the state agency that owns or 67120
leases the property to obtain a D-5i permit. 67121

The holder of a D-5i permit may sell beer and any 67122
intoxicating liquor at retail, only by the individual drink in 67123
glass and from the container, for consumption on the premises 67124
where sold, and may sell the same products in the same manner and 67125
amounts not for consumption on the premises where sold as may be 67126
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 67127
permit shall sell no beer or intoxicating liquor for consumption 67128
on the premises where sold after two-thirty a.m. In addition to 67129
the privileges authorized in this division, the holder of a D-5i 67130
permit may exercise the same privileges as the holder of a D-5 67131
permit. 67132

A D-5i permit shall not be transferred to another location. 67133
The division of liquor control shall not renew a D-5i permit 67134
unless the retail food establishment or food service operation for 67135
which it is issued continues to meet the requirements described in 67136
divisions (I)(1) to (6) of this section. No quota restrictions 67137
shall be placed on the number of D-5i permits that may be issued. 67138
The fee for the D-5i permit is two thousand three hundred 67139
forty-four dollars. 67140

(J) Permit D-5j may be issued to the owner or the operator of 67141
a retail food establishment or a food service operation licensed 67142
under Chapter 3717. of the Revised Code to sell beer and 67143
intoxicating liquor at retail, only by the individual drink in 67144
glass and from the container, for consumption on the premises 67145
where sold and to sell beer and intoxicating liquor in the same 67146
manner and amounts not for consumption on the premises where sold 67147
as may be sold by the holders of D-1 and D-2 permits. The holder 67148

of a D-5j permit may exercise the same privileges, and shall 67149
observe the same hours of operation, as the holder of a D-5 67150
permit. 67151

The D-5j permit shall be issued only within a community 67152
entertainment district that is designated under section 4301.80 of 67153
the Revised Code. The permit shall not be issued to a community 67154
entertainment district that is designated under divisions (B) and 67155
(C) of section 4301.80 of the Revised Code if the district does 67156
not meet one of the following qualifications: 67157

(1) It is located in a municipal corporation with a 67158
population of at least one hundred thousand. 67159

(2) It is located in a municipal corporation with a 67160
population of at least twenty thousand, and either of the 67161
following applies: 67162

(a) It contains an amusement park the rides of which have 67163
been issued a permit by the department of agriculture under 67164
Chapter 1711. of the Revised Code. 67165

(b) Not less than fifty million dollars will be invested in 67166
development and construction in the community entertainment 67167
district's area located in the municipal corporation. 67168

(3) It is located in a township with a population of at least 67169
forty thousand. 67170

(4) It is located in a township with a population of at least 67171
twenty thousand, and not less than seventy million dollars will be 67172
invested in development and construction in the community 67173
entertainment district's area located in the township. 67174

(5) It is located in a municipal corporation with a 67175
population between ~~ten~~ seven thousand and twenty thousand, and 67176
both of the following apply: 67177

(a) The municipal corporation was incorporated as a village 67178

prior to calendar year 1860 and currently has a historic downtown
business district. 67179
67180

(b) The municipal corporation is located in the same county 67181
as another municipal corporation with at least one community 67182
entertainment district. 67183

(6) It is located in a municipal corporation with a 67184
population of at least ten thousand, and not less than seventy 67185
million dollars will be invested in development and construction 67186
in the community entertainment district's area located in the 67187
municipal corporation. 67188

(7) It is located in a municipal corporation with a 67189
population of at least five thousand, and not less than one 67190
hundred million dollars will be invested in development and 67191
construction in the community entertainment district's area 67192
located in the municipal corporation. 67193

(8) It is located in a municipal corporation with a 67194
population of less than three thousand and all of the following 67195
apply: 67196

(a) The municipal corporation was incorporated as a village 67197
prior to calendar year 1812 and currently has a historic district 67198
of at least forty acres. 67199

(b) The municipal corporation is located in a county that 67200
does not have a municipal corporation with a population of more 67201
than seven thousand five hundred. 67202

(c) The municipal corporation currently is not the county 67203
seat, but was the county seat prior to 1860. 67204

For purposes of division (J)(8) of this section, the 67205
population of a municipal corporation is considered to be the 67206
population shown by the most recent regular federal decennial 67207
census. 67208

The location of a D-5j permit may be transferred only within 67209
the geographic boundaries of the community entertainment district 67210
in which it was issued and shall not be transferred outside the 67211
geographic boundaries of that district. 67212

Not more than one D-5j permit shall be issued within each 67213
community entertainment district for each five acres of land 67214
located within the district. Not more than fifteen D-5j permits 67215
may be issued within a single community entertainment district. 67216
Except as otherwise provided in division (J)(4) of this section, 67217
no quota restrictions shall be placed upon the number of D-5j 67218
permits that may be issued. 67219

The fee for a D-5j permit is two thousand three hundred 67220
forty-four dollars. 67221

(K)(1) Permit D-5k may be issued to any nonprofit 67222
organization that is exempt from federal income taxation under the 67223
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 67224
501(c)(3), as amended, that is the owner or operator of a 67225
botanical garden recognized by the American association of 67226
botanical gardens and arboreta, and that has not less than 67227
twenty-five hundred bona fide members. 67228

(2) The holder of a D-5k permit may sell beer and any 67229
intoxicating liquor at retail, only by the individual drink in 67230
glass and from the container, on the premises where sold. 67231

(3) The holder of a D-5k permit shall sell no beer or 67232
intoxicating liquor for consumption on the premises where sold 67233
after one a.m. 67234

(4) A D-5k permit shall not be transferred to another 67235
location. 67236

(5) No quota restrictions shall be placed on the number of 67237
D-5k permits that may be issued. 67238

(6) The fee for the D-5k permit is one thousand eight hundred seventy-five dollars. 67239
67240

(L)(1) Permit D-5l may be issued to the owner or the operator 67241
of a retail food establishment or a food service operation 67242
licensed under Chapter 3717. of the Revised Code to sell beer and 67243
intoxicating liquor at retail, only by the individual drink in 67244
glass and from the container, for consumption on the premises 67245
where sold and to sell beer and intoxicating liquor in the same 67246
manner and amounts not for consumption on the premises where sold 67247
as may be sold by the holders of D-1 and D-2 permits. The holder 67248
of a D-5l permit may exercise the same privileges, and shall 67249
observe the same hours of operation, as the holder of a D-5 67250
permit. 67251

(2) The D-5l permit shall be issued only to a premises to 67252
which all of the following apply: 67253

(a) The premises has gross annual receipts from the sale of 67254
food and meals that constitute not less than seventy-five per cent 67255
of its total gross annual receipts. 67256

(b) The premises is located within a revitalization district 67257
that is designated under section 4301.81 of the Revised Code. 67258

(c) The premises is located in a municipal corporation or 67259
township in which the number of D-5 permits issued equals or 67260
exceeds the number of those permits that may be issued in that 67261
municipal corporation or township under section 4303.29 of the 67262
Revised Code. 67263

(d) The premises meets any of the following qualifications: 67264

(i) It is located in a county with a population of one 67265
hundred twenty-five thousand or less according to the population 67266
estimates certified by the development services agency for 67267
calendar year 2006. 67268

(ii) It is located in the municipal corporation that has the largest population in a county when the county has a population between two hundred fifteen thousand and two hundred twenty-five thousand according to the population estimates certified by the development services agency for calendar year 2006. Division (L)(2)(d)(ii) of this section applies only to a municipal corporation that is wholly located in a county.

(iii) It is located in the municipal corporation that has the largest population in a county when the county has a population between one hundred forty thousand and one hundred forty-one thousand according to the population estimates certified by the development services agency for calendar year 2006. Division (L)(2)(d)(iii) of this section applies only to a municipal corporation that is wholly located in a county.

(3) The location of a D-51 permit may be transferred only within the geographic boundaries of the revitalization district in which it was issued and shall not be transferred outside the geographic boundaries of that district.

(4) Not more than one D-51 permit shall be issued within each revitalization district for each five acres of land located within the district. Not more than fifteen D-51 permits may be issued within a single revitalization district. Except as otherwise provided in division (L)(4) of this section, no quota restrictions shall be placed upon the number of D-51 permits that may be issued.

(5) No D-51 permit shall be issued to an adult entertainment establishment as defined in section 2907.39 of the Revised Code.

(6) The fee for a D-51 permit is two thousand three hundred forty-four dollars.

(M) Permit D-5m may be issued to either the owner or the operator of a retail food establishment or food service operation

licensed under Chapter 3717. of the Revised Code that operates as 67300
a restaurant for purposes of this chapter and that is located in, 67301
or affiliated with, a center for the preservation of wild animals 67302
as defined in section 4301.404 of the Revised Code, to sell beer 67303
and any intoxicating liquor at retail, only by the glass and from 67304
the container, for consumption on the premises where sold, and to 67305
sell the same products in the same manner and amounts not for 67306
consumption on the premises as may be sold by the holders of D-1 67307
and D-2 permits. In addition to the privileges authorized by this 67308
division, the holder of a D-5m permit may exercise the same 67309
privileges as the holder of a D-5 permit. 67310

A D-5m permit shall not be transferred to another location. 67311
No quota restrictions shall be placed on the number of D-5m 67312
permits that may be issued. The fee for a permit D-5m is two 67313
thousand three hundred forty-four dollars. 67314

(N) Permit D-5n shall be issued to either a casino operator 67315
or a casino management company licensed under Chapter 3772. of the 67316
Revised Code that operates a casino facility under that chapter, 67317
to sell beer and any intoxicating liquor at retail, only by the 67318
individual drink in glass and from the container, for consumption 67319
on the premises where sold, and to sell the same products in the 67320
same manner and amounts not for consumption on the premises as may 67321
be sold by the holders of D-1 and D-2 permits. In addition to the 67322
privileges authorized by this division, the holder of a D-5n 67323
permit may exercise the same privileges as the holder of a D-5 67324
permit. A D-5n permit shall not be transferred to another 67325
location. Only one D-5n permit may be issued per casino facility 67326
and not more than four D-5n permits shall be issued in this state. 67327
The fee for a permit D-5n shall be twenty thousand dollars. The 67328
holder of a D-5n permit may conduct casino gaming on the permit 67329
premises notwithstanding any provision of the Revised Code or 67330
Administrative Code. 67331

(O) Permit D-5o may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located within a casino facility for which a D-5n permit has been issued. The holder of a D-5o permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5o permit may exercise the same privileges as the holder of a D-5 permit. A D-5o permit shall not be transferred to another location. No quota restrictions shall be placed on the number of such permits that may be issued. The fee for this permit is two thousand three hundred forty-four dollars.

Sec. 4303.182. (A) Except as otherwise provided in divisions (B) to ~~(J)~~(K) of this section, permit D-6 shall be issued to the holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to allow sale under that permit as follows:

(1) Between the hours of ten a.m. and midnight on Sunday if sale during those hours has been approved under question (C)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised Code, under question (B)(2) of section 4301.355 of the Revised Code, or under section 4301.356 of the Revised Code and has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code, under the restrictions of that authorization;

(2) Between the hours of eleven a.m. and midnight on Sunday,

if sale during those hours has been approved on or after ~~the~~ 67363
~~effective date of this amendment~~ October 16, 2009, under question 67364
(B)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised 67365
Code, under question (B)(2) of section 4301.355 of the Revised 67366
Code, or under section 4301.356 of the Revised Code and has been 67367
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 67368
of the Revised Code, under the restrictions of that authorization; 67369

(3) Between the hours of eleven a.m. and midnight on Sunday 67370
if sale between the hours of one p.m. and midnight was approved 67371
before ~~the effective date of this amendment~~ October 16, 2009, 67372
under question (B)(1), (2), or (3) of section 4301.351 or 4301.354 67373
of the Revised Code, under question (B)(2) of section 4301.355 of 67374
the Revised Code, or under section 4301.356 of the Revised Code 67375
and has been authorized under section 4301.361, 4301.364, 67376
4301.365, or 4301.366 of the Revised Code, under the other 67377
restrictions of that authorization. 67378

(B) Permit D-6 shall be issued to the holder of any permit, 67379
including a D-4a and D-5d permit, authorizing the sale of 67380
intoxicating liquor issued for a premises located at any publicly 67381
owned airport, as defined in section 4563.01 of the Revised Code, 67382
at which commercial airline companies operate regularly scheduled 67383
flights on which space is available to the public, to allow sale 67384
under such permit between the hours of ten a.m. and midnight on 67385
Sunday, whether or not that sale has been authorized under section 67386
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 67387

(C) Permit D-6 shall be issued to the holder of a D-5a 67388
permit, and to the holder of a D-3 or D-3a permit who is the owner 67389
or operator of a hotel or motel that is required to be licensed 67390
under section 3731.03 of the Revised Code, that contains at least 67391
fifty rooms for registered transient guests, and that has on its 67392
premises a retail food establishment or a food service operation 67393
licensed pursuant to Chapter 3717. of the Revised Code that 67394

operates as a restaurant for purposes of this chapter and is 67395
affiliated with the hotel or motel and within or contiguous to the 67396
hotel or motel and serving food within the hotel or motel, to 67397
allow sale under such permit between the hours of ten a.m. and 67398
midnight on Sunday, whether or not that sale has been authorized 67399
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 67400
Revised Code. 67401

(D) The holder of a D-6 permit that is issued to a sports 67402
facility may make sales under the permit between the hours of 67403
eleven a.m. and midnight on any Sunday on which a professional 67404
baseball, basketball, football, hockey, or soccer game is being 67405
played at the sports facility. As used in this division, "sports 67406
facility" means a stadium or arena that has a seating capacity of 67407
at least four thousand and that is owned or leased by a 67408
professional baseball, basketball, football, hockey, or soccer 67409
franchise or any combination of those franchises. 67410

(E) Permit D-6 shall be issued to the holder of any permit 67411
that authorizes the sale of beer or intoxicating liquor and that 67412
is issued to a premises located in or at the Ohio historical 67413
society area or the state fairgrounds, as defined in division (B) 67414
of section 4301.40 of the Revised Code, to allow sale under that 67415
permit between the hours of ten a.m. and midnight on Sunday, 67416
whether or not that sale has been authorized under section 67417
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 67418

(F) Permit D-6 shall be issued to the holder of any permit 67419
that authorizes the sale of intoxicating liquor and that is issued 67420
to an outdoor performing arts center to allow sale under that 67421
permit between the hours of one p.m. and midnight on Sunday, 67422
whether or not that sale has been authorized under section 67423
4301.361 of the Revised Code. A D-6 permit issued under this 67424
division is subject to the results of an election, held after the 67425
D-6 permit is issued, on question (B)(4) as set forth in section 67426

4301.351 of the Revised Code. Following the end of the period 67427
during which an election may be held on question (B)(4) as set 67428
forth in that section, sales of intoxicating liquor may continue 67429
at an outdoor performing arts center under a D-6 permit issued 67430
under this division, unless an election on that question is held 67431
during the permitted period and a majority of the voters voting in 67432
the precinct on that question vote "no." 67433

As used in this division, "outdoor performing arts center" 67434
means an outdoor performing arts center that is located on not 67435
less than eight hundred acres of land and that is open for 67436
performances from the first day of April to the last day of 67437
October of each year. 67438

(G) Permit D-6 shall be issued to the holder of any permit 67439
that authorizes the sale of beer or intoxicating liquor and that 67440
is issued to a golf course owned by the state, a conservancy 67441
district, a park district created under Chapter 1545. of the 67442
Revised Code, or another political subdivision to allow sale under 67443
that permit between the hours of ten a.m. and midnight on Sunday, 67444
whether or not that sale has been authorized under section 67445
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 67446

(H) Permit D-6 shall be issued to the holder of a D-5g permit 67447
to allow sale under that permit between the hours of ten a.m. and 67448
midnight on Sunday, whether or not that sale has been authorized 67449
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 67450
Revised Code. 67451

(I) Permit D-6 shall be issued to the holder of any D permit 67452
for a premises that is licensed under Chapter 3717. of the Revised 67453
Code and that is located at a ski area to allow sale under the D-6 67454
permit between the hours of ten a.m. and midnight on Sunday, 67455
whether or not that sale has been authorized under section 67456
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 67457

As used in this division, "ski area" means a ski area as defined in section 4169.01 of the Revised Code, provided that the passenger tramway operator at that area is registered under section 4169.03 of the Revised Code.

(J) Permit D-6 shall be issued to the holder of any permit that is described in division (A) of this section for a permit premises that is located in a community entertainment district, as defined in section 4301.80 of the Revised Code, that was approved by the legislative authority of a municipal corporation under that section between October 1 and October 15, 2005, to allow sale under the permit between the hours of ten a.m. and midnight on Sunday, whether or not that sale has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code.

(K) A D-6 permit shall be issued to the holder of any D permit for a premises that is licensed under Chapter 3717. of the Revised Code and that is located in a state park to allow sales under the D-6 permit between the hours of ten a.m. and midnight on Sunday, whether or not those sales have been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code.

As used in this division, "state park" means a state park that is established or dedicated under Chapter 1541. of the Revised Code and that has a working farm on its property.

(L) If the restriction to licensed premises where the sale of food and other goods and services exceeds fifty per cent of the total gross receipts of the permit holder at the premises is applicable, the division of liquor control may accept an affidavit from the permit holder to show the proportion of the permit holder's gross receipts derived from the sale of food and other goods and services. If the liquor control commission determines that affidavit to have been false, it shall revoke the permits of the permit holder at the premises concerned.

~~(L)~~(M) The fee for the D-6 permit is five hundred dollars 67490
when it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, 67491
D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, 67492
D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit. The 67493
fee for the D-6 permit is four hundred dollars when it is issued 67494
to the holder of a C-2 permit. 67495

Sec. 4303.184. (A) Subject to division (B) of this section, a 67496
D-8 permit may be issued to ~~either~~ any of the following: 67497

(1) An agency store; 67498

(2) The holder of a C-1, C-2, or C-2x permit issued to a 67499
retail store that has any of the following characteristics: 67500

(a) The store has at least five thousand five hundred square 67501
feet of floor area, and it generates more than sixty per cent of 67502
its sales in general merchandise items and food for consumption 67503
off the premises where sold. 67504

(b) The store is located in a municipal corporation or 67505
township with a population of five thousand or less, has at least 67506
four thousand five hundred square feet of floor area, and 67507
generates more than sixty per cent of its sales in general 67508
merchandise items and food for consumption off the premises where 67509
sold. 67510

(c) Wine constitutes at least sixty per cent of the value of 67511
the store's inventory. 67512

(3) The holder of both a C-1 and C-2 permit, or the holder of 67513
a C-2x permit, issued to a retail store that is located within a 67514
municipal corporation or township with a population of fifteen 67515
thousand or less. 67516

(B) A D-8 permit may be issued to the holder of a C-1, C-2, 67517
or C-2x permit only if the premises of the permit holder are 67518
located in a precinct, or at a particular location in a precinct, 67519

in which the sale of beer, wine, or mixed beverages is permitted 67520
for consumption off the premises where sold. Sales under a D-8 67521
permit are not affected by whether sales for consumption on the 67522
premises where sold are permitted in the precinct or at the 67523
particular location where the D-8 premises are located. 67524

(C)(1) The holder of a D-8 permit described in division 67525
(A)(2) or (3) of this section may sell tasting samples of beer, 67526
wine, and mixed beverages, but not spirituous liquor, at retail, 67527
for consumption on the premises where sold in an amount not to 67528
exceed two ounces or another amount designated by rule of the 67529
liquor control commission. A tasting sample shall not be sold for 67530
general consumption. 67531

(2) The holder of a D-8 permit described in division (A)(1) 67532
of this section may allow the sale of tasting samples of 67533
spirituous liquor in accordance with section 4301.171 of the 67534
Revised Code. 67535

(3) No D-8 permit holder described in division (A)(2) or (3) 67536
of this section shall allow any authorized purchaser to consume 67537
more than four tasting samples of beer, wine, or mixed beverages, 67538
or any combination of beer, wine, or mixed beverages, per day. 67539

(D)(1) Notwithstanding sections 4303.11 and 4303.121 of the 67540
Revised Code, the holder of a D-8 permit described in division 67541
(A)(2) or (3) of this section may sell beer that is dispensed from 67542
containers that have a capacity equal to or greater than five and 67543
one-sixth gallons if all of the following conditions are met: 67544

(a) A product registration fee for the beer has been paid as 67545
required in division (A)(8)(b) of section 4301.10 of the Revised 67546
Code. 67547

(b) The beer is dispensed only in glass containers whose 67548
capacity does not exceed one gallon and not for consumption on the 67549
premises where sold. 67550

(c) The containers are sealed, marked, and transported in accordance with division (E) of section 4301.62 of the Revised Code. 67551
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(d) The containers have been cleaned immediately before being filled in accordance with rule 4301:1-1-28 of the Administrative Code. 67554
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(2) Beer that is sold and dispensed under division (D)(1) of this section is subject to both of the following: 67557
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(a) All applicable rules adopted by the liquor control commission, including, but not limited to, rule 4301:1-1-27 and rule 4301:1-1-72 of the Administrative Code; 67559
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(b) All applicable federal laws and regulations. 67562

(E) The privileges authorized for the holder of a D-8 permit described in division (A)(2) or (3) of this section may only be exercised in conjunction with and during the hours of operation authorized by a C-1, C-2, C-2x, or D-6 permit. 67563
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(F) A D-8 permit shall not be transferred to another location. 67567
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(G) The fee for the D-8 permit is five hundred dollars. 67569

Sec. 4501.01. As used in this chapter and Chapters 4503., 4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the Revised Code, and in the penal laws, except as otherwise provided: 67570
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(A) "Vehicles" means everything on wheels or runners, including motorized bicycles, but does not mean electric personal assistive mobility devices, vehicles that are operated exclusively on rails or tracks or from overhead electric trolley wires, and vehicles that belong to any police department, municipal fire department, or volunteer fire department, or that are used by such a department in the discharge of its functions. 67573
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(B) "Motor vehicle" means any vehicle, including mobile homes 67580
and recreational vehicles, that is propelled or drawn by power 67581
other than muscular power or power collected from overhead 67582
electric trolley wires. "Motor vehicle" does not include utility 67583
vehicles as defined in division (VV) of this section, motorized 67584
bicycles, road rollers, traction engines, power shovels, power 67585
cranes, and other equipment used in construction work and not 67586
designed for or employed in general highway transportation, 67587
well-drilling machinery, ditch-digging machinery, farm machinery, 67588
and trailers that are designed and used exclusively to transport a 67589
boat between a place of storage and a marina, or in and around a 67590
marina, when drawn or towed on a public road or highway for a 67591
distance of no more than ten miles and at a speed of twenty-five 67592
miles per hour or less. 67593

(C) "Agricultural tractor" and "traction engine" mean any 67594
self-propelling vehicle that is designed or used for drawing other 67595
vehicles or wheeled machinery, but has no provisions for carrying 67596
loads independently of such other vehicles, and that is used 67597
principally for agricultural purposes. 67598

(D) "Commercial tractor," except as defined in division (C) 67599
of this section, means any motor vehicle that has motive power and 67600
either is designed or used for drawing other motor vehicles, or is 67601
designed or used for drawing another motor vehicle while carrying 67602
a portion of the other motor vehicle or its load, or both. 67603

(E) "Passenger car" means any motor vehicle that is designed 67604
and used for carrying not more than nine persons and includes any 67605
motor vehicle that is designed and used for carrying not more than 67606
fifteen persons in a ridesharing arrangement. 67607

(F) "Collector's vehicle" means any motor vehicle or 67608
agricultural tractor or traction engine that is of special 67609
interest, that has a fair market value of one hundred dollars or 67610
more, whether operable or not, and that is owned, operated, 67611

collected, preserved, restored, maintained, or used essentially as 67612
a collector's item, leisure pursuit, or investment, but not as the 67613
owner's principal means of transportation. "Licensed collector's 67614
vehicle" means a collector's vehicle, other than an agricultural 67615
tractor or traction engine, that displays current, valid license 67616
tags issued under section 4503.45 of the Revised Code, or a 67617
similar type of motor vehicle that displays current, valid license 67618
tags issued under substantially equivalent provisions in the laws 67619
of other states. 67620

(G) "Historical motor vehicle" means any motor vehicle that 67621
is over twenty-five years old and is owned solely as a collector's 67622
item and for participation in club activities, exhibitions, tours, 67623
parades, and similar uses, but that in no event is used for 67624
general transportation. 67625

(H) "Noncommercial motor vehicle" means any motor vehicle, 67626
including a farm truck as defined in section 4503.04 of the 67627
Revised Code, that is designed by the manufacturer to carry a load 67628
of no more than one ton and is used exclusively for purposes other 67629
than engaging in business for profit. 67630

(I) "Bus" means any motor vehicle that has motor power and is 67631
designed and used for carrying more than nine passengers, except 67632
any motor vehicle that is designed and used for carrying not more 67633
than fifteen passengers in a ridesharing arrangement. 67634

(J) "Commercial car" or "truck" means any motor vehicle that 67635
has motor power and is designed and used for carrying merchandise 67636
or freight, or that is used as a commercial tractor. 67637

(K) "Bicycle" means every device, other than a device that is 67638
designed solely for use as a play vehicle by a child, that is 67639
propelled solely by human power upon which a person may ride, and 67640
that has two or more wheels, any of which is more than fourteen 67641
inches in diameter. 67642

(L) "Motorized bicycle" means any vehicle that either has two tandem wheels or one wheel in the front and two wheels in the rear, that is capable of being pedaled, and that is equipped with a helper motor of not more than fifty cubic centimeters piston displacement that produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than twenty miles per hour on a level surface.

(M) "Trailer" means any vehicle without motive power that is designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle that is formed by or operated as a combination of a semitrailer and a vehicle of the dolly type such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater than twenty-five miles per hour, and a vehicle that is designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of more than ten miles or at a speed of more than twenty-five miles per hour. "Trailer" does not include a manufactured home or travel trailer.

(N) "Noncommercial trailer" means any trailer, except a travel trailer or trailer that is used to transport a boat as described in division (B) of this section, but, where applicable, includes a vehicle that is used to transport a boat as described in division (M) of this section, that has a gross weight of no more than ten thousand pounds, and that is used exclusively for purposes other than engaging in business for a profit, such as the transportation of personal items for personal or recreational purposes.

(O) "Mobile home" means a building unit or assembly of closed

construction that is fabricated in an off-site facility, is more 67675
than thirty-five body feet in length or, when erected on site, is 67676
three hundred twenty or more square feet, is built on a permanent 67677
chassis, is transportable in one or more sections, and does not 67678
qualify as a manufactured home as defined in division (C)(4) of 67679
section 3781.06 of the Revised Code or as an industrialized unit 67680
as defined in division (C)(3) of section 3781.06 of the Revised 67681
Code. 67682

(P) "Semitrailer" means any vehicle of the trailer type that 67683
does not have motive power and is so designed or used with another 67684
and separate motor vehicle that in operation a part of its own 67685
weight or that of its load, or both, rests upon and is carried by 67686
the other vehicle furnishing the motive power for propelling 67687
itself and the vehicle referred to in this division, and includes, 67688
for the purpose only of registration and taxation under those 67689
chapters, any vehicle of the dolly type, such as a trailer dolly, 67690
that is designed or used for the conversion of a semitrailer into 67691
a trailer. 67692

(Q) "Recreational vehicle" means a vehicular portable 67693
structure that meets all of the following conditions: 67694

(1) It is designed for the sole purpose of recreational 67695
travel. 67696

(2) It is not used for the purpose of engaging in business 67697
for profit. 67698

(3) It is not used for the purpose of engaging in intrastate 67699
commerce. 67700

(4) It is not used for the purpose of commerce as defined in 67701
49 C.F.R. 383.5, as amended. 67702

(5) It is not regulated by the public utilities commission 67703
pursuant to Chapter 4905., 4921., or 4923. of the Revised Code. 67704

(6) It is classed as one of the following: 67705

(a) "Travel trailer" means a nonself-propelled recreational 67706
vehicle that does not exceed an overall length of thirty-five 67707
feet, exclusive of bumper and tongue or coupling, and contains 67708
less than three hundred twenty square feet of space when erected 67709
on site. "Travel trailer" includes a tent-type fold-out camping 67710
trailer as defined in section 4517.01 of the Revised Code. 67711

(b) "Motor home" means a self-propelled recreational vehicle 67712
that has no fifth wheel and is constructed with permanently 67713
installed facilities for cold storage, cooking and consuming of 67714
food, and for sleeping. 67715

(c) "Truck camper" means a nonself-propelled recreational 67716
vehicle that does not have wheels for road use and is designed to 67717
be placed upon and attached to a motor vehicle. "Truck camper" 67718
does not include truck covers that consist of walls and a roof, 67719
but do not have floors and facilities enabling them to be used as 67720
a dwelling. 67721

(d) "Fifth wheel trailer" means a vehicle that is of such 67722
size and weight as to be movable without a special highway permit, 67723
that has a gross trailer area of four hundred square feet or less, 67724
that is constructed with a raised forward section that allows a 67725
bi-level floor plan, and that is designed to be towed by a vehicle 67726
equipped with a fifth-wheel hitch ordinarily installed in the bed 67727
of a truck. 67728

(e) "Park trailer" means a vehicle that is commonly known as 67729
a park model recreational vehicle, meets the American national 67730
standard institute standard A119.5 (1988) for park trailers, is 67731
built on a single chassis, has a gross trailer area of four 67732
hundred square feet or less when set up, is designed for seasonal 67733
or temporary living quarters, and may be connected to utilities 67734
necessary for the operation of installed features and appliances. 67735

(R) "Pneumatic tires" means tires of rubber and fabric or
tires of similar material, that are inflated with air. 67736
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(S) "Solid tires" means tires of rubber or similar elastic 67738
material that are not dependent upon confined air for support of 67739
the load. 67740

(T) "Solid tire vehicle" means any vehicle that is equipped 67741
with two or more solid tires. 67742

(U) "Farm machinery" means all machines and tools that are 67743
used in the production, harvesting, and care of farm products, and 67744
includes trailers that are used to transport agricultural produce 67745
or agricultural production materials between a local place of 67746
storage or supply and the farm, agricultural tractors, threshing 67747
machinery, hay-baling machinery, corn shellers, hammermills, and 67748
machinery used in the production of horticultural, agricultural, 67749
and vegetable products. 67750

(V) "Owner" includes any person or firm, other than a 67751
manufacturer or dealer, that has title to a motor vehicle, except 67752
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 67753
includes in addition manufacturers and dealers. 67754

(W) "Manufacturer" and "dealer" include all persons and firms 67755
that are regularly engaged in the business of manufacturing, 67756
selling, displaying, offering for sale, or dealing in motor 67757
vehicles, at an established place of business that is used 67758
exclusively for the purpose of manufacturing, selling, displaying, 67759
offering for sale, or dealing in motor vehicles. A place of 67760
business that is used for manufacturing, selling, displaying, 67761
offering for sale, or dealing in motor vehicles shall be deemed to 67762
be used exclusively for those purposes even though snowmobiles or 67763
all-purpose vehicles are sold or displayed for sale thereat, even 67764
though farm machinery is sold or displayed for sale thereat, or 67765
even though repair, accessory, gasoline and oil, storage, parts, 67766

service, or paint departments are maintained thereat, or, in any 67767
county having a population of less than seventy-five thousand at 67768
the last federal census, even though a department in a place of 67769
business is used to dismantle, salvage, or rebuild motor vehicles 67770
by means of used parts, if such departments are operated for the 67771
purpose of furthering and assisting in the business of 67772
manufacturing, selling, displaying, offering for sale, or dealing 67773
in motor vehicles. Places of business or departments in a place of 67774
business used to dismantle, salvage, or rebuild motor vehicles by 67775
means of using used parts are not considered as being maintained 67776
for the purpose of assisting or furthering the manufacturing, 67777
selling, displaying, and offering for sale or dealing in motor 67778
vehicles. 67779

(X) "Operator" includes any person who drives or operates a 67780
motor vehicle upon the public highways. 67781

(Y) "Chauffeur" means any operator who operates a motor 67782
vehicle, other than a taxicab, as an employee for hire; or any 67783
operator whether or not the owner of a motor vehicle, other than a 67784
taxicab, who operates such vehicle for transporting, for gain, 67785
compensation, or profit, either persons or property owned by 67786
another. Any operator of a motor vehicle who is voluntarily 67787
involved in a ridesharing arrangement is not considered an 67788
employee for hire or operating such vehicle for gain, 67789
compensation, or profit. 67790

(Z) "State" includes the territories and federal districts of 67791
the United States, and the provinces of Canada. 67792

(AA) "Public roads and highways" for vehicles includes all 67793
public thoroughfares, bridges, and culverts. 67794

(BB) "Manufacturer's number" means the manufacturer's 67795
original serial number that is affixed to or imprinted upon the 67796
chassis or other part of the motor vehicle. 67797

(CC) "Motor number" means the manufacturer's original number 67798
that is affixed to or imprinted upon the engine or motor of the 67799
vehicle. 67800

(DD) "Distributor" means any person who is authorized by a 67801
motor vehicle manufacturer to distribute new motor vehicles to 67802
licensed motor vehicle dealers at an established place of business 67803
that is used exclusively for the purpose of distributing new motor 67804
vehicles to licensed motor vehicle dealers, except when the 67805
distributor also is a new motor vehicle dealer, in which case the 67806
distributor may distribute at the location of the distributor's 67807
licensed dealership. 67808

(EE) "Ridesharing arrangement" means the transportation of 67809
persons in a motor vehicle where the transportation is incidental 67810
to another purpose of a volunteer driver and includes ridesharing 67811
arrangements known as carpools, vanpools, and buspools. 67812

(FF) "Apportionable vehicle" means any vehicle that is used 67813
or intended for use in two or more international registration plan 67814
member jurisdictions that allocate or proportionally register 67815
vehicles, that is used for the transportation of persons for hire 67816
or designed, used, or maintained primarily for the transportation 67817
of property, and that meets any of the following qualifications: 67818

(1) Is a power unit having a gross vehicle weight in excess 67819
of twenty-six thousand pounds; 67820

(2) Is a power unit having three or more axles, regardless of 67821
the gross vehicle weight; 67822

(3) Is a combination vehicle with a gross vehicle weight in 67823
excess of twenty-six thousand pounds. 67824

"Apportionable vehicle" does not include recreational 67825
vehicles, vehicles displaying restricted plates, city pick-up and 67826
delivery vehicles, ~~buses used for the transportation of chartered~~ 67827
~~parties~~, or vehicles owned and operated by the United States, this 67828

state, or any political subdivisions thereof. 67829

(GG) "Chartered party" means a group of persons who contract 67830
as a group to acquire the exclusive use of a passenger-carrying 67831
motor vehicle at a fixed charge for the vehicle in accordance with 67832
the carrier's tariff, lawfully on file with the United States 67833
department of transportation, for the purpose of group travel to a 67834
specified destination or for a particular itinerary, either agreed 67835
upon in advance or modified by the chartered group after having 67836
left the place of origin. 67837

(HH) "International registration plan" means a reciprocal 67838
agreement of member jurisdictions that is endorsed by the American 67839
association of motor vehicle administrators, and that promotes and 67840
encourages the fullest possible use of the highway system by 67841
authorizing apportioned registration of fleets of vehicles and 67842
recognizing registration of vehicles apportioned in member 67843
jurisdictions. 67844

(II) "Restricted plate" means a license plate that has a 67845
restriction of time, geographic area, mileage, or commodity, and 67846
includes license plates issued to farm trucks under division (J) 67847
of section 4503.04 of the Revised Code. 67848

(JJ) "Gross vehicle weight," with regard to any commercial 67849
car, trailer, semitrailer, or bus that is taxed at the rates 67850
established under section 4503.042 or 4503.65 of the Revised Code, 67851
means the unladen weight of the vehicle fully equipped plus the 67852
maximum weight of the load to be carried on the vehicle. 67853

(KK) "Combined gross vehicle weight" with regard to any 67854
combination of a commercial car, trailer, and semitrailer, that is 67855
taxed at the rates established under section 4503.042 or 4503.65 67856
of the Revised Code, means the total unladen weight of the 67857
combination of vehicles fully equipped plus the maximum weight of 67858
the load to be carried on that combination of vehicles. 67859

(LL) "Chauffeured limousine" means a motor vehicle that is 67860
designed to carry nine or fewer passengers and is operated for 67861
hire pursuant to a prearranged contract for the transportation of 67862
passengers on public roads and highways along a route under the 67863
control of the person hiring the vehicle and not over a defined 67864
and regular route. "Prearranged contract" means an agreement, made 67865
in advance of boarding, to provide transportation from a specific 67866
location in a chauffeured limousine. "Chauffeured limousine" does 67867
not include any vehicle that is used exclusively in the business 67868
of funeral directing. 67869

(MM) "Manufactured home" has the same meaning as in division 67870
(C)(4) of section 3781.06 of the Revised Code. 67871

(NN) "Acquired situs," with respect to a manufactured home or 67872
a mobile home, means to become located in this state by the 67873
placement of the home on real property, but does not include the 67874
placement of a manufactured home or a mobile home in the inventory 67875
of a new motor vehicle dealer or the inventory of a manufacturer, 67876
remanufacturer, or distributor of manufactured or mobile homes. 67877

(OO) "Electronic" includes electrical, digital, magnetic, 67878
optical, electromagnetic, or any other form of technology that 67879
entails capabilities similar to these technologies. 67880

(PP) "Electronic record" means a record generated, 67881
communicated, received, or stored by electronic means for use in 67882
an information system or for transmission from one information 67883
system to another. 67884

(QQ) "Electronic signature" means a signature in electronic 67885
form attached to or logically associated with an electronic 67886
record. 67887

(RR) "Financial transaction device" has the same meaning as 67888
in division (A) of section 113.40 of the Revised Code. 67889

(SS) "Electronic motor vehicle dealer" means a motor vehicle 67890

dealer licensed under Chapter 4517. of the Revised Code whom the 67891
registrar of motor vehicles determines meets the criteria 67892
designated in section 4503.035 of the Revised Code for electronic 67893
motor vehicle dealers and designates as an electronic motor 67894
vehicle dealer under that section. 67895

(TT) "Electric personal assistive mobility device" means a 67896
self-balancing two non-tandem wheeled device that is designed to 67897
transport only one person, has an electric propulsion system of an 67898
average of seven hundred fifty watts, and when ridden on a paved 67899
level surface by an operator who weighs one hundred seventy pounds 67900
has a maximum speed of less than twenty miles per hour. 67901

(UU) "Limited driving privileges" means the privilege to 67902
operate a motor vehicle that a court grants under section 4510.021 67903
of the Revised Code to a person whose driver's or commercial 67904
driver's license or permit or nonresident operating privilege has 67905
been suspended. 67906

(VV) "Utility vehicle" means a self-propelled vehicle 67907
designed with a bed, principally for the purpose of transporting 67908
material or cargo in connection with construction, agricultural, 67909
forestry, grounds maintenance, lawn and garden, materials 67910
handling, or similar activities. "Utility vehicle" includes a 67911
vehicle with a maximum attainable speed of twenty miles per hour 67912
or less that is used exclusively within the boundaries of state 67913
parks by state park employees or volunteers for the operation or 67914
maintenance of state park facilities. 67915

Sec. 4501.21. (A) There is hereby created in the state 67916
treasury the license plate contribution fund. The fund shall 67917
consist of all contributions paid by motor vehicle registrants and 67918
collected by the registrar of motor vehicles pursuant to sections 67919
4503.491, 4503.492, 4503.493, 4503.494, 4503.496, 4503.498, 67920
4503.499, 4503.50, 4503.501, 4503.502, 4503.505, 4503.51, 67921

4503.522, 4503.523, 4503.524, 4503.525, 4503.526, 4503.531, 67922
4503.534, 4503.545, 4503.55, 4503.551, 4503.552, 4503.553, 67923
4503.554, 4503.561, 4503.562, 4503.564, 4503.576, 4503.591, 67924
4503.67, 4503.68, 4503.69, 4503.701, 4503.71, 4503.711, 4503.712, 67925
4503.713, 4503.72, 4503.73, 4503.732, 4503.74, 4503.75, 4503.751, 67926
4503.85, 4503.86, 4503.89, 4503.90, 4503.92, and 4503.94 of the 67927
Revised Code. 67928

(B) The registrar shall pay the contributions the registrar 67929
collects in the fund as follows: 67930

The registrar shall pay the contributions received pursuant 67931
to section 4503.491 of the Revised Code to the breast cancer fund 67932
of Ohio, which shall use that money only to pay for programs that 67933
provide assistance and education to Ohio breast cancer patients 67934
and that improve access for such patients to quality health care 67935
and clinical trials and shall not use any of the money for 67936
abortion information, counseling, services, or other 67937
abortion-related activities. 67938

The registrar shall pay the contributions the registrar 67939
receives pursuant to section 4503.492 of the Revised Code to the 67940
organization cancer support community central Ohio, which shall 67941
deposit the money into the Sheryl L. Kraner Fund of that 67942
organization. Cancer support community central Ohio shall expend 67943
the money it receives pursuant to this division only in the same 67944
manner and for the same purposes as that organization expends 67945
other money in that fund. 67946

The registrar shall pay the contributions received pursuant 67947
to section 4503.493 of the Revised Code to the autism society of 67948
Ohio, which shall use the contributions for programs and autism 67949
awareness efforts throughout the state. 67950

The registrar shall pay the contributions the registrar 67951
receives pursuant to section 4503.494 of the Revised Code to the 67952

national multiple sclerosis society for distribution in equal 67953
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 67954
chapters of the national multiple sclerosis society. These 67955
chapters shall use the money they receive under this section to 67956
assist in paying the expenses they incur in providing services 67957
directly to their clients. 67958

The registrar shall pay the contributions the registrar 67959
receives pursuant to section 4503.496 of the Revised Code to the 67960
Ohio sickle cell and health association, which shall use the 67961
contributions to help support educational, clinical, and social 67962
support services for adults who have sickle cell disease. 67963

The registrar shall pay the contributions the registrar 67964
receives pursuant to section 4503.498 of the Revised Code to 67965
special olympics Ohio, inc., which shall use the contributions for 67966
its programs, charitable efforts, and other activities. 67967

The registrar shall pay the contributions the registrar 67968
receives pursuant to section 4503.499 of the Revised Code to the 67969
children's glioma cancer foundation, which shall use the 67970
contributions for its research and other programs. 67971

The registrar shall pay the contributions the registrar 67972
receives pursuant to section 4503.50 of the Revised Code to the 67973
future farmers of America foundation, which shall deposit the 67974
contributions into its general account to be used for educational 67975
and scholarship purposes of the future farmers of America 67976
foundation. 67977

The registrar shall pay the contributions the registrar 67978
receives pursuant to section 4503.501 of the Revised Code to the 67979
4-H youth development program of the Ohio state university 67980
extension program, which shall use those contributions to pay the 67981
expenses it incurs in conducting its educational activities. 67982

The registrar shall pay the contributions received pursuant 67983

to section 4503.502 of the Revised Code to the Ohio cattlemen's 67984
foundation, which shall use those contributions for scholarships 67985
and other educational activities. 67986

The registrar shall pay the contributions received pursuant 67987
to section 4503.505 of the Revised Code to the organization Ohio 67988
region phi theta kappa, which shall use those contributions for 67989
scholarships for students who are members of that organization. 67990

The registrar shall pay each contribution the registrar 67991
receives pursuant to section 4503.51 of the Revised Code to the 67992
university or college whose name or marking or design appears on 67993
collegiate license plates that are issued to a person under that 67994
section. A university or college that receives contributions from 67995
the fund shall deposit the contributions into its general 67996
scholarship fund. 67997

The registrar shall pay the contributions the registrar 67998
receives pursuant to section 4503.522 of the Revised Code to the 67999
"friends of Perry's victory and international peace memorial, 68000
incorporated," a nonprofit corporation organized under the laws of 68001
this state, to assist that organization in paying the expenses it 68002
incurs in sponsoring or holding charitable, educational, and 68003
cultural events at the monument. 68004

The registrar shall pay the contributions the registrar 68005
receives pursuant to section 4503.523 of the Revised Code to the 68006
fairport lights foundation, which shall use the money to pay for 68007
the restoration, maintenance, and preservation of the lighthouses 68008
of fairport harbor. 68009

The registrar shall pay the contributions the registrar 68010
receives pursuant to section 4503.524 of the Revised Code to the 68011
Massillon tiger football booster club, which shall use the 68012
contributions only to promote and support the football team of 68013
Washington high school of the Massillon city school district. 68014

The registrar shall pay the contributions the registrar receives pursuant to section 4503.525 of the Revised Code to the United States power squadron districts seven, eleven, twenty-four, and twenty-nine in equal amounts. Each power squadron district shall use the money it receives under this section to pay for the educational boating programs each district holds or sponsors within this state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.526 of the Revised Code to the Ohio district Kiwanis foundation of the Ohio district of Kiwanis international, which shall use the money it receives under this section to pay the costs of its educational and humanitarian activities.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.531 of the Revised Code to the thank you foundation, incorporated, a nonprofit corporation organized under the laws of this state, to assist that organization in paying for the charitable activities and programs it sponsors in support of United States military personnel, veterans, and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.534 of the Revised Code to the disabled American veterans department of Ohio, to be used for programs that serve disabled American veterans and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.55 of the Revised Code to the pro football hall of fame, which shall deposit the contributions into a special bank account that it establishes and which shall be separate and distinct from any other account the pro football hall of fame maintains, to be used exclusively for the purpose of promoting the pro football hall of fame as a travel destination.

The registrar shall pay the contributions that are paid to 68046
the registrar pursuant to section 4503.545 of the Revised Code to 68047
the national rifle association foundation, which shall use the 68048
money to pay the costs of the educational activities and programs 68049
the foundation holds or sponsors in this state. 68050

The registrar shall pay to the Ohio pet fund the 68051
contributions the registrar receives pursuant to section 4503.551 68052
of the Revised Code and any other money from any other source, 68053
including donations, gifts, and grants, that is designated by the 68054
source to be paid to the Ohio pet fund. The Ohio pet fund shall 68055
use the moneys it receives under this section to support programs 68056
for the sterilization of dogs and cats and for educational 68057
programs concerning the proper veterinary care of those animals, 68058
and for expenses of the Ohio pet fund that are reasonably 68059
necessary for it to obtain and maintain its tax-exempt status and 68060
to perform its duties. 68061

The registrar shall pay the contributions the registrar 68062
receives pursuant to section 4503.552 of the Revised Code to the 68063
rock and roll hall of fame and museum, incorporated. 68064

The registrar shall pay the contributions the registrar 68065
receives pursuant to section 4503.553 of the Revised Code to the 68066
Ohio coalition for animals, incorporated, a nonprofit corporation. 68067
Except as provided in division (B) of this section, the coalition 68068
shall distribute the money to its members, and the members shall 68069
use the money only to pay for educational, charitable, and other 68070
programs of each coalition member that provide care for unwanted, 68071
abused, and neglected horses. The Ohio coalition for animals may 68072
use a portion of the money to pay for reasonable marketing costs 68073
incurred in the design and promotion of the license plate and for 68074
administrative costs incurred in the disbursement and management 68075
of funds received under this section. 68076

The registrar shall pay the contributions the registrar 68077

receives pursuant to section 4503.554 of the Revised Code to the 68078
Ohio state council of the knights of Columbus, which shall use the 68079
contributions to pay for its charitable activities and programs. 68080

The registrar shall pay the contributions the registrar 68081
receives pursuant to section 4503.561 of the Revised Code to the 68082
state of Ohio chapter of ducks unlimited, inc., which shall 68083
deposit the contributions into a special bank account that it 68084
establishes. The special bank account shall be separate and 68085
distinct from any other account the state of Ohio chapter of ducks 68086
unlimited, inc., maintains and shall be used exclusively for the 68087
purpose of protecting, enhancing, restoring, and managing wetlands 68088
and conserving wildlife habitat. The state of Ohio chapter of 68089
ducks unlimited, inc., annually shall notify the registrar in 68090
writing of the name, address, and account to which such payments 68091
are to be made. 68092

The registrar shall pay the contributions the registrar 68093
receives pursuant to section 4503.562 of the Revised Code to the 68094
Mahoning river consortium, which shall use the money to pay the 68095
expenses it incurs in restoring and maintaining the Mahoning river 68096
watershed. 68097

The registrar shall pay the contributions the registrar 68098
receives pursuant to section 4503.564 of the Revised Code to 68099
Antioch college for the use of the Glen Helen ecology institute to 68100
pay expenses related to the Glen Helen nature preserve. 68101

The registrar shall pay the contributions the registrar 68102
receives pursuant to section 4503.576 of the Revised Code to the 68103
Ohio state beekeepers association, which shall use those 68104
contributions to promote beekeeping, provide educational 68105
information about beekeeping, and to support other state and local 68106
beekeeping programs. 68107

The registrar shall pay to a sports commission created 68108

pursuant to section 4503.591 of the Revised Code each contribution 68109
the registrar receives under that section that an applicant pays 68110
to obtain license plates that bear the logo of a professional 68111
sports team located in the county of that sports commission and 68112
that is participating in the license plate program pursuant to 68113
division (E) of that section, irrespective of the county of 68114
residence of an applicant. 68115

The registrar shall pay to a community charity each 68116
contribution the registrar receives under section 4503.591 of the 68117
Revised Code that an applicant pays to obtain license plates that 68118
bear the logo of a professional sports team that is participating 68119
in the license plate program pursuant to division (G) of that 68120
section. 68121

The registrar shall pay the contributions the registrar 68122
receives pursuant to section 4503.67 of the Revised Code to the 68123
Dan Beard council of the boy scouts of America. The council shall 68124
distribute all contributions in an equitable manner throughout the 68125
state to regional councils of the boy scouts. 68126

The registrar shall pay the contributions the registrar 68127
receives pursuant to section 4503.68 of the Revised Code to the 68128
great river council of the girl scouts of the United States of 68129
America. The council shall distribute all contributions in an 68130
equitable manner throughout the state to regional councils of the 68131
girl scouts. 68132

The registrar shall pay the contributions the registrar 68133
receives pursuant to section 4503.69 of the Revised Code to the 68134
Dan Beard council of the boy scouts of America. The council shall 68135
distribute all contributions in an equitable manner throughout the 68136
state to regional councils of the boy scouts. 68137

The registrar shall pay the contributions the registrar 68138
receives pursuant to section 4503.701 of the Revised Code to the 68139

Prince Hall grand lodge of free and accepted masons of Ohio, which 68140
shall use the contributions for scholarship purposes. 68141

The registrar shall pay the contributions the registrar 68142
receives pursuant to section 4503.71 of the Revised Code to the 68143
fraternal order of police of Ohio, incorporated, which shall 68144
deposit the fees into its general account to be used for purposes 68145
of the fraternal order of police of Ohio, incorporated. 68146

The registrar shall pay the contributions the registrar 68147
receives pursuant to section 4503.711 of the Revised Code to the 68148
fraternal order of police of Ohio, incorporated, which shall 68149
deposit the contributions into an account that it creates to be 68150
used for the purpose of advancing and protecting the law 68151
enforcement profession, promoting improved law enforcement 68152
methods, and teaching respect for law and order. 68153

The registrar shall pay the contributions received pursuant 68154
to section 4503.712 of the Revised Code to Ohio concerns of police 68155
survivors, which shall use those contributions to provide whatever 68156
assistance may be appropriate to the families of Ohio law 68157
enforcement officers who are killed in the line of duty. 68158

The registrar shall pay the contributions received pursuant 68159
to section 4503.713 of the Revised Code to the greater Cleveland 68160
peace officers memorial society, which shall use those 68161
contributions to honor law enforcement officers who have died in 68162
the line of duty and support its charitable purposes. 68163

The registrar shall pay the contributions the registrar 68164
receives pursuant to section 4503.72 of the Revised Code to the 68165
organization known on March 31, 2003, as the Ohio CASA/GAL 68166
association, a private, nonprofit corporation organized under 68167
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 68168
shall use these contributions to pay the expenses it incurs in 68169
administering a program to secure the proper representation in the 68170

courts of this state of abused, neglected, and dependent children, 68171
and for the training and supervision of persons participating in 68172
that program. 68173

The registrar shall pay the contributions the registrar 68174
receives pursuant to section 4503.73 of the Revised Code to Wright 68175
B. Flyer, incorporated, which shall deposit the contributions into 68176
its general account to be used for purposes of Wright B. Flyer, 68177
incorporated. 68178

The registrar shall pay the contributions the registrar 68179
receives pursuant to section 4503.732 of the Revised Code to the 68180
Siegel & Shuster society, a nonprofit organization dedicated to 68181
commemorating and celebrating the creation of Superman in 68182
Cleveland, Ohio. 68183

The registrar shall pay the contributions the registrar 68184
receives pursuant to section 4503.74 of the Revised Code to the 68185
Columbus zoological park association, which shall disburse the 68186
moneys to Ohio's major metropolitan zoos, as defined in section 68187
4503.74 of the Revised Code, in accordance with a written 68188
agreement entered into by the major metropolitan zoos. 68189

The registrar shall pay the contributions the registrar 68190
receives pursuant to section 4503.75 of the Revised Code to the 68191
rotary foundation, located on March 31, 2003, in Evanston, 68192
Illinois, to be placed in a fund known as the permanent fund and 68193
used to endow educational and humanitarian programs of the rotary 68194
foundation. 68195

The registrar shall pay the contributions the registrar 68196
receives pursuant to section 4503.751 of the Revised Code to the 68197
Ohio association of realtors, which shall deposit the 68198
contributions into a property disaster relief fund maintained 68199
under the Ohio realtors charitable and education foundation. 68200

The registrar shall pay the contributions the registrar 68201

receives pursuant to section 4503.85 of the Revised Code to the 68202
Ohio sea grant college program to be used for Lake Erie area 68203
research projects. 68204

The registrar shall pay the contributions the registrar 68205
receives pursuant to section 4503.86 of the Revised Code to the 68206
Ohio Lincoln highway historic byway, which shall use those 68207
contributions solely to promote and support the historical 68208
preservation and advertisement of the Lincoln highway in this 68209
state. 68210

The registrar shall pay the contributions the registrar 68211
receives pursuant to section 4503.89 of the Revised Code to the 68212
American red cross of greater Columbus on behalf of the Ohio 68213
chapters of the American red cross, which shall use the 68214
contributions for disaster readiness, preparedness, and response 68215
programs on a statewide basis. 68216

The registrar shall pay the contributions the registrar 68217
receives pursuant to section 4503.90 of the Revised Code to the 68218
nationwide children's hospital foundation. 68219

The registrar shall pay the contributions received pursuant 68220
to section 4503.92 of the Revised Code to support our troops, 68221
incorporated, a national nonprofit corporation, which shall use 68222
those contributions in accordance with its articles of 68223
incorporation and for the benefit of servicemembers of the armed 68224
forces of the United States and their families when they are in 68225
financial need. 68226

The registrar shall pay the contributions the registrar 68227
receives pursuant to section 4503.94 of the Revised Code to the 68228
Michelle's leading star foundation, which shall use the money 68229
solely to fund the rental, lease, or purchase of the simulated 68230
driving curriculum of the Michelle's leading star foundation by 68231
boards of education of city, exempted village, local, and joint 68232

vocational school districts. 68233

(C) All investment earnings of the license plate contribution 68234
fund shall be credited to the fund. Not later than the first day 68235
of May of every year, the registrar shall distribute to each 68236
entity described in division (B) of this section the investment 68237
income the fund earned the previous calendar year. The amount of 68238
such a distribution paid to an entity shall be proportionate to 68239
the amount of money the entity received from the fund during the 68240
previous calendar year. 68241

Sec. 4503.535. (A) The owner or lessee of any passenger car, 68242
noncommercial motor vehicle, recreational vehicle, motorcycle, 68243
motorized bicycle or moped, trailer, or other vehicle of a class 68244
approved by the registrar of motor vehicles, and, effective 68245
January 1, 2017, the owner or lessee of any motor-driven cycle or 68246
motor scooter or cab-enclosed motorcycle, may apply to the 68247
registrar for the registration of the vehicle and issuance of 68248
POW/MIA awareness license plates. The application for POW/MIA 68249
awareness license plates may be combined with a request for a 68250
special reserved license plate under section 4503.40 or 4503.42 of 68251
the Revised Code. Upon receipt of the completed application and 68252
compliance with division (B) of this section, the registrar shall 68253
issue to the applicant the appropriate vehicle registration and a 68254
set of POW/MIA awareness license plates with a validation sticker, 68255
or a validation sticker alone when required by section 4503.191 of 68256
the Revised Code. 68257

In addition to the letters and numbers ordinarily inscribed 68258
thereon, POW/MIA awareness license plates shall bear the markings 68259
designed by rolling thunder, inc., chapter 1 Ohio. POW/MIA 68260
awareness license plates, except for motorcycle, motorized 68261
bicycle, or moped license plates, also shall bear the words "not 68262
forgotten." The registrar shall approve the final design. POW/MIA 68263

awareness license plates shall bear county identification stickers 68264
that identify the county of registration by name or number. 68265

(B) POW/MIA awareness license plates and validation stickers 68266
shall be issued upon payment of the regular license tax as 68267
prescribed under section 4503.04 of the Revised Code, any 68268
applicable motor vehicle tax levied under Chapter 4504. of the 68269
Revised Code, a bureau of motor vehicles administrative fee of ten 68270
dollars, the contribution specified in division (C) of this 68271
section, and compliance with all other applicable laws relating to 68272
the registration of motor vehicles. If the application for POW/MIA 68273
awareness license plates is combined with a request for a special 68274
reserved license plate under section 4503.40 or 4503.42 of the 68275
Revised Code, the license plates and validation sticker shall be 68276
issued upon payment of the contribution, fees, and taxes contained 68277
in this division and the additional fee prescribed under section 68278
4503.40 or 4503.42 of the Revised Code. 68279

(C) For each application for registration and registration 68280
renewal submitted under this section, the registrar shall collect 68281
a contribution of twenty-five dollars. The registrar shall pay 68282
this contribution into the state treasury to the credit of the 68283
military injury relief fund created in section ~~5101.98~~ 5902.05 of 68284
the Revised Code. 68285

The registrar shall pay the ten-dollar bureau administrative 68286
fee, the purpose of which is to compensate the bureau for 68287
additional services required in issuing POW/MIA awareness license 68288
plates, into the state treasury to the credit of the state bureau 68289
of motor vehicles fund created in section 4501.25 of the Revised 68290
Code. 68291

Sec. 4503.77. (A) As used in this section: 68292

(1) "Nonstandard license plate" means all of the following: 68293

(a) A license plate issued under sections 4503.52, 4503.55, 4503.56, 4503.57, 4503.70, 4503.71, 4503.72, and 4503.75 of the Revised Code;

(b) A license plate issued under a program that is reestablished under division (D) of this section and that meets the requirements contained in division (B) of section 4503.78 of the Revised Code;

(c) Except as may otherwise be specifically provided by law, any license plate created after August 21, 1997.

(2) For purposes of license plates issued under sections 4503.503 and 4503.504 of the Revised Code, "sponsor" includes the Ohio agriculture license plate scholarship fund board created in section 901.90 of the Revised Code and the director of agriculture.

(B)(1) If, during any calendar year ~~commencing with 1998~~, the total number of motor vehicle registrations involving a particular type of nonstandard license plate is less than ~~five hundred~~ twenty-five, including both new registrations and registration renewals, the registrar of motor vehicles, on or after the first day of January, but not later than the fifteenth day of January of the following year, shall send a written notice to the sponsor of that type of nonstandard license plate, if a sponsor exists, informing the sponsor of this fact. The registrar also shall inform the sponsor that if, during the calendar year in which the written notice is sent, the total number of motor vehicle registrations involving the sponsor's nonstandard license plate again is less than ~~five hundred~~ twenty-five, the program involving that type of nonstandard license plate will be terminated on the thirty-first day of December of the calendar year in which the written notice is sent and, except as provided in division (C) of this section, no motor vehicle registration application involving either the actual issuance of that type of nonstandard license

plate or the registration renewal of a motor vehicle displaying 68326
that type of nonstandard license plate will be accepted by the 68327
registrar or a deputy registrar beginning the first day of January 68328
of the next calendar year. The registrar also shall inform the 68329
sponsor that if the program involving the sponsor's nonstandard 68330
license plate is terminated under this section, it may be 68331
reestablished pursuant to division (D) of this section. 68332

(2) If, during any calendar year ~~commencing with 1998~~, the 68333
total number of motor vehicle registrations involving a particular 68334
type of nonstandard license plate is less than ~~five hundred~~ 68335
twenty-five, including both new registrations and registration 68336
renewals, and no sponsor exists for that license plate, the 68337
registrar shall issue a public notice on or after the first day of 68338
January, but not later than the fifteenth day of January of the 68339
following year, stating that fact. The notice also shall inform 68340
the public that if, during the calendar year in which the 68341
registrar issues the public notice, the total number of motor 68342
vehicle registrations for that type of nonstandard license plate, 68343
including both new registrations and registration renewals, again 68344
is less than ~~five hundred~~ twenty-five, the program involving that 68345
type of nonstandard license plate will be terminated on the 68346
thirty-first day of December of the calendar year in which the 68347
registrar issues the public notice and, except as provided in 68348
division (C) of this section, no motor vehicle registration 68349
application involving either the actual issuance of that type of 68350
nonstandard license plate or the registration renewal of a motor 68351
vehicle displaying that type of nonstandard license plate will be 68352
accepted by the registrar or a deputy registrar beginning on the 68353
first day of January of the next calendar year. 68354

(C) If the program involving a type of nonstandard license 68355
plate is terminated under division (B) of this section, the 68356
registration of any motor vehicle displaying that type of 68357

nonstandard license plate at the time of termination may be 68358
renewed so long as the nonstandard license plates remain 68359
serviceable. If the nonstandard license plates of such a motor 68360
vehicle become unfit for service, the owner of the motor vehicle 68361
may apply for the issuance of nonstandard license plates of that 68362
same type, but the registrar or deputy registrar shall issue such 68363
nonstandard license plates only if at the time of application the 68364
stock of the bureau contains license plates of that type of 68365
nonstandard license plate. If, at the time of such application, 68366
the stock of the bureau does not contain license plates of that 68367
type of nonstandard license plate, the registrar or deputy 68368
registrar shall inform the owner of that fact, and the application 68369
shall be refused. 68370

If the program involving a type of nonstandard license plate 68371
is terminated under division (B) of this section and the 68372
registration of motor vehicles displaying such license plates 68373
continues as permitted by this division, the registrar, for as 68374
long as such registrations continue to be issued, shall continue 68375
to collect and distribute any contribution that was required to be 68376
collected and distributed prior to the termination of that 68377
program. 68378

(D) If the program involving a nonstandard license plate is 68379
terminated under division (B)(1) of this section, the sponsor of 68380
that license plate may apply to the registrar for the 68381
reestablishment of the program. If the program involving that 68382
nonstandard license plate is reestablished, the reestablishment is 68383
subject to division (B) of section 4503.78 of the Revised Code. 68384

Sec. 4503.771. (A) The sponsor of a nonstandard license 68385
plate, as defined in section 4503.77 of the Revised Code, shall 68386
verify the contact information for that sponsor by the first day 68387
of December of each year on a form established by the registrar of 68388

motor vehicles. If the sponsor fails to verify such contact 68389
information by the thirty-first day of December of any year, the 68390
registrar, beginning the first day of January of the following 68391
year, shall transmit the contribution for each registration 68392
involving that nonstandard license plate to the treasurer of state 68393
for deposit into the general revenue fund, instead of for deposit 68394
in the license plate contribution fund created in section 4501.21 68395
of the Revised Code. The registrar also immediately shall send a 68396
notice to the sponsor that no additional funds will be deposited 68397
into the license plate contribution fund until the contact 68398
information form is received by the registrar. Upon receiving the 68399
contact information form, the registrar shall resume transmitting 68400
the contributions received for that license plate to the treasurer 68401
of state for deposit into the license plate contribution fund and 68402
later distribution to the sponsor. 68403

(B) If the sponsor of a nonstandard license plate ceases to 68404
exist, the registrar shall deposit the contributions for the 68405
associated license plate into the general revenue fund. If that 68406
sponsor is later reestablished, the sponsor shall submit to the 68407
registrar written confirmation of the sponsor's reestablishment 68408
along with the contact information form. Upon receipt of the 68409
confirmation and form, the registrar shall resume transmitting all 68410
contributions received for the associated license plate into the 68411
license plate contribution fund for later distribution to the 68412
sponsor. 68413

Sec. 4503.78. (A) Except as may otherwise be specifically 68414
provided by law, ~~after the effective date of this section,~~ the 68415
registrar of motor vehicles ~~shall~~ is not be required to implement 68416
any legislation that creates a license plate and provides for its 68417
issuance until the registrar receives written statements from not 68418
less than ~~five~~ one hundred fifty persons, indicating that they 68419
intend to apply for and obtain such license plates for their motor 68420

vehicles. The registrar may require such statements to be made on 68421
a form the registrar provides. 68422

(B) If a program involving a nonstandard license plate is 68423
terminated under division (B)(1) of section 4503.77 of the Revised 68424
Code, the sponsor of that license plate may apply to the registrar 68425
for the reestablishment of that program, as permitted by division 68426
(D) of that section. The registrar shall not reestablish the 68427
program involving that nonstandard license plate until the 68428
registrar receives written statements from not less than ~~five~~ 68429
~~hundred~~ twenty-five persons, indicating that they intend to apply 68430
for and obtain such license plates for their motor vehicles. The 68431
registrar may require such statements to be made on a form 68432
approved by the registrar. 68433

In determining whether ~~five hundred~~ twenty-five persons have 68434
so indicated their intentions, the registrar shall include in the 68435
total the number of motor vehicles that continue to display the 68436
nonstandard license plate of the terminated program, as permitted 68437
by division (C) of section 4503.77 of the Revised Code. 68438

Sec. 4503.86. (A) The owner or lessee of any passenger car, 68439
noncommercial motor vehicle, recreational vehicle, or other 68440
vehicle of a class approved by the registrar of motor vehicles may 68441
apply to the registrar for the registration of the vehicle and the 68442
issuance of "Lincoln highway" license plates. An application made 68443
under this section may be combined with a request for a special 68444
reserved license plate under section 4503.40 or 4503.42 of the 68445
Revised Code. Upon receipt of the completed application and 68446
compliance by the applicant with divisions (B) and (C) of this 68447
section, the registrar shall issue to the applicant the 68448
appropriate vehicle registration and a set of "Lincoln highway" 68449
license plates and a validation sticker, or a validation sticker 68450
alone when required by section 4503.191 of the Revised Code. 68451

In addition to the letters and numbers ordinarily inscribed on the license plates, "Lincoln highway" license plates shall be inscribed with identifying words or markings that are designed by the Ohio Lincoln highway historic byway, and approved by the registrar. "Lincoln highway" license plates shall display county identification stickers that identify the county of registration by name or number.

(B) "Lincoln highway" license plates and a validation sticker, or validation sticker alone, shall be issued upon receipt of a contribution as provided in division (C)(1) of this section and upon payment of the regular license tax as prescribed under section 4503.04 of the Revised Code, any applicable motor vehicle license tax levied under Chapter 4504. of the Revised Code, any applicable additional fee prescribed by section 4503.40 or 4503.42 of the Revised Code, a bureau of motor vehicles administrative fee of ten dollars, and compliance with all other applicable laws relating to the registration of motor vehicles.

(C)(1) For each application for registration and registration renewal notice the registrar receives under this section, the registrar shall collect a contribution of twenty dollars. The registrar shall deposit this contribution into the state treasury to the credit of the license plate contribution fund created in section 4501.21 of the Revised Code.

(2) The registrar shall deposit the bureau administrative fee of ten dollars, the purpose of which is to compensate the bureau for additional services required in the issuing of "Lincoln highway" license plates, into the state treasury to the credit of the state bureau of motor vehicles fund created in section 4501.25 of the Revised Code.

Sec. 4505.06. (A)(1) Application for a certificate of title shall be made in a form prescribed by the registrar of motor

vehicles and shall be sworn to before a notary public or other 68483
officer empowered to administer oaths. The application shall be 68484
filed with the clerk of any court of common pleas. An application 68485
for a certificate of title may be filed electronically by any 68486
electronic means approved by the registrar in any county with the 68487
clerk of the court of common pleas of that county. Any payments 68488
required by this chapter shall be considered as accompanying any 68489
electronically transmitted application when payment actually is 68490
received by the clerk. Payment of any fee or taxes may be made by 68491
electronic transfer of funds. 68492

(2) The application for a certificate of title shall be 68493
accompanied by the fee prescribed in section 4505.09 of the 68494
Revised Code. The fee shall be retained by the clerk who issues 68495
the certificate of title and shall be distributed in accordance 68496
with that section. If a clerk of a court of common pleas, other 68497
than the clerk of the court of common pleas of an applicant's 68498
county of residence, issues a certificate of title to the 68499
applicant, the clerk shall transmit data related to the 68500
transaction to the automated title processing system. 68501

(3) If a certificate of title previously has been issued for 68502
a motor vehicle in this state, the application for a certificate 68503
of title also shall be accompanied by that certificate of title 68504
duly assigned, unless otherwise provided in this chapter. If a 68505
certificate of title previously has not been issued for the motor 68506
vehicle in this state, the application, unless otherwise provided 68507
in this chapter, shall be accompanied by a manufacturer's or 68508
importer's certificate or by a certificate of title of another 68509
state from which the motor vehicle was brought into this state. If 68510
the application refers to a motor vehicle last previously 68511
registered in another state, the application also shall be 68512
accompanied by the physical inspection certificate required by 68513
section 4505.061 of the Revised Code. If the application is made 68514

by two persons regarding a motor vehicle in which they wish to 68515
establish joint ownership with right of survivorship, they may do 68516
so as provided in section 2131.12 of the Revised Code. If the 68517
applicant requests a designation of the motor vehicle in 68518
beneficiary form so that upon the death of the owner of the motor 68519
vehicle, ownership of the motor vehicle will pass to a designated 68520
transfer-on-death beneficiary or beneficiaries, the applicant may 68521
do so as provided in section 2131.13 of the Revised Code. A person 68522
who establishes ownership of a motor vehicle that is transferable 68523
on death in accordance with section 2131.13 of the Revised Code 68524
may terminate that type of ownership or change the designation of 68525
the transfer-on-death beneficiary or beneficiaries by applying for 68526
a certificate of title pursuant to this section. The clerk shall 68527
retain the evidence of title presented by the applicant and on 68528
which the certificate of title is issued, except that, if an 68529
application for a certificate of title is filed electronically by 68530
an electronic motor vehicle dealer on behalf of the purchaser of a 68531
motor vehicle, the clerk shall retain the completed electronic 68532
record to which the dealer converted the certificate of title 68533
application and other required documents. The registrar, after 68534
consultation with the attorney general, shall adopt rules that 68535
govern the location at which, and the manner in which, are stored 68536
the actual application and all other documents relating to the 68537
sale of a motor vehicle when an electronic motor vehicle dealer 68538
files the application for a certificate of title electronically on 68539
behalf of the purchaser. Not later than December 31, 2011, the 68540
registrar shall enable all electronic motor vehicle dealers to 68541
file applications for certificates of title on behalf of 68542
purchasers of motor vehicles electronically directly with the 68543
registrar and not through a third party. 68544

The clerk shall use reasonable diligence in ascertaining 68545
whether or not the facts in the application for a certificate of 68546
title are true by checking the application and documents 68547

accompanying it or the electronic record to which a dealer 68548
converted the application and accompanying documents with the 68549
records of motor vehicles in the clerk's office. If the clerk is 68550
satisfied that the applicant is the owner of the motor vehicle and 68551
that the application is in the proper form, the clerk, within five 68552
business days after the application is filed and except as 68553
provided in section 4505.021 of the Revised Code, shall issue a 68554
physical certificate of title over the clerk's signature and 68555
sealed with the clerk's seal, unless the applicant specifically 68556
requests the clerk not to issue a physical certificate of title 68557
and instead to issue an electronic certificate of title. For 68558
purposes of the transfer of a certificate of title, if the clerk 68559
is satisfied that the secured party has duly discharged a lien 68560
notation but has not canceled the lien notation with a clerk, the 68561
clerk may cancel the lien notation on the automated title 68562
processing system and notify the clerk of the county of origin. 68563

(4) In the case of the sale of a motor vehicle to a general 68564
buyer or user by a dealer, by a motor vehicle leasing dealer 68565
selling the motor vehicle to the lessee or, in a case in which the 68566
leasing dealer subleased the motor vehicle, the sublessee, at the 68567
end of the lease agreement or sublease agreement, or by a 68568
manufactured housing broker, the certificate of title shall be 68569
obtained in the name of the buyer by the dealer, leasing dealer, 68570
or manufactured housing broker, as the case may be, upon 68571
application signed by the buyer. The certificate of title shall be 68572
issued, or the process of entering the certificate of title 68573
application information into the automated title processing system 68574
if a physical certificate of title is not to be issued shall be 68575
completed, within five business days after the application for 68576
title is filed with the clerk. If the buyer of the motor vehicle 68577
previously leased the motor vehicle and is buying the motor 68578
vehicle at the end of the lease pursuant to that lease, the 68579
certificate of title shall be obtained in the name of the buyer by 68580

the motor vehicle leasing dealer who previously leased the motor 68581
vehicle to the buyer or by the motor vehicle leasing dealer who 68582
subleased the motor vehicle to the buyer under a sublease 68583
agreement. 68584

In all other cases, except as provided in section 4505.032 68585
and division (D)(2) of section 4505.11 of the Revised Code, such 68586
certificates shall be obtained by the buyer. 68587

(5)(a)(i) If the certificate of title is being obtained in 68588
the name of the buyer by a motor vehicle dealer or motor vehicle 68589
leasing dealer and there is a security interest to be noted on the 68590
certificate of title, the dealer or leasing dealer shall submit 68591
the application for the certificate of title and, if required by 68592
division (B)(5) of this section, payment of the applicable tax, to 68593
a clerk within seven business days after the later of the delivery 68594
of the motor vehicle to the buyer or the date the dealer or 68595
leasing dealer obtains the manufacturer's or importer's 68596
certificate, or certificate of title issued in the name of the 68597
dealer or leasing dealer, for the motor vehicle. Submission of the 68598
application for the certificate of title and payment, if required, 68599
of the applicable tax within the required seven business days may 68600
be indicated by postmark or receipt by a clerk within that period. 68601

(ii) Upon receipt of the certificate of title with the 68602
security interest noted on its face, the dealer or leasing dealer 68603
shall forward the certificate of title to the secured party at the 68604
location noted in the financing documents or otherwise specified 68605
by the secured party. 68606

(iii) A motor vehicle dealer or motor vehicle leasing dealer 68607
is liable to a secured party for a late fee of ten dollars per day 68608
for each certificate of title application and, if required by 68609
division (B)(5) of this section, payment of the applicable tax 68610
~~that is,~~ submitted to a clerk more than seven business days but 68611
less than twenty-one days after the later of the delivery of the 68612

motor vehicle to the buyer or the date the dealer or leasing 68613
dealer obtains the manufacturer's or importer's certificate, or 68614
certificate of title issued in the name of the dealer or leasing 68615
dealer, for the motor vehicle and, from then on, twenty-five 68616
dollars per day until the application and any applicable tax are 68617
submitted to a clerk. 68618

(b) In all cases of transfer of a motor vehicle except the 68619
transfer of a manufactured home or mobile home, the application 68620
for certificate of title shall be filed within thirty days after 68621
the assignment or delivery of the motor vehicle. 68622

(c) An application for a certificate of title for a new 68623
manufactured home shall be filed within thirty days after the 68624
delivery of the new manufactured home to the purchaser. The date 68625
of the delivery shall be the date on which an occupancy permit for 68626
the manufactured home is delivered to the purchaser of the home by 68627
the appropriate legal authority. 68628

(d) An application for a certificate of title for a used 68629
manufactured home or a used mobile home shall be filed as follows: 68630

(i) If a certificate of title for the used manufactured home 68631
or used mobile home was issued to the motor vehicle dealer prior 68632
to the sale of the manufactured or mobile home to the purchaser, 68633
the application for certificate of title shall be filed within 68634
thirty days after the date on which an occupancy permit for the 68635
manufactured or mobile home is delivered to the purchaser by the 68636
appropriate legal authority. 68637

(ii) If the motor vehicle dealer has been designated by a 68638
secured party to display the manufactured or mobile home for sale, 68639
or to sell the manufactured or mobile home under section 4505.20 68640
of the Revised Code, but the certificate of title has not been 68641
transferred by the secured party to the motor vehicle dealer, and 68642
the dealer has complied with the requirements of division (A) of 68643

section 4505.181 of the Revised Code, the application for 68644
certificate of title shall be filed within thirty days after the 68645
date on which the motor vehicle dealer obtains the certificate of 68646
title for the home from the secured party or the date on which an 68647
occupancy permit for the manufactured or mobile home is delivered 68648
to the purchaser by the appropriate legal authority, whichever 68649
occurs later. 68650

(6) If an application for a certificate of title is not filed 68651
within the period specified in division (A)(5)(b), (c), or (d) of 68652
this section, the clerk shall collect a fee of five dollars for 68653
the issuance of the certificate, except that no such fee shall be 68654
required from a motor vehicle salvage dealer, as defined in 68655
division (A) of section 4738.01 of the Revised Code, who 68656
immediately surrenders the certificate of title for cancellation. 68657
The fee shall be in addition to all other fees established by this 68658
chapter, and shall be retained by the clerk. The registrar shall 68659
provide, on the certificate of title form prescribed by section 68660
4505.07 of the Revised Code, language necessary to give evidence 68661
of the date on which the assignment or delivery of the motor 68662
vehicle was made. 68663

(7) As used in division (A) of this section, "lease 68664
agreement," "lessee," and "sublease agreement" have the same 68665
meanings as in section 4505.04 of the Revised Code and "new 68666
manufactured home," "used manufactured home," and "used mobile 68667
home" have the same meanings as in section 5739.0210 of the 68668
Revised Code. 68669

(B)(1) The clerk, except as otherwise provided in this 68670
section, shall refuse to accept for filing any application for a 68671
certificate of title and shall refuse to issue a certificate of 68672
title unless the dealer or the applicant, in cases in which the 68673
certificate shall be obtained by the buyer, submits with the 68674
application payment of the tax levied by or pursuant to Chapters 68675

5739. and 5741. of the Revised Code based on the purchaser's 68676
county of residence. Upon payment of the tax in accordance with 68677
division (E) of this section, the clerk shall issue a receipt 68678
prescribed by the registrar and agreed upon by the tax 68679
commissioner showing payment of the tax or a receipt issued by the 68680
commissioner showing the payment of the tax. When submitting 68681
payment of the tax to the clerk, a dealer shall retain any 68682
discount to which the dealer is entitled under section 5739.12 of 68683
the Revised Code. 68684

(2) For receiving and disbursing such taxes paid to the clerk 68685
by a resident of the clerk's county, the clerk may retain a 68686
poundage fee of one and one one-hundredth per cent, and the clerk 68687
shall pay the poundage fee into the certificate of title 68688
administration fund created by section 325.33 of the Revised Code. 68689
The clerk shall not retain a poundage fee from payments of taxes 68690
by persons who do not reside in the clerk's county. 68691

A clerk, however, may retain from the taxes paid to the clerk 68692
an amount equal to the poundage fees associated with certificates 68693
of title issued by other clerks of courts of common pleas to 68694
applicants who reside in the first clerk's county. The registrar, 68695
in consultation with the tax commissioner and the clerks of the 68696
courts of common pleas, shall develop a report from the automated 68697
title processing system that informs each clerk of the amount of 68698
the poundage fees that the clerk is permitted to retain from those 68699
taxes because of certificates of title issued by the clerks of 68700
other counties to applicants who reside in the first clerk's 68701
county. 68702

(3) In the case of casual sales of motor vehicles, as defined 68703
in section 4517.01 of the Revised Code, the price for the purpose 68704
of determining the tax shall be the purchase price on the assigned 68705
certificate of title executed by the seller and filed with the 68706
clerk by the buyer on a form to be prescribed by the registrar, 68707

which shall be prima-facie evidence of the amount for the 68708
determination of the tax. 68709

(4) Each county clerk shall forward to the treasurer of state 68710
all sales and use tax collections resulting from sales of motor 68711
vehicles, off-highway motorcycles, and all-purpose vehicles during 68712
a calendar week on or before the Friday following the close of 68713
that week. If, on any Friday, the offices of the clerk of courts 68714
or the state are not open for business, the tax shall be forwarded 68715
to the treasurer of state on or before the next day on which the 68716
offices are open. Every remittance of tax under division (B)(4) of 68717
this section shall be accompanied by a remittance report in such 68718
form as the tax commissioner prescribes. Upon receipt of a tax 68719
remittance and remittance report, the treasurer of state shall 68720
date stamp the report and forward it to the tax commissioner. If 68721
the tax due for any week is not remitted by a clerk of courts as 68722
required under division (B)(4) of this section, the commissioner 68723
may require the clerk to forfeit the poundage fees for the sales 68724
made during that week. The treasurer of state may require the 68725
clerks of courts to transmit tax collections and remittance 68726
reports electronically. 68727

(5) A new or used motor vehicle dealer licensed in this 68728
state, in lieu of remitting the tax levied by or pursuant to 68729
Chapters 5739. and 5741. of the Revised Code to the clerk under 68730
this section, may elect to submit to the clerk a certificate 68731
acknowledging the sale or lease of the motor vehicle, stating the 68732
purchaser's county of residence, and pledging that the dealer will 68733
report and remit the tax due as required by section 5739.12 or 68734
5741.12 of the Revised Code, whichever is applicable. For each 68735
dealer that makes an election under this section, the tax 68736
commissioner shall deposit into the certificate of title 68737
administration fund created under section 325.33 of the Revised 68738
Code an amount equal to the poundage fees that the clerk would be 68739

entitled to retain if the dealer had remitted the tax due to the 68740
clerk under division (A)(5)(a) of this section. The registrar, in 68741
consultation with the commissioner and the clerks of courts of 68742
common pleas, shall develop a report from the automated title 68743
processing system that informs each clerk and the commissioner of 68744
the amount of the poundage fees that each clerk is permitted to 68745
receive from taxes collected by the commissioner because of the 68746
certificates of title issued by the clerks. A motor vehicle dealer 68747
that does not report and remit the tax due pursuant to an election 68748
under division (B)(5) of this section shall pay the tax to the 68749
clerk of courts as provided in division (A)(5)(a) of this section. 68750

(C)(1) If the transferor indicates on the certificate of 68751
title that the odometer reflects mileage in excess of the designed 68752
mechanical limit of the odometer, the clerk shall enter the phrase 68753
"exceeds mechanical limits" following the mileage designation. If 68754
the transferor indicates on the certificate of title that the 68755
odometer reading is not the actual mileage, the clerk shall enter 68756
the phrase "nonactual: warning - odometer discrepancy" following 68757
the mileage designation. The clerk shall use reasonable care in 68758
transferring the information supplied by the transferor, but is 68759
not liable for any errors or omissions of the clerk or those of 68760
the clerk's deputies in the performance of the clerk's duties 68761
created by this chapter. 68762

The registrar shall prescribe an affidavit in which the 68763
transferor shall swear to the true selling price and, except as 68764
provided in this division, the true odometer reading of the motor 68765
vehicle. The registrar may prescribe an affidavit in which the 68766
seller and buyer provide information pertaining to the odometer 68767
reading of the motor vehicle in addition to that required by this 68768
section, as such information may be required by the United States 68769
secretary of transportation by rule prescribed under authority of 68770
subchapter IV of the "Motor Vehicle Information and Cost Savings 68771

Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 68772

(2) Division (C)(1) of this section does not require the 68773
giving of information concerning the odometer and odometer reading 68774
of a motor vehicle when ownership of a motor vehicle is being 68775
transferred as a result of a bequest, under the laws of intestate 68776
succession, to a survivor pursuant to section 2106.18, 2131.12, or 68777
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 68778
beneficiaries pursuant to section 2131.13 of the Revised Code, in 68779
connection with the creation of a security interest or for a 68780
vehicle with a gross vehicle weight rating of more than sixteen 68781
thousand pounds. 68782

(D) When the transfer to the applicant was made in some other 68783
state or in interstate commerce, the clerk, except as provided in 68784
this section, shall refuse to issue any certificate of title 68785
unless the tax imposed by or pursuant to Chapter 5741. of the 68786
Revised Code based on the purchaser's county of residence has been 68787
paid as evidenced by a receipt issued by the tax commissioner, or 68788
unless the applicant submits with the application payment of the 68789
tax. Upon payment of the tax in accordance with division (E) of 68790
this section, the clerk shall issue a receipt prescribed by the 68791
registrar and agreed upon by the tax commissioner, showing payment 68792
of the tax. 68793

For receiving and disbursing such taxes paid to the clerk by 68794
a resident of the clerk's county, the clerk may retain a poundage 68795
fee of one and one one-hundredth per cent. The clerk shall not 68796
retain a poundage fee from payments of taxes by persons who do not 68797
reside in the clerk's county. 68798

A clerk, however, may retain from the taxes paid to the clerk 68799
an amount equal to the poundage fees associated with certificates 68800
of title issued by other clerks of courts of common pleas to 68801
applicants who reside in the first clerk's county. The registrar, 68802
in consultation with the tax commissioner and the clerks of the 68803

courts of common pleas, shall develop a report from the automated 68804
title processing system that informs each clerk of the amount of 68805
the poundage fees that the clerk is permitted to retain from those 68806
taxes because of certificates of title issued by the clerks of 68807
other counties to applicants who reside in the first clerk's 68808
county. 68809

When the vendor is not regularly engaged in the business of 68810
selling motor vehicles, the vendor shall not be required to 68811
purchase a vendor's license or make reports concerning those 68812
sales. 68813

(E) The clerk shall accept any payment of a tax in cash, or 68814
by cashier's check, certified check, draft, money order, or teller 68815
check issued by any insured financial institution payable to the 68816
clerk and submitted with an application for a certificate of title 68817
under division (B) or (D) of this section. The clerk also may 68818
accept payment of the tax by corporate, business, or personal 68819
check, credit card, electronic transfer or wire transfer, debit 68820
card, or any other accepted form of payment made payable to the 68821
clerk. The clerk may require bonds, guarantees, or letters of 68822
credit to ensure the collection of corporate, business, or 68823
personal checks. Any service fee charged by a third party to a 68824
clerk for the use of any form of payment may be paid by the clerk 68825
from the certificate of title administration fund created in 68826
section 325.33 of the Revised Code, or may be assessed by the 68827
clerk upon the applicant as an additional fee. Upon collection, 68828
the additional fees shall be paid by the clerk into that 68829
certificate of title administration fund. 68830

The clerk shall make a good faith effort to collect any 68831
payment of taxes due but not made because the payment was returned 68832
or dishonored, but the clerk is not personally liable for the 68833
payment of uncollected taxes or uncollected fees. The clerk shall 68834
notify the tax commissioner of any such payment of taxes that is 68835

due but not made and shall furnish the information to the 68836
commissioner that the commissioner requires. The clerk shall 68837
deduct the amount of taxes due but not paid from the clerk's 68838
periodic remittance of tax payments, in accordance with procedures 68839
agreed upon by the tax commissioner. The commissioner may collect 68840
taxes due by assessment in the manner provided in section 5739.13 68841
of the Revised Code. 68842

Any person who presents payment that is returned or 68843
dishonored for any reason is liable to the clerk for payment of a 68844
penalty over and above the amount of the taxes due. The clerk 68845
shall determine the amount of the penalty, and the penalty shall 68846
be no greater than that amount necessary to compensate the clerk 68847
for banking charges, legal fees, or other expenses incurred by the 68848
clerk in collecting the returned or dishonored payment. The 68849
remedies and procedures provided in this section are in addition 68850
to any other available civil or criminal remedies. Subsequently 68851
collected penalties, poundage fees, and title fees, less any title 68852
fee due the state, from returned or dishonored payments collected 68853
by the clerk shall be paid into the certificate of title 68854
administration fund. Subsequently collected taxes, less poundage 68855
fees, shall be sent by the clerk to the treasurer of state at the 68856
next scheduled periodic remittance of tax payments, with 68857
information as the commissioner may require. The clerk may abate 68858
all or any part of any penalty assessed under this division. 68859

(F) In the following cases, the clerk shall accept for filing 68860
an application and shall issue a certificate of title without 68861
requiring payment or evidence of payment of the tax: 68862

(1) When the purchaser is this state or any of its political 68863
subdivisions, a church, or an organization whose purchases are 68864
exempted by section 5739.02 of the Revised Code; 68865

(2) When the transaction in this state is not a retail sale 68866
as defined by section 5739.01 of the Revised Code; 68867

(3) When the purchase is outside this state or in interstate commerce and the purpose of the purchaser is not to use, store, or consume within the meaning of section 5741.01 of the Revised Code; 68868
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(4) When the purchaser is the federal government; 68871

(5) When the motor vehicle was purchased outside this state for use outside this state; 68872
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(6) When the motor vehicle is purchased by a nonresident under the circumstances described in division (B)(1) of section 5739.029 of the Revised Code, and upon presentation of a copy of the affidavit provided by that section, and a copy of the exemption certificate provided by section 5739.03 of the Revised Code; 68874
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(7) When the applicant is a new or used motor vehicle dealer that makes an election and submits a certificate under division (B)(5) of this section. 68880
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(G) An application, as prescribed by the registrar and agreed to by the tax commissioner, shall be filled out and sworn to by the buyer of a motor vehicle in a casual sale. The application shall contain the following notice in bold lettering: "WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by law to state the true selling price. A false statement is in violation of section 2921.13 of the Revised Code and is punishable by six months' imprisonment or a fine of up to one thousand dollars, or both. All transfers are audited by the department of taxation. The seller and buyer must provide any information requested by the department of taxation. The buyer may be assessed any additional tax found to be due." 68883
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(H) For sales of manufactured homes or mobile homes occurring on or after January 1, 2000, the clerk shall accept for filing, pursuant to Chapter 5739. of the Revised Code, an application for a certificate of title for a manufactured home or mobile home 68895
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without requiring payment of any tax pursuant to section 5739.02, 68899
5741.021, 5741.022, ~~or 5741.023,~~ or 5741.024 of the Revised Code, 68900
or a receipt issued by the tax commissioner showing payment of the 68901
tax. For sales of manufactured homes or mobile homes occurring on 68902
or after January 1, 2000, the applicant shall pay to the clerk an 68903
additional fee of five dollars for each certificate of title 68904
issued by the clerk for a manufactured or mobile home pursuant to 68905
division (H) of section 4505.11 of the Revised Code and for each 68906
certificate of title issued upon transfer of ownership of the 68907
home. The clerk shall credit the fee to the county certificate of 68908
title administration fund, and the fee shall be used to pay the 68909
expenses of archiving those certificates pursuant to division (A) 68910
of section 4505.08 and division (H)(3) of section 4505.11 of the 68911
Revised Code. The tax commissioner shall administer any tax on a 68912
manufactured or mobile home pursuant to Chapters 5739. and 5741. 68913
of the Revised Code. 68914

(I) Every clerk shall have the capability to transact by 68915
electronic means all procedures and transactions relating to the 68916
issuance of motor vehicle certificates of title that are described 68917
in the Revised Code as being accomplished by electronic means. 68918

Sec. 4505.101. (A)(1) The owner of any repair garage or place 68919
of storage in which a motor vehicle with a value of less than 68920
three thousand five hundred dollars has been left unclaimed for 68921
fifteen days or more following completion of the requested repair 68922
or the agreed term of storage shall send by certified mail, return 68923
receipt requested, to the last known address of any owner and any 68924
lienholder of the motor vehicle a notice to remove the motor 68925
vehicle. In order to identify any owner or lienholder, prior to 68926
sending a notice, the repair garage or place of storage shall 68927
cause a search to be made of the records of the bureau of motor 68928
vehicles. Any notice to a lienholder shall state where the motor 68929
vehicle is located and the value of the vehicle. 68930

If the motor vehicle remains unclaimed by any owner or lienholder for fifteen days after the mailing of all required notices, and for each notice the person on whose property the vehicle has been abandoned either has received the signed receipt from the certified mail or has been notified that the delivery was not possible, the person may obtain a certificate of title to the motor vehicle in the person's name in the manner provided in this section. Unless the lienholder claims the motor vehicle within fifteen days from the mailing of the notice, the lienholder's lien is invalid.

(2) The owner of the repair garage or place of storage that mailed the notice shall execute an affidavit, in a form established by the registrar of motor vehicles by rule, affirming that all of the requirements of this section necessary to authorize the issuance of a certificate of title for the motor vehicle have been met. The affidavit shall set forth an itemized statement of the value of the motor vehicle; the length of time that the motor vehicle has remained unclaimed; that a notice to remove the vehicle has been mailed to any titled owner or lienholder by certified mail, return receipt requested; and that a search of the records of the bureau of motor vehicles has been made in accordance with division (A)(1) of this section.

(B) The owner of a towing service or storage facility that is in possession of a vehicle may obtain a certificate of title to the vehicle as provided in division (C) of this section if all of the following apply:

(1) The vehicle was towed under division (B) of section 4513.601 of the Revised Code.

(2) The vehicle has a value of less than three thousand five hundred dollars.

(3) The vehicle has been left unclaimed for sixty days after

the date the earliest notice required by division (F)(1) of 68962
section 4513.601 of the Revised Code is received, as evidenced by 68963
a receipt signed by any person, or the towing service or storage 68964
facility has been notified that the delivery was not possible. 68965

(4) The owner of the towing service or storage facility 68966
executes an affidavit, in a form established by the registrar of 68967
motor vehicles by rule, affirming that all of the requirements of 68968
this section necessary to authorize the issuance of a certificate 68969
of title for the motor vehicle have been met. The affidavit shall 68970
set forth an itemized statement of the value of the motor vehicle; 68971
that notices to remove the vehicle have been mailed to the owner 68972
and any lienholder as required under division (F) of section 68973
4513.601 of the Revised Code; the length of time that the motor 68974
vehicle has remained unclaimed after the date the earliest notice 68975
required under division (F) of section 4513.601 of the Revised 68976
Code was received or the towing service or storage facility was 68977
notified that delivery was not possible; and that a search of the 68978
records of the bureau of motor vehicles has been made for 68979
outstanding liens on the motor vehicle. 68980

(C) The clerk of courts shall issue a certificate of title, 68981
free and clear of all liens and encumbrances as follows: 68982

(1) To a repair garage or place of storage that presents an 68983
affidavit that complies with all of the requirements of division 68984
(A) of this section; 68985

(2) To a towing service or storage facility that presents an 68986
affidavit in compliance with division (B) of this section. 68987

Upon receipt of the certificate of title, a repair garage or 68988
place of storage, or a towing service or storage facility, shall 68989
pay to the clerk of courts the value of the motor vehicle for 68990
deposit into the county general fund. 68991

(D) Whoever violates this section shall be fined not more 68992

than two hundred dollars, imprisoned not more than ninety days, or 68993
both. 68994

(E) As used in this section: 68995

(1) "Repair garage or place of storage" means any business 68996
with which a person entered into an agreement for the repair of a 68997
motor vehicle or any business with which a person entered into an 68998
agreement for the storage of a motor vehicle. 68999

(2) "Towing service or storage facility" means any for-hire 69000
motor carrier that removes a motor vehicle under the authority of 69001
section 4513.601 of the Revised Code and any place to which such a 69002
for-hire motor carrier delivers a motor vehicle towed under that 69003
section. 69004

(3) "Value" means the wholesale value for that make and model 69005
of motor vehicle at the time an affidavit is submitted under 69006
division (C) of this section, as provided in a vehicle valuation 69007
guide that is generally available and recognized by the motor 69008
vehicle industry, minus ~~both~~ all of the following: 69009

(a) The estimated cost of repairs to restore the motor 69010
vehicle to the wholesale value for that make and model of motor 69011
vehicle; 69012

(b) The cost of any agreed-upon repairs; 69013

(c) A towing fee, if applicable. 69014

Sec. 4507.21. (A) Each applicant for a driver's license shall 69015
file an application in the office of the registrar of motor 69016
vehicles or of a deputy registrar. 69017

(B)(1) Each person under eighteen years of age applying for a 69018
driver's license issued in this state shall present satisfactory 69019
evidence of having successfully completed any one of the 69020
following: 69021

(a) A driver education course approved by the state department of education prior to December 31, 2003.

(b) A driver training course approved by the director of public safety.

(c) A driver training course comparable to a driver education or driver training course described in division (B)(1)(a) or (b) of this section and administered by a branch of the armed forces of the United States and completed by the applicant while residing outside this state for the purpose of being with or near any person serving in the armed forces of the United States.

(2) Each person under eighteen years of age applying for a driver's license also shall present, on a form prescribed by the registrar, an affidavit signed by an eligible adult attesting that the person has acquired at least fifty hours of actual driving experience, with at least ten of those hours being at night.

(C) ~~Each~~ Commencing one year after the effective date of the rules adopted pursuant to division (F) of section 4508.02 of the Revised Code that govern the abbreviated driver training course, each applicant for an initial driver's license who is eighteen years of age or older and who failed the road or maneuverability test required under division (A)(2) of section 4507.11 of the Revised Code shall present satisfactory evidence of having successfully completed ~~an~~ the abbreviated driver training course for adults, approved by the director of public safety, prior to attempting the test a second or subsequent time.

(D) If the registrar or deputy registrar determines that the applicant is entitled to the driver's license, it shall be issued. If the application shows that the applicant's license has been previously canceled or suspended, the deputy registrar shall forward the application to the registrar, who shall determine whether the license shall be granted.

(E) An applicant shall file an application in duplicate, and 69053
the deputy registrar issuing the license shall immediately forward 69054
to the office of the registrar the original copy of the 69055
application, together with the duplicate copy of any certificate 69056
of completion if issued for purposes of division (B) of this 69057
section. The registrar shall prescribe rules as to the manner in 69058
which the deputy registrar files and maintains the applications 69059
and other records. The registrar shall file every application for 69060
a driver's or commercial driver's license and index them by name 69061
and number, and shall maintain a suitable record of all licenses 69062
issued, all convictions and bond forfeitures, all applications for 69063
licenses denied, and all licenses that have been suspended or 69064
canceled. 69065

(F) For purposes of section 2313.06 of the Revised Code, the 69066
registrar shall maintain accurate and current lists of the 69067
residents of each county who are eighteen years of age or older, 69068
have been issued, on and after January 1, 1984, driver's or 69069
commercial driver's licenses that are valid and current, and would 69070
be electors if they were registered to vote, regardless of whether 69071
they actually are registered to vote. The lists shall contain the 69072
names, addresses, dates of birth, duration of residence in this 69073
state, citizenship status, and social security numbers, if the 69074
numbers are available, of the licensees, and may contain any other 69075
information that the registrar considers suitable. 69076

(G) Each person under eighteen years of age applying for a 69077
motorcycle operator's endorsement or a restricted license enabling 69078
the applicant to operate a motorcycle shall present satisfactory 69079
evidence of having completed the courses of instruction in the 69080
motorcycle safety and education program described in section 69081
4508.08 of the Revised Code or a comparable course of instruction 69082
administered by a branch of the armed forces of the United States 69083
and completed by the applicant while residing outside this state 69084

for the purpose of being with or near any person serving in the
armed forces of the United States. If the registrar or deputy
registrar then determines that the applicant is entitled to the
endorsement or restricted license, it shall be issued.

(H) No person shall knowingly make a false statement in an
affidavit presented in accordance with division (B)(2) of this
section.

(I) As used in this section, "eligible adult" means any of
the following persons:

(1) A parent, guardian, or custodian of the applicant;

(2) A person over the age of twenty-one who acts in loco
parentis of the applicant and who maintains proof of financial
responsibility with respect to the operation of a motor vehicle
owned by the applicant or with respect to the applicant's
operation of any motor vehicle.

(J) Whoever violates division (H) of this section is guilty
of a minor misdemeanor and shall be fined one hundred dollars.

Sec. 4511.0915. (A) On or before July 31, 2015, any local
authority that has operated a traffic law photo-monitoring device
between March 23, 2015, and June 30, 2015, shall file either a
report or statement of compliance with the auditor of state as
follows:

(1) If the local authority operated any traffic law
photo-monitoring device without fully complying with sections
4511.092 to 4511.0914 of the Revised Code, the local authority
shall file a report that includes a detailed statement of the
civil fines the local authority has billed to drivers for any
violation of any municipal ordinance that is based upon evidence
recorded by a traffic law photo-monitoring device, including the
gross amount of fines that have been billed.

(2) If the local authority has fully complied with sections 4511.092 to 4511.0914 of the Revised Code, in lieu of a report, the local authority shall submit a signed statement affirming compliance with all requirements of those sections. 69115
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(B) Beginning with the three-month period that commences July 1, 2015, and ends September 30, 2015, and for each three-month period thereafter, during which a local authority has operated a traffic law photo-monitoring device, the local authority shall file either a report or a signed statement of compliance with the auditor of state in the same manner as described in division (A) of this section. The local authority shall file the report or statement not later than thirty days after the end of the applicable three-month period. 69119
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(C) The auditor of state shall do all of the following: 69128

(1) Immediately forward a copy of each report or signed statement of compliance received under this section to the tax commissioner for purposes of calculating payments under section 5747.50 of the Revised Code; 69129
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(2) Notify the commissioner of each subdivision required to file a report or signed statement that did not do so; 69133
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(3) Notify the commissioner when a subdivision that is the subject of a notification under division (C)(2) of this section files all reports or signed statements the subdivision is required to file. 69135
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Sec. 4511.191. (A)(1) As used in this section: 69139

(a) "Physical control" has the same meaning as in section 4511.194 of the Revised Code. 69140
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(b) "Alcohol monitoring device" means any device that provides for continuous alcohol monitoring, any ignition interlock device, any immobilizing or disabling device other than an 69142
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ignition interlock device that is constantly available to monitor 69145
the concentration of alcohol in a person's system, or any other 69146
device that provides for the automatic testing and periodic 69147
reporting of alcohol consumption by a person and that a court 69148
orders a person to use as a sanction imposed as a result of the 69149
person's conviction of or plea of guilty to an offense. 69150

(c) "Community addiction services provider" has the same 69151
meaning as in section 5119.01 of the Revised Code. 69152

(2) Any person who operates a vehicle, streetcar, or 69153
trackless trolley upon a highway or any public or private property 69154
used by the public for vehicular travel or parking within this 69155
state or who is in physical control of a vehicle, streetcar, or 69156
trackless trolley shall be deemed to have given consent to a 69157
chemical test or tests of the person's whole blood, blood serum or 69158
plasma, breath, or urine to determine the alcohol, drug of abuse, 69159
controlled substance, metabolite of a controlled substance, or 69160
combination content of the person's whole blood, blood serum or 69161
plasma, breath, or urine if arrested for a violation of division 69162
(A) or (B) of section 4511.19 of the Revised Code, section 69163
4511.194 of the Revised Code or a substantially equivalent 69164
municipal ordinance, or a municipal OVI ordinance. 69165

(3) The chemical test or tests under division (A)(2) of this 69166
section shall be administered at the request of a law enforcement 69167
officer having reasonable grounds to believe the person was 69168
operating or in physical control of a vehicle, streetcar, or 69169
trackless trolley in violation of a division, section, or 69170
ordinance identified in division (A)(2) of this section. The law 69171
enforcement agency by which the officer is employed shall 69172
designate which of the tests shall be administered. 69173

(4) Any person who is dead or unconscious, or who otherwise 69174
is in a condition rendering the person incapable of refusal, shall 69175
be deemed to have consented as provided in division (A)(2) of this 69176

section, and the test or tests may be administered, subject to 69177
sections 313.12 to 313.16 of the Revised Code. 69178

(5)(a) If a law enforcement officer arrests a person for a 69179
violation of division (A) or (B) of section 4511.19 of the Revised 69180
Code, section 4511.194 of the Revised Code or a substantially 69181
equivalent municipal ordinance, or a municipal OVI ordinance and 69182
if the person if convicted would be required to be sentenced under 69183
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 69184
Code, the law enforcement officer shall request the person to 69185
submit, and the person shall submit, to a chemical test or tests 69186
of the person's whole blood, blood serum or plasma, breath, or 69187
urine for the purpose of determining the alcohol, drug of abuse, 69188
controlled substance, metabolite of a controlled substance, or 69189
combination content of the person's whole blood, blood serum or 69190
plasma, breath, or urine. A law enforcement officer who makes a 69191
request pursuant to this division that a person submit to a 69192
chemical test or tests is not required to advise the person of the 69193
consequences of submitting to, or refusing to submit to, the test 69194
or tests and is not required to give the person the form described 69195
in division (B) of section 4511.192 of the Revised Code, but the 69196
officer shall advise the person at the time of the arrest that if 69197
the person refuses to take a chemical test the officer may employ 69198
whatever reasonable means are necessary to ensure that the person 69199
submits to a chemical test of the person's whole blood or blood 69200
serum or plasma. The officer shall also advise the person at the 69201
time of the arrest that the person may have an independent 69202
chemical test taken at the person's own expense. Divisions (A)(3) 69203
and (4) of this section apply to the administration of a chemical 69204
test or tests pursuant to this division. 69205

(b) If a person refuses to submit to a chemical test upon a 69206
request made pursuant to division (A)(5)(a) of this section, the 69207
law enforcement officer who made the request may employ whatever 69208

reasonable means are necessary to ensure that the person submits 69209
to a chemical test of the person's whole blood or blood serum or 69210
plasma. A law enforcement officer who acts pursuant to this 69211
division to ensure that a person submits to a chemical test of the 69212
person's whole blood or blood serum or plasma is immune from 69213
criminal and civil liability based upon a claim for assault and 69214
battery or any other claim for the acts, unless the officer so 69215
acted with malicious purpose, in bad faith, or in a wanton or 69216
reckless manner. 69217

(B)(1) Upon receipt of the sworn report of a law enforcement 69218
officer who arrested a person for a violation of division (A) or 69219
(B) of section 4511.19 of the Revised Code, section 4511.194 of 69220
the Revised Code or a substantially equivalent municipal 69221
ordinance, or a municipal OVI ordinance that was completed and 69222
sent to the registrar of motor vehicles and a court pursuant to 69223
section 4511.192 of the Revised Code in regard to a person who 69224
refused to take the designated chemical test, the registrar shall 69225
enter into the registrar's records the fact that the person's 69226
driver's or commercial driver's license or permit or nonresident 69227
operating privilege was suspended by the arresting officer under 69228
this division and that section and the period of the suspension, 69229
as determined under this section. The suspension shall be subject 69230
to appeal as provided in section 4511.197 of the Revised Code. The 69231
suspension shall be for whichever of the following periods 69232
applies: 69233

(a) Except when division (B)(1)(b), (c), or (d) of this 69234
section applies and specifies a different class or length of 69235
suspension, the suspension shall be a class C suspension for the 69236
period of time specified in division (B)(3) of section 4510.02 of 69237
the Revised Code. 69238

(b) If the arrested person, within six years of the date on 69239
which the person refused the request to consent to the chemical 69240

test, had refused one previous request to consent to a chemical 69241
test or had been convicted of or pleaded guilty to one violation 69242
of division (A) or (B) of section 4511.19 of the Revised Code or 69243
one other equivalent offense, the suspension shall be a class B 69244
suspension imposed for the period of time specified in division 69245
(B)(2) of section 4510.02 of the Revised Code. 69246

(c) If the arrested person, within six years of the date on 69247
which the person refused the request to consent to the chemical 69248
test, had refused two previous requests to consent to a chemical 69249
test, had been convicted of or pleaded guilty to two violations of 69250
division (A) or (B) of section 4511.19 of the Revised Code or 69251
other equivalent offenses, or had refused one previous request to 69252
consent to a chemical test and also had been convicted of or 69253
pleaded guilty to one violation of division (A) or (B) of section 69254
4511.19 of the Revised Code or other equivalent offenses, which 69255
violation or offense arose from an incident other than the 69256
incident that led to the refusal, the suspension shall be a class 69257
A suspension imposed for the period of time specified in division 69258
(B)(1) of section 4510.02 of the Revised Code. 69259

(d) If the arrested person, within six years of the date on 69260
which the person refused the request to consent to the chemical 69261
test, had refused three or more previous requests to consent to a 69262
chemical test, had been convicted of or pleaded guilty to three or 69263
more violations of division (A) or (B) of section 4511.19 of the 69264
Revised Code or other equivalent offenses, or had refused a number 69265
of previous requests to consent to a chemical test and also had 69266
been convicted of or pleaded guilty to a number of violations of 69267
division (A) or (B) of section 4511.19 of the Revised Code or 69268
other equivalent offenses that cumulatively total three or more 69269
such refusals, convictions, and guilty pleas, the suspension shall 69270
be for five years. 69271

(2) The registrar shall terminate a suspension of the 69272

driver's or commercial driver's license or permit of a resident or 69273
of the operating privilege of a nonresident, or a denial of a 69274
driver's or commercial driver's license or permit, imposed 69275
pursuant to division (B)(1) of this section upon receipt of notice 69276
that the person has entered a plea of guilty to, or that the 69277
person has been convicted after entering a plea of no contest to, 69278
operating a vehicle in violation of section 4511.19 of the Revised 69279
Code or in violation of a municipal OVI ordinance, if the offense 69280
for which the conviction is had or the plea is entered arose from 69281
the same incident that led to the suspension or denial. 69282

The registrar shall credit against any judicial suspension of 69283
a person's driver's or commercial driver's license or permit or 69284
nonresident operating privilege imposed pursuant to section 69285
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 69286
Revised Code for a violation of a municipal OVI ordinance, any 69287
time during which the person serves a related suspension imposed 69288
pursuant to division (B)(1) of this section. 69289

(C)(1) Upon receipt of the sworn report of the law 69290
enforcement officer who arrested a person for a violation of 69291
division (A) or (B) of section 4511.19 of the Revised Code or a 69292
municipal OVI ordinance that was completed and sent to the 69293
registrar and a court pursuant to section 4511.192 of the Revised 69294
Code in regard to a person whose test results indicate that the 69295
person's whole blood, blood serum or plasma, breath, or urine 69296
contained at least the concentration of alcohol specified in 69297
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 69298
Revised Code or at least the concentration of a listed controlled 69299
substance or a listed metabolite of a controlled substance 69300
specified in division (A)(1)(j) of section 4511.19 of the Revised 69301
Code, the registrar shall enter into the registrar's records the 69302
fact that the person's driver's or commercial driver's license or 69303
permit or nonresident operating privilege was suspended by the 69304

arresting officer under this division and section 4511.192 of the Revised Code and the period of the suspension, as determined under divisions (C)(1)(a) to (d) of this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

(a) Except when division (C)(1)(b), (c), or (d) of this section applies and specifies a different period, the suspension shall be a class E suspension imposed for the period of time specified in division (B)(5) of section 4510.02 of the Revised Code.

(b) The suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code if the person has been convicted of or pleaded guilty to, within six years of the date the test was conducted, one violation of division (A) or (B) of section 4511.19 of the Revised Code or one other equivalent offense.

(c) If, within six years of the date the test was conducted, the person has been convicted of or pleaded guilty to two violations of a statute or ordinance described in division (C)(1)(b) of this section, the suspension shall be a class B suspension imposed for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code.

(d) If, within six years of the date the test was conducted, the person has been convicted of or pleaded guilty to more than two violations of a statute or ordinance described in division (C)(1)(b) of this section, the suspension shall be a class A suspension imposed for the period of time specified in division

(B)(1) of section 4510.02 of the Revised Code. 69337

(2) The registrar shall terminate a suspension of the 69338
driver's or commercial driver's license or permit of a resident or 69339
of the operating privilege of a nonresident, or a denial of a 69340
driver's or commercial driver's license or permit, imposed 69341
pursuant to division (C)(1) of this section upon receipt of notice 69342
that the person has entered a plea of guilty to, or that the 69343
person has been convicted after entering a plea of no contest to, 69344
operating a vehicle in violation of section 4511.19 of the Revised 69345
Code or in violation of a municipal OVI ordinance, if the offense 69346
for which the conviction is had or the plea is entered arose from 69347
the same incident that led to the suspension or denial. 69348

The registrar shall credit against any judicial suspension of 69349
a person's driver's or commercial driver's license or permit or 69350
nonresident operating privilege imposed pursuant to section 69351
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 69352
Revised Code for a violation of a municipal OVI ordinance, any 69353
time during which the person serves a related suspension imposed 69354
pursuant to division (C)(1) of this section. 69355

(D)(1) A suspension of a person's driver's or commercial 69356
driver's license or permit or nonresident operating privilege 69357
under this section for the time described in division (B) or (C) 69358
of this section is effective immediately from the time at which 69359
the arresting officer serves the notice of suspension upon the 69360
arrested person. Any subsequent finding that the person is not 69361
guilty of the charge that resulted in the person being requested 69362
to take the chemical test or tests under division (A) of this 69363
section does not affect the suspension. 69364

(2) If a person is arrested for operating a vehicle, 69365
streetcar, or trackless trolley in violation of division (A) or 69366
(B) of section 4511.19 of the Revised Code or a municipal OVI 69367
ordinance, or for being in physical control of a vehicle, 69368

streetcar, or trackless trolley in violation of section 4511.194 69369
of the Revised Code or a substantially equivalent municipal 69370
ordinance, regardless of whether the person's driver's or 69371
commercial driver's license or permit or nonresident operating 69372
privilege is or is not suspended under division (B) or (C) of this 69373
section or Chapter 4510. of the Revised Code, the person's initial 69374
appearance on the charge resulting from the arrest shall be held 69375
within five days of the person's arrest or the issuance of the 69376
citation to the person, subject to any continuance granted by the 69377
court pursuant to section 4511.197 of the Revised Code regarding 69378
the issues specified in that division. 69379

(E) When it finally has been determined under the procedures 69380
of this section and sections 4511.192 to 4511.197 of the Revised 69381
Code that a nonresident's privilege to operate a vehicle within 69382
this state has been suspended, the registrar shall give 69383
information in writing of the action taken to the motor vehicle 69384
administrator of the state of the person's residence and of any 69385
state in which the person has a license. 69386

(F) At the end of a suspension period under this section, 69387
under section 4511.194, section 4511.196, or division (G) of 69388
section 4511.19 of the Revised Code, or under section 4510.07 of 69389
the Revised Code for a violation of a municipal OVI ordinance and 69390
upon the request of the person whose driver's or commercial 69391
driver's license or permit was suspended and who is not otherwise 69392
subject to suspension, cancellation, or disqualification, the 69393
registrar shall return the driver's or commercial driver's license 69394
or permit to the person upon the occurrence of all of the 69395
conditions specified in divisions (F)(1) and (2) of this section: 69396

(1) A showing that the person has proof of financial 69397
responsibility, a policy of liability insurance in effect that 69398
meets the minimum standards set forth in section 4509.51 of the 69399
Revised Code, or proof, to the satisfaction of the registrar, that 69400

the person is able to respond in damages in an amount at least 69401
equal to the minimum amounts specified in section 4509.51 of the 69402
Revised Code. 69403

(2) Subject to the limitation contained in division (F)(3) of 69404
this section, payment by the person to the registrar or an 69405
eligible deputy registrar of a license reinstatement fee of four 69406
hundred seventy-five dollars, which fee shall be deposited in the 69407
state treasury and credited as follows: 69408

(a) One hundred twelve dollars and fifty cents shall be 69409
credited to the statewide treatment and prevention fund created by 69410
section 4301.30 of the Revised Code. Money credited to the fund 69411
under this section shall be used for purposes identified under 69412
section 5119.22 of the Revised Code. 69413

(b) Seventy-five dollars shall be credited to the reparations 69414
fund created by section 2743.191 of the Revised Code. 69415

(c) Thirty-seven dollars and fifty cents shall be credited to 69416
the indigent drivers alcohol treatment fund, which is hereby 69417
established in the state treasury. The department of mental health 69418
and addiction services shall distribute the moneys in that fund to 69419
the county indigent drivers alcohol treatment funds, the county 69420
juvenile indigent drivers alcohol treatment funds, and the 69421
municipal indigent drivers alcohol treatment funds that are 69422
required to be established by counties and municipal corporations 69423
pursuant to division (H) of this section to be used only as 69424
provided in division (H)(3) of this section. Moneys in the fund 69425
that are not distributed to a county indigent drivers alcohol 69426
treatment fund, a county juvenile indigent drivers alcohol 69427
treatment fund, or a municipal indigent drivers alcohol treatment 69428
fund under division (H) of this section because the director of 69429
mental health and addiction services does not have the information 69430
necessary to identify the county or municipal corporation where 69431
the offender or juvenile offender was arrested may be transferred 69432

by the director of budget and management to the statewide 69433
treatment and prevention fund created by section 4301.30 of the 69434
Revised Code, upon certification of the amount by the director of 69435
mental health and addiction services. 69436

(d) Seventy-five dollars shall be credited to the 69437
opportunities for Ohioans with disabilities agency established by 69438
section 3304.15 of the Revised Code, to the services for 69439
rehabilitation fund, which is hereby established. The fund shall 69440
be used to match available federal matching funds where 69441
appropriate, and for any other purpose or program of the agency to 69442
rehabilitate persons with disabilities to help them become 69443
employed and independent. 69444

(e) Seventy-five dollars shall be deposited into the state 69445
treasury and credited to the drug abuse resistance education 69446
programs fund, which is hereby established, to be used by the 69447
attorney general for the purposes specified in division (F)(4) of 69448
this section. 69449

(f) Thirty dollars shall be credited to the state bureau of 69450
motor vehicles fund created by section 4501.25 of the Revised 69451
Code. 69452

(g) Twenty dollars shall be credited to the trauma and 69453
emergency medical services fund created by section 4513.263 of the 69454
Revised Code. 69455

(h) Fifty dollars shall be credited to the indigent drivers 69456
interlock and alcohol monitoring fund, which is hereby established 69457
in the state treasury. Moneys in the fund shall be distributed by 69458
the department of public safety to the county indigent drivers 69459
interlock and alcohol monitoring funds, the county juvenile 69460
indigent drivers interlock and alcohol monitoring funds, and the 69461
municipal indigent drivers interlock and alcohol monitoring funds 69462
that are required to be established by counties and municipal 69463

corporations pursuant to this section, and shall be used only to 69464
pay the cost of an immobilizing or disabling device, including a 69465
certified ignition interlock device, or an alcohol monitoring 69466
device used by an offender or juvenile offender who is ordered to 69467
use the device by a county, juvenile, or municipal court judge and 69468
who is determined by the county, juvenile, or municipal court 69469
judge not to have the means to pay for the person's use of the 69470
device. 69471

(3) If a person's driver's or commercial driver's license or 69472
permit is suspended under this section, under section 4511.196 or 69473
division (G) of section 4511.19 of the Revised Code, under section 69474
4510.07 of the Revised Code for a violation of a municipal OVI 69475
ordinance or under any combination of the suspensions described in 69476
division (F)(3) of this section, and if the suspensions arise from 69477
a single incident or a single set of facts and circumstances, the 69478
person is liable for payment of, and shall be required to pay to 69479
the registrar or an eligible deputy registrar, only one 69480
reinstatement fee of four hundred seventy-five dollars. The 69481
reinstatement fee shall be distributed by the bureau in accordance 69482
with division (F)(2) of this section. 69483

(4) The attorney general shall use amounts in the drug abuse 69484
resistance education programs fund to award grants to law 69485
enforcement agencies to establish and implement drug abuse 69486
resistance education programs in public schools. Grants awarded to 69487
a law enforcement agency under this section shall be used by the 69488
agency to pay for not more than fifty per cent of the amount of 69489
the salaries of law enforcement officers who conduct drug abuse 69490
resistance education programs in public schools. The attorney 69491
general shall not use more than six per cent of the amounts the 69492
attorney general's office receives under division (F)(2)(e) of 69493
this section to pay the costs it incurs in administering the grant 69494
program established by division (F)(2)(e) of this section and in 69495

providing training and materials relating to drug abuse resistance 69496
education programs. 69497

The attorney general shall report to the governor and the 69498
general assembly each fiscal year on the progress made in 69499
establishing and implementing drug abuse resistance education 69500
programs. These reports shall include an evaluation of the 69501
effectiveness of these programs. 69502

(5) In addition to the reinstatement fee under this section, 69503
if the person pays the reinstatement fee to a deputy registrar, 69504
the deputy registrar shall collect a service fee of ten dollars to 69505
compensate the deputy registrar for services performed under this 69506
section. The deputy registrar shall retain eight dollars of the 69507
service fee and shall transmit the reinstatement fee, plus two 69508
dollars of the service fee, to the registrar in the manner the 69509
registrar shall determine. 69510

(G) Suspension of a commercial driver's license under 69511
division (B) or (C) of this section shall be concurrent with any 69512
period of disqualification under section 3123.611 or 4506.16 of 69513
the Revised Code or any period of suspension under section 3123.58 69514
of the Revised Code. No person who is disqualified for life from 69515
holding a commercial driver's license under section 4506.16 of the 69516
Revised Code shall be issued a driver's license under Chapter 69517
4507. of the Revised Code during the period for which the 69518
commercial driver's license was suspended under division (B) or 69519
(C) of this section. No person whose commercial driver's license 69520
is suspended under division (B) or (C) of this section shall be 69521
issued a driver's license under Chapter 4507. of the Revised Code 69522
during the period of the suspension. 69523

(H)(1) Each county shall establish an indigent drivers 69524
alcohol treatment fund and a juvenile indigent drivers alcohol 69525
treatment fund. Each municipal corporation in which there is a 69526
municipal court shall establish an indigent drivers alcohol 69527

treatment fund. All revenue that the general assembly appropriates 69528
to the indigent drivers alcohol treatment fund for transfer to a 69529
county indigent drivers alcohol treatment fund, a county juvenile 69530
indigent drivers alcohol treatment fund, or a municipal indigent 69531
drivers alcohol treatment fund, all portions of fees that are paid 69532
under division (F) of this section and that are credited under 69533
that division to the indigent drivers alcohol treatment fund in 69534
the state treasury for a county indigent drivers alcohol treatment 69535
fund, a county juvenile indigent drivers alcohol treatment fund, 69536
or a municipal indigent drivers alcohol treatment fund, all 69537
portions of additional costs imposed under section 2949.094 of the 69538
Revised Code that are specified for deposit into a county, county 69539
juvenile, or municipal indigent drivers alcohol treatment fund by 69540
that section, and all portions of fines that are specified for 69541
deposit into a county or municipal indigent drivers alcohol 69542
treatment fund by section 4511.193 of the Revised Code shall be 69543
deposited into that county indigent drivers alcohol treatment 69544
fund, county juvenile indigent drivers alcohol treatment fund, or 69545
municipal indigent drivers alcohol treatment fund. The portions of 69546
the fees paid under division (F) of this section that are to be so 69547
deposited shall be determined in accordance with division (H)(2) 69548
of this section. Additionally, all portions of fines that are paid 69549
for a violation of section 4511.19 of the Revised Code or of any 69550
prohibition contained in Chapter 4510. of the Revised Code, and 69551
that are required under section 4511.19 or any provision of 69552
Chapter 4510. of the Revised Code to be deposited into a county 69553
indigent drivers alcohol treatment fund or municipal indigent 69554
drivers alcohol treatment fund shall be deposited into the 69555
appropriate fund in accordance with the applicable division of the 69556
section or provision. 69557

(2) That portion of the license reinstatement fee that is 69558
paid under division (F) of this section and that is credited under 69559
that division to the indigent drivers alcohol treatment fund shall 69560

be deposited into a county indigent drivers alcohol treatment 69561
fund, a county juvenile indigent drivers alcohol treatment fund, 69562
or a municipal indigent drivers alcohol treatment fund as follows: 69563

(a) Regarding a suspension imposed under this section, that 69564
portion of the fee shall be deposited as follows: 69565

(i) If the fee is paid by a person who was charged in a 69566
county court with the violation that resulted in the suspension or 69567
in the imposition of the court costs, the portion shall be 69568
deposited into the county indigent drivers alcohol treatment fund 69569
under the control of that court; 69570

(ii) If the fee is paid by a person who was charged in a 69571
juvenile court with the violation that resulted in the suspension 69572
or in the imposition of the court costs, the portion shall be 69573
deposited into the county juvenile indigent drivers alcohol 69574
treatment fund established in the county served by the court; 69575

(iii) If the fee is paid by a person who was charged in a 69576
municipal court with the violation that resulted in the suspension 69577
or in the imposition of the court costs, the portion shall be 69578
deposited into the municipal indigent drivers alcohol treatment 69579
fund under the control of that court. 69580

(b) Regarding a suspension imposed under section 4511.19 of 69581
the Revised Code or under section 4510.07 of the Revised Code for 69582
a violation of a municipal OVI ordinance, that portion of the fee 69583
shall be deposited as follows: 69584

(i) If the fee is paid by a person whose license or permit 69585
was suspended by a county court, the portion shall be deposited 69586
into the county indigent drivers alcohol treatment fund under the 69587
control of that court; 69588

(ii) If the fee is paid by a person whose license or permit 69589
was suspended by a municipal court, the portion shall be deposited 69590
into the municipal indigent drivers alcohol treatment fund under 69591

the control of that court. 69592

(3)(a) As used in division (H)(3) of this section, "indigent 69593
person" means a person who is convicted of a violation of division 69594
(A) or (B) of section 4511.19 of the Revised Code or a 69595
substantially similar municipal ordinance or found to be a 69596
juvenile traffic offender by reason of a violation of division (A) 69597
or (B) of section 4511.19 of the Revised Code or a substantially 69598
similar municipal ordinance, who is ordered by the court to attend 69599
an alcohol and drug addiction treatment program, and who is 69600
determined by the court under division (H)(5) of this section to 69601
be unable to pay the cost of the assessment or the cost of 69602
attendance at the treatment program. 69603

(b) A county, juvenile, or municipal court judge, by order, 69604
may make expenditures from a county indigent drivers alcohol 69605
treatment fund, a county juvenile indigent drivers alcohol 69606
treatment fund, or a municipal indigent drivers alcohol treatment 69607
fund with respect to an indigent person for any of the following: 69608

(i) To pay the cost of an assessment that is conducted by an 69609
appropriately licensed clinician at either a driver intervention 69610
program that is certified under section 5119.38 of the Revised 69611
Code or at a community addiction services provider that is 69612
certified under section 5119.36 of the Revised Code; 69613

(ii) To pay the cost of alcohol addiction services, drug 69614
addiction services, or integrated alcohol and drug addiction 69615
services at a community addiction services provider that is 69616
certified under section 5119.36 of the Revised Code; 69617

(iii) To pay the cost of transportation to attend an 69618
assessment as provided under division (H)(3)(b)(i) of this section 69619
or addiction services as provided under division (H)(3)(b)(ii) of 69620
this section. 69621

The alcohol and drug addiction services board or the board of 69622

alcohol, drug addiction, and mental health services established 69623
pursuant to section 340.02 or 340.021 of the Revised Code and 69624
serving the alcohol, drug addiction, and mental health service 69625
district in which the court is located shall administer the 69626
indigent drivers alcohol treatment program of the court. When a 69627
court orders an offender or juvenile traffic offender to obtain an 69628
assessment or attend an alcohol and drug addiction treatment 69629
program, the board shall determine which program is suitable to 69630
meet the needs of the offender or juvenile traffic offender, and 69631
when a suitable program is located and space is available at the 69632
program, the offender or juvenile traffic offender shall attend 69633
the program designated by the board. A reasonable amount not to 69634
exceed five per cent of the amounts credited to and deposited into 69635
the county indigent drivers alcohol treatment fund, the county 69636
juvenile indigent drivers alcohol treatment fund, or the municipal 69637
indigent drivers alcohol treatment fund serving every court whose 69638
program is administered by that board shall be paid to the board 69639
to cover the costs it incurs in administering those indigent 69640
drivers alcohol treatment programs. 69641

(c) Upon exhaustion of moneys in the indigent drivers 69642
interlock and alcohol monitoring fund for the use of an alcohol 69643
monitoring device, a county, juvenile, or municipal court judge 69644
may use moneys in the county indigent drivers alcohol treatment 69645
fund, county juvenile indigent drivers alcohol treatment fund, or 69646
municipal indigent drivers alcohol treatment fund in either of the 69647
following manners: 69648

(i) If the source of the moneys was an appropriation of the 69649
general assembly, a portion of a fee that was paid under division 69650
(F) of this section, a portion of a fine that was specified for 69651
deposit into the fund by section 4511.193 of the Revised Code, or 69652
a portion of a fine that was paid for a violation of section 69653
4511.19 of the Revised Code or of a provision contained in Chapter 69654

4510. of the Revised Code that was required to be deposited into 69655
the fund, to pay for the continued use of an alcohol monitoring 69656
device by an offender or juvenile traffic offender, in conjunction 69657
with a treatment program approved by the department of mental 69658
health and addiction services, when such use is determined 69659
clinically necessary by the treatment program and when the court 69660
determines that the offender or juvenile traffic offender is 69661
unable to pay all or part of the daily monitoring or cost of the 69662
device; 69663

(ii) If the source of the moneys was a portion of an 69664
additional court cost imposed under section 2949.094 of the 69665
Revised Code, to pay for the continued use of an alcohol 69666
monitoring device by an offender or juvenile traffic offender when 69667
the court determines that the offender or juvenile traffic 69668
offender is unable to pay all or part of the daily monitoring or 69669
cost of the device. The moneys may be used for a device as 69670
described in this division if the use of the device is in 69671
conjunction with a treatment program approved by the department of 69672
mental health and addiction services, when the use of the device 69673
is determined clinically necessary by the treatment program, but 69674
the use of a device is not required to be in conjunction with a 69675
treatment program approved by the department in order for the 69676
moneys to be used for the device as described in this division. 69677

(4) If a county, juvenile, or municipal court determines, in 69678
consultation with the alcohol and drug addiction services board or 69679
the board of alcohol, drug addiction, and mental health services 69680
established pursuant to section 340.02 or 340.021 of the Revised 69681
Code and serving the alcohol, drug addiction, and mental health 69682
district in which the court is located, that the funds in the 69683
county indigent drivers alcohol treatment fund, the county 69684
juvenile indigent drivers alcohol treatment fund, or the municipal 69685
indigent drivers alcohol treatment fund under the control of the 69686

court are more than sufficient to satisfy the purpose for which 69687
the fund was established, as specified in divisions (H)(1) to (3) 69688
of this section, the court may declare a surplus in the fund. If 69689
the court declares a surplus in the fund, the court may take any 69690
of the following actions with regard to the amount of the surplus 69691
in the fund: 69692

(a) Expend any of the surplus amount for alcohol and drug 69693
abuse assessment and treatment, and for the cost of transportation 69694
related to assessment and treatment, of persons who are charged in 69695
the court with committing a criminal offense or with being a 69696
delinquent child or juvenile traffic offender and in relation to 69697
whom both of the following apply: 69698

(i) The court determines that substance abuse was a 69699
contributing factor leading to the criminal or delinquent activity 69700
or the juvenile traffic offense with which the person is charged. 69701

(ii) The court determines that the person is unable to pay 69702
the cost of the alcohol and drug abuse assessment and treatment 69703
for which the surplus money will be used. 69704

(b) Expend any of the surplus amount to pay all or part of 69705
the cost of purchasing alcohol monitoring devices to be used in 69706
conjunction with division (H)(3)(c) of this section, upon 69707
exhaustion of moneys in the indigent drivers interlock and alcohol 69708
monitoring fund for the use of an alcohol monitoring device. 69709

(c) Transfer to another court in the same county any of the 69710
surplus amount to be utilized in a manner consistent with division 69711
(H)(3) of this section. If surplus funds are transferred to 69712
another court, the court that transfers the funds shall notify the 69713
alcohol and drug addiction services board or the board of alcohol, 69714
drug addiction, and mental health services that serves the 69715
alcohol, drug addiction, and mental health service district in 69716
which that court is located. 69717

(d) Transfer to the alcohol and drug addiction services board 69718
or the board of alcohol, drug addiction, and mental health 69719
services that serves the alcohol, drug addiction, and mental 69720
health service district in which the court is located any of the 69721
surplus amount to be utilized in a manner consistent with division 69722
(H)(3) of this section or for board contracted recovery support 69723
services. 69724

(5) In order to determine if an offender does not have the 69725
means to pay for the offender's attendance at an alcohol and drug 69726
addiction treatment program for purposes of division (H)(3) of 69727
this section or if an alleged offender or delinquent child is 69728
unable to pay the costs specified in division (H)(4) of this 69729
section, the court shall use the indigent client eligibility 69730
guidelines and the standards of indigency established by the state 69731
public defender to make the determination. 69732

(6) The court shall identify and refer any community 69733
addiction services provider that ~~is~~ intends to provide addiction 69734
services and has not had its addiction services certified under 69735
section 5119.36 of the Revised Code and that is interested in 69736
receiving amounts from the surplus in the fund declared under 69737
division (H)(4) of this section to the department of mental health 69738
and addiction services in order for the community addiction 69739
services provider to ~~become a certified community addiction~~ 69740
~~services provider~~ have its addiction services certified by the 69741
department. The department shall keep a record of applicant 69742
referrals received pursuant to this division and shall submit a 69743
report on the referrals each year to the general assembly. If a 69744
community addiction services provider interested in ~~becoming~~ 69745
having its addiction services certified makes an application ~~to~~ 69746
~~become certified~~ pursuant to section 5119.36 of the Revised Code, 69747
the community addiction services provider is eligible to receive 69748
surplus funds as long as the application is pending with the 69749

department. The department of mental health and addiction services 69750
must offer technical assistance to the applicant. If the 69751
interested community addiction services provider withdraws the 69752
certification application, the department must notify the court, 69753
and the court shall not provide the interested community addiction 69754
services provider with any further surplus funds. 69755

(7)(a) Each alcohol and drug addiction services board and 69756
board of alcohol, drug addiction, and mental health services 69757
established pursuant to section 340.02 or 340.021 of the Revised 69758
Code shall submit to the department of mental health and addiction 69759
services an annual report for each indigent drivers alcohol 69760
treatment fund in that board's area. 69761

(b) The report, which shall be submitted not later than sixty 69762
days after the end of the state fiscal year, shall provide the 69763
total payment that was made from the fund, including the number of 69764
indigent consumers that received treatment services and the number 69765
of indigent consumers that received an alcohol monitoring device. 69766
The report shall identify the treatment program and expenditure 69767
for an alcohol monitoring device for which that payment was made. 69768
The report shall include the fiscal year balance of each indigent 69769
drivers alcohol treatment fund located in that board's area. In 69770
the event that a surplus is declared in the fund pursuant to 69771
division (H)(4) of this section, the report also shall provide the 69772
total payment that was made from the surplus moneys and identify 69773
the authorized purpose for which that payment was made. 69774

(c) If a board is unable to obtain adequate information to 69775
develop the report to submit to the department for a particular 69776
indigent drivers alcohol treatment fund, the board shall submit a 69777
report detailing the effort made in obtaining the information. 69778

(I)(1) Each county shall establish an indigent drivers 69779
interlock and alcohol monitoring fund and a juvenile indigent 69780
drivers interlock and alcohol treatment fund. Each municipal 69781

corporation in which there is a municipal court shall establish an indigent drivers interlock and alcohol monitoring fund. All revenue that the general assembly appropriates to the indigent drivers interlock and alcohol monitoring fund for transfer to a county indigent drivers interlock and alcohol monitoring fund, a county juvenile indigent drivers interlock and alcohol monitoring fund, or a municipal indigent drivers interlock and alcohol monitoring fund, all portions of license reinstatement fees that are paid under division (F)(2) of this section and that are credited under that division to the indigent drivers interlock and alcohol monitoring fund in the state treasury, and all portions of fines that are paid under division (G) of section 4511.19 of the Revised Code and that are credited by division (G)(5)(e) of that section to the indigent drivers interlock and alcohol monitoring fund in the state treasury shall be deposited in the appropriate fund in accordance with division (I)(2) of this section.

(2) That portion of the license reinstatement fee that is paid under division (F) of this section and that portion of the fine paid under division (G) of section 4511.19 of the Revised Code and that is credited under either division to the indigent drivers interlock and alcohol monitoring fund shall be deposited into a county indigent drivers interlock and alcohol monitoring fund, a county juvenile indigent drivers interlock and alcohol monitoring fund, or a municipal indigent drivers interlock and alcohol monitoring fund as follows:

(a) If the fee or fine is paid by a person who was charged in a county court with the violation that resulted in the suspension or fine, the portion shall be deposited into the county indigent drivers interlock and alcohol monitoring fund under the control of that court.

(b) If the fee or fine is paid by a person who was charged in a juvenile court with the violation that resulted in the

suspension or fine, the portion shall be deposited into the county juvenile indigent drivers interlock and alcohol monitoring fund established in the county served by the court.

(c) If the fee or fine is paid by a person who was charged in a municipal court with the violation that resulted in the suspension, the portion shall be deposited into the municipal indigent drivers interlock and alcohol monitoring fund under the control of that court.

(3) If a county, juvenile, or municipal court determines that the funds in the county indigent drivers interlock and alcohol monitoring fund, the county juvenile indigent drivers interlock and alcohol monitoring fund, or the municipal indigent drivers interlock and alcohol monitoring fund under the control of that court are more than sufficient to satisfy the purpose for which the fund was established as specified in division (F)(2)(h) of this section, the court may declare a surplus in the fund. The court then may order the transfer of a specified amount into the county indigent drivers alcohol treatment fund, the county juvenile indigent drivers alcohol treatment fund, or the municipal indigent drivers alcohol treatment fund under the control of that court to be utilized in accordance with division (H) of this section.

Sec. 4513.241. (A) The director of public safety, in accordance with Chapter 119. of the Revised Code, shall adopt rules governing the use of tinted glass, and the use of transparent, nontransparent, translucent, and reflectorized materials in or on motor vehicle windshields, side windows, sidewings, and rear windows that prevent a person of normal vision looking into the motor vehicle from seeing or identifying persons or objects inside the motor vehicle.

(B) The rules adopted under this section may provide for

persons who meet either of the following qualifications: 69845

(1) On November 11, 1994, or the effective date of any rule 69846
adopted under this section, own a motor vehicle that does not 69847
conform to the requirements of this section or of any rule adopted 69848
under this section; 69849

(2) Establish residency in this state and are required to 69850
register a motor vehicle that does not conform to the requirements 69851
of this section or of any rule adopted under this section. 69852

(C) No person shall operate, on any highway or other public 69853
or private property open to the public for vehicular travel or 69854
parking, lease, or rent any motor vehicle that is registered in 69855
this state unless the motor vehicle conforms to the requirements 69856
of this section and of any applicable rule adopted under this 69857
section. 69858

(D) No person shall install in or on any motor vehicle, any 69859
glass or other material that fails to conform to the requirements 69860
of this section or of any rule adopted under this section. 69861

(E)(1) No used motor vehicle dealer or new motor vehicle 69862
dealer, as defined in section 4517.01 of the Revised Code, shall 69863
sell any motor vehicle that fails to conform to the requirements 69864
of this section or of any rule adopted under this section. 69865

(2) No manufacturer, remanufacturer, or distributor, as 69866
defined in section 4517.01 of the Revised Code, shall provide to a 69867
motor vehicle dealer licensed under Chapter 4517. of the Revised 69868
Code or to any other person, a motor vehicle that fails to conform 69869
to the requirements of this section or of any rule adopted under 69870
this section. 69871

(F) No reflectorized materials shall be permitted upon or in 69872
any front windshield, side windows, sidewings, or rear window. 69873

(G) This section does not apply to the manufacturer's tinting 69874

or glazing of motor vehicle windows or windshields that is 69875
otherwise in compliance with or permitted by federal motor vehicle 69876
safety standard number two hundred five. 69877

(H) With regard to any side window behind a driver's seat or 69878
any rear window other than any window on an emergency door, this 69879
section does not apply to any school bus used to transport a child 69880
with disabilities pursuant to Chapter 3323. of the Revised Code, 69881
whom it is impossible or impractical to transport by regular 69882
school bus in the course of regular route transportation provided 69883
by a school district. As used in this division, "child with 69884
disabilities" has the same meaning as in section 3323.01 of the 69885
Revised Code. 69886

(I) This section does not apply to any school bus that is to 69887
be sold and operated outside this state. 69888

(J)(1) This section and the rules adopted under it do not 69889
apply to a motor vehicle used by a law enforcement agency under 69890
either of the following circumstances: 69891

(a) The vehicle does not have distinctive markings of a law 69892
enforcement vehicle but is operated by or on behalf of the law 69893
enforcement agency in an authorized investigation or other 69894
activity requiring that the presence and identity of the vehicle 69895
occupants be undisclosed. 69896

(b) The vehicle primarily is used by the law enforcement 69897
canine unit for transporting a police dog. 69898

(2) As used in this division, "law enforcement agency" means 69899
a police department, the office of a sheriff, the state highway 69900
patrol, a county prosecuting attorney, or a federal, state, or 69901
local governmental body that enforces criminal laws and that has 69902
employees who have a statutory power of arrest. 69903

(K)(1) Whoever violates division (C), (E)(2), or (F) of this 69904
section is guilty of a minor misdemeanor. 69905

(2) Whoever violates division (E)(1) of this section is 69906
guilty of a minor misdemeanor if the dealer or the dealer's agent 69907
knew of the nonconformity at the time of sale. 69908

(3)(a) Whoever violates division (D) of this section is 69909
guilty of a misdemeanor of the fourth degree, except that an 69910
organization may not be convicted unless the act of installation 69911
was authorized by the board of directors, trustees, partners, or 69912
by a high managerial officer acting on behalf of the organization, 69913
and installation was performed by an employee of the organization 69914
acting within the scope of the person's employment. 69915

(b) In addition to any other penalty imposed under this 69916
section, whoever violates division (D) of this section is liable 69917
in a civil action to the owner of a motor vehicle on which was 69918
installed the nonconforming glass or material for any damages 69919
incurred by that person as a result of the installation of the 69920
nonconforming glass or material, costs of maintaining the civil 69921
action, and attorney fees. 69922

(c) In addition to any other penalty imposed under this 69923
section, if the offender previously has been convicted of or 69924
pleaded guilty to a violation of division (D) of this section and 69925
the offender is a ~~motor vehicle repair operator registered under~~ 69926
~~Chapter 4775. of the Revised Code or a motor vehicle dealer~~ 69927
licensed under Chapter 4517. of the Revised Code, whoever violates 69928
division (D) of this section is subject to a registration or 69929
license suspension, as applicable, for a period of not more than 69930
one hundred eighty days. 69931

(L)(1) Every county court judge, mayor of a mayor's court, 69932
and clerk of a court of record shall keep a full record of every 69933
case in which a person is charged with any violation of this 69934
section. If a person is convicted of or forfeits bail in relation 69935
to a violation of division (D) of this section, the county court 69936
judge, mayor of a mayor's court, or clerk, within ten days after 69937

the conviction or bail forfeiture, shall prepare and immediately forward to the ~~motor vehicle repair board and the~~ motor vehicle dealers board, an abstract, certified by the preparer to be true and correct, of the court record covering the case in which the person was convicted or forfeited bail.

(2) The ~~motor vehicle repair board and the~~ motor vehicle dealers board ~~each~~ shall keep and maintain all abstracts received under this section. Within ten days after receipt of an abstract, each board, respectively, shall determine whether the person named in the abstract is registered or licensed with the board and, if the person is so registered or licensed, shall proceed in accordance with section ~~4775.09 or~~ 4517.33 of the Revised Code, ~~as applicable,~~ and determine whether the person's registration or license is to be suspended for a period of not more than one hundred eighty days.

Sec. 4513.611. (A) A vehicle owner may bring a civil action against a towing service or storage facility that violates section 4513.60, 4513.601, or 4513.68 of the Revised Code. If a court determines that the towing service or storage facility committed the violation, the court shall award the vehicle owner the following:

(1) ~~If it is a first violation~~ If the towing service or storage facility has not committed any prior violations within one year of the violation, one thousand dollars;

(2) ~~If it is a second violation~~ If the towing service or storage facility has committed one prior violation within one year of the violation, two thousand five hundred dollars;

(3) ~~If it is a third or subsequent violation~~ If the towing service or storage facility has committed two prior violations within one year of the violation, two thousand five hundred dollars. In addition, the court shall order the public utilities

commission to revoke the towing service's or storage facility's 69969
certificate of public convenience and necessity for six months. 69970
The commission shall comply with the order. 69971

(B) Upon expiration of the six-month revocation under 69972
division (A)(3) of this section, a court shall not consider any 69973
violation committed by the towing service or storage facility 69974
prior to the revocation for purposes of a civil action initiated 69975
after the expiration of the six-month revocation. 69976

(C) In addition to an award made under division (A) of this 69977
section, if a court determines that a towing service or storage 69978
facility committed a violation that caused actual damages, the 69979
court shall award the vehicle owner three times the actual damages 69980
and reasonable attorney's fees. 69981

Sec. 4513.67. (A) As used in this section, "towing service" 69982
means any for-hire motor carrier that is engaged on an intrastate 69983
basis anywhere in this state in the business of towing a motor 69984
vehicle over any public highway in this state. 69985

(B) No person shall operate a towing vehicle for a towing 69986
service and no person who owns a towing vehicle used by a towing 69987
service or has supervisory responsibility over a towing vehicle 69988
used by a towing service, shall permit the operation of a towing 69989
vehicle used by a towing service, unless both of the following 69990
apply: 69991

(1) The towing service holds a valid certificate of public 69992
convenience and necessity as required by Chapter 4921. of the 69993
Revised Code; and 69994

(2) The certificate number and business telephone number is 69995
visibly displayed on both the left and right ~~front doors~~ sides of 69996
the towing vehicle. 69997

(C)(1) No towing service shall do either of the following: 69998

~~(1)(a)~~ Fail to make its current certificate of public convenience and necessity available for public inspection during normal business hours; 69999
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70001

~~(2)(b)~~ Fail to include its certificate number on all advertising, written estimates, contracts, ~~and~~ invoices, ~~and~~, subject to division (C)(2) of this section, advertising. 70002
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(2) The public utilities commission, by rule, may exempt from the requirements of division (C)(1) of this section any type of advertising where the size or nature of the advertisement makes it unreasonable to add a certificate number. 70005
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Sec. 4519.10. (A) The purchaser of an off-highway motorcycle or all-purpose vehicle, upon application and proof of purchase, may obtain a temporary license placard for it. The application for such a placard shall be signed by the purchaser of the off-highway motorcycle or all-purpose vehicle. The temporary license placard shall be issued only for the applicant's use of the off-highway motorcycle or all-purpose vehicle to enable the applicant to operate it legally while proper title and a registration sticker or license plate and validation sticker are being obtained and shall be displayed on no other off-highway motorcycle or all-purpose vehicle. A temporary license placard issued under this section shall be in a form prescribed by the registrar of motor vehicles, shall differ in some distinctive manner from a placard issued under section 4503.182 of the Revised Code, shall be valid for a period of ~~thirty~~ forty-five days from the date of issuance, and shall not be transferable or renewable. The placard either shall consist of or be coated with such material as will enable it to remain legible and relatively intact despite the environmental conditions to which the placard is likely to be exposed during the ~~thirty-day~~ forty-five-day period for which it is valid. The purchaser of an off-highway motorcycle or all-purpose vehicle 70009
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shall attach the temporary license placard to it, in a manner 70030
prescribed by rules the registrar shall adopt, so that the placard 70031
numerals or letters are clearly visible. 70032

The fee for a temporary license placard issued under this 70033
section shall be two dollars. If the placard is issued by a deputy 70034
registrar, the deputy registrar shall charge an additional fee of 70035
three dollars and fifty cents, which the deputy registrar shall 70036
retain. The deputy registrar shall transmit each two-dollar fee 70037
received by the deputy registrar under this section to the 70038
registrar, who shall pay the two dollars to the treasurer of state 70039
for deposit into the state bureau of motor vehicles fund 70040
established by section 4501.25 of the Revised Code. 70041

(B) The registrar may issue temporary license placards to a 70042
dealer to be issued to purchasers for use on vehicles sold by the 70043
dealer, in accordance with rules prescribed by the registrar. The 70044
dealer shall notify the registrar within forty-eight hours of 70045
proof of issuance on a form prescribed by the registrar. 70046

The fee for each such placard issued by the registrar to a 70047
dealer shall be two dollars plus a fee of three dollars and fifty 70048
cents. 70049

Sec. 4582.56. (A) As used in this section: 70050

(1) "Eligible county" means a county whose territory includes 70051
a part of Lake Erie the shoreline of which represents at least 70052
fifty per cent of the linear length of the county's border with 70053
other counties of this state. 70054

(2) "Lakeshore improvement project" means construction of a 70055
port authority facility within one mile of the Lake Erie shoreline 70056
in an eligible county. 70057

(B) The board of directors of a port authority may enter into 70058
an agreement with the board of county commissioners of an eligible 70059

county that created the port authority providing for all of the 70060
following, and any other terms mutually agreeable to the boards: 70061

(1) The board of county commissioners levies an excise tax 70062
under division (M) of section 5739.09 of the Revised Code and 70063
pledges all the revenue from the tax to the port authority for the 70064
purpose of financing lakeshore improvement projects including the 70065
payment of debt charges on any securities issued under division 70066
(C) of this section. 70067

(2) The port authority constructs or finances the 70068
construction of lakeshore improvements and pays the costs of such 70069
projects with revenue from the tax pledged under the agreement. 70070
Such construction or financing is an authorized purpose for the 70071
purposes of division (B) of section 4582.21 of this section. 70072

(3) The port authority may not enter into any contract or 70073
other obligation regarding a lakeshore improvement project before 70074
obtaining the approval for the project by the board of county 70075
commissioners by a resolution of the board. 70076

(C) The board of directors of a port authority that enters 70077
into an agreement under this section may issue port authority 70078
special obligation bonds, and notes anticipating the proceeds of 70079
the bonds, in the principal amount that, in the opinion of the 70080
board, are necessary for the purpose of paying the costs of one or 70081
more lakeshore improvement projects or parts of one or more 70082
projects and interest on the bonds payable over the term of the 70083
issue. The board may refund any special obligation bonds by the 70084
issuance of special obligation refunding bonds regardless of 70085
whether the bonds to be refunded have or have not matured. The 70086
refunding bonds shall be sold, and the proceeds needed for such 70087
purpose applied, in the manner provided in the bond proceedings. 70088

Every issue of special obligation bonds issued under this 70089
section shall be payable from the revenue from the tax levied 70090

under division (M) of section 5739.09 of the Revised Code and 70091
pledged for such payment under the agreement. The pledge shall be 70092
valid and binding from the time the pledge is made, and the 70093
revenue so pledged and received by the port authority shall be 70094
subject to the lien of the pledge without any physical delivery of 70095
the revenue or any further act. The lien of any pledge is valid 70096
and binding as against all parties having claims of any kind in 70097
tort, contract, or otherwise against the port authority, whether 70098
or not such parties have notice of the lien. Neither the 70099
resolution nor any trust agreement by which a pledge is created 70100
need be filed or recorded except in the port authority's records. 70101

Whether or not the bonds are of such form and character as to 70102
be negotiable instruments under Title XIII of the Revised Code, 70103
the bonds shall have all the qualities and incidents of negotiable 70104
instruments, subject only to their provisions for registration, if 70105
any. 70106

Bonds issued under this section shall bear such date or 70107
dates, and shall mature at such time or times not exceeding thirty 70108
years from the date of issue of the original bonds and shall be 70109
executed in the manner that the resolution authorizing the bonds 70110
may provide. The bonds shall bear interest at such rates, or at 70111
variable rate or rates changing from time to time, in accordance 70112
with provisions provided in the authorizing resolution, shall be 70113
in such denominations and form, either coupon or registered, shall 70114
carry such registration privileges, shall be payable in such 70115
medium of payment and at such place or places, and be subject to 70116
such terms of redemption, as the board of directors of the port 70117
authority may authorize or provide. The bonds may be sold at 70118
public or private sale, and at, or at not less than, the price or 70119
prices as the board determines. If any officer whose signature or 70120
a facsimile of whose signature appears on any bonds or coupons 70121
ceases to be such officer before delivery of the bonds, the 70122

signature or facsimile shall nevertheless be sufficient for all 70123
purposes as if the officer had remained in office until delivery 70124
of the bonds, and in case the seal of the authority has been 70125
changed after a facsimile has been imprinted on the bonds, the 70126
facsimile seal will continue to be sufficient for all purposes. 70127

Any resolution authorizing bonds under this section may 70128
contain provisions governing the use and disposition of revenue 70129
pledged under the agreement under division (B) of this section; 70130
the crediting of the proceeds of the sale of the bonds to and 70131
among the funds referred to or provided for in the resolution; 70132
limitations on the purpose to which the proceeds of sale of the 70133
bonds may be applied and the pledging of portions of such proceeds 70134
to secure payment of the bonds; the issuance of notes in 70135
anticipation of the issuance of bonds; the terms upon which 70136
additional bonds may be issued and secured; the refunding of 70137
outstanding bonds; the procedure, if any, by which the terms of 70138
any contract with bondholders may be amended, the amount of bonds 70139
the holders of which must consent thereto, and the manner in which 70140
such consent may be given; securing any bonds by a trust agreement 70141
in accordance with division (D) of this section; and any other 70142
matters that may affect the security or protection of the bonds. 70143
The taxes anticipated by the bonds are not subject to diminution 70144
by initiative or referendum or by law while the bonds or notes 70145
remain outstanding in accordance with their terms, unless 70146
provision is made by law or by the board of county commissioners 70147
and board of directors of the port authority for an adequate 70148
substitute therefor reasonably satisfactory to the trustee, if a 70149
trust agreement secures the bonds. 70150

Neither the members of the board of directors of the port 70151
authority nor any person executing the bonds shall be liable 70152
personally on the bonds or be subject to any personal liability or 70153
accountability by reason of the issuance. 70154

(D) In the discretion of the board of directors, the bonds 70155
issued under this section may be secured by a trust agreement 70156
between the board of directors on behalf of the port authority and 70157
a corporate trustee, which may be any trust company or bank having 70158
powers of a trust company, within or outside the state. 70159

The trust agreement may provide for the pledge or assignment 70160
of the tax revenue to be received under the agreement entered into 70161
under division (B) of this section, but shall not pledge the 70162
general credit or other taxing power of the county or the general 70163
credit or taxing power of the port authority. The trust agreement 70164
or the resolution providing for the issuance of the bonds may set 70165
forth the rights and remedies of the bondholders and trustee, and 70166
may contain other provisions for protecting and enforcing their 70167
rights and remedies that are determined in the discretion of the 70168
board of directors to be reasonable and proper. 70169

Sec. 4703.01. The governor shall appoint an architects board, 70170
which shall be composed of five architects and one landscape 70171
architect who have been in active practice in the state for not 70172
less than ten years previous to their appointment. 70173

At the expiration of the term of office of each of the 70174
members the governor shall, with the advice and consent of the 70175
senate appoint a successor. Terms of office shall be for five 70176
years, commencing on the third day of October and ending on the 70177
second day of October. Each member shall hold office from the date 70178
of appointment until the end of the term for which appointed. The 70179
governor may, upon bona fide complaint and for good cause shown, 70180
after ten days' notice to the member against whom charges may be 70181
filed, and after opportunity for hearing, remove any member of 70182
said board for inefficiency, neglect of duty, or malfeasance in 70183
office. Any member appointed to fill a vacancy occurring prior to 70184
the expiration of the term for which the member's predecessor was 70185

appointed shall hold office for the remainder of such term. Any 70186
member shall continue in office subsequent to the expiration date 70187
of the member's term until the member's successor takes office, or 70188
until a period of sixty days has elapsed, whichever occurs first. 70189

The members of said board shall, before entering upon the 70190
discharge of their duties, subscribe to and file with the 70191
secretary of state the constitutional oath of office. 70192

Sec. 4703.02. The architects board shall organize by electing 70193
from its membership a president and a secretary, and also a 70194
vice-president and an assistant secretary, who shall act during 70195
absence or disability of the president or secretary respectively. 70196

The board shall adopt all necessary rules, regulations, and 70197
bylaws, not inconsistent with ~~sections 4703.01 to 4703.19 of the~~ 70198
~~Revised Code~~ this chapter and the constitutions and laws of this 70199
state or of the United States, to govern its times and places of 70200
meeting for organization and reorganization, for the holding of 70201
examinations, and for fixing the length of the term of its 70202
officers. The board, under Chapter 119. of the Revised Code, may 70203
adopt, promulgate, and enforce rules governing the standards of 70204
education, service, conduct, and practice to be followed in the 70205
practice of the profession of architecture and landscape 70206
architecture in the state, including rules for ~~the~~ enforcement of 70207
~~sections 4703.01 to 4703.19 of the Revised Code~~ this chapter. The 70208
board shall include among the rules adopted governing the 70209
standards of practice, requirements regarding financial 70210
responsibility and professional liability insurance. The board may 70211
adopt rules pertaining to the satisfactory completion of 70212
continuing education requirements. 70213

If the board adopts rules pertaining to continuing education 70214
requirements, the board shall specify in the rules that the 70215
continuing education requirements may be satisfied by coursework 70216

or activities dealing with technical, ethical, or managerial 70217
topics relevant to the practice of architecture and landscape 70218
architecture and that a registrant may earn continuing 70219
professional education hours by completing or teaching university 70220
or college level coursework; attending seminars, workshops, or 70221
conferences; authoring relevant published papers, articles, or 70222
books; receiving patent awards; actively participating in 70223
professional or technical societies serving the architecture 70224
profession and landscape architecture profession, or actively 70225
participating in any other activity deemed relevant by the board. 70226
If the board adopts rules pertaining to continuing education 70227
requirements, the board shall, in general, follow model continuing 70228
education recommendations established by the national council of 70229
architectural registration boards or the national council of 70230
landscape architectural registration boards or a similar successor 70231
~~organization~~ organizations. 70232

The board shall issue to each successful examination 70233
applicant a certificate of qualification to practice architecture 70234
or landscape architecture and shall impress on each certificate 70235
issued the seal of the board. 70236

The secretary of the board shall be responsible for keeping a 70237
true and complete record of all proceedings of the board. The 70238
board may employ an executive secretary, investigators, and 70239
clerical assistance it determines necessary. 70240

Sec. 4703.03. (A) The architects board shall enforce ~~sections~~ 70241
~~4703.01 to 4703.19 of the Revised Code~~ this chapter, may subpoena 70242
witnesses and records in connection with its investigations, and 70243
may incur such expenses as are necessary. 70244

(B) Each member of the board shall be entitled to receive, as 70245
a part of the expense of the board, an amount fixed pursuant to 70246
division (J) of section 124.15 of the Revised Code while actually 70247

engaged in attendance at meetings, in conducting examinations, or 70248
in the performance of official duties. 70249

(C) The members shall receive also, as a part of the expense 70250
of the board, the amount of actual traveling, hotel, and other 70251
necessary expenses incurred in the performance of their duties. 70252

(D) The secretary, executive secretary, and clerical 70253
assistants of the board shall give bond to the state in such sum 70254
as the board determines, but not less than three thousand dollars, 70255
conditioned upon the faithful discharge of their duties. Premiums 70256
for such bonds shall be paid by the board. Such bonds with 70257
approval of the board endorsed on them shall be deposited with the 70258
secretary of state and kept in the secretary of state's office. 70259

Sec. 4703.04. (A) The architects board shall file with the 70260
governor, after the close of each fiscal year a full report of its 70261
operations as of the thirtieth day of June of said year, together 70262
with a statement of receipts and expenditures. 70263

(B) A roster, showing the name, registration number, and 70264
address of all architects and landscape architects registered and 70265
in good standing as of the first day of April of each 70266
even-numbered year under ~~sections 4703.01 to 4703.19 of the~~ 70267
~~Revised Code~~ this chapter, shall be prepared by the board in each 70268
even-numbered year. 70269

Sec. 4703.06. (A) Any person shall, before engaging in the 70270
practice of architecture or before being styled or known as an 70271
architect, secure from the architects board a certificate of the 70272
person's qualifications to practice under the title of 70273
"architect," and be registered with the board. 70274

Any person holding such certificate of architecture and being 70275
registered pursuant to ~~sections 4703.01 to 4703.19 of the Revised~~ 70276
~~Code~~ this chapter may be styled or known as an architect or as a 70277

registered architect. 70278

No other person shall assume such title or use any 70279
abbreviation, or any words, letters, or figures, to indicate or 70280
imply that the person is an architect or registered architect, 70281
except that persons may be authorized by the board to use the 70282
specific title "intern architect," "architectural intern," or 70283
"emeritus architect" as described in division (B) of this section. 70284

(B) The board may authorize by rule any person to use the 70285
title "intern architect," "architectural intern," or "emeritus 70286
architect." The board may adopt any rules the board deems 70287
necessary pertaining to intern architects, architectural interns, 70288
and emeritus architects, including, but not limited to, rules 70289
pertaining to registration, registration fees, and renewal fees. 70290

Sec. 4703.08. The architects board shall adopt rules to 70291
certify and register an applicant for a certificate of 70292
qualification to practice architecture who is licensed or 70293
registered as an architect in another state or jurisdiction, holds 70294
a current certificate in good standing issued by the national 70295
council of architectural registration boards, and wishes to be 70296
registered in this state. 70297

The architects board shall register as a landscape architect 70298
any individual who is at least eighteen years of age and who 70299
provides evidence satisfactory to the board that the individual is 70300
a registered or licensed landscape architect in another state or 70301
country in which the qualifications, at the time of licensure, 70302
were substantially equal, in the opinion of the board, to the 70303
requirements for registration as a landscape architect in this 70304
state. The board may require that an applicant for registration 70305
under this section hold a current council record or certificate in 70306
good standing issued by the council of landscape architectural 70307
registration boards. 70308

Sec. 4703.18. (A) No person shall enter upon the practice of 70309
architecture or hold forth as an architect or registered 70310
architect, unless the person has complied with sections 4703.01 to 70311
4703.19 of the Revised Code and is the holder of a certificate of 70312
qualification to practice architecture issued or renewed and 70313
registered under those sections. 70314

(B) Sections 4703.01 to 4703.19 of the Revised Code do not 70315
prevent persons other than architects from filing applications for 70316
building permits or obtaining those permits. 70317

(C) Sections 4703.01 to 4703.19 of the Revised Code do not 70318
prevent persons other than architects from preparing plans, 70319
drawings, specifications, or data, filing applications for 70320
building permits, or obtaining those permits for residential 70321
buildings, as defined by section 3781.06 of the Revised Code, or 70322
buildings erected as industrialized one-, two-, or three-family 70323
units or structures within the meaning of the term "industrialized 70324
unit" as provided in section 3781.06 of the Revised Code. 70325

(D) Sections 4703.01 to 4703.19 of the Revised Code do not 70326
prevent persons other than architects from preparing drawings or 70327
data, from filing applications for building permits, or from 70328
obtaining those permits for the installation of replacement 70329
equipment or systems that are similar in type or capacity to the 70330
equipment or systems being replaced, and for any improvement, 70331
alteration, repair, painting, decorating, or other modification of 70332
any buildings or structures subject to sections 3781.06 to 3781.18 70333
and 3791.04 of the Revised Code where the building official 70334
determines that no plans or specifications are required for 70335
approval. 70336

(E) Sections 4703.01 to 4703.19 of the Revised Code do not 70337
exclude a registered professional engineer from architectural 70338
practice that may be incident to the practice of engineering or 70339

exclude a registered architect from engineering practice that may 70340
be incident to the practice of architecture. 70341

(F) Sections 4703.01 to 4703.19 of the Revised Code do not 70342
prevent a firm, partnership, association, limited liability 70343
company, or corporation of architects registered under those 70344
sections from providing architectural services and do not prevent 70345
an individual registered as a landscape architect under ~~sections~~ 70346
~~4703.30 to 4703.49 of the Revised Code~~ this chapter or as a 70347
professional engineer under Chapter 4733. of the Revised Code from 70348
being a member or trustee of a firm, partnership, association, 70349
limited liability company, or corporation of that type, but a 70350
member or trustee of that type shall not engage in the practice of 70351
architecture or hold forth as an architect contrary to sections 70352
4703.01 to 4703.19 of the Revised Code and shall not practice a 70353
profession in which the person is not licensed. 70354

(G) A firm, partnership, association, limited liability 70355
company, or corporation may provide architectural services in this 70356
state as long as the services are provided only through natural 70357
persons registered to provide those services in this state, 70358
subject to the exemptions in section 4703.17 of the Revised Code 70359
and subject otherwise to the requirements of sections 4703.01 to 70360
4703.19 of the Revised Code. 70361

(H) No firm, partnership, association, limited liability 70362
company, or corporation shall provide architectural services, hold 70363
itself out to the public as providing architectural services, or 70364
use a name including the word "architect" or any modification or 70365
derivation of the word, unless the firm, partnership, association, 70366
limited liability company, or corporation files all information 70367
required to be filed under this section with the architects board 70368
and otherwise complies with all requirements of sections 4703.01 70369
to 4703.19 of the Revised Code. A nonprofit membership corporation 70370
may use a name including the word "architect" or any modification 70371

or derivation of the word without complying with this section. 70372

(I) A corporation may be organized under Chapter 1701. of the 70373
Revised Code, a professional association may be organized under 70374
Chapter 1785. of the Revised Code, or a limited liability company 70375
may be formed under Chapter 1705. of the Revised Code for the 70376
purpose of providing professional engineering, surveying, 70377
architectural, or landscape architectural services, or any 70378
combination of those services. A corporation organized under 70379
Chapter 1701. of the Revised Code for the purpose of providing 70380
those services also may be organized for any other purpose in 70381
accordance with that chapter. 70382

(J) No firm, partnership, association, limited liability 70383
company, or corporation shall provide or offer to provide 70384
architectural services in this state unless more than fifty per 70385
cent of the partners, members, or shareholders, more than fifty 70386
per cent of the directors in the case of a corporation or 70387
professional association, more than fifty per cent of the managers 70388
in the case of a limited liability company the management of which 70389
is not reserved to its members, and more than fifty per cent of 70390
the trustees in the case of an employee stock ownership plan, are 70391
professional engineers, surveyors, architects, or landscape 70392
architects or a combination of those professions, who are 70393
registered in this or any other state and who own more than fifty 70394
per cent of the interests in the firm, partnership, association, 70395
limited liability company, or corporation; unless the requirements 70396
of this division and of section 1785.02 of the Revised Code are 70397
satisfied with respect to any professional association organized 70398
under Chapter 1785. of the Revised Code; or unless the 70399
requirements of this division and of Chapter 1705. of the Revised 70400
Code are satisfied with respect to a limited liability company 70401
formed under that chapter. 70402

A corporation is exempt from the requirements of division (J) 70403

of this section if the corporation was granted a charter prior to 70404
August 7, 1943, to engage in providing architectural services or 70405
was otherwise lawfully providing architectural services prior to 70406
November 15, 1982, in this state. 70407

(K) Each firm, partnership, association, limited liability 70408
company, or corporation through which architectural services are 70409
offered or provided in this state shall designate one or more 70410
trustees, partners, managers, members, officers, or directors as 70411
being in responsible charge of the professional architectural 70412
activities and decisions, and those designated persons shall be 70413
registered in this state. In the case of a corporation holding a 70414
certificate of authorization provided for in division (L) of this 70415
section, at least one of the persons so designated shall be a 70416
director of the corporation. Each firm, partnership, association, 70417
limited liability company, or corporation of that type shall 70418
annually file with the architects board the name and address of 70419
each trustee, partner, manager, officer, director, member, or 70420
shareholder, and each firm, partnership, association, limited 70421
liability company, or corporation of that type shall annually file 70422
with the board the name and address of all persons designated as 70423
being in responsible charge of the professional architectural 70424
activities and decisions and any other information the board may 70425
require. If there is a change in any such person in the interval 70426
between filings, the change shall be filed with the board in the 70427
manner and within the time that the board determines. 70428

(L) No corporation organized under Chapter 1701. of the 70429
Revised Code shall engage in providing architectural services in 70430
this state without obtaining a certificate of authorization from 70431
the architects board. A corporation desiring a certificate of 70432
authorization shall file with the board a copy of its articles of 70433
incorporation and a listing on the form that the board directs of 70434
the names and addresses of all trustees, officers, directors, and 70435

shareholders of the corporation, the names and addresses of any 70436
individuals providing professional services on behalf of the 70437
corporation who are registered to practice architecture in this 70438
state, and any other information the board requires. If all 70439
requirements of sections 4703.01 to 4703.19 of the Revised Code 70440
are met, the board may issue a certificate of authorization to the 70441
corporation. Except for a corporation that was granted a charter 70442
prior to August 7, 1943, to engage in providing architectural 70443
services or that was otherwise lawfully providing architectural 70444
services prior to November 15, 1982, no certificate of 70445
authorization shall be issued unless persons owning more than 70446
fifty per cent of the corporation's shares and more than fifty per 70447
cent of the interests in the corporation are professional 70448
engineers, surveyors, architects, or landscape architects, or a 70449
combination of those professions, who are registered in this or 70450
any other state. Any corporation that holds a certificate of 70451
authorization under this section and otherwise meets the 70452
requirements of sections 4703.01 to 4703.19 of the Revised Code 70453
may be organized for any purposes for which corporations may be 70454
organized under Chapter 1701. of the Revised Code and shall not be 70455
limited to the purposes of providing professional engineering, 70456
surveying, architectural, or landscape architectural services or 70457
any combination of those professions. The board, by rules adopted 70458
in accordance with Chapter 119. of the Revised Code, may require 70459
any firm, partnership, association, or limited liability company 70460
not organized under Chapter 1701. of the Revised Code that 70461
provides architectural services to obtain a certificate of 70462
authorization. If the board so requires, no firm, partnership, 70463
association, or limited liability company shall engage in 70464
providing architectural services without obtaining the certificate 70465
and complying with the rules. 70466

(M) This section does not modify any law applicable to the 70467
relationship between a person furnishing a professional service 70468

and a person receiving that service, including liability arising 70469
out of that service. 70470

(N) Nothing in this section restricts or limits in any manner 70471
the authority or duty of the architects board with respect to 70472
natural persons providing professional services or any law or rule 70473
pertaining to standards of professional conduct. 70474

Sec. 4703.19. The attorney general is hereby designated as 70475
the legal advisor of the architects board. 70476

Any person having knowledge of facts leading to the belief 70477
that a violation of division (A) of section 4703.18 or section 70478
4703.32 of the Revised Code has occurred, may file an affidavit 70479
stating such facts with the prosecuting attorney of the county in 70480
which such alleged violation occurred, for the purpose of having a 70481
complaint filed by such prosecuting attorney. 70482

Sec. 4703.30. As used in ~~sections 4703.30 to 4703.49 of the~~ 70483
~~Revised Code~~ this chapter: 70484

(A) "Landscape architect," "professional landscape 70485
architect," or "registered landscape architect" means a person who 70486
has been registered as provided in ~~sections 4703.30 to 4703.49 of~~ 70487
~~the Revised Code~~ this chapter. 70488

(B) "Landscape architecture" or "the practice of landscape 70489
architecture" includes: 70490

(1) The preparation of master, site, and comprehensive 70491
development plans, the preparation of feasibility and site 70492
selection studies, and the supervision of the execution of 70493
projects thereon, in accordance with the accepted professional 70494
standards of public health, welfare, and safety, where the 70495
dominant purpose of such service involves: 70496

(a) The preservation, conservation, enhancement, or 70497

determination of proper land and water uses, natural land 70498
features, ground cover and plantings, naturalistic and aesthetic 70499
values, natural systems, reforestation, restoration, and 70500
reclamation; 70501

(b) The determination of settings, grounds, and approaches 70502
for buildings and structures or other improvements; the 70503
determination of environmental problems of land relating to 70504
erosion and sediment control, flooding, blight and other hazards; 70505
the shaping and contouring of land and water forms; the 70506
determination of grades; and the determination of surface and 70507
ground water drainage and providing for drainage systems where 70508
such systems do not require structural design of system components 70509
or a hydraulic analysis of the receiving storm water conveyance 70510
system; 70511

(c) The development of roadways and parkways, equestrian, 70512
bicycle, and pedestrian circulation systems, sidewalks, parking, 70513
planting, pools, irrigation systems, and other ancillary elements, 70514
for public and private use and enjoyment. 70515

(2) The preparation of construction documents, provided that 70516
these are limited to and are necessary for projects within the 70517
scope of the practice of landscape architecture as defined in 70518
divisions (B)(1)(a), (b), and (c) of this section; 70519

(3) The following services as they relate to the practice of 70520
landscape architecture: 70521

(a) Construction observation; 70522

(b) Project coordination and review of technical submissions, 70523
plans, and construction documents; 70524

(c) Collaboration with architects and professional engineers 70525
in the design of streets, highways, bridges, buildings, and 70526
structures with respect to the functional and aesthetic 70527
requirements of the area in which such facilities are to be 70528

placed. 70529

(4) This practice shall include the location and arrangement 70530
of such tangible objects and features as are incidental and 70531
necessary to the purposes outlined in this section, but shall not 70532
include the design of structures or facilities with separate and 70533
self-contained purposes for habitation or industry, or the design 70534
of streets and highways, utilities, storm and sanitary sewers, and 70535
water and sewage treatment facilities, such as are exclusive to 70536
the practice of engineering or architecture. A landscape architect 70537
shall undertake to perform professional services only when the 70538
landscape architect is qualified by education, training, and 70539
experience in the specific technical areas involved. This division 70540
shall not be construed to prohibit a landscape architect from 70541
engaging individuals performing services outside the scope of the 70542
landscape architect's qualifications as consultants. 70543

(5) The practice of landscape architecture does not include 70544
the practice of surveying as defined in section 4733.01 of the 70545
Revised Code. 70546

(C) "Board" means the ~~Ohio landscape~~ architects board. 70547

Sec. 4703.32. (A) No person shall engage in the practice of 70548
landscape architecture or use the title of "landscape architect," 70549
"professional landscape architect," or "registered landscape 70550
architect" or any title, sign, card, or device indicating, or 70551
tending to indicate, or represent in any manner that the person is 70552
a landscape architect, professional landscape architect, or 70553
registered landscape architect, unless the person is registered 70554
under sections 4703.30 to ~~4703.49~~ 4703.46 of the Revised Code. 70555

Any person registered pursuant to sections 4703.30 to ~~4703.99~~ 70556
4703.46 of the Revised Code may be designated or known as a 70557
landscape architect, professional landscape architect, or 70558
registered landscape architect. 70559

No person shall assume a title or use any abbreviation, 70560
words, letters, or figures to indicate or imply that the person is 70561
a landscape architect, professional landscape architect, or 70562
registered landscape architect, unless the person is registered 70563
under sections 4703.30 to ~~4703.49~~ 4703.46 of the Revised Code. 70564

(B) Notwithstanding division (A) of this section, the ~~Ohio~~ 70565
~~landscape~~ architects board may authorize any person to use the 70566
title "emeritus landscape architect." An emeritus landscape 70567
architect is an individual who has been registered to practice 70568
landscape architecture in this state for at least ten years, is 70569
fully retired from the practice of landscape architecture, and is 70570
at least sixty-five years old. An emeritus landscape architect is 70571
exempt from the continuing education and fee requirements of 70572
sections 4703.30 to ~~4703.49~~ 4703.46 of the Revised Code. 70573

(C) Sections 4703.30 to ~~4703.49~~ 4703.46 of the Revised Code 70574
are not intended to restrict or otherwise affect the right of any 70575
individual to practice architecture under ~~sections 4703.01 to~~ 70576
~~4703.19 of the Revised Code~~ this chapter or engineering under 70577
sections 4733.01 to 4733.27 of the Revised Code. This division 70578
does not exclude a registered architect from the practice of 70579
landscape architecture that is incidental to the practice of 70580
architecture or exclude a landscape architect from the practice of 70581
architecture that is incidental to the practice of landscape 70582
architecture. 70583

(D) Sections 4703.30 to ~~4703.49~~ 4703.46 of the Revised Code 70584
do not affect the right of any individual to engage in the 70585
occupation of growing or marketing nursery stock or to use the 70586
title "nurseryperson," "landscape nurseryperson," "gardener," 70587
"landscape gardener," "landscape designer," "general contractor," 70588
"landscape contractor," "land developer," "golf course architect," 70589
or "golf course designer," provided that no individual shall 70590
engage in the practice of landscape architecture or use the title 70591

"landscape architect," "professional landscape architect," or 70592
"registered landscape architect," unless the person has complied 70593
with sections 4703.30 to ~~4703.49~~ 4703.46 of the Revised Code. 70594

(E) Nothing in sections 4703.30 to ~~4703.49~~ 4703.46 of the 70595
Revised Code prevents a vendor of goods, services, or materials, 70596
including nurserypersons, landscape nurserypersons, gardeners, 70597
landscape gardeners, landscape designers, general or landscape 70598
contractors, land developers, and golf course architects or golf 70599
course designers, from providing drawings or graphic diagrams that 70600
are necessary for the proper layout of the vendor's goods or 70601
materials for public or private land or arranging for the 70602
installation of the goods or materials. Nothing in sections 70603
4703.30 to ~~4703.49~~ 4703.46 of the Revised Code prevents a 70604
landscape designer from engaging in, for a fee, the design of 70605
spaces utilizing plant materials and ancillary paving and building 70606
materials or arranging for the installation of the materials. 70607
Nothing in sections 4703.30 to ~~4703.49~~ 4703.46 of the Revised Code 70608
shall be construed in any manner to prohibit a person from 70609
designing or preparing drawings or specifications for any real 70610
property owned by that person. 70611

(F) Each landscape architect, upon registration by the ~~Ohio~~ 70612
~~landscape architects board~~, may obtain a stamp of the design 70613
authorized by the board, bearing the name of the registrant, date 70614
of registration, number of certificate, and the legend "registered 70615
landscape architect," "professional landscape architect," or 70616
"landscape architect." All professional documents, including maps, 70617
plans, designs, drawings, specifications, estimates, and reports, 70618
issued by a registrant may be stamped only while the registrant's 70619
certificate is in full force and effect. 70620

Sec. 4703.331. (A) A firm, partnership, association, limited 70621
liability company, or corporation may provide landscape 70622

architectural services in this state as long as the services are 70623
provided only through natural persons registered to provide those 70624
services in this state and subject to the requirements of this 70625
chapter. 70626

(B) No firm, partnership, association, limited liability 70627
company, or corporation shall provide landscape architectural 70628
services, hold itself out to the public as providing landscape 70629
architectural services, or use a name including the word 70630
"landscape architect," "professional landscape architect," or 70631
"registered landscape architect" or any modification or derivation 70632
of those words, unless the firm, partnership, association, limited 70633
liability company, or corporation files all information required 70634
to be filed under this section with the ~~Ohio landscape~~ architects 70635
board and otherwise complies with all requirements of this 70636
chapter. A nonprofit membership corporation may use a name 70637
including the word "landscape architect," "professional landscape 70638
architect," or "registered landscape architect" or any 70639
modification or derivation of those words without complying with 70640
this section. 70641

(C) A corporation may be organized under Chapter 1701. of the 70642
Revised Code, a professional association may be organized under 70643
Chapter 1785. of the Revised Code, or a limited liability company 70644
may be formed under Chapter 1705. of the Revised Code for the 70645
purpose of providing professional engineering, surveying, 70646
architectural, or landscape architectural services, or any 70647
combination of those services. A corporation organized under 70648
Chapter 1701. of the Revised Code for the purpose of providing 70649
those services also may be organized for any other purpose in 70650
accordance with that chapter. 70651

(D) No firm, partnership, association, limited liability 70652
company, or corporation shall provide or offer to provide 70653
landscape architectural services in this state unless more than 70654

fifty per cent of the partners, members, or shareholders, more 70655
than fifty per cent of the directors in the case of a corporation 70656
or professional association, more than fifty per cent of the 70657
managers in the case of a limited liability company the management 70658
of which is not reserved to its members, and more than fifty per 70659
cent of the trustees in the case of an employee stock ownership 70660
plan, are professional engineers, surveyors, architects, or 70661
landscape architects or a combination of those professions, who 70662
are registered in this or any other state and who own more than 70663
fifty per cent of the interests in the firm, partnership, 70664
association, limited liability company, or corporation; unless the 70665
requirements of this division and of section 1785.02 of the 70666
Revised Code are satisfied with respect to any professional 70667
association organized under Chapter 1785. of the Revised Code; or 70668
unless the requirements of this division and of Chapter 1705. of 70669
the Revised Code are satisfied with respect to a limited liability 70670
company formed under that chapter. 70671

(E) Each firm, partnership, association, limited liability 70672
company, or corporation through which landscape architectural 70673
services are offered or provided in this state shall designate one 70674
or more trustees, partners, managers, members, officers, or 70675
directors as being in responsible charge of the professional 70676
landscape architectural activities and decisions, and those 70677
designated persons shall be registered in this state. Each firm, 70678
partnership, association, limited liability company, or 70679
corporation of that type shall annually file with the board the 70680
name and address of each trustees, partner, manager, officer, 70681
director, member, or shareholder, and each firm, partnership, 70682
association, limited liability company, or corporation of that 70683
type shall annually file with the board the name and address of 70684
all persons designated as being in responsible charge of the 70685
professional landscape architectural activities and decisions and 70686
any other information the board may require. If there is a change 70687

in any such person in the interval between filings, the change 70688
shall be filed with the board in the manner and within the time 70689
that the board determines. 70690

(F) No corporation organized under Chapter 1701. of the 70691
Revised Code shall engage in providing landscape architectural 70692
services in this state without obtaining a certificate of 70693
authorization from the board. A corporation desiring a certificate 70694
of authorization shall file with the board a copy of its articles 70695
of incorporation and a listing on the form that the board directs 70696
of the names and addresses of all trustees, officers, directors, 70697
and shareholders of the corporation, the names and addresses of 70698
any individuals providing professional services on behalf of the 70699
corporation who are registered to practice landscape architecture 70700
in this state, and any other information the board requires. If 70701
all requirements of this chapter are met, the board may issue a 70702
certificate of authorization to the corporation. No certificate of 70703
authorization shall be issued unless persons owning more than 70704
fifty per cent of the corporation's shares and more than fifty per 70705
cent of the interests in the corporation are professional 70706
engineers, surveyors, architects, or landscape architects, or a 70707
combination of those professions, who are registered in this or 70708
any other state. Any corporation that holds a certificate of 70709
authorization under this section and otherwise meets the 70710
requirements of this chapter may be organized for any purposes for 70711
which corporations may be organized under Chapter 1701. of the 70712
Revised Code and shall not be limited to the purposes of providing 70713
professional engineering, surveying, architectural, or landscape 70714
architectural services or any combination of those services. The 70715
board, by rules adopted in accordance with Chapter 119. of the 70716
Revised Code, may require any firm, partnership, association, or 70717
limited liability company not organized under Chapter 1701. of the 70718
Revised Code that provides landscape architectural services to 70719
obtain a certificate of authorization. If the board so requires, 70720

no firm, partnership, association, or limited liability company 70721
shall engage in providing landscape architectural services without 70722
obtaining the certificate and complying with the rules. 70723

(G) This section does not modify any law applicable to the 70724
relationship between a person furnishing a professional service 70725
and a person receiving that service, including liability arising 70726
out of that service. 70727

(H) Nothing in this section shall restrict or limit in any 70728
manner the authority or duty of the board with respect to natural 70729
persons providing professional services or any law or rule 70730
pertaining to standards of professional conduct. 70731

Sec. 4703.332. (A) Notwithstanding any other provision of 70732
~~sections 4703.30 to 4703.49 of the Revised Code~~ in this chapter, 70733
any person performing labor or providing services pursuant to a 70734
construction contract may offer or provide landscape architectural 70735
services in connection with the person's other labor or services 70736
if all of the following apply: 70737

(1) The person employs a landscape architect registered under 70738
~~sections 4703.30 to 4703.49 of the Revised Code~~ this chapter or 70739
enters into a contract with a firm, partnership, association, 70740
limited liability company, or corporation with a valid certificate 70741
of authorization granted under ~~sections 4703.30 to 4703.49 of the~~ 70742
~~Revised Code~~ this chapter to provide landscape architectural 70743
services. 70744

(2) The person intending to perform the actual construction 70745
of an improvement to real property as part of a design-build 70746
contract offers the landscape architectural services. 70747

(3) The contractor, the landscape architect registered under 70748
~~sections 4703.30 to 4703.49 of the Revised Code~~ this chapter, or 70749
the firm, partnership, association, limited liability company, or 70750

corporation with a valid certificate of authorization granted 70751
under ~~section 4703.331 of the Revised Code~~ this chapter meets the 70752
requirements of section 153.70 of the Revised Code when 70753
design-build services are provided to a public authority as 70754
defined in section 153.65 of the Revised Code. 70755

(B) Except as otherwise provided in this section, no person 70756
without a certificate of authorization shall offer landscape 70757
architectural services or engage in the practice of landscape 70758
architecture pursuant to any construction contract whose terms are 70759
to be performed by another person or represent to the public that 70760
the person engages in the practice of landscape architecture or 70761
provides landscape architectural services without a valid 70762
certificate of authorization. 70763

(C) As used in this section: 70764

(1) "Construction contract" means any oral or written 70765
agreement that involves any activity in connection with an 70766
alteration, repair, replacement, renovation, or installation 70767
project that is related to land or water resources. 70768

(2) "Design-build" means a project delivery system for 70769
improvements to real property by which a person is solely 70770
responsible contractually as a contractor, as defined in section 70771
4113.61 of the Revised Code, to an owner for both the design and 70772
construction of the improvement, which design and construction may 70773
include a performance-based specification established by the owner 70774
rather than a specific design as an improvement goal. 70775

Sec. 4703.34. (A) Any individual desiring to be registered as 70776
a landscape architect may apply in writing to the ~~Ohio landscape~~ 70777
architects board in the manner prescribed by the board. 70778

(B) Except as provided in section ~~4703.35~~ 4703.08 of the 70779
Revised Code, each application shall include, or be accompanied 70780

by, evidence given under oath or affirmation and satisfactory to 70781
the board that the applicant possesses the qualifications 70782
prescribed by division (C) of this section and also possesses, or 70783
is in the process of obtaining, one of the qualifications required 70784
by division (D) of this section. Each applicant shall include in 70785
the application a request for examination. The board shall permit 70786
an applicant who is in the process of completing the requirement 70787
specified in division (D) of this section to take an examination, 70788
but the board shall not register such an applicant until the 70789
applicant completes the requirement. 70790

(C) Except as provided in section ~~4703.35~~ 4703.08 of the 70791
Revised Code, each applicant for registration as a landscape 70792
architect shall pass, to the satisfaction of the board, an 70793
examination conducted under the authority of the board to 70794
determine the fitness of the applicant for registration. 70795
Examinations shall be held not less than once annually. The 70796
applicant shall be at least eighteen years of age and of good 70797
moral character and shall have obtained a professional degree in 70798
landscape architecture from a program accredited by the national 70799
landscape architect accrediting board. 70800

(D) In addition to the qualifications required by division 70801
(C) of this section, the applicant shall meet either of the 70802
following requirements: 70803

(1) Has completed three years of practical experience in the 70804
office of and under the direct supervision of a registered 70805
landscape architect who is actively involved in the practice of 70806
landscape architecture, or equivalent experience, as determined by 70807
the board, provided that at least one year of the practical 70808
experience or its equivalent as required by division (D)(1) of 70809
this section shall have been completed by the applicant subsequent 70810
to the completion of the educational requirements established by 70811
division (C) of this section; 70812

(2) Has completed the requirements for training under an 70813
internship program established pursuant to rules adopted by the 70814
board that includes, but is not limited to, training in design and 70815
construction documents and construction administration and office 70816
management, or has equivalent experience that is acceptable to the 70817
board. 70818

Sec. 4703.36. (A) The ~~Ohio landscape~~ architects board shall 70819
register as a landscape architect each applicant who demonstrates 70820
to the satisfaction of the board that the applicant has met all 70821
requirements of section 4703.34 of the Revised Code or, in lieu 70822
thereof, has complied with section ~~4703.35~~ 4703.08 of the Revised 70823
Code. The certificate issued to each individual shall be 70824
prima-facie evidence of the right of the individual to whom it is 70825
issued to represent self as a landscape architect and to enter the 70826
practice of landscape architecture, subject to ~~sections 4703.30 to~~ 70827
~~4703.49 of the Revised Code~~ this chapter. 70828

(B) Each certificate of qualification issued and registered 70829
on or after ~~the effective date of this amendment~~ December 19, 70830
2013, shall authorize the holder to practice landscape 70831
architecture as a landscape architect in this state until the last 70832
day of December of each even-numbered calendar year, unless 70833
revoked or suspended for cause as provided in this chapter or 70834
suspended pursuant to section 3123.47 of the Revised Code. License 70835
renewal shall be conducted in accordance with the standard license 70836
renewal procedure in Chapter 4745. of the Revised Code. Each 70837
applicant for license renewal shall demonstrate satisfactory 70838
completion of any continuing education requirements the board 70839
adopts under section ~~4703.33~~ 4703.02 of the Revised Code. Each 70840
renewal shall be recorded in the official register of the board. 70841

(C) Each person registered by the board shall secure a seal 70842
of the design prescribed by the board. All plans, specifications, 70843

drawings, and other documents prepared by, or under the direct supervision of, the landscape architect shall be imprinted with the seal in accordance with the requirements of the board.

(D) Each certificate of authorization issued under division (F) of section 4703.331 of the Revised Code shall authorize the holder to provide landscape architectural services, through the landscape architect designated as being in responsible charge of the landscape architectural activities and decisions, from the date of issuance until the last day of June next succeeding the date upon which the certificate was issued unless the certificate has been suspended or revoked for cause as provided in section 4703.41 of the Revised Code.

Sec. 4703.37. (A) The ~~Ohio landscape~~ architects board shall establish an application fee for obtaining registration under section 4703.34 of the Revised Code and a fee for obtaining registration under section ~~4703.35~~ 4703.08 of the Revised Code.

(B) The fee to restore an expired certificate of qualification is the renewal fee for the current certification period, plus the renewal fee for each previous renewal period in which the certificate was not renewed, plus a penalty of twenty-five per cent of the total renewal fees for each renewal period or part thereof in which the certificate was not renewed, on the condition that the maximum fee shall not exceed an amount established by the board.

(C) The board also shall establish the following fees:

(1) The fee for a certificate of qualification or duplicate thereof, as issued to a landscape architect registered under ~~sections 4703.33 to 4703.38 of the Revised Code~~ this chapter.

(2) The fee for the biennial renewal of the certificate of qualification and the fee for a duplicate renewal card.

(3) The fee to be charged an examinee for administering an examination to the examinee on behalf of another jurisdiction. 70874
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(4) The fee for a certificate of authorization issued under division (F) of section 4703.331 of the Revised Code, the fee for annual renewal of a certificate of authorization, and the fee for a duplicate certificate of authorization. 70876
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(5) The fee to cover costs for checks or other instruments returned to the board by financial institutions due to insufficient funds. 70880
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Sec. 4703.41. The ~~Ohio landscape~~ architects board may refuse to register any applicant or refuse to issue a certificate of authorization to any applicant, may refuse to renew the registration of any landscape architect registered under ~~sections 4703.30 to 4703.49~~ this chapter or a certificate of authorization issued under division (F) of section 4703.331 of the Revised Code, or may suspend or revoke the registration of any landscape architect registered under ~~sections 4703.30 to 4703.49 of the Revised Code~~ this chapter or a certificate of authorization issued under division (F) of section 4703.331 of the Revised Code, or may fine a person when the registrant, holder of a certificate of authorization, or other person does any of the following: 70883
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(A) Has obtained or attempted to obtain registration or a certificate of authorization under ~~sections 4703.30 to 4703.49 of the Revised Code~~ this chapter by fraud or material misrepresentation or by false oath or affirmation; 70895
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(B) Is impersonating or has attempted to impersonate a landscape architect or a former landscape architect; 70899
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(C) Is found by the board to have been guilty of fraud, deceit, or gross negligence in the practice of landscape architecture or in providing landscape architectural services; 70901
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(D) Has affixed the registrant's or certificate holder's signature to plans, drawings, specifications, or other professional documents that have not been prepared by the registrant or certificate holder or under the registrant's or certificate holder's immediate and responsible direction, or has permitted the registrant's or certificate holder's name to be used for the purpose of assisting any individual, not a landscape architect, to evade ~~sections 4703.30 to 4703.49 of the Revised Code~~ this chapter;

(E) Fails the examination under section ~~4703.33~~ 4703.02 of the Revised Code;

(F) Is found by the board to have violated any rule governing the standards for education, experience, services, conduct, and practice or any rule adopted by the board under ~~sections 4703.30 to 4703.49 of the Revised Code~~ this chapter;

(G) Fails to comply with any disciplinary sanction issued by the board.

Sec. 4703.411. (A) No person shall do any of the following:

(1) Obtain or attempt to obtain registration or a certificate of authorization under ~~sections 4703.30 to 4703.49 of the Revised Code~~ this chapter by fraud or material misrepresentation or by false oath or affirmation;

(2) Impersonate or attempt to impersonate a landscape architect or former landscape architect;

(3) Recklessly engage in fraud, deceit, or gross negligence in the practice of landscape architecture or in providing landscape architectural services.

(B) No registrant or certificate holder shall do either of the following:

(1) Affix the registrant's or certificate holder's signature

to plans, drawings, specifications, or other professional 70934
documents that have not been prepared by the registrant or 70935
certificate holder or under the registrant's or certificate 70936
holder's immediate and responsible direction; 70937

(2) Permit the registrant's or certificate holder's name to 70938
be used for the purpose of assisting any individual, not a 70939
landscape architect, to evade ~~sections 4703.30 to 4703.49 of the~~ 70940
~~Revised Code~~ this chapter. 70941

Sec. 4703.46. (A) The ~~Ohio landscape~~ architects board, upon 70942
its own motion or upon the verified complaint in writing of any 70943
person, may investigate any alleged violation of sections 4703.30 70944
to 4703.52 of the Revised Code. The board, in its discretion, may 70945
disregard any complaint filed more than two years after the act or 70946
omission alleged as a violation of those sections. 70947

(B) The board may apply to any court of competent 70948
jurisdiction for relief by injunction or restraining order to 70949
enjoin or restrain a person, firm, corporation, partnership, 70950
limited liability company, or other group or combination of 70951
persons from the commission of any act that is prohibited by 70952
sections 4703.30 to 4703.52 of the Revised Code or by rules 70953
adopted by the board under ~~sections 4703.30 to 4703.49 of the~~ 70954
~~Revised Code~~ this chapter that govern the standards of service, 70955
conduct, and practice to be followed in the practice of landscape 70956
architecture. 70957

Sec. 4703.50. All receipts of the architects board ~~and Ohio~~ 70958
~~landscape architects board~~ shall be deposited in the state 70959
treasury to the credit of the occupational licensing and 70960
regulatory fund. 70961

Sec. 4703.52. On receipt of a notice pursuant to section 70962
3123.43 of the Revised Code, the architects board ~~and the Ohio~~ 70963

~~landscape architects board~~ shall comply with sections 3123.41 to 70964
3123.50 of the Revised Code and any applicable rules adopted under 70965
section 3123.63 of the Revised Code with respect to a certificate 70966
issued pursuant to this chapter. 70967

Sec. 4703.53. The architects board ~~and the Ohio landscape~~ 70968
~~architects board~~ shall comply with section 4776.20 of the Revised 70969
Code. 70970

Sec. 4707.02. (A) No person shall act as an auction firm, 70971
auctioneer, apprentice auctioneer, or special auctioneer within 70972
this state without a license issued by the department of 70973
agriculture. No auction shall be conducted in this state except by 70974
an auctioneer licensed by the department. 70975

The department shall not issue or renew a license if the 70976
applicant or licensee has been convicted of a felony or crime 70977
involving fraud or theft in this or another state at any time 70978
during the ten years immediately preceding application or renewal. 70979

(B) Division (A) of this section does not apply to any of the 70980
following: 70981

(1) Sales at auction that either are required by law to be at 70982
auction, other than sales pursuant to a judicial order or decree, 70983
or are conducted by or under the direction of a public authority; 70984

(2) The owner of any real or personal property desiring to 70985
sell the property at auction, provided that the property was not 70986
acquired for the purpose of resale; 70987

(3) An auction mediation company; 70988

(4) An auction that is conducted in a course of study for 70989
auctioneers that is approved by the state auctioneers commission 70990
created under section 4707.03 of the Revised Code for purposes of 70991
student training and is supervised by a licensed auctioneer; 70992

(5)(a) An auction that is sponsored by a nonprofit or charitable organization that is registered in this state under Chapter 1702. or Chapter 1716. of the Revised Code, respectively, if the auction only involves the property of the members of the organization and the auction is part of a fair that is organized by an agricultural society under Chapter 1711. of the Revised Code or by the Ohio expositions commission under Chapter 991. of the Revised Code at which an auctioneer who is licensed under this chapter physically conducts the auction; ~~or~~

(b) Sales at an auction sponsored by a charitable, religious, or civic organization that is tax exempt under subsection 501(c)(3) of the Internal Revenue Code, or by a public school, chartered nonpublic school, or community school, if no person in the business of organizing, arranging, or conducting an auction for compensation and no consignor of consigned items sold at the auction, except such organization or school, receives compensation from the proceeds of the auction. As used in division (B)(5)(b) of this section, "compensation" means money, a thing of value other than participation in a charitable event, or a financial benefit.

(c) Sales at an auction sponsored by an organization that is tax exempt under subsection 501(c)(6) of the Internal Revenue Code and that is a part of a national, regional, or state convention or conference that advances or promotes the auction profession in this state when the property to be sold is donated to or is the property of the organization and the proceeds remain within the organization or are donated to a charitable organization that is tax exempt under subsection 501(c)(3) of the Internal Revenue Code.

(6) A person licensed as a livestock dealer under Chapter 943. of the Revised Code who exclusively sells livestock and uses an auctioneer who is licensed under this chapter to conduct the auction;

(7) A person licensed as a motor vehicle auction owner under Chapter 4517. of the Revised Code who exclusively sells motor vehicles to a person licensed under Chapter 4517. of the Revised Code and who uses an auctioneer who is licensed under this chapter to conduct the auction;

(8) A person who sells real or personal property by means of the internet;

(9) A bid calling contest that is approved by the commission and that is conducted for the purposes of the advancement or promotion of the auction profession in this state, ~~provided that no compensation is paid to the sponsor of or participants in the contest other than a prize or award for winning the contest;~~

(10) An auction at which the champion of a national or international bid calling contest appears, provided that both of the following apply:

(a) The champion is not paid a commission.

(b) The auction is conducted under the direct supervision of an auctioneer licensed under this chapter in order to ensure that the champion complies with this chapter and rules adopted under it.

(C)(1) No person shall advertise or hold oneself out as an auction firm, auctioneer, apprentice auctioneer, or special auctioneer without a license issued by the department of agriculture.

(2) Division (C)(1) of this section does not apply to an individual who is the subject of an advertisement regarding an auction conducted under division (B)(5)(b) of this section.

Sec. 4709.02. Except as provided in this chapter, no person shall do any of the following:

(A) Engage in or attempt to engage in the practice of

barbering, hold themselves out as a practicing barber, or 71055
advertise in a manner that indicates they are a barber, without a 71056
barber license issued pursuant to this chapter; 71057

(B) Operate or attempt to operate a barber shop without a 71058
barber shop license issued pursuant to this chapter; 71059

(C) Engage in or attempt to engage in the teaching of or 71060
assist in the teaching of the practice of barbering without a 71061
barber teacher or assistant barber teacher license issued pursuant 71062
to this chapter; 71063

(D) Advertise barbering services unless the establishment and 71064
personnel employed therein are licensed pursuant to this chapter; 71065

(E) Use or display a barber pole for the purpose of offering 71066
barber services to the consuming public without a barber shop 71067
license issued pursuant to this chapter; 71068

(F) Operate or attempt to operate a barber school without a 71069
barber school license issued pursuant to this chapter; 71070

(G) Teach or attempt to teach any phase of barbering for pay, 71071
free, or otherwise without approval from the ~~barber~~ state board of 71072
barbers and cosmetology; 71073

(H) Being a barber, knowingly continue the practice of 71074
barbering, or being a student, knowingly continue as a student in 71075
any barber school, while such person has an infectious, 71076
contagious, or communicable disease; 71077

(I) Obtain or attempt to obtain a license by fraudulent 71078
misrepresentation for money, other than the required fee, or any 71079
other thing of value; 71080

(J) Practice or attempt to practice barbering by fraudulent 71081
misrepresentation; 71082

(K) Employ another person to perform or himself perform the 71083
practice of barbering in a licensed barber shop unless that person 71084

is licensed as a barber under this chapter; 71085

(L) Use any room or place for barbering which is also used 71086
for residential or other business purposes, unless it is separated 71087
by a substantial ceiling-high partition. This does not exclude 71088
hair care products used and sold in barber shops or the sale of 71089
clothing and related accessories as authorized by division (F) of 71090
section 4709.09 of the Revised Code. 71091

(M) Violate any rule adopted by the board or department of 71092
health for barber shops or barber schools. 71093

Sec. 4709.05. In addition to any other duty imposed on the 71094
~~barber state board of barbers and cosmetology~~ under this or any 71095
other chapter, the board shall do all of the following: 71096

~~(A) Organize by electing a chairperson from its members to~~ 71097
~~serve a one-year term;~~ 71098

~~(B) Hold regular meetings, at the times and places as it~~ 71099
~~determines for the purpose of conducting the examinations required~~ 71100
~~under this chapter, and hold additional meetings for the~~ 71101
~~transaction of necessary business;~~ 71102

~~(C) Provide for suitable quarters, in the city of Columbus,~~ 71103
~~for the conduct of its business and the maintenance of its~~ 71104
~~records;~~ 71105

~~(D) Adopt a common seal for the authentication of its orders,~~ 71106
~~communications, and records;~~ 71107

~~(E)~~ Maintain a record of its proceedings under this chapter 71108
and a register of persons licensed as barbers. The register shall 71109
include each licensee's name, place of business, residence, and 71110
licensure date and number, and a record of all licenses issued, 71111
refused, renewed, suspended, or revoked. The records are open to 71112
public inspection at all reasonable times. 71113

~~(F)~~(B) Annually, on or before the first day of January, make 71114

a report to the governor of all its official acts during the 71115
preceding year, its receipts and disbursements, recommendations it 71116
determines appropriate, and an evaluation of board activities 71117
intended to aid or protect consumers of barber services; 71118

~~(G) Employ an executive director who shall do all things 71119
requested by the board for the administration and enforcement of 71120
this chapter. The executive director shall employ inspectors, 71121
clerks, and other assistants as the executive director determines 71122
necessary. 71123~~

~~(H)~~(C) Ensure that the practice of barbering is conducted 71124
only in a licensed barber shop, except when the practice of 71125
barbering is performed on a person whose physical or mental 71126
disability prevents that person from going to a licensed barber 71127
shop; 71128

~~(I)~~(D) Conduct or have conducted the examination for 71129
applicants to practice as licensed barbers at least four times per 71130
year at the times and places the board determines; 71131

~~(J)~~(E) Adopt rules, in accordance with Chapter 119. of the 71132
Revised Code, to administer and enforce this chapter and which 71133
cover all of the following: 71134

(1) Sanitary standards for the operation of barber shops and 71135
barber schools that conform to guidelines established by the 71136
department of health; 71137

(2) The content of the examination required of an applicant 71138
for a barber license. The examination shall include a practical 71139
demonstration and a written test, shall relate only to the 71140
practice of barbering, and shall require the applicant to 71141
demonstrate that the applicant has a thorough knowledge of and 71142
competence in the proper techniques in the safe use of chemicals 71143
used in the practice of barbering. 71144

(3) Continuing education requirements for persons licensed 71145

pursuant to this chapter. The board may impose continuing 71146
education requirements upon a licensee for a violation of this 71147
chapter or the rules adopted pursuant thereto or if the board 71148
determines that the requirements are necessary to preserve the 71149
health, safety, or welfare of the public. 71150

(4) Requirements for the licensure of barber schools, barber 71151
teachers, and assistant barber teachers; 71152

(5) Requirements for students of barber schools; 71153

(6) Any other area the board determines appropriate to 71154
administer or enforce this chapter. 71155

~~(K) Annually review the rules adopted pursuant to division 71156
(J) of this section in order to compare those rules with the rules 71157
adopted by the state board of cosmetology pursuant to section 71158
4713.08 of the Revised Code. If the barber board determines that 71159
the rules adopted by the state board of cosmetology, including, 71160
but not limited to, rules concerning using career technical 71161
schools, would be beneficial to the barbering profession, the 71162
barber board shall adopt rules similar to those it determines 71163
would be beneficial for barbers. 71164~~

~~(L)~~(F) Prior to adopting any rule under this chapter, 71165
indicate at a formal hearing the reasons why the rule is necessary 71166
as a protection of the persons who use barber services or as an 71167
improvement of the professional standing of barbers in this state; 71168

~~(M)~~(G) Furnish each owner or manager of a barber shop and 71169
barber school with a copy of all sanitary rules adopted pursuant 71170
to division ~~(J)~~(E) of this section; 71171

~~(N)~~(H) Conduct such investigations and inspections of persons 71172
and establishments licensed or unlicensed pursuant to this chapter 71173
and for that purpose, any member of the board or any of its 71174
authorized agents may enter and inspect any place of business of a 71175
licensee or a person suspected of violating this chapter or the 71176

rules adopted pursuant thereto, during normal business hours; 71177

~~(I)~~(I) Upon the written request of an applicant and the 71178
payment of the appropriate fee, provide to the applicant licensure 71179
information concerning the applicant; 71180

~~(J)~~(J) Do all things necessary for the proper administration 71181
and enforcement of this chapter. 71182

Sec. 4709.07. (A) Each person who desires to obtain an 71183
initial license to practice barbering shall apply to the ~~barber~~ 71184
state board of barbers and cosmetology, on forms provided by the 71185
board. The application form shall include the name of the person 71186
applying for the license and evidence that the applicant meets all 71187
of the requirements of division (B) of this section. The 71188
application shall be accompanied by two signed current photographs 71189
of the applicant, in the size determined by the board, that show 71190
only the head and shoulders of the applicant, and the examination 71191
application fee. 71192

(B) In order to take the required barber examination and to 71193
qualify for licensure as a barber, an applicant must demonstrate 71194
that the applicant meets all of the following: 71195

(1) Is of good moral character; 71196

(2) Is at least eighteen years of age; 71197

(3) Has an eighth grade education or an equivalent education 71198
as determined by the state board of education in the state where 71199
the applicant resides; 71200

(4) Has graduated with at least eighteen hundred hours of 71201
training from a board-approved barber school or has graduated with 71202
at least one thousand hours of training from a board-approved 71203
barber school in this state and has a current cosmetology or hair 71204
designer license issued pursuant to Chapter 4713. of the Revised 71205
Code. No hours of instruction earned by an applicant five or more 71206

years prior to the examination apply to the hours of study 71207
required by this division. 71208

(C) Any applicant who meets all of the requirements of 71209
divisions (A) and (B) of this section may take the barber 71210
examination at the time and place specified by the board. If the 71211
applicant fails to attain at least a seventy-five per cent pass 71212
rate on each part of the examination, the applicant is ineligible 71213
for licensure; however, the applicant may reapply for examination 71214
within ninety days after the date of the release of the 71215
examination scores by paying the required reexamination fee. An 71216
applicant is only required to take that part or parts of the 71217
examination on which the applicant did not receive a score of 71218
seventy-five per cent or higher. If the applicant fails to reapply 71219
for examination within ninety days or fails the second 71220
examination, in order to reapply for examination for licensure the 71221
applicant shall complete an additional course of study of not less 71222
than two hundred hours, in a board-approved barber school. The 71223
board shall provide to an applicant, upon request, a report which 71224
explains the reasons for the applicant's failure to pass the 71225
examination. 71226

(D) The board shall issue a license to practice barbering to 71227
any applicant who, to the satisfaction of the board, meets the 71228
requirements of divisions (A) and (B) of this section, who passes 71229
the required examination, and pays the initial licensure fee. 71230
Every licensed barber shall display the certificate of licensure 71231
in a conspicuous place adjacent to or near the licensed barber's 71232
work chair, along with a signed current photograph, in the size 71233
determined by the board, showing head and shoulders only. 71234

Sec. 4709.08. Any person who holds a current license or 71235
registration to practice as a barber in any other state or 71236
district of the United States or country whose requirements for 71237

licensure or registration of barbers are substantially equivalent 71238
to the requirements of this chapter and rules adopted under it and 71239
that extends similar reciprocity to persons licensed as barbers in 71240
this state may apply to the ~~barber~~ state board of barbers and 71241
cosmetology for a barber license. The board shall, without 71242
examination, unless the board determines to require an 71243
examination, issue a license to practice as a licensed barber in 71244
this state if the person meets the requirements of this section, 71245
is at least eighteen years of age and of good moral character, and 71246
pays the required fees. The board may waive any of the 71247
requirements of this section. 71248

Sec. 4709.09. (A) Each person who desires to obtain a barber 71249
shop license shall apply to the ~~barber~~ state board of barbers and 71250
cosmetology, on forms provided by the board. The board shall issue 71251
a barber shop license to a person if the board determines that the 71252
person meets all of the requirements of division (B) of this 71253
section and pays the required license and inspection fees. 71254

(B) In order for a person to qualify for a license to operate 71255
a barber shop, the barber shop shall meet all of the following 71256
requirements: 71257

(1) Be in the charge and under the immediate supervision of a 71258
licensed barber; 71259

(2) Be equipped to provide running hot and cold water and 71260
proper drainage; 71261

(3) Sanitize and maintain in a sanitary condition, all 71262
instruments and supplies; 71263

(4) Keep towels and linens clean and sanitary and in a dry, 71264
dust-proof container; 71265

(5) Display the shop license and a copy of the board's 71266
sanitary rules in a conspicuous place in the working area. 71267

(C) Any licensed barber who leases space in a licensed barber shop and engages in the practice of barbering independent and free from supervision of the owner or manager of the barber shop is considered to be engaged in the operation of a separate and distinct barber shop and shall obtain a license to operate a barber shop pursuant to this section.

(D) A shop license is not transferable from one owner to another and if an owner or operator of a barber shop permanently ceases offering barber services at the shop, the owner or operator shall return the barber shop license to the board within ten days of the cessation of services.

(E)(1) Manicurists licensed under Chapter 4713. of the Revised Code may practice manicuring in a barber shop.

(2) Tanning facilities issued a permit under section 4713.48 of the Revised Code may be operated in a barber shop.

(F) Clothing and related accessories may be sold at retail in a barber shop so long as these sales maintain the integrity of the facility as a barber shop.

Sec. 4709.10. (A) Each person who desires to obtain a license to operate a barber school shall apply to the ~~barber state~~ board of barbers and cosmetology, on forms provided by the board. The board shall issue a barber school license to a person if the board determines that the person meets and will comply with all of the requirements of division (B) of this section and pays the required licensure and inspection fees.

(B) In order for a person to qualify for a license to operate a barber school, the barber school to be operated by the person must meet all of the following requirements:

(1) Have a training facility sufficient to meet the required educational curriculum established by the board, including enough

space to accommodate all the facilities and equipment required by 71298
rule by the board; 71299

(2) Provide sufficient licensed teaching personnel to meet 71300
the minimum pupil-teacher ratio established by rule of the board; 71301

(3) Have established and provide to the board proof that it 71302
has met all of the board requirements to operate a barber school, 71303
as adopted by rule of the board; 71304

(4) File with the board a program of its curriculum, 71305
accounting for not less than eighteen hundred hours of instruction 71306
in the courses of theory and practical demonstration required by 71307
rule of the board; 71308

(5) File with the board a surety bond in the amount of ten 71309
thousand dollars issued by a bonding company licensed to do 71310
business in this state. The bond shall be in the form prescribed 71311
by the board and conditioned upon the barber school's continued 71312
instruction in the theory and practice of barbering. The bond 71313
shall continue in effect until notice of its termination is 71314
provided to the board. In no event, however, shall the bond be 71315
terminated while the barber school is in operation. Any student 71316
who is injured or damaged by reason of a barber school's failure 71317
to continue instruction in the theory and practice of barbering 71318
may maintain an action on the bond against the barber school or 71319
the surety, or both, for the recovery of any money or tuition paid 71320
in advance for instruction in the theory and practice of barbering 71321
which was not received. The aggregate liability of the surety to 71322
all students shall not exceed the sum of the bond. 71323

(6) Maintain adequate record keeping to ensure that it has 71324
met the requirements for records of student progress as required 71325
by board rule; 71326

(7) Establish minimum standards for acceptance of student 71327
applicants for admission to the barber school. The barber school 71328

may establish entrance requirements which are more stringent than 71329
those prescribed by the board, but the requirements must at a 71330
minimum require the applicant to meet all of the following: 71331

(a) Be at least seventeen years of age; 71332

(b) Be of good moral character; 71333

(c) Have an eighth grade education, or an equivalent 71334
education as determined by the state board of education; 71335

(d) Submit two signed current photographs of ~~himself~~ the 71336
applicant, in the size determined by the board. 71337

(8) Have a procedure to submit every student applicant's 71338
admission application to the board for the board's review and 71339
approval prior to the applicant's admission to the barber school; 71340

(9) Operate in a manner which reflects credit upon the 71341
barbering profession; 71342

(10) Offer a curriculum of study which covers all aspects of 71343
the scientific fundamentals of barbering as specified by rule of 71344
the board; 71345

(11) Employ no more than two licensed assistant barber 71346
teachers for each licensed barber teacher employed or fewer than 71347
two licensed teachers or one licensed teacher and one licensed 71348
assistant teacher at each facility. 71349

(C) Each person who desires to obtain a barber teacher or 71350
assistant barber teacher license shall apply to the ~~barber state~~ 71351
board of barbers and cosmetology, on forms provided by the ~~barber~~ 71352
board. The board shall only issue a barber teacher license to a 71353
person who meets all of the following requirements: 71354

(1) Holds a current barber license issued pursuant to this 71355
chapter and has at least eighteen months of work experience in a 71356
licensed barber shop or has been employed as an assistant barber 71357
teacher under the supervision of a licensed barber teacher for at 71358

least one year, unless, for good cause, the board waives this requirement; 71359
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(2) Meets such other requirements as adopted by rule by the board; 71361
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(3) Passes the required examination; and 71363

(4) Pays the required fees. If an applicant fails to pass the examination, ~~he~~ the applicant may reapply for the examination and licensure no earlier than one year after the failure to pass and provided that during that period, ~~he~~ the applicant remains employed as an assistant barber teacher. 71364
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The board shall only issue an assistant barber teacher license to a person who holds a current barber license issued pursuant to this chapter and pays the required fees. 71369
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(D) Any person who meets the qualifications of an assistant teacher pursuant to division (C) of this section, may be employed as an assistant teacher, provided that within five days after the commencement of the employment the barber school submits to the board, on forms provided by the board, the applicant's qualifications. 71372
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Sec. 4709.12. (A) The ~~barber~~ state board of barbers and cosmetology shall charge and collect the following fees: 71378
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(1) For the application to take the barber examination, ninety dollars; 71380
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(2) For an application to retake any part of the barber examination, forty-five dollars; 71382
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(3) For the initial issuance of a license to practice as a barber, thirty dollars; 71384
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(4) For the biennial renewal of the license to practice as a barber, one hundred ten dollars; 71386
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(5) For the restoration of an expired barber license, one hundred dollars, and seventy-five dollars for each lapsed year, provided that the total fee shall not exceed six hundred ninety dollars;	71388 71389 71390 71391
(6) For the issuance of a duplicate barber or shop license, forty-five dollars;	71392 71393
(7) For the inspection of a new barber shop, change of ownership, or reopening of premises or facilities formerly operated as a barber shop, and issuance of a shop license, one hundred ten dollars;	71394 71395 71396 71397
(8) For the biennial renewal of a barber shop license, seventy-five dollars;	71398 71399
(9) For the restoration of a barber shop license, one hundred ten dollars;	71400 71401
(10) For each inspection of premises for location of a new barber school, or each inspection of premises for relocation of a currently licensed barber school, seven hundred fifty dollars;	71402 71403 71404
(11) For the initial barber school license, one thousand dollars, and one thousand dollars for the renewal of the license;	71405 71406
(12) For the restoration of a barber school license, one thousand dollars;	71407 71408
(13) For the issuance of a student registration, forty dollars;	71409 71410
(14) For the examination and issuance of a biennial teacher license, one hundred eighty-five dollars;	71411 71412
(15) For the renewal of a biennial teacher license, one hundred fifty dollars;	71413 71414
(16) For the restoration of an expired teacher license, two hundred twenty-five dollars, and sixty dollars for each lapsed year, provided that the total fee shall not exceed four hundred	71415 71416 71417

fifty dollars; 71418

(17) For the issuance of a barber license by reciprocity 71419
pursuant to section 4709.08 of the Revised Code, three hundred 71420
dollars; 71421

(18) For providing licensure information concerning an 71422
applicant, upon written request of the applicant, forty dollars. 71423

(B) The board, subject to the approval of the controlling 71424
board, may establish fees in excess of the amounts provided in 71425
this section, provided that the fees do not exceed the amounts 71426
permitted by this section by more than fifty per cent. 71427

(C) In addition to any other fee charged and collected under 71428
this section, the ~~barber~~ state board of barbers and cosmetology 71429
shall ask each person renewing a license to practice as a barber 71430
whether the person wishes to make a two-dollar voluntary 71431
contribution to the Ed Jeffers barber museum. The board shall 71432
transmit any contributions to the treasurer of state for deposit 71433
into the occupational licensing fund. 71434

Sec. 4709.13. (A) The ~~barber~~ state board of barbers and 71435
cosmetology may refuse to issue or renew or may suspend or revoke 71436
or impose conditions upon any license issued pursuant to this 71437
chapter for any one or more of the following causes: 71438

(1) Advertising by means of knowingly false or deceptive 71439
statements; 71440

(2) Habitual drunkenness or possession of or addiction to the 71441
use of any controlled drug prohibited by state or federal law; 71442

(3) Immoral or unprofessional conduct; 71443

(4) Continuing to be employed in a barber shop wherein rules 71444
of the board or department of health are violated; 71445

(5) Employing any person who does not have a current Ohio 71446

license to perform the practice of barbering; 71447

(6) Owning, managing, operating, or controlling any barber school or portion thereof, wherein the practice of barbering is carried on, whether in the same building or not, without displaying a sign at all entrances to the places where the barbering is carried on, indicating that the work therein is done by students exclusively; 71448
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(7) Owning, managing, operating, or controlling any barber shop, unless it displays a recognizable sign or barber pole indicating that it is a barber shop, and the sign or pole is clearly visible at the main entrance to the shop; 71454
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(8) Violating any sanitary rules approved by the department of health or the board; 71458
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(9) Employing another person to perform or personally perform the practice of barbering in a licensed barber shop unless that person is licensed as a barber under this chapter; 71460
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(10) Gross incompetence. 71463

(B)(1) The board may refuse to renew or may suspend or revoke or impose conditions upon any license issued pursuant to this chapter for conviction of or plea of guilty to a felony committed after the person has been issued a license under this chapter, shown by a certified copy of the record of the court in which the person was convicted or pleaded guilty. 71464
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(2) A conviction or plea of guilty to a felony committed prior to being issued a license under this chapter shall not disqualify a person from being issued an initial license under this chapter. 71470
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(C) Prior to taking any action under division (A) or (B) of this section, the board shall provide the person with a statement of the charges against the person and notice of the time and place 71474
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of a hearing on the charges. The board shall conduct the hearing 71477
according to Chapter 119. of the Revised Code. Any person 71478
dissatisfied with a decision of the board may appeal the board's 71479
decision to the court of common pleas in Franklin county. 71480

(D) The board may adopt rules in accordance with Chapter 119. 71481
of the Revised Code, specifying additional grounds upon which the 71482
board may take action under division (A) of this section. 71483

Sec. 4709.14. (A) If the ~~barber~~ state board of barbers and 71484
cosmetology determines that any person is violating or threatening 71485
to violate any provision of this chapter or the rules adopted 71486
pursuant thereto and such violation or threatened violation is a 71487
threat to the health or safety of persons who use barber services, 71488
the board may apply to a court of competent jurisdiction in the 71489
county in which the violation or threatened violation occurred or 71490
will occur for injunctive relief and such other relief to prevent 71491
further violations. The attorney general shall, at the board's 71492
request, represent the board in any such action. 71493

(B) If the board determines, after a hearing conducted in 71494
accordance with Chapter 119. of the Revised Code, that any person 71495
has violated any provision of this chapter or the rules adopted 71496
pursuant thereto, the board may, in addition to any other action 71497
it may take or any other penalty imposed pursuant to this chapter, 71498
impose one or more fines upon the person. In no event, however, 71499
shall the fines imposed under this division exceed five hundred 71500
dollars for a first offense or one thousand dollars for each 71501
subsequent offense. 71502

(C) A person who allegedly has violated a provision of this 71503
chapter for which the board proposes to impose a fine may pay the 71504
board the amount of the fine and waive the right to an 71505
adjudicatory hearing conducted under Chapter 119. of the Revised 71506
Code and described in division (B) of this section. 71507

Sec. 4709.23. No phase of barbering shall be taught for pay, 71508
free, or otherwise, without approval from the ~~barber~~ state board 71509
of barbers and cosmetology. 71510

Sec. 4709.26. On receipt of a notice pursuant to section 71511
3123.43 of the Revised Code, the ~~barber~~ state board of barbers and 71512
cosmetology shall comply with sections 3123.41 to 3123.50 of the 71513
Revised Code and any applicable rules adopted under section 71514
3123.63 of the Revised Code with respect to a license or 71515
certificate issued pursuant to this chapter. 71516

Sec. 4713.01. As used in this chapter: 71517

"Apprentice instructor" means a person holding a practicing 71518
license issued by the state board of barbers and cosmetology who 71519
is engaged in learning or acquiring knowledge of the occupation of 71520
an instructor of a branch of cosmetology at a school of 71521
cosmetology. 71522

"Beauty salon" means any premises, building, or part of a 71523
building in which a person is authorized to engage in all branches 71524
of cosmetology. "Beauty salon" does not include a barber shop 71525
licensed under Chapter 4709. of the Revised Code in which a person 71526
engages in the practice of manicuring. 71527

"Biennial licensing period" means the two-year period 71528
beginning on the first day of February of an odd-numbered year and 71529
ending on the last day of January of the next odd-numbered year. 71530

"Braiding" means intertwining the hair in a systematic motion 71531
to create patterns in a three-dimensional form, inverting the hair 71532
against the scalp along part of a straight or curved row of 71533
intertwined hair, or twisting the hair in a systematic motion, and 71534
includes extending the hair with natural or synthetic hair fibers. 71535

"Branch of cosmetology" means the practice of cosmetology, 71536

practice of esthetics, practice of hair design, practice of 71537
manicuring, or practice of natural hair styling. 71538

"Cosmetic therapy" has the same meaning as in section 4731.15 71539
of the Revised Code. 71540

"Cosmetologist" means a person authorized to engage in all 71541
branches of cosmetology. 71542

"Cosmetology instructor" means a person authorized to teach 71543
the theory and practice of all branches of cosmetology at a school 71544
of cosmetology. 71545

"Esthetician" means a person who engages in the practice of 71546
esthetics but no other branch of cosmetology. 71547

"Esthetics instructor" means a person who teaches the theory 71548
and practice of esthetics, but no other branch of cosmetology, at 71549
a school of cosmetology. 71550

"Esthetics salon" means any premises, building, or part of a 71551
building in which a person engages in the practice of esthetics 71552
but no other branch of cosmetology. 71553

"Hair designer" means a person who engages in the practice of 71554
hair design but no other branch of cosmetology. 71555

"Hair design instructor" means a person who teaches the 71556
theory and practice of hair design, but no other branch of 71557
cosmetology, at a school of cosmetology. 71558

"Hair design salon" means any premises, building, or part of 71559
a building in which a person engages in the practice of hair 71560
design but no other branch of cosmetology. 71561

"Independent contractor license" means a license to practice 71562
a branch of cosmetology at a salon in which the license holder 71563
rents booth space. 71564

"Instructor license" means a license to teach the theory and 71565
practice of a branch of cosmetology at a school of cosmetology. 71566

"Managing cosmetologist" means a person authorized to manage a beauty salon and engage in all branches of cosmetology.	71567 71568
"Managing esthetician" means a person authorized to manage an esthetics salon, but no other type of salon, and engage in the practice of esthetics, but no other branch of cosmetology.	71569 71570 71571
"Managing hair designer" means a person authorized to manage a hair design salon, but no other type of salon, and engage in the practice of hair design, but no other branch of cosmetology.	71572 71573 71574
"Managing license" means a license to manage a salon and practice the branch of cosmetology practiced at the salon.	71575 71576
"Managing manicurist" means a person authorized to manage a nail salon, but no other type of salon, and engage in the practice of manicuring, but no other branch of cosmetology.	71577 71578 71579
"Managing natural hair stylist" means a person authorized to manage a natural hair style salon, but no other type of salon, and engage in the practice of natural hair styling, but no other branch of cosmetology.	71580 71581 71582 71583
"Manicurist" means a person who engages in the practice of manicuring but no other branch of cosmetology.	71584 71585
"Manicurist instructor" means a person who teaches the theory and practice of manicuring, but no other branch of cosmetology, at a school of cosmetology.	71586 71587 71588
"Nail salon" means any premises, building, or part of a building in which a person engages in the practice of manicuring but no other branch of cosmetology. "Nail salon" does not include a barber shop licensed under Chapter 4709. of the Revised Code in which a person engages in the practice of manicuring.	71589 71590 71591 71592 71593
"Natural hair stylist" means a person who engages in the practice of natural hair styling but no other branch of cosmetology.	71594 71595 71596

"Natural hair style instructor" means a person who teaches the theory and practice of natural hair styling, but no other branch of cosmetology, at a school of cosmetology.

"Natural hair style salon" means any premises, building, or part of a building in which a person engages in the practice of natural hair styling but no other branch of cosmetology.

"Practice of cosmetology" means the practice of all branches of cosmetology.

"Practice of esthetics" means the application of cosmetics, tonics, antiseptics, creams, lotions, or other preparations for the purpose of skin beautification and includes preparation of the skin by manual massage techniques or by use of electrical, mechanical, or other apparatus.

"Practice of hair design" means embellishing or beautifying hair, wigs, or hairpieces by arranging, dressing, pressing, curling, waving, permanent waving, cleansing, cutting, singeing, bleaching, coloring, braiding, weaving, or similar work. "Practice of hair design" includes utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair.

"Practice of manicuring" means manicuring the nails of any person, applying artificial or sculptured nails to any person, massaging the hands and lower arms up to the elbow of any person, massaging the feet and lower legs up to the knee of any person, or any combination of these four types of services.

"Practice of natural hair styling" means utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair. "Practice of natural hair styling" does not include the application of dyes, reactive chemicals, or other preparations to alter the color or to straighten, curl, or alter the structure of

the hair. "Practice of natural hair styling" also does not include 71628
embellishing or beautifying hair by cutting or singeing, except as 71629
needed to finish off the end of a braid, or by dressing, pressing, 71630
curling, waving, permanent waving, or similar work. 71631

"Practicing license" means a license to practice a branch of 71632
cosmetology. 71633

"Salon" means a beauty salon, esthetics salon, hair design 71634
salon, nail salon, or natural hair style salon. 71635

"School of cosmetology" means any premises, building, or part 71636
of a building in which students are instructed in the theories and 71637
practices of one or more branches of cosmetology. 71638

"Student" means a person, other than an apprentice 71639
instructor, who is engaged in learning or acquiring knowledge of 71640
the practice of a branch of cosmetology at a school of 71641
cosmetology. 71642

"Tanning facility" means any premises, building, or part of a 71643
building that contains one or more rooms or booths with any of the 71644
following: 71645

(A) Equipment or beds used for tanning human skin by the use 71646
of fluorescent sun lamps using ultraviolet or other artificial 71647
radiation; 71648

(B) Equipment that applies chemicals to human skin to create 71649
the appearance of being suntanned, including chemical applications 71650
commonly referred to as spray-on, mist-on, or sunless tans; 71651

(C) Equipment or beds that use visible light for cosmetic 71652
purposes. 71653

Sec. 4713.02. (A) There is hereby created the state board of 71654
barbers and cosmetology, consisting of all of the following 71655
members appointed by the governor, with the advice and consent of 71656
the senate: 71657

- (1) One person holding a current, valid cosmetologist, managing cosmetologist, or cosmetology instructor license at the time of appointment; 71658
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- (2) Two persons holding current, valid managing cosmetologist licenses and actively engaged in managing beauty salons at the time of appointment; 71661
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- (3) One person who holds a current, valid independent contractor license at the time of appointment or the owner or manager of a licensed salon in which at least one person holding a current, valid independent contractor license practices a branch of cosmetology; 71664
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- (4) One person who represents individuals who teach the theory and practice of a branch of cosmetology at a vocational school; 71669
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- (5) One owner of a licensed school of cosmetology; 71672
- (6) One owner of at least five licensed salons; 71673
- (7) Two persons holding current, valid barber licenses; 71674
- (8) One person who represents individuals who operate tanning facilities; 71675
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- (9) One person who is either a certified nurse practitioner or clinical nurse specialist holding a certificate of authority issued under Chapter 4723. of the Revised Code, or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 71677
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- ~~(8)~~(10) One person representing the general public. 71682
- (B) The superintendent of public instruction shall nominate three persons for the governor to choose from when making an appointment under division (A)(4) of this section. 71683
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- (C) All members shall be at least twenty-five years of age, residents of the state, and citizens of the United States. No more 71686
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than two members, at any time, shall be graduates of the same 71688
school of cosmetology. 71689

Except for the initial members appointed under divisions 71690
(A)(3) and (4) of this section, terms of office are for five 71691
years. The term of the initial member appointed under division 71692
(A)(3) of this section shall be three years. The term of the 71693
initial member appointed under division (A)(4) of this section 71694
shall be four years. Terms shall commence on the first day of 71695
November and end on the thirty-first day of October. Each member 71696
shall hold office from the date of appointment until the end of 71697
the term for which appointed. In case of a vacancy occurring on 71698
the board, the governor shall, in the same manner prescribed for 71699
the regular appointment to the board, fill the vacancy by 71700
appointing a member. Any member appointed to fill a vacancy 71701
occurring prior to the expiration of the term for which the 71702
member's predecessor was appointed shall hold office for the 71703
remainder of such term. Any member shall continue in office 71704
subsequent to the expiration date of the member's term until the 71705
member's successor takes office, or until a period of sixty days 71706
has elapsed, whichever occurs first. Before entering upon the 71707
discharge of the duties of the office of member, each member shall 71708
take, and file with the secretary of state, the oath of office 71709
required by Section 7 of Article XV, Ohio Constitution. 71710

The members of the board shall receive an amount fixed 71711
pursuant to Chapter 124. of the Revised Code per diem for every 71712
meeting of the board which they attend, together with their 71713
necessary expenses, and mileage for each mile necessarily 71714
traveled. 71715

The members of the board shall annually elect, from among 71716
their number, a chairperson. 71717

The board shall prescribe the duties of its officers and 71718
establish an office within Franklin ~~County~~ county. The board shall 71719

keep all records and files at the office and have the records and 71720
files at all reasonable hours open to public inspection. The board 71721
also shall adopt a seal. 71722

Sec. 4713.03. The state board of barbers and cosmetology 71723
shall hold ~~a meeting~~ regular meetings to transact its business 71724
four times a year. The board may hold additional meetings as, in 71725
its judgment, are necessary. The board shall meet at the times and 71726
places it selects. 71727

Sec. 4713.04. The state board of barbers and cosmetology may 71728
authorize any of its members, in writing, to undertake any 71729
proceedings authorized by this chapter, and the finding or order 71730
of such members is the finding of the board when confirmed by it. 71731

Sec. 4713.05. All receipts of the state board of barbers and 71732
cosmetology under this chapter and Chapter 4709. of the Revised 71733
Code shall be deposited into the state treasury to the credit of 71734
the occupational licensing and regulatory fund. All vouchers of 71735
the board shall be approved by the board chairperson or executive 71736
director, or both, as authorized by the board. 71737

Sec. 4713.06. The state board of barbers and cosmetology 71738
shall annually appoint an executive director. The executive 71739
director may not be a member of the board. The executive director, 71740
before entering upon the discharge of the executive director's 71741
duties, shall file with the secretary of state a good and 71742
sufficient bond payable to the state, to ensure the faithful 71743
performance of duties of the office of executive director. The 71744
bond shall be in an amount the board requires. The premium of the 71745
bond shall be paid from appropriations made to the board for 71746
operating purposes. 71747

The department of administrative services shall include the 71748

executive director, if the executive director so requests, in the 71749
public employees blanket fidelity bond. 71750

The board may employ inspectors, examiners, consultants on 71751
contents of examinations, and clerks as necessary for the 71752
administration of this chapter and Chapter 4709. of the Revised 71753
Code. All inspectors and examiners shall be licensed barbers or 71754
cosmetologists, as appropriate. 71755

The board may appoint inspectors of tanning facilities as 71756
needed to make periodic inspections as the board specifies. 71757

Sec. 4713.07. The state board of barbers and cosmetology 71758
shall do all of the following: 71759

(A) Prescribe and make available application forms to be used 71760
by persons seeking admission to an examination conducted under 71761
section 4713.24 of the Revised Code or a license issued under this 71762
chapter; 71763

(B) Prescribe and make available application forms to be used 71764
by persons seeking renewal of a license issued under this chapter; 71765

(C) Report to the proper prosecuting officer all violations 71766
of section 4713.14 of the Revised Code of which the board is 71767
aware; 71768

(D) Submit a written report annually to the governor that 71769
provides all of the following: 71770

(1) A discussion of the conditions in this state of the 71771
branches of cosmetology; 71772

(2) A brief summary of the board's proceedings during the 71773
year the report covers; 71774

(3) A statement of all money that the board received and 71775
expended during the year the report covers. 71776

(E) Keep a record of all of the following: 71777

(1) The board's proceedings;	71778
(2) The name and last known address of each person issued a license under section 4713.28, 4713.30, 4713.31, 4713.34, or 4713.39 of the Revised Code;	71779 71780 71781
(3) The name and address of each salon issued a license under section 4713.41 of the Revised Code and each school of cosmetology issued a license under section 4713.44 of the Revised Code;	71782 71783 71784
(4) The name and address of each tanning facility issued a permit under section 4713.48 of the Revised Code;	71785 71786
(5) The date and number of each license and permit that the board issues;	71787 71788
(F) Assist ex-offenders and military veterans who hold licenses issued by the board to find employment within salons or other facilities within this state;	71789 71790 71791
(G) All other duties that this chapter imposes on the board.	71792
Sec. 4713.08. (A) The state board of <u>barbers and</u> cosmetology shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this chapter. The rules shall do all of the following:	71793 71794 71795 71796
(1) Govern the practice of the branches of cosmetology and management of salons;	71797 71798
(2) Specify conditions a person must satisfy to qualify for a temporary pre-examination work permit under section 4713.22 of the Revised Code and the conditions and method of renewing a temporary pre-examination work permit under that section;	71799 71800 71801 71802
(3) Provide for the conduct of examinations under section 4713.24 of the Revised Code;	71803 71804
(4) Specify conditions under which the board will take into account, under section 4713.32 of the Revised Code, instruction an	71805 71806

applicant for a license under section 4713.28, 4713.30, or 4713.31 71807
of the Revised Code received more than five years before the date 71808
of application for the license; 71809

(5) Provide for the granting of waivers under section 4713.29 71810
of the Revised Code; 71811

(6) Specify conditions an applicant must satisfy for the 71812
board to issue the applicant a license under section 4713.34 of 71813
the Revised Code without the applicant taking an examination 71814
conducted under section 4713.24 of the Revised Code; 71815

(7) Specify locations in which glamour photography services 71816
in which a branch of cosmetology is practiced may be provided; 71817

(8) Establish conditions and the fee for a temporary special 71818
occasion work permit under section 4713.37 of the Revised Code and 71819
specify the amount of time such a permit is valid; 71820

(9) Specify conditions an applicant must satisfy for the 71821
board to issue the applicant an independent contractor license 71822
under section 4713.39 of the Revised Code and the fee for issuance 71823
and renewal of the license; 71824

(10) Establish conditions under which food may be sold at a 71825
salon; 71826

(11) Specify which professions regulated by a professional 71827
regulatory board of this state may be practiced in a salon under 71828
section 4713.42 of the Revised Code; 71829

(12) Establish standards for the provision of cosmetic 71830
therapy, massage therapy, or other professional service in a salon 71831
pursuant to section 4713.42 of the Revised Code; 71832

(13) Establish standards for board approval of, and the 71833
granting of credits for, training in branches of cosmetology at 71834
schools of cosmetology licensed in this state; 71835

(14) Establish the manner in which a school of cosmetology 71836

licensed under section 4713.44 of the Revised Code may offer 71837
post-secondary and advanced practice programs; 71838

(15) Establish sanitary standards for the practice of the 71839
branches of cosmetology, salons, and schools of cosmetology; 71840

(16) Establish the application process for obtaining a 71841
tanning facility permit under section 4713.48 of the Revised Code, 71842
including the amount of the fee for an initial or renewed permit; 71843

(17) Establish standards for installing and operating a 71844
tanning facility in a manner that ensures the health and safety of 71845
consumers, including standards that do all of the following: 71846

(a) Establish a maximum safe time of exposure to radiation 71847
and a maximum safe temperature at which sun lamps may be operated; 71848

(b) Require consumers to wear protective eyeglasses; 71849

(c) Require consumers to be supervised as to the length of 71850
time consumers use the facility's sun lamps; 71851

(d) Require the operator to prohibit consumers from standing 71852
too close to sun lamps and to post signs warning consumers of the 71853
potential effects of radiation on persons taking certain 71854
medications and of the possible relationship of the radiation to 71855
skin cancer; 71856

(e) Require the installation of protective shielding for sun 71857
lamps and handrails for consumers; 71858

(f) Require floors to be dry during operation of lamps; 71859

(g) Establish procedures an operator must follow in making 71860
reasonable efforts in compliance with section 4713.50 of the 71861
Revised Code to determine the age of an individual seeking to use 71862
sun lamp tanning services. 71863

(18)(a) If the board, under section 4713.61 of the Revised 71864
Code, develops a procedure for classifying licenses inactive, do 71865
both of the following: 71866

(i) Establish a fee for having a license classified inactive that reflects the cost to the board of providing the inactive license service;

(ii) Specify the continuing education that a person whose license has been classified inactive must complete to have the license restored. The continuing education shall be sufficient to ensure the minimum competency in the use or administration of a new procedure or product required by a licensee necessary to protect public health and safety. The requirement shall not exceed the cumulative number of hours of continuing education that the person would have been required to complete had the person retained an active license.

(b) In addition, the board may specify the conditions and method for granting a temporary work permit to practice a branch of cosmetology to a person whose license has been classified inactive.

(19) Establish a fee for approval of a continuing education program under section 4713.62 of the Revised Code that is adequate to cover any expense the board incurs in the approval process;

(20) Anything else necessary to implement this chapter.

(B)(1) The rules adopted under division (A)(2) of this section may establish additional conditions for a temporary pre-examination work permit under section 4713.22 of the Revised Code that are applicable to persons who practice a branch of cosmetology in another state or country.

(2) The rules adopted under division (A)(18)(b) of this section may establish additional conditions for a temporary work permit that are applicable to persons who practice a branch of cosmetology in another state.

(C) The conditions specified in rules adopted under division (A)(6) of this section may include that an applicant is applying

for a license to practice a branch of cosmetology for which the 71898
board determines an examination is unnecessary. 71899

(D) The rules adopted under division (A)(11) of this section 71900
shall not include a profession if practice of the profession in a 71901
salon is a violation of a statute or rule governing the 71902
profession. 71903

(E) The sanitary standards established under division (A)(15) 71904
of this section shall focus in particular on precautions to be 71905
employed to prevent infectious or contagious diseases being 71906
created or spread. The board shall consult with the Ohio 71907
department of health when establishing the sanitary standards. 71908

(F) The fee established by rules adopted under division 71909
(A)(16) of this section shall cover the cost the board incurs in 71910
inspecting tanning facilities and enforcing the board's rules but 71911
may not exceed one hundred dollars per location of such 71912
facilities. 71913

Sec. 4713.081. The state board of barbers and cosmetology 71914
shall furnish a copy of the sanitary standards established by 71915
rules adopted under section 4713.08 of the Revised Code to each 71916
person to whom the board issues a practicing license, managing 71917
license, or license to operate a salon or school of cosmetology. 71918
The board also shall furnish a copy of the sanitary standards to 71919
each person providing cosmetic therapy, massage therapy, or other 71920
professional service in a salon under section 4713.42 of the 71921
Revised Code. A salon or school of cosmetology provided a copy of 71922
the sanitary standards shall post the standards in a public and 71923
conspicuous place in the salon or school. 71924

Sec. 4713.082. The state board of barbers and cosmetology 71925
shall furnish a copy of the standards established by rules adopted 71926
under section 4713.08 of the Revised Code for installing and 71927

operating a tanning facility to each person to whom the board 71928
issues a permit to operate a tanning facility. A person provided a 71929
copy of the standards shall post the standards in a public and 71930
conspicuous place in the tanning facility. 71931

Sec. 4713.09. The state board of barbers and cosmetology may 71932
adopt rules in accordance with Chapter 119. of the Revised Code to 71933
establish a continuing education requirement, not to exceed eight 71934
hours in a biennial licensing period, as a condition of renewal 71935
for a practicing license, managing license, or instructor license 71936
issued under this chapter. 71937

Sec. 4713.10. The state board of barbers and cosmetology 71938
shall charge and collect the following fees: 71939

(A) For a temporary pre-examination work permit under section 71940
4713.22 of the Revised Code, five dollars; 71941

(B) For initial application to take an examination under 71942
section 4713.24 of the Revised Code, twenty-one dollars; 71943

(C) For application to take an examination under section 71944
4713.24 of the Revised Code by an applicant who has previously 71945
applied to take, but failed to appear for, the examination, forty 71946
dollars; 71947

(D) For application to re-take an examination under section 71948
4713.24 of the Revised Code by an applicant who has previously 71949
appeared for, but failed to pass, the examination, twenty-one 71950
dollars; 71951

(E) For the issuance of a license under section 4713.28, 71952
4713.30, or 4713.31 of the Revised Code, thirty dollars; 71953

(F) For the issuance of a license under section 4713.34 of 71954
the Revised Code, sixty dollars; 71955

(G) For renewal of a license issued under section 4713.28, 71956

4713.30, 4713.31, or 4713.34 of the Revised Code, thirty dollars;	71957
(H) For the issuance or renewal of a cosmetology school license, two hundred fifty dollars;	71958 71959
(I) For the inspection and issuance of a new salon license or the change of name or ownership of a salon license, sixty dollars;	71960 71961
(J) For the renewal of a salon license, fifty dollars;	71962
(K) For the restoration of an expired license that may be restored pursuant to section 4713.63 of the Revised Code, and in addition to the payments for all lapsed renewal fees, thirty dollars;	71963 71964 71965 71966
(L) For the issuance of a duplicate of any license, fifteen dollars;	71967 71968
(M) For the preparation and mailing of a licensee's records to another state for a reciprocity license, fifty dollars;	71969 71970
(N) For the processing of any fees related to a check from a licensee returned to the board for insufficient funds, an additional twenty dollars.	71971 71972 71973
Sec. 4713.11. The state board of <u>barbers and</u> cosmetology, subject to the approval of the controlling board, may establish fees in excess of the amounts provided by section 4713.10 of the Revised Code, provided that any fee increase does not exceed the amount permitted by more than fifty per cent.	71974 71975 71976 71977 71978
Sec. 4713.13. Whenever in the judgment of the state board of <u>barbers and</u> cosmetology any person has engaged in or is about to engage in any acts or practices that constitute a violation of this chapter, or any rule adopted under this chapter, the board may apply to the appropriate court for an order enjoining the acts or practices, and upon a showing by the board that the person has engaged in the acts or practices, the court shall grant an	71979 71980 71981 71982 71983 71984 71985

injunction, restraining order, or other order as may be 71986
appropriate. 71987

Sec. 4713.141. An inspector employed by the state board of 71988
barbers and cosmetology may take a sample of a product used or 71989
sold in a salon or school of cosmetology for the purpose of 71990
examining the sample, or causing an examination of the sample to 71991
be made, to determine whether division (N) of section 4713.14 of 71992
the Revised Code has been violated. 71993

Sec. 4713.20. (A) Each person who seeks admission to an 71994
examination conducted under section 4713.24 of the Revised Code 71995
and each person who seeks a license under this chapter shall do 71996
all of the following: 71997

(1) Submit to the state board of barbers and cosmetology a 71998
written application containing proof of the following: 71999

(a) If the person seeks admission to an examination, that the 72000
person satisfies all conditions to obtain the license for which 72001
the examination is conducted, other than the requirement to have 72002
passed the examination; 72003

(b) If the person seeks a license, that the person satisfies 72004
all conditions for obtaining the license. 72005

(2) Pay to the board the applicable fee; 72006

(3) Verify by oath that the application is true. 72007

(B) An application to operate a salon or school of 72008
cosmetology may be submitted by the owner, manager, or person in 72009
charge of the salon or school. 72010

Sec. 4713.22. (A) The state board of barbers and cosmetology 72011
shall issue a temporary pre-examination work permit to a person 72012
who applies under section 4713.20 of the Revised Code for 72013

admission to an examination conducted under section 4713.24 of the Revised Code, if the person satisfies all of the following conditions:

(1) Is seeking a practicing license;

(2) Has not previously failed an examination conducted under section 4713.24 of the Revised Code to determine the applicant's fitness to practice the branch of cosmetology for which the person seeks a license;

(3) Pays to the board the applicable fee;

(4) Satisfies all other conditions established by rules adopted under section 4713.08 of the Revised Code.

(B) A person issued a temporary pre-examination work permit may practice the branch of cosmetology for which the person seeks a license until the date the person is scheduled to take an examination under section 4713.24 of the Revised Code. The person shall practice under the supervision of a person holding a current, valid managing license appropriate for the type of salon in which the permit holder practices. A temporary pre-examination work permit is renewable in accordance with rules adopted under section 4713.08 of the Revised Code.

Sec. 4713.24. The state board of barbers and cosmetology shall conduct an examination for each person who satisfies the requirements established by section 4713.20 of the Revised Code for admission to the examination. The examination shall be specific to the type of license the person seeks and satisfy all of the following conditions:

(A) Include both practical demonstrations and written or oral tests related to the type of license the person seeks;

(B) Relate only to a branch of cosmetology, managing license,

or both, but not be confined to any special system or method; 72043

(C) Be consistent in both practical and technical 72044

requirements for the type of license the person seeks; 72045

(D) Be of sufficient thoroughness to satisfy the board as to 72046

the person's skill in and knowledge of the branch of cosmetology, 72047

managing license, or both, for which the examination is conducted. 72048

Sec. 4713.25. The state board of barbers and cosmetology may 72049

administer a separate managing cosmetologist examination for 72050

persons who complete a managing cosmetologist training course 72051

separate from a cosmetologist training course. The board may 72052

combine the managing cosmetologist examination with the 72053

cosmetologist examination for persons who complete a combined 72054

eighteen hundred-hour cosmetologist and managing cosmetologist 72055

training course. 72056

The board may administer a separate managing esthetician 72057

examination for persons who complete a managing esthetician 72058

training course separate from an esthetician training course. The 72059

board may combine the managing esthetician examination with the 72060

esthetician examination for persons who complete a combined seven 72061

hundred fifty-hour esthetician and managing esthetician training 72062

course. 72063

The board may administer a separate managing hair designer 72064

examination for persons who complete a managing hair designer 72065

training course separate from a hair designer training course. The 72066

board may combine the managing hair designer examination with the 72067

hair designer examination for persons who complete a combined one 72068

thousand four hundred forty-hour hair designer and managing hair 72069

designer training course. 72070

The board may administer a separate managing manicurist 72071

examination for persons who complete a managing manicurist 72072

training course separate from a manicurist training course. The 72073
board may combine the managing manicurist examination with the 72074
manicurist examination for persons who complete a combined three 72075
hundred-hour manicurist and managing manicurist training course. 72076

The board may administer a separate managing natural hair 72077
stylist examination for persons who complete a managing natural 72078
hair stylist training course separate from a natural hair stylist 72079
training course. The board may combine the managing natural hair 72080
stylist examination with the natural hair stylist examination for 72081
persons who complete a combined six hundred-hour natural hair 72082
stylist and managing natural hair stylist training course. 72083

Sec. 4713.28. The state board of barbers and cosmetology 72084
shall issue a practicing license to an applicant who, except as 72085
provided in section 4713.30 of the Revised Code, satisfies all of 72086
the following applicable conditions: 72087

(A) Is at least sixteen years of age; 72088

(B) Is of good moral character; 72089

(C) Has the equivalent of an Ohio public school tenth grade 72090
education; 72091

(D) Passes an examination conducted under section 4713.24 of 72092
the Revised Code for the branch of cosmetology the applicant seeks 72093
to practice; 72094

(E) Pays to the board the applicable fee; 72095

(F) In the case of an applicant for an initial cosmetologist 72096
license, has successfully completed at least fifteen hundred hours 72097
of board-approved cosmetology training in a school of cosmetology 72098
licensed in this state, except that only one thousand hours of 72099
board-approved cosmetology training in a school of cosmetology 72100
licensed in this state is required of a person licensed as a 72101
barber under Chapter 4709. of the Revised Code; 72102

(G) In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school of cosmetology licensed in this state;

(H) In the case of an applicant for an initial hair designer license, has successfully completed at least one thousand two hundred hours of board-approved hair designer training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved hair designer training in a school of cosmetology licensed in this state is required of a person licensed as a barber under Chapter 4709. of the Revised Code;

(I) In the case of an applicant for an initial manicurist license, has successfully completed at least two hundred hours of board-approved manicurist training in a school of cosmetology licensed in this state;

(J) In the case of an applicant for an initial natural hair stylist license, has successfully completed at least four hundred fifty hours of instruction in subjects relating to sanitation, scalp care, anatomy, hair styling, communication skills, and laws and rules governing the practice of cosmetology;

(K) The board shall not deny a license to any applicant based on prior incarceration or conviction for any crime. If the board denies an individual a license or license renewal, the reasons for such denial shall be put in writing.

Sec. 4713.29. In accordance with rules adopted under section 4713.08 of the Revised Code, the state board of barbers and cosmetology may waive a condition established by section 4713.28 of the Revised Code for a license to practice a branch of cosmetology for an applicant who practices that branch of cosmetology in a state or country that does not license or

register branches of cosmetology. 72134

Sec. 4713.30. The state board of barbers and cosmetology 72135
shall issue a managing license to an applicant who satisfies all 72136
of the following applicable conditions: 72137

(A) Is at least sixteen years of age; 72138

(B) Is of good moral character; 72139

(C) Has the equivalent of an Ohio public school tenth grade 72140
education; 72141

(D) Pays to the board the applicable fee; 72142

(E) Passes the appropriate managing license examination; 72143

(F) In the case of an applicant for an initial managing 72144
cosmetologist license, does either of the following: 72145

(1) Has a licensed managing cosmetologist or owner of a 72146
licensed beauty salon located in this or another state certify to 72147
the board that the applicant has practiced as a cosmetologist for 72148
at least two thousand hours in a licensed beauty salon; 72149

(2) Has a school of cosmetology licensed in this state 72150
certify to the board that the applicant has successfully 72151
completed, in addition to the hours required for licensure as a 72152
cosmetologist, at least three hundred hours of board-approved 72153
managing cosmetologist training. 72154

(G) In the case of an applicant for an initial managing 72155
esthetician license, does either of the following: 72156

(1) Has the licensed managing esthetician, licensed managing 72157
cosmetologist, or owner of a licensed esthetics salon or licensed 72158
beauty salon located in this or another state certify to the board 72159
that the applicant has practiced esthetics for at least two 72160
thousand hours as an esthetician in a licensed esthetics salon or 72161

as a cosmetologist in a licensed beauty salon; 72162

(2) Has a school of cosmetology licensed in this state 72163
certify to the board that the applicant has successfully 72164
completed, in addition to the hours required for licensure as an 72165
esthetician or cosmetologist, at least one hundred fifty hours of 72166
board-approved managing esthetician training. 72167

(H) In the case of an applicant for an initial managing hair 72168
designer license, does either of the following: 72169

(1) Has the licensed managing hair designer, licensed 72170
managing cosmetologist, or owner of a licensed hair design salon 72171
or licensed beauty salon located in this or another state certify 72172
to the board that the applicant has practiced hair design for at 72173
least two thousand hours as a hair designer in a licensed hair 72174
design salon or as a cosmetologist in a licensed beauty salon; 72175

(2) Has a school of cosmetology licensed in this state 72176
certify to the board that the applicant has successfully 72177
completed, in addition to the hours required for licensure as a 72178
hair designer or cosmetologist, at least two hundred forty hours 72179
of board-approved managing hair designer training. 72180

(I) In the case of an applicant for an initial managing 72181
manicurist license, does either of the following: 72182

(1) Has the licensed managing manicurist, licensed managing 72183
cosmetologist, or owner of a licensed nail salon, licensed beauty 72184
salon, or licensed barber shop located in this or another state 72185
certify to the board that the applicant has practiced manicuring 72186
for at least two thousand hours as a manicurist in a licensed nail 72187
salon or licensed barber shop or as a cosmetologist in a licensed 72188
beauty salon or licensed barber shop; 72189

(2) Has a school of cosmetology licensed in this state 72190
certify to the board that the applicant has successfully 72191
completed, in addition to the hours required for licensure as a 72192

manicurist or cosmetologist, at least one hundred hours of 72193
board-approved managing manicurist training. 72194

(J) In the case of an applicant for an initial managing 72195
natural hair stylist license, does either of the following: 72196

(1) Has the licensed managing natural hair stylist, licensed 72197
managing cosmetologist, or owner of a licensed natural hair style 72198
salon or licensed beauty salon located in this or another state 72199
certify to the board that the applicant has practiced natural hair 72200
styling for at least two thousand hours as a natural hair stylist 72201
in a licensed natural hair style salon or as a cosmetologist in a 72202
licensed beauty salon; 72203

(2) Has a school of cosmetology licensed in this state 72204
certify to the board that the applicant has successfully 72205
completed, in addition to the hours required for licensure as 72206
natural hair stylist or cosmetologist, at least one hundred fifty 72207
hours of board-approved managing natural hair stylist training. 72208

Sec. 4713.31. The state board of barbers and cosmetology 72209
shall issue an instructor license to an applicant who satisfies 72210
all of the following applicable conditions: 72211

(A) Is at least eighteen years of age; 72212

(B) Is of good moral character; 72213

(C) Has the equivalent of an Ohio public school twelfth grade 72214
education; 72215

(D) Pays to the board the applicable fee; 72216

(E) In the case of an applicant for an initial cosmetology 72217
instructor license, holds a current, valid managing cosmetologist 72218
license issued in this state and does either of the following: 72219

(1) Has the licensed managing cosmetologist or owner of the 72220
licensed beauty salon in which the applicant has been employed 72221

certify to the board that the applicant has engaged in the 72222
practice of cosmetology in a licensed beauty salon for at least 72223
two thousand hours; 72224

(2) Has a school of cosmetology licensed in this state 72225
certify to the board that the applicant has successfully completed 72226
one thousand hours of board-approved cosmetology instructor 72227
training as an apprentice instructor. 72228

(F) In the case of an applicant for an initial esthetics 72229
instructor license, holds a current, valid managing esthetician or 72230
managing cosmetologist license issued in this state and does 72231
either of the following: 72232

(1) Has the licensed managing esthetician, licensed managing 72233
cosmetologist, or owner of the licensed esthetics salon or 72234
licensed beauty salon in which the applicant has been employed 72235
certify to the board that the applicant has engaged in the 72236
practice of esthetics in a licensed esthetics salon or practice of 72237
cosmetology in a licensed beauty salon for at least two thousand 72238
hours; 72239

(2) Has a school of cosmetology licensed in this state 72240
certify to the board that the applicant has successfully completed 72241
at least five hundred hours of board-approved esthetics instructor 72242
training as an apprentice instructor. 72243

(G) In the case of an applicant for an initial hair design 72244
instructor license, holds a current, valid managing hair designer 72245
or managing cosmetologist license and does either of the 72246
following: 72247

(1) Has the licensed managing hair designer, licensed 72248
managing cosmetologist, or owner of the licensed hair design salon 72249
or licensed beauty salon in which the applicant has been employed 72250
certify to the board that the applicant has engaged in the 72251
practice of hair design in a licensed hair design salon or 72252

practice of cosmetology in a licensed beauty salon for at least 72253
two thousand hours; 72254

(2) Has a school of cosmetology licensed in this state 72255
certify to the board that the applicant has successfully completed 72256
at least eight hundred hours of board-approved hair design 72257
instructor's training as an apprentice instructor. 72258

(H) In the case of an applicant for an initial manicurist 72259
instructor license, holds a current, valid managing manicurist or 72260
managing cosmetologist license and does either of the following: 72261

(1) Has the licensed managing manicurist, licensed managing 72262
cosmetologist, or owner of the licensed nail salon or licensed 72263
beauty salon in which the applicant has been employed certify to 72264
the board that the applicant has engaged in the practice of 72265
manicuring in a licensed nail salon or practice of cosmetology in 72266
a licensed beauty salon for at least two thousand hours; 72267

(2) Has a school of cosmetology licensed in this state 72268
certify to the board that the applicant has successfully completed 72269
at least three hundred hours of board-approved manicurist 72270
instructor training as an apprentice instructor. 72271

(I) In the case of an applicant for an initial natural hair 72272
style instructor license, holds a current, valid managing natural 72273
hair stylist or managing cosmetologist license and does either of 72274
the following: 72275

(1) Has the licensed managing natural hair stylist, licensed 72276
managing cosmetologist, or owner of the licensed natural hair 72277
style salon or licensed beauty salon in which the applicant has 72278
been employed certify to the board that the applicant has engaged 72279
in the practice of natural hair styling in a licensed natural hair 72280
style salon or practice of cosmetology in a licensed beauty salon 72281
for at least two thousand hours; 72282

(2) Has a school of cosmetology licensed in this state 72283

certify to the board that the applicant has successfully completed 72284
at least four hundred hours of board-approved natural hair style 72285
instructor training as an apprentice instructor. 72286

Sec. 4713.32. When determining the total hours of instruction 72287
received by an applicant for a license under section 4713.28, 72288
4713.30, or 4713.31 of the Revised Code, the state board of 72289
barbers and cosmetology shall not take into account more than ten 72290
hours of instruction per day. The board shall take into account 72291
instruction received more than five years prior to the date of 72292
application for the license in accordance with rules adopted under 72293
section 4713.08 of the Revised Code. 72294

Sec. 4713.34. The state board of barbers and cosmetology 72295
shall issue a license to practice a branch of cosmetology, 72296
managing license, or instructor license to an applicant who is 72297
licensed or registered in another state or country to practice 72298
that branch of cosmetology, manage that type of salon, or teach 72299
the theory and practice of that branch of cosmetology, as 72300
appropriate, if all of the following conditions are satisfied: 72301

(A) The applicant satisfies all of the following conditions: 72302

(1) Is not less than eighteen years of age; 72303

(2) Is of good moral character; 72304

(3) In the case of an applicant for a practicing license or 72305
managing license, passes an examination conducted under section 72306
4713.24 of the Revised Code for the license the applicant seeks, 72307
unless the applicant satisfies conditions specified in rules 72308
adopted under section 4713.08 of the Revised Code for the board to 72309
issue the applicant a license without taking the examination; 72310

(4) Pays the applicable fee. 72311

(B) At the time the applicant obtained the license or 72312

registration in the other state or country, the requirements in 72313
this state for obtaining the license the applicant seeks were 72314
substantially equal to the other state or country's requirements. 72315

(C) The jurisdiction that issued the applicant's license or 72316
registration extends similar reciprocity to persons holding a 72317
license issued by the board. 72318

Sec. 4713.35. A person who holds a current, valid 72319
cosmetologist license issued by the state board of barbers and 72320
cosmetology may engage in the practice of one or more branches of 72321
cosmetology as the person chooses. 72322

A person who holds a current, valid esthetician license 72323
issued by the board may engage in the practice of esthetics but no 72324
other branch of cosmetology. 72325

A person who holds a current, valid hair designer license 72326
issued by the board may engage in the practice of hair design but 72327
no other branch of cosmetology. 72328

A person who holds a current, valid manicurist license issued 72329
by the board may engage in the practice of manicuring but no other 72330
branch of cosmetology. 72331

A person who holds a current, valid natural hair stylist 72332
license issued by the board may engage in the practice of natural 72333
hair styling but no other branch of cosmetology. 72334

A person who holds a current, valid managing cosmetologist 72335
license issued by the board may manage all types of salons and 72336
engage in the practice of one or more branches of cosmetology as 72337
the person chooses. 72338

A person who holds a current, valid managing esthetician 72339
license issued by the board may manage an esthetics salon, but no 72340
other type of salon, and engage in the practice of esthetics, but 72341
no other branch of cosmetology. 72342

A person who holds a current, valid managing hair designer license issued by the board may manage a hair design salon, but no other type of salon, and engage in the practice of hair design, but no other branch of cosmetology.

A person who holds a current, valid managing manicurist license issued by the board may manage a nail salon, but no other type of salon, and engage in the practice of manicuring, but no other branch of cosmetology.

A person who holds a current, valid managing natural hair stylist license issued by the board may manage a natural hair style salon, but no other type of salon, and engage in the practice of natural hair styling, but no other branch of cosmetology.

A person who holds a current, valid cosmetology instructor license issued by the board may teach the theory and practice of one or more branches of cosmetology at a school of cosmetology as the person chooses.

A person who holds a current, valid esthetics instructor license issued by the board may teach the theory and practice of esthetics, but no other branch of cosmetology, at a school of cosmetology.

A person who holds a current, valid hair design instructor license issued by the board may teach the theory and practice of hair design, but no other branch of cosmetology, at a school of cosmetology.

A person who holds a current, valid manicurist instructor license issued by the board may teach the theory and practice of manicuring, but no other branch of cosmetology, at a school of cosmetology.

A person who holds a current, valid natural hair style instructor license issued by the board may teach the theory and

practice of natural hair styling, but no other branch of 72374
cosmetology, at a school of cosmetology. 72375

Sec. 4713.37. (A) The state board of barbers and cosmetology 72376
may issue a temporary special occasion work permit to a person who 72377
satisfies all of the following conditions: 72378

(1) Has been licensed or registered in another state or 72379
country to practice a branch of cosmetology or teach the theory 72380
and practice of a branch of cosmetology for at least five years; 72381

(2) Is a recognized expert in the practice or teaching of the 72382
branch of cosmetology the person practices or teaches; 72383

(3) Is to practice that branch of cosmetology or teach the 72384
theory and practice of that branch of cosmetology in this state as 72385
part of a promotional or instructional program for not more than 72386
the amount of time a temporary special occasion work permit is 72387
effective; 72388

(4) Satisfies all other conditions for a temporary special 72389
occasion work permit established by rules adopted under section 72390
4713.08 of the Revised Code; 72391

(5) Pays the fee established by rules adopted under section 72392
4713.08 of the Revised Code. 72393

(B) A person issued a temporary special occasion work permit 72394
may practice the branch of cosmetology the person practices in 72395
another state or country, or teach the theory and practice of the 72396
branch of cosmetology the person teaches in another state or 72397
country, until the expiration date of the permit. A temporary 72398
special occasion work permit is valid for the period of time 72399
specified in rules adopted under section 4713.08 of the Revised 72400
Code. 72401

Sec. 4713.39. The state board of barbers and cosmetology 72402

shall issue a license to engage in the practice of a branch of 72403
cosmetology as an independent contractor to an applicant who pays 72404
the applicable fee; holds a current, valid license to manage the 72405
type of salon in which the applicant will practice that branch of 72406
cosmetology; and satisfies the conditions for the license 72407
established by rules adopted under section 4713.08 of the Revised 72408
Code. 72409

Sec. 4713.41. The state board of barbers and cosmetology 72410
shall issue a license to operate a salon to an applicant who pays 72411
the applicable fee and affirms that all of the following 72412
conditions will be met: 72413

(A)(1) A person holding a current, valid managing 72414
cosmetologist license or license to manage that type of salon has 72415
charge of and immediate supervision over the salon at all times 72416
when the salon is open for business except as permitted under 72417
division (A)(2) of this section. 72418

(2) A business establishment that is engaged primarily in 72419
retail sales but is also licensed as a salon shall have a person 72420
holding a current, valid managing license for that type of salon 72421
in charge of and in immediate supervision of the salon during 72422
posted or advertised service hours, if the practice of cosmetology 72423
is restricted to those posted or advertised service hours. 72424

(B) The salon is equipped to do all of the following: 72425

(1) Provide potable running hot and cold water and proper 72426
drainage; 72427

(2) Sanitize all instruments and supplies used in the branch 72428
of cosmetology provided at the salon; 72429

(3) If cosmetic therapy, massage therapy, or other 72430
professional service is provided at the salon under section 72431
4713.42 of the Revised Code, sanitize all instruments and supplies 72432

used in the cosmetic therapy, massage therapy, or other professional service. 72433
72434

(C) Except as provided in sections 4713.42 and 4713.49 of the Revised Code, only the branch of cosmetology that the salon is licensed to provide is practiced at the salon. 72435
72436
72437

(D) The salon is kept in a clean and sanitary condition and properly ventilated. 72438
72439

(E) No food is sold at the salon in a manner inconsistent with rules adopted under section 4713.08 of the Revised Code. 72440
72441

Sec. 4713.44. (A) The state board of barbers and cosmetology shall issue a license to operate a school of cosmetology to an applicant who pays the applicable fee and satisfies all of the following requirements: 72442
72443
72444
72445

(1) Maintains a course of practical training and technical instruction for the branch or branches of cosmetology to be taught at the school equal to the requirements for admission to an examination under section 4713.24 of the Revised Code that a person must pass to obtain a license to practice that branch or those branches of cosmetology; 72446
72447
72448
72449
72450
72451

(2) Possesses or makes available apparatus and equipment sufficient for the ready and full teaching of all subjects of the curriculum; 72452
72453
72454

(3) Maintains persons licensed under section 4713.31 or 4713.34 of the Revised Code to teach the theory and practice of the branches of cosmetology; 72455
72456
72457

(4) Notifies the board of the enrollment of each new student, keeps a record devoted to the different practices, establishes grades, and holds examinations in order to certify the students' completion of the prescribed course of study before the issuance of certificates of completion; 72458
72459
72460
72461
72462

(5) In the case of a school of cosmetology that offers clock 72463
hours for the purpose of satisfying minimum hours of training and 72464
instruction, keeps a daily record of the attendance of each 72465
student; 72466

(6) On the date that an apprentice cosmetology instructor 72467
begins cosmetology instructor training at the school, certifies 72468
the name of the apprentice cosmetology instructor to the board 72469
along with the date on which the apprentice's instructor training 72470
began; 72471

(7) Instructs not more than six apprentice cosmetology 72472
instructors at any one time; 72473

(8) Files with the board a good and sufficient surety bond 72474
executed by the person, firm, or corporation operating the school 72475
of cosmetology as principal and by a surety company as surety in 72476
the amount of ten thousand dollars; provided, that this 72477
requirement does not apply to a vocational program conducted by a 72478
city, exempted village, local, or joint vocational school 72479
district. The bond shall be in the form prescribed by the board 72480
and be conditioned upon the school's continued instruction in the 72481
theory and practice of the branches of cosmetology. Every bond 72482
shall continue in effect until notice of its termination is given 72483
to the board by registered mail and every bond shall so provide. 72484

(9) Establishes and maintains an internal procedure for 72485
processing complaints filed against the school and for providing 72486
students with instructions on how to file a complaint directly 72487
with the board pursuant to section 4713.641 of the Revised Code. 72488

(B) A school of cosmetology holding a license issued under 72489
division (A) of this section is an educational institution and is 72490
authorized to offer educational programs beyond secondary 72491
education, advanced practice programs, or both in accordance with 72492
rules adopted by the board pursuant to section 4713.08 of the 72493

Revised Code. 72494

(C) A school of cosmetology holding a license to operate a 72495
school of cosmetology on ~~the effective date of this amendment~~ 72496
September 29, 2013, shall establish and maintain an internal 72497
procedure for processing complaints filed against the school and 72498
shall provide each of the school's students with instructions on 72499
how to file a complaint directly with the board pursuant to 72500
section 4713.641 of the Revised Code. 72501

Sec. 4713.45. (A) A school of cosmetology may do the 72502
following: 72503

(1) In accordance with rules adopted under section 4713.08 of 72504
the Revised Code, a school of cosmetology operated by a public 72505
entity may offer clock hours, credit hours, or competency-based 72506
credits, and a school of cosmetology that is operated by a private 72507
person may offer clock or credit hours, for the purpose of 72508
satisfying minimum hours of training and instruction; 72509

(2) Allow an apprentice cosmetology instructor the regular 72510
quota of students prescribed by the state board of barbers and 72511
cosmetology if a cosmetology instructor is present; 72512

(3) Compensate an apprentice cosmetology instructor; 72513

(4) Subject to division (B) of this section, employ a person 72514
who does not hold a current, valid instructor license to teach 72515
subjects related to a branch of cosmetology. 72516

(B) A school of cosmetology shall have a licensed cosmetology 72517
instructor present when a person employed pursuant to division 72518
(A)(4) of this section teaches at the school, unless the person is 72519
one of the following: 72520

(1) A person with a current, valid teacher's certificate or 72521
educator license issued by the state board of education; 72522

(2) A person with a bachelor's degree in the subject the 72523

person teaches at the school; 72524

(3) A person also employed by a university or college to 72525

teach the subject the person teaches at the school. 72526

Sec. 4713.48. (A) The state board of barbers and cosmetology 72527
shall issue a permit to operate a tanning facility to an applicant 72528
if all of the following conditions are satisfied: 72529

(1) The applicant applies in accordance with the application 72530
process adopted by rules adopted under section 4713.08 of the 72531
Revised Code. 72532

(2) The applicant pays to the treasurer of state the fee 72533
established by those rules. 72534

(3) An initial inspection of the premises indicates that the 72535
tanning facility has been installed and will be operated in 72536
accordance with those rules. 72537

(B) A permit holder shall post the permit in a public and 72538
conspicuous place on any premises where the tanning facility is 72539
located. A person shall obtain a separate permit for each of the 72540
premises owned or operated by that person at which the person 72541
seeks to operate a tanning facility. 72542

(C) A permit holder may biennially renew a permit by the last 72543
day of January of each odd-numbered year upon payment to the 72544
treasurer of state of the biennial renewal fee. 72545

Sec. 4713.50. (A) A tanning facility operator or employee 72546
shall make reasonable efforts, in accordance with procedures 72547
established under section 4713.08 of the Revised Code, to 72548
determine whether an individual seeking to use the facility's sun 72549
lamp tanning services is less than sixteen years of age, at least 72550
sixteen but less than eighteen years of age, or eighteen years of 72551
age or older. 72552

(B)(1) A tanning facility operator or employee shall not allow an individual who is eighteen years of age or older to use the facility's sun lamp tanning services without first obtaining the consent of the individual. The consent shall be evidenced by the individual's signature on the form developed by the state board of barbers and cosmetology under section 4713.51 of the Revised Code. The consent is valid indefinitely.

(2) A tanning facility operator or employee shall not allow an individual who is at least sixteen but less than eighteen years of age to use the facility's sun lamp tanning services without first obtaining the consent of a parent or legal guardian of the individual. The consent shall be evidenced by the signature of the parent or legal guardian on the form developed by the board under section 4713.51 of the Revised Code. The form must be signed in the presence of the operator or an employee of the tanning facility. The consent is valid for ninety days from the date the form is signed. A tanning facility operator or employee shall not allow an individual who is at least sixteen but less than eighteen years of age to use the facility's sun lamp tanning services for more than forty-five sessions during the ninety-day period covered by the consent. No such session may be longer than the maximum safe time of exposure specified in rules adopted under division (A)(17) of section 4713.08 of the Revised Code.

(3) A tanning facility operator or employee shall not allow an individual who is less than sixteen years of age to use the facility's sun lamp tanning services unless both of the following apply:

(a) The tanning facility operator or employee obtains the consent of a parent or legal guardian of the individual prior to each session of the use of the facility's sun lamp tanning services. The consent shall be evidenced by the signature of the parent or legal guardian on the form developed by the board under

section 4713.51 of the Revised Code. The form must be signed in 72585
the presence of the operator or an employee of the tanning 72586
facility. 72587

(b) A parent or legal guardian of the individual is present 72588
at the tanning facility for the duration of each session of the 72589
use of the facility's sun lamp tanning services. 72590

(C) For purposes of division (B) of this section, an 72591
electronic signature may be used to provide and may be accepted as 72592
a signature evidencing consent. 72593

Sec. 4713.51. The state board of barbers and cosmetology 72594
shall develop a form for use by tanning facility operators and 72595
employees in complying with the consent requirements of division 72596
(B) of section 4713.50 of the Revised Code. The form must describe 72597
the potential health effects of radiation from sun lamps, 72598
including a description of the possible relationship of the 72599
radiation to skin cancer. In developing the form, the board shall 72600
consult with the department of health, dermatologists, and tanning 72601
facility operators. The board shall make the form available on the 72602
internet web site maintained by the board. 72603

Sec. 4713.55. Every license issued by the state board of 72604
barbers and cosmetology shall be signed by the chairperson and 72605
attested by the executive director thereof, with the seal of the 72606
board attached. 72607

The board shall specify on each practicing license that the 72608
board issues the branch of cosmetology that the license entitles 72609
the holder to practice. The board shall specify on each managing 72610
license that the board issues the type of salon that the license 72611
entitles the holder to manage and the branch of cosmetology that 72612
the license entitles the holder to practice. The board shall 72613
specify on each instructor license that the board issues the 72614

branch of cosmetology that the license entitles the holder to 72615
teach. Such licenses are prima-facie evidence of the right of the 72616
holder to practice or teach the branch of cosmetology, or manage 72617
the type of salon, that the license specifies. 72618

Sec. 4713.56. Every holder of a practicing license, managing 72619
license, instructor license, or independent contractor license 72620
issued by the state board of barbers and cosmetology shall display 72621
the license in a public and conspicuous place in the place of 72622
employment of the holder. 72623

Every holder of a license to operate a salon issued by the 72624
board shall display the license in a public and conspicuous place 72625
in the salon. 72626

Every holder of a license to operate a school of cosmetology 72627
issued by the board shall display the license in a public and 72628
conspicuous place in the school. 72629

Every person who provides cosmetic therapy, massage therapy, 72630
or other professional service in a salon under section 4713.42 of 72631
the Revised Code shall display the person's professional license 72632
or certificate in a public and conspicuous place in the room used 72633
for the therapy or other service. 72634

Sec. 4713.57. A license issued by the state board of barbers 72635
and cosmetology issued under this chapter is valid until the last 72636
day of January of the odd-numbered year following its original 72637
issuance or renewal, unless the license is revoked or suspended 72638
prior to that date. Renewal shall be done in accordance with the 72639
standard renewal procedure of Chapter 4745. of the Revised Code. 72640
The board may refuse to renew a license if the person holding the 72641
license has an outstanding unpaid fine levied under section 72642
4713.64 of the Revised Code. 72643

Sec. 4713.58. (A) Except as provided in division (B) of this section, on payment of the renewal fee and submission of proof satisfactory to the state board of barbers and cosmetology that any applicable continuing education requirements have been completed, a person currently licensed as:

(1) A cosmetology instructor who has previously been licensed as a cosmetologist or a managing cosmetologist, is entitled to the reissuance of a cosmetologist or managing cosmetologist license;

(2) An esthetics instructor who has previously been licensed as an esthetician or a managing esthetician, is entitled to the reissuance of an esthetician or managing esthetician license;

(3) A hair design instructor who has previously been licensed as a hair designer or a managing hair designer, is entitled to the reissuance of a hair designer or managing hair designer license;

(4) A manicurist instructor who has previously been licensed as a manicurist or a managing manicurist, is entitled to the reissuance of a manicurist or managing manicurist license;

(5) A natural hair style instructor who has previously been licensed as a natural hair stylist or a managing natural hair stylist, is entitled to the reissuance of a natural hair stylist or managing natural hair stylist license.

(B) No person is entitled to the reissuance of a license under division (A) of this section if the license was revoked or suspended or the person has an outstanding unpaid fine levied under section 4713.64 of the Revised Code.

Sec. 4713.59. If the state board of barbers and cosmetology adopts rules under section 4713.09 of the Revised Code to establish a continuing education requirement as a condition of renewal for a practicing license, managing license, or instructor license, the board shall inform each affected licensee of the

continuing education requirement that applies to the next biennial 72674
licensing period by including a notification in the license 72675
renewal application form it sends the licensee. The notification 72676
shall state that the licensee must complete the continuing 72677
education requirement by the last day of January of the next 72678
odd-numbered year. 72679

Hours completed in excess of the continuing education 72680
requirement may not be applied to the next biennial licensing 72681
period. 72682

Sec. 4713.61. (A) If the state board of barbers and 72683
cosmetology adopts a continuing education requirement under 72684
section 4713.09 of the Revised Code, it may develop a procedure by 72685
which a person who holds a license to practice a branch of 72686
cosmetology, managing license, or instructor license and who is 72687
not currently engaged in the practice of the branch of 72688
cosmetology, managing a salon, or teaching the theory and practice 72689
of the branch of cosmetology, but who desires to be so engaged in 72690
the future, may apply to the board to have the person's license 72691
classified inactive. If the board develops such a procedure, a 72692
person seeking to have the person's license classified inactive 72693
shall apply to the board on a form provided by the board and pay 72694
the fee established by rules adopted under section 4713.08 of the 72695
Revised Code. 72696

(B) The board shall not restore an inactive license until the 72697
later of the following: 72698

(1) The date that the person holding the license submits 72699
proof satisfactory to the board that the person has completed the 72700
continuing education that a rule adopted under section 4713.08 of 72701
the Revised Code requires; 72702

(2) The last day of January of the next odd-numbered year 72703
following the year the license is classified inactive. 72704

(C) A person who holds an inactive license may engage in the practice of a branch of cosmetology if the person holds a temporary work permit as specified in rules adopted by the board under section 4713.08 of the Revised Code.

Sec. 4713.62. (A) A person holding a practicing license, managing license, or instructor license may satisfy a continuing education requirement established by rules adopted under section 4713.09 of the Revised Code only by completing continuing education programs approved under division (B) of this section or developed under division (C) of this section.

(B) The state board of barbers and cosmetology shall approve a continuing education program if all of the following conditions are satisfied:

(1) The person operating the program submits to the board a written application for approval.

(2) The person operating the program pays to the board a fee established by rules adopted under section 4713.08 of the Revised Code.

(3) The program is operated by an employee, officer, or director of a nonprofit professional association, college or university, proprietary continuing education institutions providing programs approved by the board, vocational school, postsecondary proprietary school of cosmetology licensed by the board, salon licensed by the board, or manufacturer of supplies or equipment used in the practice of a branch of cosmetology.

(4) The program will do at least one of the following:

(a) Enhance the professional competency of the affected licensees;

(b) Protect the public;

(c) Educate the affected licensees in the application of the

laws and rules regulating the practice of a branch of cosmetology. 72735

(5) The person operating the program provides the board a 72736
tentative schedule of when the program will be available so that 72737
the board can make the schedule readily available to all licensees 72738
throughout the state. 72739

Sec. 4713.63. A practicing license, managing license, or 72740
instructor license that has not been renewed for any reason other 72741
than because it has been revoked, suspended, or classified 72742
inactive, or because the license holder has been given a waiver or 72743
extension under section 4713.60 of the Revised Code, is expired. 72744
An expired license may be restored if the person who held the 72745
license meets all of the following applicable conditions: 72746

(A) Pays to the state board of barbers and cosmetology the 72747
restoration fee, the current renewal fee, and any applicable late 72748
fees; 72749

(B) Pays a lapsed renewal fee of forty-five dollars per 72750
license renewal period that has elapsed since the license was last 72751
issued or renewed; 72752

(C) In the case of a practicing license or managing license 72753
that has been expired for more than two consecutive license 72754
renewal periods, completes eight hours of continuing education for 72755
each license renewal period that has elapsed since the license was 72756
last issued or renewed, up to a maximum of twenty-four hours. At 72757
least four of those hours shall include a course pertaining to 72758
sanitation and safety methods. 72759

The board shall deposit all fees it receives under division 72760
(B) of this section into the general revenue fund. 72761

Sec. 4713.64. (A) The state board of barbers and cosmetology 72762
may take disciplinary action against an individual or entity 72763
holding a license issued under this chapter for any of the 72764

following:	72765
(1) Failure to comply with the requirements of this chapter or rules adopted under it;	72766 72767
(2) Continued practice by a person knowingly having an infectious or contagious disease;	72768 72769
(3) Habitual drunkenness or addiction to any habit-forming drug;	72770 72771
(4) Willful false and fraudulent or deceptive advertising;	72772
(5) Falsification of any record or application required to be filed with the board;	72773 72774
(6) Failure to pay a fine or abide by a suspension order issued by the board.	72775 72776
(B) On determining that there is cause for disciplinary action, the board may do one or more of the following:	72777 72778
(1) Deny, revoke, or suspend a license or permit issued by the board;	72779 72780
(2) Impose a fine;	72781
(3) Require the holder of a license or permit to take corrective action courses.	72782 72783
(C) The amount and content of corrective action courses and other relevant criteria shall be established by the board in rules adopted under section 4713.08 of the Revised Code.	72784 72785 72786
(D) The board may impose a separate fine for each offense listed in division (A) of this section. The amount of a fine shall be not more than five hundred dollars if the violator has not previously been fined for that offense. The fine shall be not more than one thousand dollars if the violator has been fined for the same offense once before. The fine shall be not more than one thousand five hundred dollars if the violator has been fined for	72787 72788 72789 72790 72791 72792 72793

the same offense two or more times before. 72794

In the case of an offense of failure to comply with division 72795
(A) or (B)(2) or (3) of section 4713.50 of the Revised Code, the 72796
board shall impose a fine of five hundred dollars if the violator 72797
has not previously been fined for that offense. If the violator 72798
has previously been fined for the offense, the board may impose a 72799
fine in accordance with this division or take another action in 72800
accordance with division (B) of this section. 72801

(E) If a person fails to request a hearing within thirty days 72802
of the date the board, in accordance with section 119.07 of the 72803
Revised Code, notifies the person of the board's intent to act 72804
against the person under division (A) of this section, the board 72805
by a majority vote of a quorum of the board members may take the 72806
action against the person without holding an adjudication hearing. 72807

(F) The board, after a hearing in accordance with Chapter 72808
119. of the Revised Code, may suspend a tanning facility permit if 72809
the owner or operator fails to correct an unsafe condition that 72810
exists in violation of the board's rules or fails to cooperate in 72811
an inspection of the tanning facility. If a violation has resulted 72812
in a condition reasonably believed by an inspector to create an 72813
immediate danger to the health and safety of any person using the 72814
tanning facility, the inspector may suspend the permit without a 72815
prior hearing until the condition is corrected or until a hearing 72816
in accordance with Chapter 119. of the Revised Code is held and 72817
the board either upholds the suspension or reinstates the permit. 72818

Sec. 4713.641. Any student or former student of a school of 72819
cosmetology licensed under division (A) of section 4713.44 of the 72820
Revised Code may file a complaint with the state board of barbers 72821
and cosmetology alleging that the school has violated division (A) 72822
of section 4713.64 of the Revised Code. The complaint shall be in 72823
writing and signed by the person bringing the complaint. Upon 72824

receiving a complaint, the board shall initiate a preliminary 72825
investigation to determine whether it is probable that a violation 72826
was committed. If the board determines after preliminary 72827
investigation that it is not probable that a violation was 72828
committed, the board shall notify the person who filed the 72829
complaint of the board's findings and that the board will not 72830
issue a formal complaint in the matter. If the board determines 72831
after a preliminary investigation that it is probable that a 72832
violation was committed, the board shall proceed against the 72833
school pursuant to the board's authority under section 4713.64 of 72834
the Revised Code and in accordance with the hearing and notice 72835
requirements prescribed in Chapter 119. of the Revised Code. 72836

Sec. 4713.65. On receipt of a notice pursuant to section 72837
3123.43 of the Revised Code, the state board of barbers and 72838
cosmetology shall comply with sections 3123.41 to 3123.50 of the 72839
Revised Code and any applicable rules adopted under section 72840
3123.63 of the Revised Code with respect to a license issued 72841
pursuant to this chapter. 72842

Sec. 4713.68. The state board of barbers and cosmetology 72843
shall comply with section 4776.20 of the Revised Code. 72844

Sec. 4715.01. (A) Any person shall be regarded as practicing 72845
dentistry, who is a manager, proprietor, operator, or conductor of 72846
a place for performing dental operations, or who teaches clinical 72847
dentistry, or who performs, or advertises to perform, dental 72848
operations of any kind, or who diagnoses or treats diseases or 72849
lesions of human teeth or jaws, or associated structures, or 72850
attempts to correct malpositions thereof, or who takes impressions 72851
of the human teeth or jaws, or who constructs, supplies, 72852
reproduces, or repairs any prosthetic denture, bridge, artificial 72853
restoration, appliance, or other structure to be used or worn as a 72854

substitute for natural teeth, except upon the order or 72855
prescription of a licensed dentist and constructed upon or by the 72856
use of casts or models made from an impression taken by a licensed 72857
dentist, or who advertises, offers, sells, or delivers any such 72858
substitute or the services rendered in the construction, 72859
reproduction, supply, or repair thereof to any person other than a 72860
licensed dentist, or who places or adjusts such substitute in the 72861
oral cavity of another, or uses the words "dentist," "dental 72862
surgeon," the letters "D.D.S.," or other letters or title in 72863
connection with ~~his~~ the person's name, which in any way represents 72864
~~him~~ the person as being engaged in the practice of dentistry. 72865

"Manager, proprietor, operator, or conductor" as used in this 72866
section includes any person: 72867

~~(A)~~(1) Who employs licensed operators; 72868

~~(B)~~(2) Who places in the possession of licensed operators 72869
dental offices or dental equipment necessary for the handling of 72870
dental offices on the basis of a lease or any other agreement for 72871
compensation or profit for the use of such office or equipment, 72872
when such compensation is manifestly in excess of the reasonable 72873
rental value of such premises and equipment; 72874

~~(C)~~(3) Who makes any other arrangements whereby ~~he~~ the person 72875
derives profit, compensation, or advantage through retaining the 72876
ownership or control of dental offices or necessary dental 72877
equipment by making the same available in any manner for the use 72878
of licensed operators; provided that this section does not apply 72879
to bona fide sales of dental equipment secured by chattel 72880
mortgage. 72881

~~Whoever~~ (B)(1) Except as provided in division (B)(2) of this 72882
section, whoever having a license to practice dentistry or dental 72883
hygiene enters the employment of, or enters into any of the 72884
arrangements described in division (A) of this section with, an 72885

unlicensed manager, proprietor, operator, or conductor, or who is 72886
determined mentally incompetent by a court of competent 72887
jurisdiction, or is committed by a court having jurisdiction for 72888
treatment of mental illness, may have ~~his~~ the person's license 72889
suspended or revoked by the state dental board. 72890

(2) A person having a license to practice dentistry or dental 72891
hygiene is not subject to having the person's license suspended or 72892
revoked pursuant to division (B)(1) of this section for entering 72893
the employment of, or entering into an arrangement described in 72894
division (A) of this section with, a charitable organization that 72895
is exempt from federal income taxation under subsection 501(c)(3) 72896
of the Internal Revenue Code. 72897

Sec. 4715.18. (A) No person shall practice or offer to 72898
practice dentistry or dental surgery under the name of any 72899
company, association, ~~or~~ corporation ~~except a,~~ or other entity 72900
other than one of the following: 72901

(1) A corporation-for-profit formed under Chapter 1701. of 72902
the Revised Code ~~or a;~~ 72903

(2) A professional association established under Chapter 72904
1785. of the Revised Code, ~~or under the name of any other entity 72905
except a;~~ 72906

(3) A limited liability company formed under Chapter 1705. of 72907
the Revised Code, ~~and any;~~ 72908

(4) A charitable organization that is exempt from federal 72909
income taxation under subsection 501(c)(3) of the Internal Revenue 72910
Code. 72911

(B) Any person practicing or offering to practice dentistry 72912
or dental surgery shall do so under ~~his~~ the person's name ~~or,~~ the 72913
name of a professional association, professional partnership, 72914
corporation-for-profit, or limited liability company that includes 72915

his the person's name, or the name of a charitable organization 72916
that is exempt from federal income taxation under subsection 72917
501(c)(3) of the Internal Revenue Code. 72918

Sec. 4723.06. (A) The board of nursing shall: 72919

(1) Administer and enforce the provisions of this chapter, 72920
including the taking of disciplinary action for violations of 72921
section 4723.28 of the Revised Code, any other provisions of this 72922
chapter, or rules adopted under this chapter; 72923

(2) Develop criteria that an applicant must meet to be 72924
eligible to sit for the examination for licensure to practice as a 72925
registered nurse or as a licensed practical nurse; 72926

(3) Issue and renew nursing licenses, dialysis technician 72927
certificates, and community health worker certificates, as 72928
provided in this chapter; 72929

(4) Define the minimum standards for educational programs of 72930
the schools of registered nursing and schools of practical nursing 72931
in this state; 72932

(5) Survey, inspect, and grant full approval to prelicensure 72933
nursing education programs in this state that meet the standards 72934
established by rules adopted under section 4723.07 of the Revised 72935
Code. Prelicensure nursing education programs include, but are not 72936
limited to, diploma, associate degree, baccalaureate degree, 72937
master's degree, and doctor of nursing programs leading to initial 72938
licensure to practice nursing as a registered nurse and practical 72939
nurse programs leading to initial licensure to practice nursing as 72940
a licensed practical nurse. 72941

(6) Grant conditional approval, by a vote of a quorum of the 72942
board, to a new prelicensure nursing education program or a 72943
program that is being reestablished after having ceased to 72944
operate, if the program meets and maintains the minimum standards 72945

of the board established by rules adopted under section 4723.07 of 72946
the Revised Code. If the board does not grant conditional 72947
approval, it shall hold an adjudication under Chapter 119. of the 72948
Revised Code to consider conditional approval of the program. If 72949
the board grants conditional approval, at the first meeting 72950
following completion of the survey process required by division 72951
(A)(5) of this section, the board shall determine whether to grant 72952
full approval to the program. If the board does not grant full 72953
approval or if it appears that the program has failed to meet and 72954
maintain standards established by rules adopted under section 72955
4723.07 of the Revised Code, the board shall hold an adjudication 72956
under Chapter 119. of the Revised Code to consider the program. 72957
Based on results of the adjudication, the board may continue or 72958
withdraw conditional approval, or grant full approval. 72959

(7) Place on provisional approval, for a period of time 72960
specified by the board, a program that has ceased to meet and 72961
maintain the minimum standards of the board established by rules 72962
adopted under section 4723.07 of the Revised Code. Prior to or at 72963
the end of the period, the board shall reconsider whether the 72964
program meets the standards and shall grant full approval if it 72965
does. If it does not, the board may withdraw approval, pursuant to 72966
an adjudication under Chapter 119. of the Revised Code. 72967

(8) Approve continuing education programs and courses under 72968
standards established in rules adopted under sections 4723.07, 72969
4723.69, 4723.79, and 4723.88 of the Revised Code; 72970

(9) Establish a program for monitoring chemical dependency in 72971
accordance with section 4723.35 of the Revised Code; 72972

(10) Establish the practice intervention and improvement 72973
program in accordance with section 4723.282 of the Revised Code; 72974

(11) Issue and renew certificates of authority to practice 72975
nursing as a certified registered nurse anesthetist, clinical 72976

nurse specialist, certified nurse-midwife, or certified nurse practitioner;	72977 72978
(12) Approve under section 4723.46 of the Revised Code national certifying organizations for examination and certification of certified registered nurse anesthetists, clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners;	72979 72980 72981 72982 72983
(13) Issue and renew certificates to prescribe in accordance with sections 4723.48 and 4723.486 of the Revised Code;	72984 72985
(14) Grant approval to the planned classroom and clinical course of study in advanced pharmacology and related topics required by section 4723.482 of the Revised Code to be eligible for a certificate to prescribe;	72986 72987 72988 72989
(15) Make an annual edition of the formulary established in rules adopted under section 4723.50 of the Revised Code available to the public either in printed form or by electronic means and, as soon as possible after any revision of the formulary becomes effective, make the revision available to the public in printed form or by electronic means;	72990 72991 72992 72993 72994 72995
(16) Provide guidance and make recommendations to the general assembly, the governor, state agencies, and the federal government with respect to the regulation of the practice of nursing and the enforcement of this chapter;	72996 72997 72998 72999
(17) Make an annual report to the governor, which shall be open for public inspection;	73000 73001
(18) Maintain and have open for public inspection the following records:	73002 73003
(a) A record of all its meetings and proceedings;	73004
(b) A record of all applicants for, and holders of, licenses and certificates issued by the board under this chapter or in	73005 73006

accordance with rules adopted under this chapter. The record shall 73007
be maintained in a format determined by the board. 73008

(c) A list of education and training programs approved by the 73009
board. 73010

(19) Deny approval to a person who submits or causes to be 73011
submitted false, misleading, or deceptive statements, information, 73012
or documentation to the board in the process of applying for 73013
approval of a new education or training program. If the board 73014
proposes to deny approval of a new education or training program, 73015
it shall do so pursuant to an adjudication conducted under Chapter 73016
119. of the Revised Code. 73017

(B) The board may fulfill the requirement of division (A)(8) 73018
of this section by authorizing persons who meet the standards 73019
established in rules adopted under section 4723.07 of the Revised 73020
Code to approve continuing education programs and courses. Persons 73021
so authorized shall approve continuing education programs and 73022
courses in accordance with standards established in rules adopted 73023
under section 4723.07 of the Revised Code. 73024

Persons seeking authorization to approve continuing education 73025
programs and courses shall apply to the board and pay the 73026
appropriate fee established under section 4723.08 of the Revised 73027
Code. Authorizations to approve continuing education programs and 73028
courses shall expire, and may be renewed according to the schedule 73029
established in rules adopted under section 4723.07 of the Revised 73030
Code. 73031

In addition to approving continuing education programs under 73032
division (A)(8) of this section, the board may sponsor continuing 73033
education activities that are directly related to the statutes and 73034
rules the board enforces. 73035

Sec. 4723.08. (A) The board of nursing may impose fees not to 73036

exceed the following limits:	73037
(1) For application for licensure by examination to practice nursing as a registered nurse or as a licensed practical nurse, seventy-five dollars;	73038 73039 73040
(2) For application for licensure by endorsement to practice nursing as a registered nurse or as a licensed practical nurse, seventy-five dollars;	73041 73042 73043
(3) For application for a certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, one hundred dollars;	73044 73045 73046 73047
(4) For application for a temporary dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	73048 73049 73050
(5) For application for a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	73051 73052 73053
(6) For application for a certificate to prescribe, fifty dollars;	73054 73055
(7) For providing, pursuant to division (B) of section 4723.271 of the Revised Code, written verification of a nursing license, certificate of authority, certificate to prescribe, dialysis technician certificate, medication aide certificate, or community health worker certificate to another jurisdiction, fifteen dollars;	73056 73057 73058 73059 73060 73061
(8) For providing, pursuant to division (A) of section 4723.271 of the Revised Code, a replacement copy of a wall certificate suitable for framing as described in that division, twenty-five dollars;	73062 73063 73064 73065
(9) For biennial renewal of a nursing license, sixty-five	73066

dollars;	73067
(10) For biennial renewal of a certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, eighty-five dollars;	73068 73069 73070 73071
(11) For renewal of a certificate to prescribe, fifty dollars;	73072 73073
(12) For biennial renewal of a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	73074 73075 73076
(13) For processing a late application for renewal of a nursing license, certificate of authority, or dialysis technician certificate, fifty dollars;	73077 73078 73079
(14) For application for authorization to approve continuing education programs and courses from an applicant accredited by a national accreditation system for nursing, five hundred dollars;	73080 73081 73082
(15) For application for authorization to approve continuing education programs and courses from an applicant not accredited by a national accreditation system for nursing, one thousand dollars;	73083 73084 73085
(16) For each year for which authorization to approve continuing education programs and courses is renewed, one hundred fifty dollars;	73086 73087 73088
(17) For application for approval to operate a dialysis training program, the amount specified in rules adopted under section 4723.79 of the Revised Code;	73089 73090 73091
(18) For reinstatement of a lapsed license or certificate issued under this chapter, one hundred dollars except as provided in section 5903.10 of the Revised Code;	73092 73093 73094
(19) For written verification of a license or certificate when the verification is performed for purposes other than	73095 73096

~~providing verification to another jurisdiction, five dollars;~~ 73097

~~(20)~~ For processing a check returned to the board by a 73098
financial institution, twenty-five dollars; 73099

~~(21)~~(20) The amounts specified in rules adopted under section 73100
4723.88 of the Revised Code pertaining to the issuance of 73101
certificates to community health workers, including fees for 73102
application for a certificate, biennial renewal of a certificate, 73103
processing a late application for renewal of a certificate, 73104
reinstatement of a lapsed certificate, application for approval of 73105
a community health worker training program for community health 73106
workers, and biennial renewal of the approval of a training 73107
program for community health workers. 73108

(B) Each quarter, for purposes of transferring funds under 73109
section 4743.05 of the Revised Code to the nurse education 73110
assistance fund created in section 3333.28 of the Revised Code, 73111
the board of nursing shall certify to the director of budget and 73112
management the number of biennial licenses renewed under this 73113
chapter during the preceding quarter and the amount equal to that 73114
number times five dollars. 73115

(C) The board may charge a participant in a board-sponsored 73116
continuing education activity an amount not exceeding fifteen 73117
dollars for each activity. 73118

(D) The board may contract for services pertaining to the 73119
process of providing written verification of a license or 73120
certificate when the verification is performed for purposes other 73121
than providing verification to another jurisdiction. The contract 73122
may include provisions pertaining to the collection of the fee 73123
charged for providing the written verification. As part of these 73124
provisions, the board may permit the contractor to retain a 73125
portion of the fees as compensation, before any amounts are 73126
deposited into the state treasury. 73127

Sec. 4723.482. (A) Except as provided in divisions (C) and 73128
(D) of this section, an applicant shall include with the 73129
application submitted under section 4723.48 of the Revised Code 73130
all of the following: 73131

(1) Evidence of holding a current, valid certificate of 73132
authority to practice as a clinical nurse specialist, certified 73133
nurse-midwife, or certified nurse practitioner that was issued by 73134
meeting the requirements of division (A) of section 4723.41 of the 73135
Revised Code; 73136

(2) Evidence of successfully completing the course of study 73137
in advanced pharmacology and related topics in accordance with the 73138
requirements specified in division (B) of this section; 73139

(3) The fee required by section 4723.08 of the Revised Code 73140
for a certificate to prescribe; 73141

(4) Any additional information the board of nursing requires 73142
pursuant to rules adopted under section 4723.50 of the Revised 73143
Code. 73144

(B) With respect to the course of study in advanced 73145
pharmacology and related topics that must be successfully 73146
completed to obtain a certificate to prescribe, all of the 73147
following requirements apply: 73148

(1) The course of study shall be completed not longer than 73149
three years before the application for the certificate to 73150
prescribe is filed. 73151

(2) ~~Except as provided in division (E) of this section, the~~ 73152
~~course of study shall consist of planned classroom and clinical~~ 73153
~~instruction.~~ The total length of the course of study shall be not 73154
less than forty-five contact hours. 73155

(3) The course of study shall meet the requirements to be 73156
approved by the board in accordance with standards established in 73157

rules adopted under section 4723.50 of the Revised Code. 73158

(4) The content of the course of study shall be specific to 73159
the applicant's nursing specialty. 73160

(5) The instruction provided in the course of study shall 73161
include all of the following: 73162

(a) A minimum of thirty-six contact hours of instruction in 73163
advanced pharmacology that includes pharmacokinetic principles and 73164
clinical application and the use of drugs and therapeutic devices 73165
in the prevention of illness and maintenance of health; 73166

(b) Instruction in the fiscal and ethical implications of 73167
prescribing drugs and therapeutic devices; 73168

(c) Instruction in the state and federal laws that apply to 73169
the authority to prescribe; 73170

(d) Instruction that is specific to schedule II controlled 73171
substances, including instruction in all of the following: 73172

(i) Indications for the use of schedule II controlled 73173
substances in drug therapies; 73174

(ii) The most recent guidelines for pain management 73175
therapies, as established by state and national organizations such 73176
as the Ohio pain initiative and the American pain society; 73177

(iii) Fiscal and ethical implications of prescribing schedule 73178
II controlled substances; 73179

(iv) State and federal laws that apply to the authority to 73180
prescribe schedule II controlled substances; 73181

(v) Prevention of abuse and diversion of schedule II 73182
controlled substances, including identification of the risk of 73183
abuse and diversion, recognition of abuse and diversion, types of 73184
assistance available for prevention of abuse and diversion, and 73185
methods of establishing safeguards against abuse and diversion. 73186

(e) Any additional instruction required pursuant to rules adopted under section 4723.50 of the Revised Code.	73187 73188
(C) An applicant who practiced or is practicing as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner in another jurisdiction or as an employee of the United States government, and is not seeking authority to prescribe drugs and therapeutic devices by meeting the requirements of division (A) or (D) of this section, shall include with the application submitted under section 4723.48 of the Revised Code all of the following:	73189 73190 73191 73192 73193 73194 73195 73196
(1) Evidence of holding a current, valid certificate of authority issued under this chapter to practice as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;	73197 73198 73199 73200
(2) The fee required by section 4723.08 of the Revised Code for a certificate to prescribe;	73201 73202
(3) Either of the following:	73203
(a) Evidence of having held, for a continuous period of at least one year during the three years immediately preceding the date of application, valid authority issued by another jurisdiction to prescribe therapeutic devices and drugs, including at least some controlled substances;	73204 73205 73206 73207 73208
(b) Evidence of having been employed by the United States government and authorized, for a continuous period of at least one year during the three years immediately preceding the date of application, to prescribe therapeutic devices and drugs, including at least some controlled substances, in conjunction with that employment.	73209 73210 73211 73212 73213 73214
(4) Evidence of having completed a two-hour course of instruction approved by the board in the laws of this state that govern drugs and prescriptive authority;	73215 73216 73217

(5) Any additional information the board requires pursuant to rules adopted under section 4723.50 of the Revised Code.	73218 73219
(D) An applicant who practiced or is practicing as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner in another jurisdiction or as an employee of the United States government, and is not seeking authority to prescribe drugs and therapeutic devices by meeting the requirements of division (A) or (C) of this section, shall include with the application submitted under section 4723.48 of the Revised Code all of the following:	73220 73221 73222 73223 73224 73225 73226 73227
(1) Evidence of holding a current, valid certificate of authority issued under this chapter to practice as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;	73228 73229 73230 73231
(2) The fee required by section 4723.08 of the Revised Code for a certificate to prescribe;	73232 73233
(3) Either of the following:	73234
(a) Evidence of having held, for a continuous period of at least one year during the three years immediately preceding the date of application, valid authority issued by another jurisdiction to prescribe therapeutic devices and drugs, excluding controlled substances;	73235 73236 73237 73238 73239
(b) Evidence of having been employed by the United States government and authorized, for a continuous period of at least one year during the three years immediately preceding the date of application, to prescribe therapeutic devices and drugs, excluding controlled substances, in conjunction with that employment.	73240 73241 73242 73243 73244
(4) Any additional information the board requires pursuant to rules adopted under section 4723.50 of the Revised Code.	73245 73246
(E) In the case of an applicant who meets the requirements of	73247

~~division (C) or (D) of this section other than the requirements of 73248
division (C)(3) or (D)(3) of this section and is seeking authority 73249
to prescribe drugs and therapeutic devices by meeting the 73250
requirements of division (A) of this section, the applicant may 73251
complete the instruction that is specific to schedule II 73252
controlled substances, as required by division (B)(5)(d) of this 73253
section, through an internet based course of study in lieu of 73254
completing the instruction through a course of study consisting of 73255
planned classroom and clinical instruction. 73256~~

Sec. 4723.50. (A) In accordance with Chapter 119. of the 73257
Revised Code, the board of nursing shall adopt rules as necessary 73258
to implement the provisions of this chapter pertaining to the 73259
authority of clinical nurse specialists, certified nurse-midwives, 73260
and certified nurse practitioners to prescribe drugs and 73261
therapeutic devices and the issuance and renewal of certificates 73262
to prescribe. 73263

The board shall adopt rules that are consistent with the 73264
recommendations the board receives from the committee on 73265
prescriptive governance pursuant to section 4723.492 of the 73266
Revised Code. After reviewing a recommendation submitted by the 73267
committee, the board may either adopt the recommendation as a rule 73268
or ask the committee to reconsider and resubmit the 73269
recommendation. The board shall not adopt any rule that does not 73270
conform to a recommendation made by the committee. 73271

(B) The board shall adopt rules under this section that do 73272
all of the following: 73273

(1) Establish a formulary listing the types of drugs and 73274
therapeutic devices that may be prescribed by a clinical nurse 73275
specialist, certified nurse-midwife, or certified nurse 73276
practitioner. The formulary may include controlled substances, as 73277
defined in section 3719.01 of the Revised Code. The formulary 73278

shall not permit the prescribing of any drug or device to perform 73279
or induce an abortion. 73280

(2) Establish safety standards to be followed by a clinical 73281
nurse specialist, certified nurse-midwife, or certified nurse 73282
practitioner when personally furnishing to patients complete or 73283
partial supplies of antibiotics, antifungals, scabicides, 73284
contraceptives, prenatal vitamins, antihypertensives, drugs and 73285
devices used in the treatment of diabetes, drugs and devices used 73286
in the treatment of asthma, and drugs used in the treatment of 73287
dyslipidemia; 73288

(3) Establish criteria for the components of the standard 73289
care arrangements described in section 4723.431 of the Revised 73290
Code that apply to the authority to prescribe, including the 73291
components that apply to the authority to prescribe schedule II 73292
controlled substances. The rules shall be consistent with that 73293
section and include all of the following: 73294

(a) Quality assurance standards; 73295

(b) Standards for periodic review by a collaborating 73296
physician or podiatrist of the records of patients treated by the 73297
clinical nurse specialist, certified nurse-midwife, or certified 73298
nurse practitioner; 73299

(c) Acceptable travel time between the location at which the 73300
clinical nurse specialist, certified nurse-midwife, or certified 73301
nurse practitioner is engaging in the prescribing components of 73302
the nurse's practice and the location of the nurse's collaborating 73303
physician or podiatrist; 73304

(d) Any other criteria recommended by the committee on 73305
prescriptive governance. 73306

(4) Establish standards and procedures for issuance and 73307
renewal of a certificate to prescribe, including specification of 73308
any additional information the board may require under division 73309

(A)(4), (C)(5), or (D)~~(5)~~(4) of section 4723.482 ~~or~~ division 73310
(B)(3) of section 4723.485, or division (B)(3) of section 4723.486 73311
of the Revised Code; 73312

(5) Establish standards for board approval of the course of 73313
study in advanced pharmacology and related topics required by 73314
section 4723.482 of the Revised Code; 73315

(6) Establish requirements for board approval of the two-hour 73316
course of instruction in the laws of this state as required under 73317
division (C)(4) of section 4723.482 of the Revised Code and 73318
division (B)(2) of section 4723.484 of the Revised Code; 73319

(7) Establish standards and procedures for the appropriate 73320
conduct of an externship as described in section 4723.484 of the 73321
Revised Code, including the following: 73322

(a) Standards and procedures to be used in evaluating an 73323
individual's participation in an externship; 73324

(b) Standards and procedures for the supervision that a 73325
physician must provide during an externship, including supervision 73326
provided by working with the participant and supervision provided 73327
by making timely reviews of the records of patients treated by the 73328
participant. The manner in which supervision must be provided may 73329
vary according to the location where the participant is practicing 73330
and with the participant's level of experience. 73331

Sec. 4723.88. The board of nursing, in accordance with 73332
Chapter 119. of the Revised Code, shall adopt rules to administer 73333
and enforce sections 4723.81 to 4723.87 of the Revised Code. The 73334
rules shall establish all of the following: 73335

(A) Standards and procedures for issuance of community health 73336
worker certificates; 73337

(B) Standards for evaluating the competency of an individual 73338
who applies to receive a certificate on the basis of having been 73339

employed in a capacity substantially the same as a community health worker before the board implemented the certification program; 73340
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(C) Standards and procedures for renewal of community health worker certificates, including the continuing education requirements that must be met for renewal; 73343
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(D) Standards governing the performance of activities related to nursing care that are delegated by a registered nurse to certified community health workers. In establishing the standards, the board shall specify limits on the number of certified community health workers a registered nurse may supervise at any one time. 73346
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(E) Standards and procedures for assessing the quality of the services that are provided by certified community health workers; 73352
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(F) Standards and procedures for denying, suspending, and revoking a community health worker certificate, including reasons for imposing the sanctions that are substantially similar to the reasons that sanctions are imposed under section 4723.28 of the Revised Code; 73354
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(G) Standards and procedures for approving and renewing the board's approval of training programs that prepare individuals to become certified community health workers. In establishing the standards, the board shall specify the minimum components that must be included in a training program, shall require that all approved training programs offer the standardized curriculum, and shall ensure that the curriculum enables individuals to use the training as a basis for entering programs leading to other careers, including nursing education programs. 73359
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(H) Standards for approval of continuing education programs and courses for certified community health workers; 73368
73369

(I) Standards and procedures for withdrawing the board's 73370

approval of a training program, refusing to renew the approval of 73371
a training program, and placing a training program on provisional 73372
approval; 73373

(J) Amounts for each fee that may be imposed under division 73374
(A)~~(21)~~(20) of section 4723.08 of the Revised Code; 73375

(K) Any other standards or procedures the board considers 73376
necessary and appropriate for the administration and enforcement 73377
of sections 4723.81 to 4723.87 of the Revised Code. 73378

Sec. 4725.03. (A) The governor, with the advice and consent 73379
of the senate, shall appoint a state board of optometry consisting 73380
of ~~six nonmedical~~ nine residents of this state, ~~five of whom shall~~ 73381
be as follows: 73382

(1) Six persons actually engaged in the practice of optometry 73383
for five years preceding appointment ~~and one of whom shall be a~~ 73384

(2) One member of the public at least fifty years of age who 73385
has no direct financial interest in or any other interest in the 73386
provision of optical aids or the performance of optical dispensing 73387
services; 73388

(3) Two dispensing opticians, one of whom shall be a contact 73389
lens dispensing optician and one of whom shall be a spectacle 73390
dispensing optician, licensed under sections 4725.48 to 4725.51 of 73391
the Revised Code. 73392

(B) Terms of office shall be five years, commencing on the 73393
twenty-sixth day of September and ending on the twenty-fifth day 73394
of September. Each member shall hold office from the date of 73395
appointment until the end of the term for which appointed. Any 73396
member appointed to fill a vacancy occurring prior to the 73397
expiration of the term for which the member's predecessor was 73398
appointed shall hold office for the remainder of the term. A 73399
member shall continue in office subsequent to the expiration date 73400

of the member's term until the member's successor takes office, or 73401
until a period of sixty days has elapsed, whichever occurs first. 73402
No person shall serve as a member for more than two terms. 73403

Sec. 4725.05. The state board of optometry shall employ an 73404
executive director. Before entering upon the discharge of official 73405
duties of office, the executive director shall give a bond, to be 73406
approved by the board, in the sum of two thousand dollars 73407
conditioned for the faithful discharge of the duties of the 73408
office. The premium for such bond shall be paid as are other 73409
expenditures of the board. The bond, with the approval of the 73410
board and oath of office indorsed thereon, shall be deposited with 73411
the secretary of state and kept in the secretary of state's 73412
office. 73413

The board may employ such assistants, inspectors, 73414
investigators, and clerical help as are necessary to administer 73415
and enforce ~~sections 4725.01 to 4725.34 of the Revised Code~~ this 73416
chapter, the expenses thereof to be charged and paid as other 73417
expenditures of the board. 73418

Sec. 4725.07. The state board of optometry shall adopt a seal 73419
and certificate of suitable design and shall keep a record of its 73420
proceedings, a register of persons who have received certificates 73421
of licensure for the practice of optometry, a register of licensed 73422
optometrists who have received topical ocular pharmaceutical 73423
agents certificates, a register of licensed optometrists who have 73424
received therapeutic pharmaceutical agents certificates, and a 73425
register of persons who have been subject to the board's 73426
revocation of any of those certificates. 73427

The board shall have an office in Columbus, where all its 73428
permanent records shall be kept. The board may make requisition 73429
upon the proper state officials for office rooms and supplies, 73430

including stationery and furniture. All printing and binding 73431
necessary for the work of the board shall be done upon an order 73432
issued by the board through its president and executive director 73433
to the department of administrative services. 73434

Except as provided in division (C) of section 4725.22 and 73435
division (C) of section 4725.23 of the Revised Code, the records 73436
of the board, including its registers, shall be open to public 73437
inspection at all reasonable times. A copy of an entry in such 73438
records, certified by the executive director under the seal of the 73439
board, shall be prima-facie evidence of the facts therein stated. 73440

The board annually, on or before the first day of February, 73441
shall make a report to the governor of all its official acts 73442
during the preceding year, its receipts and disbursements, and a 73443
complete report of the conditions of optometry in this state. 73444

Sec. 4725.13. (A) The state board of optometry, by an 73445
affirmative vote of a majority of its members, shall issue 73446
certificates under its seal as follows: 73447

(1) Every applicant who, prior to May 19, 1992, passed the 73448
licensing examination then in effect, and who otherwise complies 73449
with sections 4725.01 to 4725.34 of the Revised Code shall receive 73450
from the board a certificate of licensure authorizing the holder 73451
to engage in the practice of optometry as provided in division 73452
(A)(1) of section 4725.01 of the Revised Code. 73453

(2) Every applicant who, prior to May 19, 1992, passed the 73454
general and ocular pharmacology examination then in effect, and 73455
who otherwise complies with sections 4725.01 to 4725.34 of the 73456
Revised Code, shall receive from the board a separate topical 73457
ocular pharmaceutical agents certificate authorizing the holder to 73458
administer topical ocular pharmaceutical agents as provided in 73459
division (A)(2) of section 4725.01 of the Revised Code and in 73460
accordance with sections 4725.01 to 4725.34 of the Revised Code. 73461

(3) Every applicant who holds a valid certificate of licensure issued prior to May 19, 1992, and meets the requirements of section 4725.14 of the Revised Code shall receive from the board a separate therapeutic pharmaceutical agents certificate authorizing the holder to engage in the practice of optometry as provided in division (A)(3) of section 4725.01 of the Revised Code.

(4) Every applicant who, on or after May 19, 1992, passes all parts of the licensing examination accepted by the board under section 4725.11 of the Revised Code and otherwise complies with the requirements of sections 4725.01 to 4725.34 of the Revised Code shall receive from the board a certificate of licensure authorizing the holder to engage in the practice of optometry as provided in division (A)(1) of section 4725.01 of the Revised Code and a separate therapeutic pharmaceutical agents certificate authorizing the holder to engage in the practice of optometry as provided in division (A)(3) of that section.

(B) Each person to whom a certificate is issued pursuant to this section by the board shall keep the certificate displayed in a conspicuous place in the location at which that person practices optometry and shall whenever required exhibit the certificate to any member or agent of the board. If an optometrist practices outside of or away from the location at which the optometrist's certificate of licensure is displayed, the optometrist shall deliver to each person examined or fitted with optical accessories by the optometrist, a receipt signed by the optometrist in which the optometrist shall set forth the amounts charged, the optometrist's post-office address, and the number assigned to the optometrist's certificate of licensure. The information may be provided as part of a prescription given to the person.

(C) A person who, on May 19, 1992, holds a valid certificate of licensure or topical ocular pharmaceutical agents certificate

issued by the board may continue to engage in the practice of 73494
optometry as provided by the certificate of licensure or topical 73495
ocular pharmaceutical agents certificate if the person continues 73496
to comply with sections 4725.01 to 4725.34 of the Revised Code as 73497
required by the certificate of licensure or topical ocular 73498
pharmaceutical agents certificate. 73499

Sec. 4725.16. (A)(1) Each certificate of licensure for the 73500
practice of optometry, topical ocular pharmaceutical agents 73501
certificate, and therapeutic pharmaceutical agents certificate 73502
issued by the state board of optometry shall expire annually on 73503
the last day of December, and may be renewed in accordance with 73504
this section and the standard renewal procedure established under 73505
Chapter 4745. of the Revised Code. 73506

(2) An optometrist seeking to continue to practice optometry 73507
shall file with the board an application for license renewal. The 73508
application shall be in such form and require such pertinent 73509
professional biographical data as the board may require. 73510

(3)(a) Except as provided in division (A)(3)(b) of this 73511
section, in the case of an optometrist seeking renewal who holds a 73512
therapeutic pharmaceutical agents certificate and who prescribes 73513
or personally furnishes analgesic controlled substances authorized 73514
pursuant to section 4725.091 of the Revised Code that are opioid 73515
analgesics, as defined in section 3719.01 of the Revised Code, the 73516
optometrist shall certify to the board whether the optometrist has 73517
been granted access to the drug database established and 73518
maintained by the state board of pharmacy pursuant to section 73519
4729.75 of the Revised Code. 73520

(b) The requirement in division (A)(3)(a) of this section 73521
does not apply if any of the following is the case: 73522

(i) The state board of pharmacy notifies the state board of 73523
optometry pursuant to section 4729.861 of the Revised Code that 73524

the certificate holder has been restricted from obtaining further 73525
information from the drug database. 73526

(ii) The state board of pharmacy no longer maintains the drug 73527
database. 73528

(iii) The certificate holder does not practice optometry in 73529
this state. 73530

(c) If an optometrist certifies to the state board of 73531
optometry that the optometrist has been granted access to the drug 73532
database and the board finds through an audit or other means that 73533
the optometrist has not been granted access, the board may take 73534
action under section 4725.19 of the Revised Code. 73535

(B) All licensed optometrists shall annually complete 73536
continuing education in subjects relating to the practice of 73537
optometry, to the end that the utilization and application of new 73538
techniques, scientific and clinical advances, and the achievements 73539
of research will assure comprehensive care to the public. The 73540
board shall prescribe by rule the continuing optometric education 73541
that licensed optometrists must complete. The length of study 73542
shall be twenty-five clock hours each year, including ten clock 73543
hours of instruction in pharmacology to be completed by all 73544
licensed optometrists. 73545

Unless the continuing education required under this division 73546
is waived or deferred under division (D) of this section, the 73547
continuing education must be completed during the twelve-month 73548
period beginning on the first day of October and ending on the 73549
last day of September. If the board receives notice from a 73550
continuing education program indicating that an optometrist 73551
completed the program after the last day of September, and the 73552
optometrist wants to use the continuing education completed after 73553
that day to renew the license that expires on the last day of 73554
December of that year, the optometrist shall pay the penalty 73555

specified under section 4725.34 of the Revised Code for late completion of continuing education. 73556
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At least once annually, the board shall post on its web site and shall mail, or send by electronic mail, to each licensed optometrist a list of courses approved in accordance with standards prescribed by board rule. Upon the request of a licensed optometrist, the executive director of the board shall supply a list of additional courses that the board has approved subsequent to the most recent web site posting, electronic mail transmission, or mailing of the list of approved courses. 73558
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(C)(1) Annually, not later than the first day of November, the board shall mail or send by electronic mail a notice regarding license renewal to each licensed optometrist who may be eligible for renewal. The notice shall be sent to the optometrist's most recent electronic mail or mailing address shown in the board's records. If the board knows that the optometrist has completed the required continuing optometric education for the year, the board may include with the notice an application for license renewal. 73566
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(2) Filing a license renewal application with the board shall serve as notice by the optometrist that the continuing optometric education requirement has been successfully completed. If the board finds that an optometrist has not completed the required continuing optometric education, the board shall disapprove the optometrist's application. The board's disapproval of renewal is effective without a hearing, unless a hearing is requested pursuant to Chapter 119. of the Revised Code. 73574
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(3) The board shall refuse to accept an application for renewal from any applicant whose license is not in good standing or who is under disciplinary review pursuant to section 4725.19 of the Revised Code. 73582
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(4) Notice of an applicant's failure to qualify for renewal 73586

shall be served upon the applicant by mail. The notice shall be 73587
sent not later than the fifteenth day of November to the 73588
applicant's last address shown in the board's records. 73589

(D) In cases of certified illness or undue hardship, the 73590
board may waive or defer for up to twelve months the requirement 73591
of continuing optometric education, except that in such cases the 73592
board may not waive or defer the continuing education in 73593
pharmacology required to be completed by optometrists who hold 73594
topical ocular pharmaceutical agents certificates or therapeutic 73595
pharmaceutical agents certificates. The board shall waive the 73596
requirement of continuing optometric education for any optometrist 73597
who is serving on active duty in the armed forces of the United 73598
States or a reserve component of the armed forces of the United 73599
States, including the Ohio national guard or the national guard of 73600
any other state or who has received an initial certificate of 73601
licensure during the nine-month period which ended on the last day 73602
of September. 73603

(E) An optometrist whose renewal application has been 73604
approved may renew each certificate held by paying to the 73605
treasurer of state the fees for renewal specified under section 73606
4725.34 of the Revised Code. On payment of all applicable fees, 73607
the board shall issue a renewal of the optometrist's certificate 73608
of licensure, topical ocular pharmaceutical agents certificate, 73609
and therapeutic pharmaceutical agents certificate, as appropriate. 73610

(F) Not later than the fifteenth day of December, the board 73611
shall mail or send by electronic mail a second notice regarding 73612
license renewal to each licensed optometrist who may be eligible 73613
for renewal but did not respond to the notice sent under division 73614
(C)(1) of this section. The notice shall be sent to the 73615
optometrist's most recent electronic mail or mailing address shown 73616
in the board's records. If an optometrist fails to file a renewal 73617
application after the second notice is sent, the board shall send 73618

a third notice regarding license renewal prior to any action under 73619
division (I) of this section to classify the optometrist's 73620
certificates as delinquent. 73621

(G) The failure of an optometrist to apply for license 73622
renewal or the failure to pay the applicable annual renewal fees 73623
on or before the date of expiration, shall automatically work a 73624
forfeiture of the optometrist's authority to practice optometry in 73625
this state. 73626

(H) The board shall accept renewal applications and renewal 73627
fees that are submitted from the first day of January to the last 73628
day of April of the year next succeeding the date of expiration. 73629
An individual who submits such a late renewal application or fee 73630
shall pay the late renewal fee specified in section 4725.34 of the 73631
Revised Code. 73632

(I)(1) If the certificates issued by the board to an 73633
individual have expired and the individual has not filed a 73634
complete application during the late renewal period, the 73635
individual's certificates shall be classified in the board's 73636
records as delinquent. 73637

(2) Any optometrist subject to delinquent classification may 73638
submit a written application to the board for reinstatement. For 73639
reinstatement to occur, the applicant must meet all of the 73640
following conditions: 73641

(a) Submit to the board evidence of compliance with board 73642
rules requiring continuing optometric education in a sufficient 73643
number of hours to make up for any delinquent compliance; 73644

(b) Pay the renewal fees for the year in which application 73645
for reinstatement is made and the reinstatement fee specified 73646
under division (A)(8) of section 4725.34 of the Revised Code; 73647

(c) Pass all or part of the licensing examination accepted by 73648
the board under section 4725.11 of the Revised Code as the board 73649

considers appropriate to determine whether the application for reinstatement should be approved; 73650
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(d) If the applicant has been practicing optometry in another state or country, submit evidence that the applicant's license to practice optometry in the other state or country is in good standing. 73652
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(3) The board shall approve an application for reinstatement if the conditions specified in division (I)(2) of this section are met. An optometrist who receives reinstatement is subject to the continuing education requirements specified under division (B) of this section for the year in which reinstatement occurs. 73656
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Sec. 4725.19. (A) In accordance with Chapter 119. of the Revised Code and by an affirmative vote of a majority of its members, the state board of optometry, for any of the reasons specified in division (B) of this section, shall refuse to grant a certificate of licensure to practice optometry to an applicant and may, with respect to a licensed optometrist, do one or more of the following: 73661
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(1) Suspend the operation of any certificate of licensure, topical ocular pharmaceutical agents certificate, or therapeutic pharmaceutical agents certificate, or all certificates granted by it to the optometrist; 73668
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(2) Permanently revoke any or all of the certificates; 73672

(3) Limit or otherwise place restrictions on any or all of the certificates; 73673
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(4) Reprimand the optometrist; 73675

(5) Impose a monetary penalty. If the reason for which the board is imposing the penalty involves a criminal offense that carries a fine under the Revised Code, the penalty shall not exceed the maximum fine that may be imposed for the criminal 73676
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offense. In any other case, the penalty imposed by the board shall not exceed five hundred dollars.

(6) Require the optometrist to take corrective action courses.

The amount and content of corrective action courses shall be established by the board in rules adopted under section 4725.09 of the Revised Code.

(B) The sanctions specified in division (A) of this section may be taken by the board for any of the following reasons:

(1) Committing fraud in passing the licensing examination or making false or purposely misleading statements in an application for a certificate of licensure;

(2) Being at any time guilty of immorality, regardless of the jurisdiction in which the act was committed;

(3) Being guilty of dishonesty or unprofessional conduct in the practice of optometry;

(4) Being at any time guilty of a felony, regardless of the jurisdiction in which the act was committed;

(5) Being at any time guilty of a misdemeanor committed in the course of practice, regardless of the jurisdiction in which the act was committed;

(6) Violating the conditions of any limitation or other restriction placed by the board on any certificate issued by the board;

(7) Engaging in the practice of optometry as provided in division (A)(1), (2), or (3) of section 4725.01 of the Revised Code when the certificate authorizing that practice is under suspension, in which case the board shall permanently revoke the certificate;

(8) Being denied a license to practice optometry in another

state or country or being subject to any other sanction by the 73710
optometric licensing authority of another state or country, other 73711
than sanctions imposed for the nonpayment of fees; 73712

(9) Departing from or failing to conform to acceptable and 73713
prevailing standards of care in the practice of optometry as 73714
followed by similar practitioners under the same or similar 73715
circumstances, regardless of whether actual injury to a patient is 73716
established; 73717

(10) Failing to maintain comprehensive patient records; 73718

(11) Advertising a price of optical accessories, eye 73719
examinations, or other products or services by any means that 73720
would deceive or mislead the public; 73721

(12) Being addicted to the use of alcohol, stimulants, 73722
narcotics, or any other substance which impairs the intellect and 73723
judgment to such an extent as to hinder or diminish the 73724
performance of the duties included in the person's practice of 73725
optometry; 73726

(13) Engaging in the practice of optometry as provided in 73727
division (A)(2) or (3) of section 4725.01 of the Revised Code 73728
without authority to do so or, if authorized, in a manner 73729
inconsistent with the authority granted; 73730

(14) Failing to make a report to the board as required by 73731
division (A) of section 4725.21 or section 4725.31 of the Revised 73732
Code; 73733

(15) Soliciting patients from door to door or establishing 73734
temporary offices, in which case the board shall suspend all 73735
certificates held by the optometrist; 73736

(16) Except as provided in division (D) of this section: 73737

(a) Waiving the payment of all or any part of a deductible or 73738
copayment that a patient, pursuant to a health insurance or health 73739

care policy, contract, or plan that covers optometric services, 73740
would otherwise be required to pay if the waiver is used as an 73741
enticement to a patient or group of patients to receive health 73742
care services from that optometrist. 73743

(b) Advertising that the optometrist will waive the payment 73744
of all or any part of a deductible or copayment that a patient, 73745
pursuant to a health insurance or health care policy, contract, or 73746
plan that covers optometric services, would otherwise be required 73747
to pay. 73748

(17) Failing to comply with the requirements in section 73749
3719.061 of the Revised Code before issuing for a minor a 73750
prescription for an analgesic controlled substance authorized 73751
pursuant to section 4725.091 of the Revised Code that is an opioid 73752
analgesic, as defined in section 3719.01 of the Revised Code. 73753

(C) Any person who is the holder of a certificate of 73754
licensure, or who is an applicant for a certificate of licensure 73755
against whom is preferred any charges, shall be furnished by the 73756
board with a copy of the complaint and shall have a hearing before 73757
the board in accordance with Chapter 119. of the Revised Code. 73758

(D) Sanctions shall not be imposed under division (B)(17) of 73759
this section against any optometrist who waives deductibles and 73760
copayments: 73761

(1) In compliance with the health benefit plan that expressly 73762
allows such a practice. Waiver of the deductibles or copayments 73763
shall be made only with the full knowledge and consent of the plan 73764
purchaser, payer, and third-party administrator. Documentation of 73765
the consent shall be made available to the board upon request. 73766

(2) For professional services rendered to any other 73767
optometrist licensed by the board, to the extent allowed by 73768
sections 4725.01 to 4725.34 of the Revised Code and the rules of 73769
the board. 73770

Sec. 4725.20. On receipt of a notice pursuant to section 73771
3123.43 of the Revised Code, the state board of optometry shall 73772
comply with sections 3123.41 to 3123.50 of the Revised Code and 73773
any applicable rules adopted under section 3123.63 of the Revised 73774
Code with respect to a any license or certificate issued by the 73775
board under this chapter. 73776

Sec. 4725.34. (A) The state board of optometry shall charge 73777
the following nonrefundable fees: 73778

(1) One hundred thirty dollars for application for a 73779
certificate of licensure to practice optometry; 73780

(2) Forty-five dollars for application for a therapeutic 73781
pharmaceutical agents certificate, except when the certificate is 73782
to be issued pursuant to division (A)(3) of section 4725.13 of the 73783
Revised Code, in which case the fee shall be thirty-five dollars; 73784

(3) One hundred thirty dollars for renewal of a certificate 73785
of licensure to practice optometry; 73786

(4) Forty-five dollars for renewal of a topical ocular 73787
pharmaceutical agents certificate; 73788

(5) Forty-five dollars for renewal of a therapeutic 73789
pharmaceutical agents certificate; 73790

(6) One hundred twenty-five dollars for late completion or 73791
submission, or both, of continuing optometric education; 73792

(7) One hundred twenty-five dollars for late renewal of one 73793
or more certificates that have expired; 73794

(8) Seventy-five dollars for reinstatement of one or more 73795
certificates classified as delinquent under section 4725.16 of the 73796
Revised Code, multiplied by the number of years the one or more 73797
certificates have been classified as delinquent; 73798

(9) Seventy-five dollars for reinstatement of one or more 73799

certificates placed on inactive status under section 4725.17 of the Revised Code; 73800
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(10) Seventy-five dollars for reinstatement under section 4725.171 of the Revised Code of one or more expired certificates; 73802
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(11) Additional fees to cover administrative costs incurred by the board, including fees for replacing licenses issued by the board and providing rosters of currently licensed optometrists. Such fees shall be established at a regular meeting of the board and shall comply with any applicable guidelines or policies set by the department of administrative services or the office of budget and management. 73804
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(B) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts specified in division (A) of this section if the fees do not exceed the amounts specified by more than fifty per cent. 73811
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(C) All receipts of the board, from any source, shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund. 73815
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Sec. 4725.40. As used in sections 4725.40 to ~~4725.59~~ 4725.55 of the Revised Code: 73818
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(A) "Optical aid" means both of the following: 73820

(1) Spectacles or other instruments or devices that are not contact lenses, if the spectacles or other instruments or devices may aid or correct human vision and have been prescribed by a physician or optometrist licensed by any state; 73821
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(2) Contact lenses, regardless of whether they address visual function, if they are designed to fit over the cornea of the eye or are otherwise designed for use in or on the eye or orbit. 73825
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All contact lenses shall be dispensed only in accordance with a valid written prescription designated for contact lenses, 73828
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including the following: 73830

(a) Zero-powered plano contact lenses; 73831

(b) Cosmetic contact lenses; 73832

(c) Performance-enhancing contact lenses; 73833

(d) Any other contact devices determined by the ~~Ohio optical dispensers~~ state board of optometry to be contact lenses. 73834
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(B) "Optical dispensing" means interpreting but not altering 73836
a prescription of a licensed physician or optometrist and 73837
designing, adapting, fitting, or replacing the prescribed optical 73838
aids, pursuant to such prescription, to or for the intended 73839
wearer; duplicating lenses, other than contact lenses, accurately 73840
as to power without a prescription; and duplicating 73841
nonprescription eyewear and parts of eyewear. "Optical dispensing" 73842
does not include selecting frames, placing an order for the 73843
delivery of an optical aid, transacting a sale, transferring an 73844
optical aid to the wearer after an optician has completed fitting 73845
it, or providing instruction in the general care and use of an 73846
optical aid, including placement, removal, hygiene, or cleaning. 73847

(C) "Licensed dispensing optician" means a person holding a 73848
current, valid license issued under sections ~~4725.47~~ 4725.43 to 73849
~~4725.51~~ 4725.47 of the Revised Code that authorizes the person to 73850
engage in optical dispensing. Nothing in this chapter shall be 73851
construed to permit a licensed dispensing optician to alter the 73852
specifications of a prescription. 73853

(D) "Licensed spectacle dispensing optician" means a licensed 73854
dispensing optician authorized to engage in both of the following: 73855

(1) The dispensing of optical aids other than contact lenses; 73856

(2) The dispensing of prepackaged soft contact lenses in 73857
accordance with section 4725.411 of the Revised Code. 73858

(E) "Licensed contact lens dispensing optician" means a 73859

licensed dispensing optician authorized to engage only in the 73860
dispensing of contact lenses. 73861

(F) "Licensed spectacle-contact lens dispensing optician" 73862
means a licensed dispensing optician authorized to engage in the 73863
dispensing of any optical aid. 73864

(G) "Apprentice" means any person dispensing optical aids 73865
under the direct supervision of a licensed dispensing optician. 73866

(H) "Prescription" means the written or verbal directions or 73867
instructions as specified by a physician or optometrist licensed 73868
by any state for preparing an optical aid for a patient. 73869

(I) "Supervision" means the provision of direction and 73870
control through personal inspection and evaluation of work. 73871

(J) "Licensed ocularist" means a person holding a current, 73872
valid license issued under sections ~~4725.48~~ 4725.43 to ~~4725.51~~ 73873
4725.47 of the Revised Code to engage in the practice of 73874
designing, fabricating, and fitting artificial eyes or prostheses 73875
associated with the appearance or function of the human eye. 73876

Sec. 4725.41. ~~Beginning one year after March 22, 1979, no~~ No 73877
person shall engage in optical dispensing or hold ~~himself~~ self out 73878
as being engaged in optical dispensing, ~~except as authorized under~~ 73879
~~section 4725.47 of the Revised Code,~~ unless he the person has 73880
fulfilled the requirements of sections ~~4725.48~~ 4725.43 to ~~4725.51~~ 73881
4725.47 of the Revised Code and has been certified as a licensed 73882
dispensing optician by the ~~Ohio optical dispensers~~ state board of 73883
optometry created under section 4725.03 of the Revised Code. 73884
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No person shall engage in the designing, fabricating, and 73886
fitting of an artificial eye or of prostheses associated with the 73887
appearance or function of the human eye unless ~~he~~ the person is 73888
licensed as an ocularist under ~~to~~ sections ~~4725.48~~ 4725.43 to 73889

~~4725.51~~ 4725.47 of the Revised Code. 73890

Sec. 4725.411. (A) Each licensed spectacle dispensing optician shall complete two hours of study in prepackaged soft contact lens dispensing approved by the state board of optometry under section 4725.51 of the Revised Code. The two hours of study shall be completed as follows: 73891
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(1) Each licensed spectacle dispensing optician who holds the license on the effective date of this amendment shall complete the two hours of study not later than December 31, 2015. 73896
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(2) Each licensed spectacle dispensing optician who receives the license after the effective date of this amendment shall complete the two hours of study not later than the thirty-first day of December of the year the license is issued. 73899
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(B) Beginning January 1, 2016, a licensed spectacle dispensing optician may dispense prepackaged soft contact lenses if the both of the following are the case: 73903
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(1) The licensed spectacle dispensing optician has completed two hours of study in prepackaged soft contact lens dispensing in accordance with division (A) of this section. 73906
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(2) The only action necessary is to match the description of the contact lenses that is on the packaging to a written prescription. 73909
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Sec. 4725.44 ~~4725.42~~. (A) ~~The Ohio optical dispensers state board of optometry~~ shall be responsible for the administration of sections 4725.40 to ~~4725.59~~ 4725.55 of the Revised Code and, in particular, shall process applications for licensure as licensed dispensing opticians and ocularists; schedule, administer, and supervise the qualifying examinations for licensure or contract with a testing service to schedule, administer, and supervise the qualifying examination for licensure; issue licenses to qualified 73912
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individuals; revoke and suspend licenses; and maintain adequate records with respect to its operations and responsibilities.

(B) The board shall adopt, amend, or rescind rules, pursuant to Chapter 119. of the Revised Code, for the licensure of dispensing opticians and ocularists, and such other rules as are required by or necessary to carry out the responsibilities imposed by sections 4725.40 to ~~4725.59~~ 4725.55 of the Revised Code, including rules establishing criminal records check requirements under section 4776.03 of the Revised Code and rules establishing disqualifying offenses for licensure as a dispensing optician or certification as an apprentice dispensing optician pursuant to sections ~~4725.48~~ 4725.43, ~~4725.52~~ 4725.48, ~~4725.53~~ 4725.49, and 4776.10 of the Revised Code.

(C) The board shall have no authority to adopt rules governing the employment of dispensing opticians, the location or number of optical stores, advertising of optical products or services, or the manner in which optical products can be displayed.

Sec. ~~4725.48~~ 4725.43. (A) Any person who desires to engage in optical dispensing, ~~except as provided in section 4725.47 of the Revised Code,~~ shall file a properly completed written application for an examination with the ~~Ohio optical dispensers~~ state board of optometry or with the testing service the board has contracted with pursuant to section ~~4725.49~~ 4725.44 of the Revised Code. The application for examination shall be made on a form provided by the board or testing service and shall be accompanied by an examination fee the board shall establish by rule. Applicants must return the application to the board or testing service at least sixty days prior to the date the examination is scheduled to be administered.

(B) ~~Except as provided in section 4725.47 of the Revised~~

~~Code, any~~ Any person who desires to engage in optical dispensing 73951
shall file a properly completed written application for a license 73952
with the board with a licensure application fee of fifty dollars. 73953

No person shall be eligible to apply for a license under this 73954
division, unless the person is at least eighteen years of age, is 73955
free of contagious or infectious disease, has received a passing 73956
score, as determined by the board, on the examination administered 73957
under division (A) of this section, is a graduate of an accredited 73958
high school of any state, or has received an equivalent education 73959
and has successfully completed either of the following: 73960

(1) Two years of supervised experience under a licensed 73961
dispensing optician, optometrist, or physician engaged in the 73962
practice of ophthalmology, up to one year of which may be 73963
continuous experience of not less than thirty hours a week in an 73964
optical laboratory; 73965

(2) A two-year college level program in optical dispensing 73966
that has been approved by the board and that includes, but is not 73967
limited to, courses of study in mathematics, science, English, 73968
anatomy and physiology of the eye, applied optics, ophthalmic 73969
optics, measurement and inspection of lenses, lens grinding and 73970
edging, ophthalmic lens design, keratometry, and the fitting and 73971
adjusting of spectacle lenses and frames and contact lenses, 73972
including methods of fitting contact lenses and post-fitting care. 73973

(C) Any person who desires to obtain a license to practice as 73974
an ocularist shall file a properly completed written application 73975
with the board accompanied by the appropriate fee and proof that 73976
the applicant has met the requirements for licensure. The board 73977
shall establish, by rule, the application fee and the minimum 73978
requirements for licensure, including education, examination, or 73979
experience standards recognized by the board as national standards 73980
for ocularists. The board shall issue a license to practice as an 73981
ocularist to an applicant who satisfies the requirements of this 73982

division and rules adopted pursuant to this division. 73983

(D)(1) Subject to divisions (D)(2), (3), and (4) of this 73984
section, the board shall not adopt, maintain, renew, or enforce 73985
any rule that precludes an individual from receiving or renewing a 73986
license as a dispensing optician issued under sections 4725.40 to 73987
~~4725.59~~ 4725.55 of the Revised Code due to any past criminal 73988
activity or interpretation of moral character, unless the 73989
individual has committed a crime of moral turpitude or a 73990
disqualifying offense as those terms are defined in section 73991
4776.10 of the Revised Code. If the board denies an individual a 73992
license or license renewal, the reasons for such denial shall be 73993
put in writing. 73994

(2) Except as otherwise provided in this division, if an 73995
individual applying for a license has been convicted of or pleaded 73996
guilty to a misdemeanor that is not a crime of moral turpitude or 73997
a disqualifying offense less than one year prior to making the 73998
application, the board may use its discretion in granting or 73999
denying the individual a license. Except as otherwise provided in 74000
this division, if an individual applying for a license has been 74001
convicted of or pleaded guilty to a felony that is not a crime of 74002
moral turpitude or a disqualifying offense less than three years 74003
prior to making the application, the board may use its discretion 74004
in granting or denying the individual a license. The provisions in 74005
this paragraph do not apply with respect to any offense unless the 74006
board, prior to ~~the effective date of this amendment~~ September 28, 74007
2012, was required or authorized to deny the application based on 74008
that offense. 74009

In all other circumstances, the board shall follow the 74010
procedures it adopts by rule that conform to division (D)(1) of 74011
this section. 74012

(3) In considering a renewal of an individual's license, the 74013
board shall not consider any conviction or plea of guilty prior to 74014

the initial licensing. However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially licensed, or after the most recent license renewal.

(4) The board may grant an individual a conditional license that lasts for one year. After the one-year period has expired, the license is no longer considered conditional, and the individual shall be considered fully licensed.

(E) The board, subject to the approval of the controlling board, may establish examination fees in excess of the amount established by rule pursuant to this section, provided that the fees do not exceed the prior amount by more than fifty per cent.

Sec. ~~4725.49~~ 4725.44. (A) The ~~Ohio optical dispensers state board of optometry~~ may provide for the examination of applicants by designing, preparing, and administering the qualifying examinations or by contracting with a testing service that is nationally recognized as being capable of determining competence to dispense optical aids as a licensed spectacle dispensing optician, a licensed contact lens dispensing optician, or a licensed spectacle-contact lens dispensing optician. Any examination used shall be designed to measure specific performance requirements, be professionally constructed and validated, and be independently and objectively administered and scored in order to determine the applicant's competence to dispense optical aids.

(B) The board shall ensure that it, or the testing service it contracts with, does all of the following:

(1) Provides public notice as to the date, time, and place for each examination at least ninety days prior to the examination;

(2) Offers each qualifying examination at least twice each year in Columbus, except as provided in division (C) of this

section; 74045

(3) Provides to each applicant all forms necessary to apply 74046
for examination; 74047

(4) Provides all materials and equipment necessary for the 74048
applicant to take the examination. 74049

(C) If the number of applicants for any qualifying 74050
examination is less than ten, the examination may be postponed. 74051
The board or testing service shall provide the applicant with 74052
written notification of the postponement and of the next date the 74053
examination is scheduled to be administered. 74054

(D) No limitation shall be placed upon the number of times 74055
that an applicant may repeat any qualifying examination, except 74056
that, if an applicant fails an examination for a third time, the 74057
board may require that the applicant, prior to retaking the 74058
examination, undergo additional study in the areas of the 74059
examination in which the applicant experienced difficulty. 74060

Sec. ~~4725.50~~ 4725.45. (A) Except for a person who qualifies 74061
for licensure as an ocularist, each person who qualifies for 74062
licensure under sections 4725.40 to ~~4725.59~~ 4725.55 of the Revised 74063
Code shall receive from the ~~Ohio optical dispensers~~ state board of 74064
optometry, under its seal, a certificate of licensure entitling 74065
the person to practice as a licensed spectacle dispensing 74066
optician, licensed contact lens dispensing optician, or a licensed 74067
spectacle-contact lens dispensing optician. The appropriate 74068
certificate of licensure shall be issued by the board no later 74069
than sixty days after it has notified the applicant of the 74070
applicant's approval for licensure. 74071

(B) Each licensed dispensing optician shall display the 74072
licensed dispensing optician's certificate of licensure in a 74073
conspicuous place in the licensed dispensing optician's office or 74074

place of business. If a licensed dispensing optician maintains 74075
more than one office or place of business, the licensed dispensing 74076
optician shall display a duplicate copy of such certificate at 74077
each location. The board shall issue duplicate copies of the 74078
appropriate certificate of licensure for this purpose upon the 74079
filing of an application form therefor and the payment of a 74080
five-dollar fee for each duplicate copy. 74081

Sec. ~~4725.501~~ 4725.46. (A) As used in this section, "license" 74082
and "applicant for an initial license" have the same meanings as 74083
in section 4776.01 of the Revised Code, except that "license" as 74084
used in both of those terms refers to the types of authorizations 74085
otherwise issued or conferred under this chapter. 74086

(B) In addition to any other eligibility requirement set 74087
forth in this chapter, each applicant for an initial license shall 74088
comply with sections 4776.01 to 4776.04 of the Revised Code. The 74089
~~Ohio optical dispensers~~ state board of optometry shall not grant a 74090
license to an applicant for an initial license unless the 74091
applicant complies with sections 4776.01 to 4776.04 of the Revised 74092
Code and the board, in its discretion, decides that the results of 74093
the criminal records check do not make the applicant ineligible 74094
for a license issued pursuant to section ~~4725.50~~ 4725.45 or 74095
~~4725.57~~ 4725.53 of the Revised Code. 74096

Sec. ~~4725.51~~ 4725.47. (A)(1) Each license issued under 74097
sections 4725.40 to ~~4725.59~~ 4725.55 of the Revised Code shall 74098
expire on the first day of January in the year after it was 74099
issued. Each person holding a valid, current license may apply to 74100
the ~~Ohio optical dispensers~~ state board of optometry for the 74101
extension of the license under the standard renewal procedures of 74102
Chapter 4745. of the Revised Code. Each application for renewal 74103
shall be accompanied by a renewal fee the board shall establish by 74104
rule. In addition, except as provided in division (A)(2) of this 74105

section, the application shall contain evidence that the applicant 74106
has completed continuing education within the immediately 74107
preceding one-year period as follows: 74108

~~(1)~~(a) Licensed spectacle dispensing opticians shall have 74109
pursued both of the following, approved by the board: 74110

~~(a)~~(i) Four hours of study in spectacle dispensing; 74111

~~(b)~~(ii) Two hours of study in ~~the form of~~ contact lens 74112
dispensing ~~described in section 4725.411 of the Revised Code.~~ 74113

~~(2)~~(b) Licensed contact lens dispensing opticians shall have 74114
pursued eight hours of study in contact lens dispensing, approved 74115
by the board. 74116

~~(3)~~(c) Licensed spectacle-contact lens dispensing opticians 74117
shall have pursued both of the following, approved by the board: 74118

~~(a)~~(i) Four hours of study in spectacle dispensing; 74119

~~(b)~~(ii) Eight hours of study in contact lens dispensing. 74120

~~(4)~~(d) Licensed ocularists shall have pursued courses of 74121
study as prescribed by rule of the board. 74122

(2) An application for the initial renewal of a license 74123
issued under sections 4725.40 to 4725.59 of the Revised Code is 74124
not required to contain evidence that the applicant has completed 74125
the continuing education requirements of division (A)(1) of this 74126
section. 74127

(B) No person who fails to renew the person's license under 74128
division (A) of this section shall be required to take a 74129
qualifying examination under section ~~4725.48~~ 4725.43 of the 74130
Revised Code as a condition of renewal, provided that the 74131
application for renewal and proof of the requisite continuing 74132
education hours are submitted within ninety days from the date the 74133
license expired and the applicant pays the annual renewal fee and 74134
a penalty of seventy-five dollars. The board may provide, by rule, 74135

for an extension of the grace period for licensed dispensing 74136
opticians who are serving in the armed forces of the United States 74137
or a reserve component of the armed forces of the United States, 74138
including the Ohio national guard or the national guard of any 74139
other state and for waiver of the continuing education 74140
requirements or the penalty in cases of hardship or illness. 74141

(C) The board shall approve continuing education programs and 74142
shall adopt rules as necessary for approving the programs. The 74143
rules shall permit programs to be conducted either in person or 74144
through electronic or other self-study means. Approved programs 74145
shall be scheduled, sponsored, and conducted in accordance with 74146
the board's rules. 74147

(D) Any license issued under former section 4725.47 of the 74148
Revised Code shall be renewed in accordance with this section. 74149

(E) The board, subject to the approval of the controlling 74150
board, may establish renewal fees in excess of the amount 74151
established by rule pursuant to this section, provided that the 74152
fees do not exceed the prior amount by more than fifty per cent. 74153

Sec. 4725.52 4725.48. Any licensed dispensing optician may 74154
supervise a maximum of three apprentices who shall be permitted to 74155
engage in optical dispensing only under the supervision of the 74156
licensed dispensing optician. 74157

To serve as an apprentice, a person shall register with the 74158
~~Ohio optical dispensers~~ state board of optometry either on a form 74159
provided by the board or in the form of a statement giving the 74160
name and address of the supervising licensed dispensing optician, 74161
the location at which the apprentice will be employed, and any 74162
other information required by the board. For the duration of the 74163
apprenticeship, the apprentice shall register annually on the form 74164
provided by the board or in the form of a statement. 74165

Each apprentice shall pay an initial registration fee of 74166
twenty dollars. For each registration renewal thereafter, each 74167
apprentice shall pay a registration renewal fee of twenty dollars. 74168

The board shall not deny registration as an apprentice under 74169
this section to any individual based on the individual's past 74170
criminal history or an interpretation of moral character unless 74171
the individual has committed a disqualifying offense or crime of 74172
moral turpitude as those terms are defined in section 4776.10 of 74173
the Revised Code. Except as otherwise provided in this division, 74174
if an individual applying for a registration has been convicted of 74175
or pleaded guilty to a misdemeanor that is not a crime of moral 74176
turpitude or a disqualifying offense less than one year prior to 74177
making the application, the board may use its discretion in 74178
granting or denying the individual a registration. Except as 74179
otherwise provided in this division, if an individual applying for 74180
a registration has been convicted of or pleaded guilty to a felony 74181
that is not a crime of moral turpitude or a disqualifying offense 74182
less than three years prior to making the application, the board 74183
may use its discretion in granting or denying the individual a 74184
registration. The provisions in this paragraph do not apply with 74185
respect to any offense unless the board, prior to ~~the effective~~ 74186
~~date of this amendment~~ September 28, 2012, was required or 74187
authorized to deny the registration based on that offense. 74188

In all other circumstances, the board shall follow the 74189
procedures it adopts by rule that conform to this section. In 74190
considering a renewal of an individual's registration, the board 74191
shall not consider any conviction or plea of guilty prior to the 74192
initial registration. However, the board may consider a conviction 74193
or plea of guilty if it occurred after the individual was 74194
initially registered, or after the most recent registration 74195
renewal. If the board denies an individual for a registration or 74196
registration renewal, the reasons for such denial shall be put in 74197

writing. Additionally, the board may grant an individual a 74198
conditional registration that lasts for one year. After the 74199
one-year period has expired, the registration is no longer 74200
considered conditional, and the individual shall be considered 74201
fully registered. 74202

A person who is gaining experience under the supervision of a 74203
licensed optometrist or ophthalmologist that would qualify the 74204
person under division (B)(1) of section ~~4725.48~~ 4725.43 of the 74205
Revised Code to take the examination for optical dispensing is not 74206
required to register with the board. 74207

Sec. ~~4725.53~~ 4725.49. (A) The ~~Ohio optical dispensers state~~ 74208
~~board of optometry~~, by a majority vote of its members, may refuse 74209
to grant a license and, in accordance with Chapter 119. of the 74210
Revised Code, may suspend or revoke the license of a licensed 74211
dispensing optician or impose a fine or order restitution pursuant 74212
to division (B) of this section on any of the following grounds: 74213

(1) Conviction of a crime involving moral turpitude or a 74214
disqualifying offense as those terms are defined in section 74215
4776.10 of the Revised Code; 74216

(2) Obtaining or attempting to obtain a license by fraud or 74217
deception; 74218

(3) Obtaining any fee or making any sale of an optical aid by 74219
means of fraud or misrepresentation; 74220

(4) Habitual indulgence in the use of controlled substances 74221
or other habit-forming drugs, or in the use of alcoholic liquors 74222
to an extent that affects professional competency; 74223

(5) Finding by a court of competent jurisdiction that the 74224
applicant or licensee is incompetent by reason of mental illness 74225
and no subsequent finding by the court of competency; 74226

(6) Finding by a court of law that the licensee is guilty of 74227

incompetence or negligence in the dispensing of optical aids; 74228

(7) Knowingly permitting or employing a person whose license 74229
has been suspended or revoked or an unlicensed person to engage in 74230
optical dispensing; 74231

(8) Permitting another person to use the licensee's license; 74232

(9) Engaging in optical dispensing not pursuant to the 74233
prescription of a licensed physician or licensed optometrist, but 74234
nothing in this section shall prohibit the duplication or 74235
replacement of previously prepared optical aids, except contact 74236
lenses shall not be duplicated or replaced without a written 74237
prescription; 74238

(10) Violation of sections 4725.40 to ~~4725.59~~ 4725.55 of the 74239
Revised Code; 74240

(11) Waiving the payment of all or any part of a deductible 74241
or copayment that a patient, pursuant to a health insurance or 74242
health care policy, contract, or plan that covers optical 74243
dispensing services, would otherwise be required to pay if the 74244
waiver is used as an enticement to a patient or group of patients 74245
to receive health care services from that provider. 74246

(12) Advertising that the licensee will waive the payment of 74247
all or any part of a deductible or copayment that a patient, 74248
pursuant to a health insurance or health care policy, contract, or 74249
plan that covers optical dispensing services, would otherwise be 74250
required to pay. 74251

(B) The board may impose a fine of not more than five hundred 74252
dollars for a first occurrence of an action that is grounds for 74253
discipline under this section and of not less than five hundred 74254
nor more than one thousand dollars for a subsequent occurrence, or 74255
may order the licensee to make restitution to a person who has 74256
suffered a financial loss as a result of the licensee's failure to 74257
comply with sections 4725.40 to ~~4725.59~~ 4725.55 of the Revised 74258

Code. 74259

(C) Notwithstanding divisions (A)(11) and (12) of this 74260
section, sanctions shall not be imposed against any licensee who 74261
waives deductibles and copayments: 74262

(1) In compliance with the health benefit plan that expressly 74263
allows such a practice. Waiver of the deductibles or copays shall 74264
be made only with the full knowledge and consent of the plan 74265
purchaser, payer, and third-party administrator. Such consent 74266
shall be made available to the board upon request. 74267

(2) For professional services rendered to any other person 74268
licensed pursuant to this chapter to the extent allowed by this 74269
chapter and the rules of the board. 74270

Sec. ~~4725.54~~ 4725.50. (A) Any person having knowledge of a 74271
violation of sections 4725.40 to ~~4725.59~~ 4725.55 of the Revised 74272
Code by a licensed dispensing optician or an apprentice, or of any 74273
other ground specified in section ~~4725.53~~ 4725.49 of the Revised 74274
Code for denying, suspending, or revoking a license, may submit a 74275
written complaint, specifying the precise violations or grounds, 74276
to the ~~Ohio optical dispensers~~ state board of optometry. If the 74277
board determines, in accordance with the procedures of Chapter 74278
119. of the Revised Code, that the charges are sustained by the 74279
evidence presented, it may suspend or revoke the license of the 74280
person against whom the charges were preferred. 74281

(B) If the board discovers or is informed that any person is 74282
or has been engaged in optical dispensing without having received 74283
a license under sections 4725.40 to ~~4725.59~~ 4725.55 of the Revised 74284
Code, it shall inform the prosecuting attorney for the county in 74285
which the alleged unlicensed activity took place. The prosecuting 74286
attorney shall take all legal action necessary to terminate such 74287
illegal practice of optical dispensing and to prosecute the 74288
offender under section 4725.41 of the Revised Code. 74289

(C) In addition to other remedies provided in this chapter, 74290
the board may request the attorney general or the prosecuting 74291
attorney of a county in which a violation of sections 4725.40 to 74292
~~4725.59~~ 4725.55 of the Revised Code occurs to apply to the court 74293
of common pleas of the county for an injunction to restrain the 74294
activity that constitutes a violation. 74295

Sec. ~~4725.55~~ 4725.51. No person shall do any of the 74296
following: 74297

(A) Sell or barter, or offer to sell or barter, a certificate 74298
of licensure as a dispensing optician issued under sections 74299
4725.40 to ~~4725.59~~ 4725.55 of the Revised Code; 74300

(B) Use, or attempt to use, a license which is illegally 74301
purchased or acquired under division (A) of this section, obtained 74302
by fraud or deception, counterfeited, materially altered or 74303
otherwise modified without prior approval of the ~~Ohio optical~~ 74304
~~dispensers~~ state board of optometry, or suspended or revoked under 74305
section ~~4725.53~~ 4725.49 or ~~4725.54~~ 4725.50 of the Revised Code; 74306

(C) Materially alter or otherwise modify a license in any 74307
manner, unless authorized by the ~~Ohio optical dispensers state~~ 74308
board of optometry; 74309

(D) Willfully and knowingly make any false statement in an 74310
application required under sections 4725.40 to ~~4725.59~~ 4725.55 of 74311
the Revised Code. 74312

Sec. ~~4725.56~~ 4725.52. No licensed dispensing optician, or 74313
employee or agent of a licensed dispensing optician shall pay or 74314
offer to pay a rebate or commission of any nature, or offer any 74315
other thing of value, to a licensed physician or licensed 74316
optometrist for referring patients to the licensed dispensing 74317
optician. 74318

Sec. ~~4725.57~~ 4725.53. An applicant for licensure as a 74319
licensed dispensing optician who is licensed or registered in 74320
another state shall be accorded the full privileges of practice 74321
within this state, upon the payment of a fifty-dollar fee and the 74322
submission of a certified copy of the license or certificate 74323
issued by such other state, without the necessity of examination, 74324
if the board determines that the applicant meets the remaining 74325
requirements of division (B) of section ~~4725.48~~ 4725.43 of the 74326
Revised Code. The board may require that the applicant have 74327
received a passing score, as determined by the board, on an 74328
examination that is substantially the same as the examination 74329
described in division (A) of section ~~4725.48~~ 4725.43 of the 74330
Revised Code. 74331

Sec. ~~4725.58~~ 4725.54. After each licensed contact lens 74332
dispensing optician has dispensed contact lenses pursuant to the 74333
written prescription of a licensed physician or a licensed 74334
optometrist, the licensee shall, in writing, immediately inform 74335
the patient to return back to the prescribing physician or 74336
optometrist for final evaluation. 74337

Sec. ~~4725.59~~ 4725.55. (A) Sections 4725.40 to ~~4725.59~~ 4725.55 74338
of the Revised Code do not apply to: 74339

(1) A physician authorized under Chapter 4731. of the Revised 74340
Code to practice medicine and surgery or osteopathic medicine and 74341
surgery, or to persons while in the employment and under the 74342
supervision of a physician at the physician's office; 74343

(2) An optometrist licensed under sections 4725.01 to 4725.34 74344
of the Revised Code, or to persons while in the employment and 74345
under the supervision of an optometrist at the optometrist's 74346
office. 74347

(B) Nothing in sections 4725.40 to ~~4725.59~~ 4725.55 of the 74348

Revised Code shall prevent or restrict any individual, firm, or 74349
corporation from employing or from engaging in optical dispensing 74350
through persons licensed or registered under such sections. 74351

Sec. ~~4725.61~~ 4725.56. The state board of optometry ~~and the~~ 74352
~~Ohio optical dispensers board~~ shall comply with section 4776.20 of 74353
the Revised Code. 74354

Sec. 4725.99. (A) Whoever violates section 4725.02 of the 74355
Revised Code shall be fined not more than five hundred dollars for 74356
a first offense; for each subsequent offense such person shall be 74357
fined not less than five hundred nor more than one thousand 74358
dollars, or imprisoned not less than six months nor more than one 74359
year. 74360

(B) Whoever violates section 4725.41 of the Revised Code is 74361
guilty of a misdemeanor of the second degree for a first offense, 74362
and a misdemeanor of the first degree for each subsequent offense. 74363

(C) Whoever violates section ~~4725.55~~ 4725.51 or ~~4725.56~~ 74364
4725.52 of the Revised Code is guilty of a misdemeanor of the 74365
second degree. 74366

(D) Whoever violates division (A) of section 4725.21 of the 74367
Revised Code is guilty of a minor misdemeanor for a first offense; 74368
for each subsequent offense, such person is guilty of a 74369
misdemeanor of the second degree. Any violation constitutes a 74370
separate offense on each successive day continued. 74371

(E) Whoever violates section 4725.32 of the Revised Code is 74372
guilty of a misdemeanor of the third degree. 74373

(F) Whoever violates section 4725.22 of the Revised Code is 74374
guilty of a minor misdemeanor for a first offense; for each 74375
subsequent offense, such person shall be fined up to one thousand 74376
dollars. 74377

Sec. 4729.51. (A)(1) Except as provided in division (A)(2) of 74378
this section, no person other than a registered wholesale 74379
distributor of dangerous drugs shall possess for sale, sell, 74380
distribute, or deliver, at wholesale, dangerous drugs, except as 74381
follows: 74382

(a) A pharmacist who is a licensed terminal distributor of 74383
dangerous drugs or who is employed by a licensed terminal 74384
distributor of dangerous drugs may make occasional sales of 74385
dangerous drugs at wholesale; 74386

(b) A licensed terminal distributor of dangerous drugs having 74387
more than one establishment or place may transfer or deliver 74388
dangerous drugs from one establishment or place for which a 74389
license has been issued to the terminal distributor to another 74390
establishment or place for which a license has been issued to the 74391
terminal distributor if the license issued for each establishment 74392
or place is in effect at the time of the transfer or delivery. 74393

(2) A manufacturer of dangerous drugs may donate epinephrine 74394
autoinjectors to any of the following: 74395

(a) The board of education of a city, local, exempted 74396
village, or joint vocational school district; 74397

(b) A community school established under Chapter 3314. of the 74398
Revised Code; 74399

(c) A STEM school established under Chapter 3326. of the 74400
Revised Code; 74401

(d) A college-preparatory boarding school established under 74402
Chapter 3328. of the Revised Code; 74403

(e) A chartered or nonchartered nonpublic school. 74404

(B)(1) No registered wholesale distributor of dangerous drugs 74405
shall possess for sale, or sell, at wholesale, dangerous drugs to 74406
any person other than the following: 74407

(a) Except as provided in division (B)(2)(a) of this section	74408
<u>and division (B) of section 4729.541 of the Revised Code</u> , a	74409
licensed health professional authorized to prescribe drugs;	74410
(b) An optometrist licensed under Chapter 4725. of the	74411
Revised Code who holds a topical ocular pharmaceutical agents	74412
certificate;	74413
(c) A registered wholesale distributor of dangerous drugs;	74414
(d) A manufacturer of dangerous drugs;	74415
(e) Subject to division (B)(3) of this section, a licensed	74416
terminal distributor of dangerous drugs;	74417
(f) Carriers or warehouses for the purpose of carriage or	74418
storage;	74419
(g) Terminal or wholesale distributors of dangerous drugs who	74420
are not engaged in the sale of dangerous drugs within this state;	74421
(h) An individual who holds a current license, certificate,	74422
or registration issued under Title XLVII of the Revised Code and	74423
has been certified to conduct diabetes education by a national	74424
certifying body specified in rules adopted by the state board of	74425
pharmacy under section 4729.68 of the Revised Code, but only with	74426
respect to insulin that will be used for the purpose of diabetes	74427
education and only if diabetes education is within the	74428
individual's scope of practice under statutes and rules regulating	74429
the individual's profession;	74430
(i) An individual who holds a valid certificate issued by a	74431
nationally recognized S.C.U.B.A. diving certifying organization	74432
approved by the state board of pharmacy in rule, but only with	74433
respect to medical oxygen that will be used for the purpose of	74434
emergency care or treatment at the scene of a diving emergency;	74435
(j) Except as provided in division (B)(2)(b) of this section	74436
<u>and division (A) of section 4729.541 of the Revised Code</u> , a	74437

business entity that is a corporation formed under division (B) of 74438
section 1701.03 of the Revised Code, a limited liability company 74439
formed under Chapter 1705. of the Revised Code, or a professional 74440
association formed under Chapter 1785. of the Revised Code if the 74441
entity has a sole shareholder who is a licensed health 74442
professional authorized to prescribe drugs and is authorized to 74443
provide the professional services being offered by the entity; 74444

(k) Except as provided in division (B)(2)(c) of this section 74445
and division (A) of section 4729.541 of the Revised Code, a 74446
business entity that is a corporation formed under division (B) of 74447
section 1701.03 of the Revised Code, a limited liability company 74448
formed under Chapter 1705. of the Revised Code, a partnership or a 74449
limited liability partnership formed under Chapter 1775. of the 74450
Revised Code, or a professional association formed under Chapter 74451
1785. of the Revised Code, if, to be a shareholder, member, or 74452
partner, an individual is required to be licensed, certified, or 74453
otherwise legally authorized under Title XLVII of the Revised Code 74454
to perform the professional service provided by the entity and 74455
each such individual is a licensed health professional authorized 74456
to prescribe drugs; 74457

(l) With respect to epinephrine autoinjectors that may be 74458
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 74459
or 3328.29 of the Revised Code, any of the following: the board of 74460
education of a city, local, exempted village, or joint vocational 74461
school district; a chartered or nonchartered nonpublic school; a 74462
community school established under Chapter 3314. of the Revised 74463
Code; a STEM school established under Chapter 3326. of the Revised 74464
Code; or a college-preparatory boarding school established under 74465
Chapter 3328. of the Revised Code; 74466

(m) With respect to epinephrine autoinjectors that may be 74467
possessed under section 5101.76 of the Revised Code, any of the 74468
following: a residential camp, as defined in section 2151.011 of 74469

the Revised Code; a child day camp, as defined in section 5104.01 74470
of the Revised Code; or a child day camp operated by any county, 74471
township, municipal corporation, township park district created 74472
under section 511.18 of the Revised Code, park district created 74473
under section 1545.04 of the Revised Code, or joint recreation 74474
district established under section 755.14 of the Revised Code; 74475

(n) With respect to naloxone that may be possessed under 74476
section 2925.61 of the Revised Code, a law enforcement agency and 74477
its peace officers. 74478

(2) No registered wholesale distributor of dangerous drugs 74479
shall possess for sale, or sell, at wholesale, dangerous drugs to 74480
any of the following: 74481

(a) A prescriber who is employed by a pain management clinic 74482
that is not licensed as a terminal distributor of dangerous drugs 74483
with a pain management clinic classification issued under section 74484
4729.552 of the Revised Code; 74485

(b) A business entity described in division (B)(1)(j) of this 74486
section that is, or is operating, a pain management clinic without 74487
a license as a terminal distributor of dangerous drugs with a pain 74488
management clinic classification issued under section 4729.552 of 74489
the Revised Code; 74490

(c) A business entity described in division (B)(1)(k) of this 74491
section that is, or is operating, a pain management clinic without 74492
a license as a terminal distributor of dangerous drugs with a pain 74493
management clinic classification issued under section 4729.552 of 74494
the Revised Code. 74495

(3) No registered wholesale distributor of dangerous drugs 74496
shall possess dangerous drugs for sale at wholesale, or sell such 74497
drugs at wholesale, to a licensed terminal distributor of 74498
dangerous drugs, except as follows: 74499

(a) In the case of a terminal distributor with a category I 74500

license, only dangerous drugs described in category I, as defined 74501
in division (A)(1) of section 4729.54 of the Revised Code; 74502

(b) In the case of a terminal distributor with a category II 74503
license, only dangerous drugs described in category I and category 74504
II, as defined in divisions (A)(1) and (2) of section 4729.54 of 74505
the Revised Code; 74506

(c) In the case of a terminal distributor with a category III 74507
license, dangerous drugs described in category I, category II, and 74508
category III, as defined in divisions (A)(1), (2), and (3) of 74509
section 4729.54 of the Revised Code; 74510

(d) In the case of a terminal distributor with a limited 74511
category I, II, or III license, only the dangerous drugs specified 74512
in the certificate furnished by the terminal distributor in 74513
accordance with section 4729.60 of the Revised Code. 74514

(C)(1) Except as provided in division (C)(4) of this section, 74515
no person shall sell, at retail, dangerous drugs. 74516

(2) Except as provided in division (C)(4) of this section, no 74517
person shall possess for sale, at retail, dangerous drugs. 74518

(3) Except as provided in division (C)(4) of this section, no 74519
person shall possess dangerous drugs. 74520

(4) Divisions (C)(1), (2), and (3) of this section do not 74521
apply to a registered wholesale distributor of dangerous drugs, or 74522
a licensed terminal distributor of dangerous drugs, ~~or~~. 74523

Divisions (C)(1), (2), and (3) of this section do not apply 74524
to a person who possesses, or possesses for sale or sells, at 74525
retail, a dangerous drug in accordance with Chapters 3719., 4715., 74526
4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code. 74527

Divisions (C)(1), (2), and (3) of this section do not apply 74528
to an individual who holds a current license, certificate, or 74529
registration issued under Title XLVII of the Revised Code and has 74530

been certified to conduct diabetes education by a national 74531
certifying body specified in rules adopted by the state board of 74532
pharmacy under section 4729.68 of the Revised Code, but only to 74533
the extent that the individual possesses insulin or personally 74534
supplies insulin solely for the purpose of diabetes education and 74535
only if diabetes education is within the individual's scope of 74536
practice under statutes and rules regulating the individual's 74537
profession. 74538

Divisions (C)(1), (2), and (3) of this section do not apply 74539
to an individual who holds a valid certificate issued by a 74540
nationally recognized S.C.U.B.A. diving certifying organization 74541
approved by the state board of pharmacy in rule, but only to the 74542
extent that the individual possesses medical oxygen or personally 74543
supplies medical oxygen for the purpose of emergency care or 74544
treatment at the scene of a diving emergency. 74545

Division (C)(3) of this section does not apply to the board 74546
of education of a city, local, exempted village, or joint 74547
vocational school district, a school building operated by a school 74548
district board of education, a chartered or nonchartered nonpublic 74549
school, a community school, a STEM school, or a 74550
college-preparatory boarding school for the purpose of possessing 74551
epinephrine autoinjectors under section 3313.7110, 3313.7111, 74552
3314.143, 3326.28, or 3328.29 of the Revised Code. 74553

Division (C)(3) of this section does not apply to a 74554
residential camp, as defined in section 2151.011 of the Revised 74555
Code, a child day camp, as defined in section 5104.01 of the 74556
Revised Code, or a child day camp operated by any county, 74557
township, municipal corporation, township park district created 74558
under section 511.18 of the Revised Code, park district created 74559
under section 1545.04 of the Revised Code, or joint recreation 74560
district established under section 755.14 of the Revised Code for 74561
the purpose of possessing epinephrine autoinjectors under section 74562

5101.76 of the Revised Code. 74563

Division (C)(3) of this section does not apply to a law 74564
enforcement agency or the agency's peace officers if the agency or 74565
officers possess naloxone for administration to individuals who 74566
are apparently experiencing opioid-related overdoses. 74567

(D) No licensed terminal distributor of dangerous drugs shall 74568
purchase for the purpose of resale dangerous drugs from any person 74569
other than a registered wholesale distributor of dangerous drugs, 74570
except as follows: 74571

(1) A licensed terminal distributor of dangerous drugs may 74572
make occasional purchases of dangerous drugs for resale from a 74573
pharmacist who is a licensed terminal distributor of dangerous 74574
drugs or who is employed by a licensed terminal distributor of 74575
dangerous drugs; 74576

(2) A licensed terminal distributor of dangerous drugs having 74577
more than one establishment or place may transfer or receive 74578
dangerous drugs from one establishment or place for which a 74579
license has been issued to the terminal distributor to another 74580
establishment or place for which a license has been issued to the 74581
terminal distributor if the license issued for each establishment 74582
or place is in effect at the time of the transfer or receipt. 74583

(E) No licensed terminal distributor of dangerous drugs shall 74584
engage in the sale or other distribution of dangerous drugs at 74585
retail or maintain possession, custody, or control of dangerous 74586
drugs for any purpose other than the distributor's personal use or 74587
consumption, at any establishment or place other than that or 74588
those described in the license issued by the state board of 74589
pharmacy to such terminal distributor. 74590

(F) Nothing in this section shall be construed to interfere 74591
with the performance of official duties by any law enforcement 74592
official authorized by municipal, county, state, or federal law to 74593

collect samples of any drug, regardless of its nature or in whose possession it may be. 74594
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(G) Notwithstanding anything to the contrary in this section, the board of education of a city, local, exempted village, or joint vocational school district may deliver epinephrine autoinjectors to a school under its control for the purpose of possessing epinephrine autoinjectors under section 3313.7110 of the Revised Code. 74596
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Sec. 4729.53. (A) The state board of pharmacy shall not register any person as a wholesale distributor of dangerous drugs unless the applicant for registration furnishes satisfactory proof to the board ~~of pharmacy~~ that ~~he~~ the applicant meets all of the following: 74602
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(1) ~~That if~~ If the applicant has been convicted of a violation of any federal, state, or local law relating to drug samples, wholesale or retail drug distribution, or distribution of controlled substances or of a felony, or if a federal, state, or local governmental entity has suspended or revoked any current or prior license or registration of the applicant for the manufacture or sale of any dangerous drugs, including controlled substances, the applicant, to the satisfaction of the board, assures that ~~he~~ the applicant has in place adequate safeguards to prevent the recurrence of any such violations~~+~~. 74607
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(2) The applicant's past experience in the manufacture or distribution of dangerous drugs, including controlled substances, is acceptable to the board. 74617
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(3) The applicant is equipped as to land, buildings, equipment, and personnel to properly carry on the business of a wholesale distributor of dangerous drugs, including providing adequate security for and proper storage conditions and handling for dangerous drugs, and is complying with the requirements under 74620
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this chapter and the rules adopted pursuant thereto for 74625
maintaining and making available records to properly identified 74626
board officials and federal, state, and local law enforcement 74627
agencies. 74628

(4) Personnel employed by the applicant have the appropriate 74629
education or experience, as determined by the board, to assume 74630
responsibility for positions related to compliance with this 74631
chapter and the rules adopted pursuant thereto. 74632

(5) The applicant has designated the name and address of a 74633
person to whom communications from the board may be directed and 74634
upon whom the notices and citations provided for in section 74635
4729.56 of the Revised Code may be served. 74636

(6) Adequate safeguards are assured to prevent the sale of 74637
dangerous drugs to any person other than those named in division 74638
(B) of section 4729.51 of the Revised Code. 74639

(7) Any other requirement or qualification the board, by rule 74640
adopted in accordance with Chapter 119. of the Revised Code, 74641
considers relevant to and consistent with the public safety and 74642
health. 74643

(B) ~~The~~ In addition to the causes described in section 74644
4729.56 of the Revised Code for refusing to grant or renew a 74645
registration certificate, the board may refuse to register or 74646
renew the registration certificate of any person if the board 74647
determines that the granting of the registration certificate or 74648
its renewal is not in the public interest. 74649

Sec. 4729.541. (A)~~(1)~~ Except as provided in divisions 74650
~~(B)~~~~(A)~~~~(2)~~ and ~~(C)~~~~(3)~~ of this section, a business entity described 74651
in division (B)(1)(j) or (k) of section 4729.51 of the Revised 74652
Code may possess, have custody or control of, and distribute the 74653
dangerous drugs in category I, category II, and category III, as 74654

defined in section 4729.54 of the Revised Code, without holding a terminal distributor of dangerous drugs license issued under that section. 74655
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~~(B)(2)~~ If a business entity described in division (B)(1)(j) or (k) of section 4729.51 of the Revised Code is a pain management clinic or is operating a pain management clinic, the entity shall hold a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code. 74658
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~~(C) Beginning April 1, 2015, a~~ (3) A business entity described in division (B)(1)(j) or (k) of section 4729.51 of the Revised Code shall hold a license as a terminal distributor of dangerous drugs in order to possess, have custody or control of, and distribute either of the following: 74664
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~~(1)(a)~~ Dangerous drugs that are compounded or used for the purpose of compounding; 74669
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~~(2)(b)~~ Controlled substances containing buprenorphine that are used for the purpose of treating drug dependence or addiction. 74671
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(B) A licensed health professional authorized to prescribe drugs who does not practice in the form of a business entity described in division (B)(1)(j) or (k) of section 4729.51 of the Revised Code shall hold a license as a terminal distributor of dangerous drugs in order to possess, have custody or control of, and distribute, including personally furnish, either of the following: 74673
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(1) Dangerous drugs that are compounded or used for the purpose of compounding; 74680
74681

(2) Controlled substances containing buprenorphine that are used for the purpose of treating drug dependence or addiction. 74682
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Sec. 4729.56. (A) In accordance with Chapter 119. of the 74684
Revised Code, the board of pharmacy may suspend, revoke, or refuse 74685
to grant or renew any registration certificate issued to a 74686
wholesale distributor of dangerous drugs pursuant to section 74687
4729.52 of the Revised Code or may impose a monetary penalty or 74688
forfeiture not to exceed in severity any fine designated under the 74689
Revised Code for a similar offense or one thousand dollars if the 74690
acts committed are not classified as an offense by the Revised 74691
Code for any of the following causes: 74692

(1) Making any false material statements in an application 74693
for registration as a wholesale distributor of dangerous drugs; 74694

(2) Violating any federal, state, or local drug law; any 74695
provision of this chapter or Chapter 2925., 3715., or 3719. of the 74696
Revised Code; or any rule of the board; 74697

(3) A conviction of a felony; 74698

(4) ~~Ceasing~~ Failing to satisfy the qualifications for 74699
registration under section 4729.53 of the Revised Code or the 74700
rules of the board or ceasing to satisfy the qualifications after 74701
the registration is granted or renewed. 74702

(B) Upon the suspension or revocation of the registration 74703
certificate of any wholesale distributor of dangerous drugs, the 74704
distributor shall immediately surrender ~~his~~ the distributor's 74705
registration certificate to the board. 74706

(C) If the board suspends, revokes, or refuses to renew any 74707
registration certificate issued to a wholesale distributor of 74708
dangerous drugs and determines that there is clear and convincing 74709
evidence of a danger of immediate and serious harm to any person, 74710
the board may place under seal all dangerous drugs owned by or in 74711
the possession, custody, or control of the affected wholesale 74712
distributor of dangerous drugs. Except as provided in this 74713

division, the board shall not dispose of the dangerous drugs 74714
sealed under this division until the wholesale distributor of 74715
dangerous drugs exhausts all of ~~his~~ the distributor's appeal 74716
rights under Chapter 119. of the Revised Code. The court involved 74717
in such an appeal may order the board, during the pendency of the 74718
appeal, to sell sealed dangerous drugs that are perishable. The 74719
board shall deposit the proceeds of the sale with the court. 74720

Sec. 4729.80. (A) If the state board of pharmacy establishes 74721
and maintains a drug database pursuant to section 4729.75 of the 74722
Revised Code, the board is authorized or required to provide 74723
information from the database in accordance with the following: 74724

(1) On receipt of a request from a designated representative 74725
of a government entity responsible for the licensure, regulation, 74726
or discipline of health care professionals with authority to 74727
prescribe, administer, or dispense drugs, the board may provide to 74728
the representative information from the database relating to the 74729
professional who is the subject of an active investigation being 74730
conducted by the government entity. 74731

(2) On receipt of a request from a federal officer, or a 74732
state or local officer of this or any other state, whose duties 74733
include enforcing laws relating to drugs, the board shall provide 74734
to the officer information from the database relating to the 74735
person who is the subject of an active investigation of a drug 74736
abuse offense, as defined in section 2925.01 of the Revised Code, 74737
being conducted by the officer's employing government entity. 74738

(3) Pursuant to a subpoena issued by a grand jury, the board 74739
shall provide to the grand jury information from the database 74740
relating to the person who is the subject of an investigation 74741
being conducted by the grand jury. 74742

(4) Pursuant to a subpoena, search warrant, or court order in 74743
connection with the investigation or prosecution of a possible or 74744

alleged criminal offense, the board shall provide information from 74745
the database as necessary to comply with the subpoena, search 74746
warrant, or court order. 74747

(5) On receipt of a request from a prescriber or the 74748
prescriber's delegate approved by the board, the board shall 74749
provide to the prescriber a report of information from the 74750
database relating to a patient who is either a current patient of 74751
the prescriber or a potential patient of the prescriber based on a 74752
referral of the patient to the prescriber, if all of the following 74753
conditions are met: 74754

(a) The prescriber certifies in a form specified by the board 74755
that it is for the purpose of providing medical treatment to the 74756
patient who is the subject of the request; 74757

(b) The prescriber has not been denied access to the database 74758
by the board. 74759

(6) On receipt of a request from a pharmacist or the 74760
pharmacist's delegate approved by the board, the board shall 74761
provide to the pharmacist information from the database relating 74762
to a current patient of the pharmacist, if the pharmacist 74763
certifies in a form specified by the board that it is for the 74764
purpose of the pharmacist's practice of pharmacy involving the 74765
patient who is the subject of the request and the pharmacist has 74766
not been denied access to the database by the board. 74767

(7) On receipt of a request from an individual seeking the 74768
individual's own database information in accordance with the 74769
procedure established in rules adopted under section 4729.84 of 74770
the Revised Code, the board may provide to the individual the 74771
individual's own database information. 74772

(8) On receipt of a request from ~~the~~ a medical director or a 74773
pharmacy director of a managed care organization that has entered 74774
into a contract with the department of medicaid under section 74775

5167.10 of the Revised Code and a data security agreement with the board required by section 5167.14 of the Revised Code, the board shall provide to the medical director or the pharmacy director information from the database relating to a medicaid recipient enrolled in the managed care organization, including information in the database related to prescriptions for the recipient that were not covered or reimbursed under a program administered by the department of medicaid.

(9) On receipt of a request from the medicaid director, the board shall provide to the director information from the database relating to a recipient of a program administered by the department of medicaid, including information in the database related to prescriptions for the recipient that were not covered or paid by a program administered by the department.

(10) On receipt of a request from ~~the~~ a medical director of a managed care organization that has entered into a contract with the administrator of workers' compensation under division (B)(4) of section 4121.44 of the Revised Code and a data security agreement with the board required by section 4121.447 of the Revised Code, the board shall provide to the medical director information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code assigned to the managed care organization, including information in the database related to prescriptions for the claimant that were not covered or reimbursed under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, if the administrator of workers' compensation confirms, upon request from the board, that the claimant is assigned to the managed care organization.

(11) On receipt of a request from the administrator of workers' compensation, the board shall provide to the administrator information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code,

including information in the database related to prescriptions for 74808
the claimant that were not covered or reimbursed under Chapter 74809
4121., 4123., 4127., or 4131. of the Revised Code. 74810

(12) On receipt of a request from a prescriber or the 74811
prescriber's delegate approved by the board, the board shall 74812
provide to the prescriber information from the database relating 74813
to a patient's mother, if the prescriber certifies in a form 74814
specified by the board that it is for the purpose of providing 74815
medical treatment to a newborn or infant patient diagnosed as 74816
opioid dependent and the prescriber has not been denied access to 74817
the database by the board. 74818

(13) On receipt of a request from the director of health, the 74819
board shall provide to the director information from the database 74820
relating to the duties of the director or the department of health 74821
in implementing the Ohio violent death reporting system 74822
established under section 3701.93 of the Revised Code. 74823

(14) On receipt of a request from a requestor described in 74824
division (A)(1), (2), (5), or (6) of this section who is from or 74825
participating with another state's prescription monitoring 74826
program, the board may provide to the requestor information from 74827
the database, but only if there is a written agreement under which 74828
the information is to be used and disseminated according to the 74829
laws of this state. 74830

(B) The state board of pharmacy shall maintain a record of 74831
each individual or entity that requests information from the 74832
database pursuant to this section. In accordance with rules 74833
adopted under section 4729.84 of the Revised Code, the board may 74834
use the records to document and report statistics and law 74835
enforcement outcomes. 74836

The board may provide records of an individual's requests for 74837
database information to the following: 74838

(1) A designated representative of a government entity that 74839
is responsible for the licensure, regulation, or discipline of 74840
health care professionals with authority to prescribe, administer, 74841
or dispense drugs who is involved in an active investigation being 74842
conducted by the government entity of the individual who submitted 74843
the requests for database information; 74844

(2) A federal officer, or a state or local officer of this or 74845
any other state, whose duties include enforcing laws relating to 74846
drugs and who is involved in an active investigation being 74847
conducted by the officer's employing government entity of the 74848
individual who submitted the requests for database information. 74849

(C) Information contained in the database and any information 74850
obtained from it is not a public record. Information contained in 74851
the records of requests for information from the database is not a 74852
public record. Information that does not identify a person may be 74853
released in summary, statistical, or aggregate form. 74854

(D) A pharmacist or prescriber shall not be held liable in 74855
damages to any person in any civil action for injury, death, or 74856
loss to person or property on the basis that the pharmacist or 74857
prescriber did or did not seek or obtain information from the 74858
database. 74859

Sec. 4729.86. If the state board of pharmacy establishes and 74860
maintains a drug database pursuant to section 4729.75 of the 74861
Revised Code, all of the following apply: 74862

(A)(1) No person identified in divisions (A)(1) to ~~(12)~~(13) 74863
or (B) of section 4729.80 of the Revised Code shall disseminate 74864
any written or electronic information the person receives from the 74865
drug database or otherwise provide another person access to the 74866
information that the person receives from the database, except as 74867
follows: 74868

(a) When necessary in the investigation or prosecution of a possible or alleged criminal offense; 74869
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(b) When a person provides the information to the prescriber or pharmacist for whom the person is approved by the board to serve as a delegate of the prescriber or pharmacist for purposes of requesting and receiving information from the drug database under division (A)(5) or (6) of section 4729.80 of the Revised Code; 74871
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(c) When a prescriber or pharmacist provides the information to a person who is approved by the board to serve as such a delegate of the prescriber or pharmacist; 74877
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~~(d) When a prescriber or pharmacist provides the information to a patient or patient's personal representative;~~ 74880
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~~(e)~~ When a prescriber or pharmacist includes the information in a medical record, as defined in section 3701.74 of the Revised Code. 74882
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(2) No person shall provide false information to the state board of pharmacy with the intent to obtain or alter information contained in the drug database. 74885
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(3) No person shall obtain drug database information by any means except as provided under section 4729.80 or 4729.81 of the Revised Code. 74888
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(B) A person shall not use information obtained pursuant to division (A) of section 4729.80 of the Revised Code as evidence in any civil or administrative proceeding. 74891
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(C)(1) Except as provided in division (C)(2) of this section, after providing notice and affording an opportunity for a hearing in accordance with Chapter 119. of the Revised Code, the board may restrict a person from obtaining further information from the drug database if any of the following is the case: 74894
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(a) The person violates division (A)(1), (2), or (3) of this section; 74899
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(b) The person is a requestor identified in division (A)~~(13)~~(14) of section 4729.80 of the Revised Code and the board determines that the person's actions in another state would have constituted a violation of division (A)(1), (2), or (3) of this section; 74901
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(c) The person fails to comply with division (B) of this section, regardless of the jurisdiction in which the failure to comply occurred; 74906
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(d) The person creates, by clear and convincing evidence, a threat to the security of information contained in the database. 74909
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(2) If the board determines that allegations regarding a person's actions warrant restricting the person from obtaining further information from the drug database without a prior hearing, the board may summarily impose the restriction. A telephone conference call may be used for reviewing the allegations and taking a vote on the summary restriction. The summary restriction shall remain in effect, unless removed by the board, until the board's final adjudication order becomes effective. 74911
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(3) The board shall determine the extent to which the person is restricted from obtaining further information from the database. 74920
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Sec. 4730.14. (A) A certificate to practice as a physician assistant shall expire biennially and may be renewed in accordance with this section. A person seeking to renew a certificate to practice as a physician assistant shall, on or before the thirty-first day of January of each even-numbered year, apply for renewal of the certificate. The state medical board shall send 74923
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renewal notices at least one month prior to the expiration date. 74929

Applications shall be submitted to the board on forms the 74930
board shall prescribe and furnish. Each application shall be 74931
accompanied by a biennial renewal fee of one hundred dollars. The 74932
board shall deposit the fees in accordance with section 4731.24 of 74933
the Revised Code. 74934

The applicant shall report any criminal offense that 74935
constitutes grounds for refusing to issue a certificate to 74936
practice under section 4730.25 of the Revised Code to which the 74937
applicant has pleaded guilty, of which the applicant has been 74938
found guilty, or for which the applicant has been found eligible 74939
for intervention in lieu of conviction, since last signing an 74940
application for a certificate to practice as a physician 74941
assistant. 74942

(B) To be eligible for renewal, a physician assistant shall 74943
certify to the board both of the following: 74944

(1) That the physician assistant has maintained certification 74945
by the national commission on certification of physician 74946
assistants or a successor organization that is recognized by the 74947
board by meeting the standards to hold current certification from 74948
the commission or its successor, including completion of 74949
continuing medical education requirements and passing periodic 74950
recertification examinations; 74951

(2) Except as provided in division (F) of this section and 74952
section 5903.12 of the Revised Code, that the physician assistant 74953
has completed during the current certification period not less 74954
than one hundred hours of continuing medical education acceptable 74955
to the board. 74956

(C) The board shall adopt rules in accordance with Chapter 74957
119. of the Revised Code specifying the types of continuing 74958
medical education that must be completed to fulfill the board's 74959

requirements under division (B)(2) of this section. Except when 74960
additional continuing medical education is required to renew a 74961
certificate to prescribe, as specified in section 4730.49 of the 74962
Revised Code, the board shall not adopt rules that require a 74963
physician assistant to complete in any certification period more 74964
than one hundred hours of continuing medical education acceptable 74965
to the board. In fulfilling the board's requirements, a physician 74966
assistant may use continuing medical education courses or programs 74967
completed to maintain certification by the national commission on 74968
certification of physician assistants or a successor organization 74969
that is recognized by the board if the standards for acceptable 74970
courses and programs of the commission or its successor are at 74971
least equivalent to the standards established by the board. 74972

(D) If an applicant submits a complete renewal application 74973
and qualifies for renewal pursuant to division (B) of this 74974
section, the board shall issue to the applicant a renewed 74975
certificate to practice as a physician assistant. 74976

(E) The board may require a random sample of physician 74977
assistants to submit materials documenting certification by the 74978
national commission on certification of physician assistants or a 74979
successor organization that is recognized by the board and 74980
completion of the required number of hours of continuing medical 74981
education. 74982

(F) The board shall provide for pro rata reductions by month 74983
of the number of hours of continuing education that must be 74984
completed for individuals who are in their first certification 74985
period, who have been disabled due to illness or accident, or who 74986
have been absent from the country. The board shall adopt rules, in 74987
accordance with Chapter 119. of the Revised Code, as necessary to 74988
implement this division. 74989

~~(G)(1) A certificate to practice that is not renewed on or 74990
before its expiration date is automatically suspended on its 74991~~

~~expiration date. Continued practice after suspension of the certificate shall be considered as practicing in violation of division (A) of section 4730.02 of the Revised Code.~~

~~(2) If a certificate has been suspended pursuant to division (C)(1) of this section for two years or less, it may be reinstated. The board shall reinstate a certificate suspended for failure to renew upon an applicant's submission of a renewal application, the biennial renewal fee, and any applicable monetary penalty.~~

~~If a certificate has been suspended pursuant to division (C)(1) of this division for more than two years, it may be restored. In accordance with section 4730.28 of the Revised Code, the board may restore a certificate suspended for failure to renew upon an applicant's submission of a restoration application, the biennial renewal fee, and any applicable monetary penalty and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore to an applicant a certificate to practice as a physician assistant unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a certificate issued pursuant to section 4730.12 of the Revised Code.~~

~~The penalty for reinstatement shall be fifty dollars and the penalty for restoration shall be one hundred dollars. The board shall deposit penalties in accordance with section 4731.24 of the Revised Code.~~

~~(H) If an individual certifies that the individual has completed the number of hours and type of continuing medical education required for renewal or reinstatement of a certificate to practice as a physician assistant, and the board finds through a random sample conducted under division (E) of this section or through any other means that the individual did not complete the requisite continuing medical education, the The board may impose a~~

civil penalty of not more than five thousand dollars if, through a 75024
random sample it conducts under this section or through other 75025
means, it finds that an individual certified that the individual 75026
completed the number of hours and type of continuing medical 75027
education required for renewal of a certificate to practice as a 75028
physician assistant when the individual did not fulfill the 75029
requirement. The board's finding shall be made pursuant to an 75030
adjudication under Chapter 119. of the Revised Code and by an 75031
affirmative vote of not fewer than six members. 75032

A civil penalty imposed under this division may be in 75033
addition to or in lieu of any other action the board may take 75034
under section 4730.25 of the Revised Code. The board ~~shall deposit~~ 75035
~~civil penalties in accordance with section 4731.24~~ shall not 75036
conduct an adjudication under Chapter 119. of the Revised Code if 75037
the board imposes only a civil penalty. 75038

Pursuant to section 4730.25 of the Revised Code, the board 75039
may suspend an individual's certificate to practice as a physician 75040
assistant for failure to renew the certificate and comply with 75041
this section. If an individual continues to practice after 75042
suspension, that activity constitutes practicing in violation of 75043
section 4730.02 of the Revised Code. If the certificate has been 75044
suspended for two years or less, it may be reinstated. The board 75045
shall reinstate a certificate to practice as a physician assistant 75046
for failure to renew on an applicant's submission of a renewal 75047
application, the biennial renewal fee, and the applicable monetary 75048
penalty. If the certificate has been suspended for more than two 75049
years, it may be restored. Subject to section 4730.28 of the 75050
Revised Code, the board may restore a certificate to practice as a 75051
physician assistant suspended for failure to renew on an 75052
applicant's submission of a restoration application, the biennial 75053
renewal fee, and the applicable monetary penalty and compliance 75054
with sections 4776.01 to 4776.04 of the Revised Code. The board 75055

shall not restore an applicant's certificate to practice as a physician assistant unless the board decides that the results of the criminal records check do not make the applicant ineligible for a certificate issued pursuant to section 4730.12 of the Revised Code.

The monetary penalty for reinstatement is fifty dollars. The monetary penalty for restoration is one hundred dollars.

Amounts received from payment of civil penalties and monetary penalties imposed under this division shall be deposited in accordance with section 4731.24 of the Revised Code.

Sec. 4730.252. (A)(1) If a physician assistant violates any section of this chapter other than section 4730.14 of the Revised Code or violates any rule adopted under this chapter, the state medical board may, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, impose a civil penalty. The amount of the civil penalty shall be determined by the board in accordance with the guidelines adopted under division (A)(2) of this section. The civil penalty may be in addition to any other action the board may take under section 4730.25 of the Revised Code.

(2) The board shall adopt and may amend guidelines regarding the amounts of civil penalties to be imposed under this section. Adoption or amendment of the guidelines requires the approval of not fewer than six board members.

Under the guidelines, no civil penalty amount shall exceed twenty thousand dollars.

(B) Amounts received from payment of civil penalties imposed under this section shall be deposited by the board in accordance with section 4731.24 of the Revised Code. Amounts received from payment of civil penalties imposed for violations of division

(B)(5) of section 4730.25 of the Revised Code shall be used by the 75086
board solely for investigations, enforcement, and compliance 75087
monitoring. 75088

Sec. 4731.15. (A)(1) The state medical board also shall 75089
regulate the following limited branches of medicine: massage 75090
therapy and cosmetic therapy, and to the extent specified in 75091
section 4731.151 of the Revised Code, naprapathy and 75092
mechanotherapy. The board shall adopt rules governing the limited 75093
branches of medicine under its jurisdiction. The rules shall be 75094
adopted in accordance with Chapter 119. of the Revised Code. 75095

(2) As used in this chapter: 75096

(a) "Cosmetic therapy" means the permanent removal of hair 75097
from the human body through the use of electric modalities 75098
approved by the board for use in cosmetic therapy, and 75099
additionally may include the systematic friction, stroking, 75100
slapping, and kneading or tapping of the face, neck, scalp, or 75101
shoulders. 75102

(b) "Massage therapy" means the treatment of disorders of the 75103
human body by the manipulation of soft tissue through the 75104
systematic external application of massage techniques including 75105
touch, stroking, friction, vibration, percussion, kneading, 75106
stretching, compression, and joint movements within the normal 75107
physiologic range of motion; and adjunctive thereto, the external 75108
application of water, heat, cold, topical preparations, and 75109
mechanical devices. 75110

(B) A certificate to practice a limited branch of medicine 75111
issued by the state medical board is valid for a two-year period, 75112
except when an initial certificate is issued for a shorter period 75113
or when division (C)(2) of this section is applicable. The 75114
certificate may be renewed in accordance with division (C) of this 75115
section. 75116

(C)(1) Except as provided in division (C)(2) of this section, 75117
all of the following apply with respect to the renewal of 75118
certificates to practice a limited branch of medicine: 75119

(a) Each person seeking to renew a certificate to practice a 75120
limited branch of medicine shall apply for biennial registration 75121
with the state medical board on a renewal application form 75122
prescribed by the board. An applicant for renewal shall pay a 75123
biennial registration fee of one hundred dollars. 75124

(b) At least six months before a certificate expires, the 75125
board shall mail or cause to be mailed a renewal notice to the 75126
certificate holder's last known address. 75127

(c) At least three months before a certificate expires, the 75128
certificate holder shall submit the renewal application and 75129
biennial registration fee to the board. 75130

(2) Beginning with the 2009 registration period, the board 75131
shall implement a staggered renewal system that is substantially 75132
similar to the staggered renewal system the board uses under 75133
division ~~(B)~~(A) of section 4731.281 of the Revised Code. 75134

(D) All persons who hold a certificate to practice a limited 75135
branch of medicine issued by the state medical board shall provide 75136
the board written notice of any change of address. The notice 75137
shall be submitted to the board not later than thirty days after 75138
the change of address. 75139

(E) A certificate to practice a limited branch of medicine 75140
shall be automatically suspended if the certificate holder fails 75141
to renew the certificate in accordance with division (C) of this 75142
section. Continued practice after the suspension of the 75143
certificate to practice shall be considered as practicing in 75144
violation of sections 4731.34 and 4731.41 of the Revised Code. 75145

If a certificate to practice has been suspended pursuant to 75146
this division for two years or less, it may be reinstated. The 75147

board shall reinstate the certificate upon an applicant's 75148
submission of a renewal application and payment of the biennial 75149
registration fee and the applicable monetary penalty. With regard 75150
to reinstatement of a certificate to practice cosmetic therapy, 75151
the applicant also shall submit with the application a 75152
certification that the number of hours of continuing education 75153
necessary to have a suspended certificate reinstated have been 75154
completed, as specified in rules the board shall adopt in 75155
accordance with Chapter 119. of the Revised Code. The penalty for 75156
reinstatement shall be twenty-five dollars. 75157

If a certificate has been suspended pursuant to this division 75158
for more than two years, it may be restored. Subject to section 75159
4731.222 of the Revised Code, the board may restore the 75160
certificate upon an applicant's submission of a restoration 75161
application, the biennial registration fee, and the applicable 75162
monetary penalty and compliance with sections 4776.01 to 4776.04 75163
of the Revised Code. The board shall not restore to an applicant a 75164
certificate to practice unless the board, in its discretion, 75165
decides that the results of the criminal records check do not make 75166
the applicant ineligible for a certificate issued pursuant to 75167
section 4731.17 of the Revised Code. The penalty for restoration 75168
is fifty dollars. 75169

Sec. 4731.22. (A) The state medical board, by an affirmative 75170
vote of not fewer than six of its members, may limit, revoke, or 75171
suspend an individual's certificate to practice, refuse to grant a 75172
certificate to an individual, refuse to register an individual, 75173
refuse to reinstate a certificate, or reprimand or place on 75174
probation the holder of a certificate if the individual or 75175
certificate holder is found by the board to have committed fraud 75176
during the administration of the examination for a certificate to 75177
practice or to have committed fraud, misrepresentation, or 75178
deception in applying for or securing any certificate to practice 75179

or certificate of registration issued by the board. 75180

(B) The board, by an affirmative vote of not fewer than six 75181
members, shall, to the extent permitted by law, limit, revoke, or 75182
suspend an individual's certificate to practice, refuse to 75183
register an individual, refuse to reinstate a certificate, or 75184
reprimand or place on probation the holder of a certificate for 75185
one or more of the following reasons: 75186

(1) Permitting one's name or one's certificate to practice or 75187
certificate of registration to be used by a person, group, or 75188
corporation when the individual concerned is not actually 75189
directing the treatment given; 75190

(2) Failure to maintain minimal standards applicable to the 75191
selection or administration of drugs, or failure to employ 75192
acceptable scientific methods in the selection of drugs or other 75193
modalities for treatment of disease; 75194

(3) Selling, giving away, personally furnishing, prescribing, 75195
or administering drugs for other than legal and legitimate 75196
therapeutic purposes or a plea of guilty to, a judicial finding of 75197
guilt of, or a judicial finding of eligibility for intervention in 75198
lieu of conviction of, a violation of any federal or state law 75199
regulating the possession, distribution, or use of any drug; 75200

(4) Willfully betraying a professional confidence. 75201

For purposes of this division, "willfully betraying a 75202
professional confidence" does not include providing any 75203
information, documents, or reports ~~to a child fatality review~~ 75204
~~board~~ under sections 307.621 to 307.629 of the Revised Code to a 75205
child fatality review board; does not include providing any 75206
information, documents, or reports to the director of health 75207
pursuant to guidelines established under section 3701.70 of the 75208
Revised Code; does not include a report to a mental health 75209
professional under section 4731.62 of the Revised Code; and does 75210

not include the making of a report of an employee's use of a drug 75211
of abuse, or a report of a condition of an employee other than one 75212
involving the use of a drug of abuse, to the employer of the 75213
employee as described in division (B) of section 2305.33 of the 75214
Revised Code. Nothing in this division affects the immunity from 75215
civil liability conferred by ~~that~~ section 2305.33 or 4731.62 of 75216
the Revised Code upon a physician who makes ~~either type of a~~ 75217
report in accordance with ~~division (B)~~ either of ~~that section~~ 75218
those sections. As used in this division, "employee," "employer," 75219
and "physician" have the same meanings as in section 2305.33 of 75220
the Revised Code. 75221

(5) Making a false, fraudulent, deceptive, or misleading 75222
statement in the solicitation of or advertising for patients; in 75223
relation to the practice of medicine and surgery, osteopathic 75224
medicine and surgery, podiatric medicine and surgery, or a limited 75225
branch of medicine; or in securing or attempting to secure any 75226
certificate to practice or certificate of registration issued by 75227
the board. 75228

As used in this division, "false, fraudulent, deceptive, or 75229
misleading statement" means a statement that includes a 75230
misrepresentation of fact, is likely to mislead or deceive because 75231
of a failure to disclose material facts, is intended or is likely 75232
to create false or unjustified expectations of favorable results, 75233
or includes representations or implications that in reasonable 75234
probability will cause an ordinarily prudent person to 75235
misunderstand or be deceived. 75236

(6) A departure from, or the failure to conform to, minimal 75237
standards of care of similar practitioners under the same or 75238
similar circumstances, whether or not actual injury to a patient 75239
is established; 75240

(7) Representing, with the purpose of obtaining compensation 75241
or other advantage as personal gain or for any other person, that 75242

an incurable disease or injury, or other incurable condition, can	75243
be permanently cured;	75244
(8) The obtaining of, or attempting to obtain, money or	75245
anything of value by fraudulent misrepresentations in the course	75246
of practice;	75247
(9) A plea of guilty to, a judicial finding of guilt of, or a	75248
judicial finding of eligibility for intervention in lieu of	75249
conviction for, a felony;	75250
(10) Commission of an act that constitutes a felony in this	75251
state, regardless of the jurisdiction in which the act was	75252
committed;	75253
(11) A plea of guilty to, a judicial finding of guilt of, or	75254
a judicial finding of eligibility for intervention in lieu of	75255
conviction for, a misdemeanor committed in the course of practice;	75256
(12) Commission of an act in the course of practice that	75257
constitutes a misdemeanor in this state, regardless of the	75258
jurisdiction in which the act was committed;	75259
(13) A plea of guilty to, a judicial finding of guilt of, or	75260
a judicial finding of eligibility for intervention in lieu of	75261
conviction for, a misdemeanor involving moral turpitude;	75262
(14) Commission of an act involving moral turpitude that	75263
constitutes a misdemeanor in this state, regardless of the	75264
jurisdiction in which the act was committed;	75265
(15) Violation of the conditions of limitation placed by the	75266
board upon a certificate to practice;	75267
(16) Failure to pay license renewal fees specified in this	75268
chapter;	75269
(17) Except as authorized in section 4731.31 of the Revised	75270
Code, engaging in the division of fees for referral of patients,	75271
or the receiving of a thing of value in return for a specific	75272

referral of a patient to utilize a particular service or business; 75273

(18) Subject to section 4731.226 of the Revised Code, 75274
violation of any provision of a code of ethics of the American 75275
medical association, the American osteopathic association, the 75276
American podiatric medical association, or any other national 75277
professional organizations that the board specifies by rule. The 75278
state medical board shall obtain and keep on file current copies 75279
of the codes of ethics of the various national professional 75280
organizations. The individual whose certificate is being suspended 75281
or revoked shall not be found to have violated any provision of a 75282
code of ethics of an organization not appropriate to the 75283
individual's profession. 75284

For purposes of this division, a "provision of a code of 75285
ethics of a national professional organization" does not include 75286
any provision that would preclude the making of a report by a 75287
physician of an employee's use of a drug of abuse, or of a 75288
condition of an employee other than one involving the use of a 75289
drug of abuse, to the employer of the employee as described in 75290
division (B) of section 2305.33 of the Revised Code. Nothing in 75291
this division affects the immunity from civil liability conferred 75292
by that section upon a physician who makes either type of report 75293
in accordance with division (B) of that section. As used in this 75294
division, "employee," "employer," and "physician" have the same 75295
meanings as in section 2305.33 of the Revised Code. 75296

(19) Inability to practice according to acceptable and 75297
prevailing standards of care by reason of mental illness or 75298
physical illness, including, but not limited to, physical 75299
deterioration that adversely affects cognitive, motor, or 75300
perceptive skills. 75301

In enforcing this division, the board, upon a showing of a 75302
possible violation, may compel any individual authorized to 75303
practice by this chapter or who has submitted an application 75304

pursuant to this chapter to submit to a mental examination, 75305
physical examination, including an HIV test, or both a mental and 75306
a physical examination. The expense of the examination is the 75307
responsibility of the individual compelled to be examined. Failure 75308
to submit to a mental or physical examination or consent to an HIV 75309
test ordered by the board constitutes an admission of the 75310
allegations against the individual unless the failure is due to 75311
circumstances beyond the individual's control, and a default and 75312
final order may be entered without the taking of testimony or 75313
presentation of evidence. If the board finds an individual unable 75314
to practice because of the reasons set forth in this division, the 75315
board shall require the individual to submit to care, counseling, 75316
or treatment by physicians approved or designated by the board, as 75317
a condition for initial, continued, reinstated, or renewed 75318
authority to practice. An individual affected under this division 75319
shall be afforded an opportunity to demonstrate to the board the 75320
ability to resume practice in compliance with acceptable and 75321
prevailing standards under the provisions of the individual's 75322
certificate. For the purpose of this division, any individual who 75323
applies for or receives a certificate to practice under this 75324
chapter accepts the privilege of practicing in this state and, by 75325
so doing, shall be deemed to have given consent to submit to a 75326
mental or physical examination when directed to do so in writing 75327
by the board, and to have waived all objections to the 75328
admissibility of testimony or examination reports that constitute 75329
a privileged communication. 75330

(20) Except when civil penalties are imposed under section 75331
4731.225 or ~~4731.281~~ 4731.282 of the Revised Code, and subject to 75332
section 4731.226 of the Revised Code, violating or attempting to 75333
violate, directly or indirectly, or assisting in or abetting the 75334
violation of, or conspiring to violate, any provisions of this 75335
chapter or any rule promulgated by the board. 75336

This division does not apply to a violation or attempted violation of, assisting in or abetting the violation of, or a conspiracy to violate, any provision of this chapter or any rule adopted by the board that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(21) The violation of section 3701.79 of the Revised Code or of any abortion rule adopted by the public health council pursuant to section 3701.341 of the Revised Code;

(22) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(23) The violation of section 2919.12 of the Revised Code or the performance or inducement of an abortion upon a pregnant woman with actual knowledge that the conditions specified in division (B) of section 2317.56 of the Revised Code have not been satisfied or with a heedless indifference as to whether those conditions have been satisfied, unless an affirmative defense as specified in division (H)(2) of that section would apply in a civil action

authorized by division (H)(1) of that section; 75369

(24) The revocation, suspension, restriction, reduction, or 75370
termination of clinical privileges by the United States department 75371
of defense or department of veterans affairs or the termination or 75372
suspension of a certificate of registration to prescribe drugs by 75373
the drug enforcement administration of the United States 75374
department of justice; 75375

(25) Termination or suspension from participation in the 75376
medicare or medicaid programs by the department of health and 75377
human services or other responsible agency for any act or acts 75378
that also would constitute a violation of division (B)(2), (3), 75379
(6), (8), or (19) of this section; 75380

(26) Impairment of ability to practice according to 75381
acceptable and prevailing standards of care because of habitual or 75382
excessive use or abuse of drugs, alcohol, or other substances that 75383
impair ability to practice. 75384

For the purposes of this division, any individual authorized 75385
to practice by this chapter accepts the privilege of practicing in 75386
this state subject to supervision by the board. By filing an 75387
application for or holding a certificate to practice under this 75388
chapter, an individual shall be deemed to have given consent to 75389
submit to a mental or physical examination when ordered to do so 75390
by the board in writing, and to have waived all objections to the 75391
admissibility of testimony or examination reports that constitute 75392
privileged communications. 75393

If it has reason to believe that any individual authorized to 75394
practice by this chapter or any applicant for certification to 75395
practice suffers such impairment, the board may compel the 75396
individual to submit to a mental or physical examination, or both. 75397
The expense of the examination is the responsibility of the 75398
individual compelled to be examined. Any mental or physical 75399

examination required under this division shall be undertaken by a 75400
treatment provider or physician who is qualified to conduct the 75401
examination and who is chosen by the board. 75402

Failure to submit to a mental or physical examination ordered 75403
by the board constitutes an admission of the allegations against 75404
the individual unless the failure is due to circumstances beyond 75405
the individual's control, and a default and final order may be 75406
entered without the taking of testimony or presentation of 75407
evidence. If the board determines that the individual's ability to 75408
practice is impaired, the board shall suspend the individual's 75409
certificate or deny the individual's application and shall require 75410
the individual, as a condition for initial, continued, reinstated, 75411
or renewed certification to practice, to submit to treatment. 75412

Before being eligible to apply for reinstatement of a 75413
certificate suspended under this division, the impaired 75414
practitioner shall demonstrate to the board the ability to resume 75415
practice in compliance with acceptable and prevailing standards of 75416
care under the provisions of the practitioner's certificate. The 75417
demonstration shall include, but shall not be limited to, the 75418
following: 75419

(a) Certification from a treatment provider approved under 75420
section 4731.25 of the Revised Code that the individual has 75421
successfully completed any required inpatient treatment; 75422

(b) Evidence of continuing full compliance with an aftercare 75423
contract or consent agreement; 75424

(c) Two written reports indicating that the individual's 75425
ability to practice has been assessed and that the individual has 75426
been found capable of practicing according to acceptable and 75427
prevailing standards of care. The reports shall be made by 75428
individuals or providers approved by the board for making the 75429
assessments and shall describe the basis for their determination. 75430

The board may reinstate a certificate suspended under this division after that demonstration and after the individual has entered into a written consent agreement.

When the impaired practitioner resumes practice, the board shall require continued monitoring of the individual. The monitoring shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of perjury stating whether the individual has maintained sobriety.

(27) A second or subsequent violation of section 4731.66 or 4731.69 of the Revised Code;

(28) Except as provided in division (N) of this section:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.

(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;

(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of

the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's file;

(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;

(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;

(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;

(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(35) Failure to supervise an oriental medicine practitioner or acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;

(36) Failure to supervise an anesthesiologist assistant in

accordance with Chapter 4760. of the Revised Code and the board's	75493
rules for supervision of an anesthesiologist assistant;	75494
(37) Assisting suicide, as defined in section 3795.01 of the	75495
Revised Code;	75496
(38) Failure to comply with the requirements of section	75497
2317.561 of the Revised Code;	75498
(39) Failure to supervise a radiologist assistant in	75499
accordance with Chapter 4774. of the Revised Code and the board's	75500
rules for supervision of radiologist assistants;	75501
(40) Performing or inducing an abortion at an office or	75502
facility with knowledge that the office or facility fails to post	75503
the notice required under section 3701.791 of the Revised Code;	75504
(41) Failure to comply with the standards and procedures	75505
established in rules under section 4731.054 of the Revised Code	75506
for the operation of or the provision of care at a pain management	75507
clinic;	75508
(42) Failure to comply with the standards and procedures	75509
established in rules under section 4731.054 of the Revised Code	75510
for providing supervision, direction, and control of individuals	75511
at a pain management clinic;	75512
(43) Failure to comply with the requirements of section	75513
4729.79 or 4731.055 of the Revised Code, unless the state board of	75514
pharmacy no longer maintains a drug database pursuant to section	75515
4729.75 of the Revised Code;	75516
(44) Failure to comply with the requirements of section	75517
2919.171 of the Revised Code or failure to submit to the	75518
department of health in accordance with a court order a complete	75519
report as described in section 2919.171 of the Revised Code;	75520
(45) Practicing at a facility that is subject to licensure as	75521
a category III terminal distributor of dangerous drugs with a pain	75522

management clinic classification unless the person operating the 75523
facility has obtained and maintains the license with the 75524
classification; 75525

(46) Owning a facility that is subject to licensure as a 75526
category III terminal distributor of dangerous drugs with a pain 75527
management clinic classification unless the facility is licensed 75528
with the classification; 75529

(47) Failure to comply with the requirement regarding 75530
maintaining notes described in division (B) of section 2919.191 of 75531
the Revised Code or failure to satisfy the requirements of section 75532
2919.191 of the Revised Code prior to performing or inducing an 75533
abortion upon a pregnant woman; 75534

(48) Failure to comply with the requirements in section 75535
3719.061 of the Revised Code before issuing for a minor a 75536
prescription for an opioid analgesic, as defined in section 75537
3719.01 of the Revised Code. 75538

(C) Disciplinary actions taken by the board under divisions 75539
(A) and (B) of this section shall be taken pursuant to an 75540
adjudication under Chapter 119. of the Revised Code, except that 75541
in lieu of an adjudication, the board may enter into a consent 75542
agreement with an individual to resolve an allegation of a 75543
violation of this chapter or any rule adopted under it. A consent 75544
agreement, when ratified by an affirmative vote of not fewer than 75545
six members of the board, shall constitute the findings and order 75546
of the board with respect to the matter addressed in the 75547
agreement. If the board refuses to ratify a consent agreement, the 75548
admissions and findings contained in the consent agreement shall 75549
be of no force or effect. 75550

A telephone conference call may be utilized for ratification 75551
of a consent agreement that revokes or suspends an individual's 75552
certificate to practice. The telephone conference call shall be 75553

considered a special meeting under division (F) of section 121.22 75554
of the Revised Code. 75555

If the board takes disciplinary action against an individual 75556
under division (B) of this section for a second or subsequent plea 75557
of guilty to, or judicial finding of guilt of, a violation of 75558
section 2919.123 of the Revised Code, the disciplinary action 75559
shall consist of a suspension of the individual's certificate to 75560
practice for a period of at least one year or, if determined 75561
appropriate by the board, a more serious sanction involving the 75562
individual's certificate to practice. Any consent agreement 75563
entered into under this division with an individual that pertains 75564
to a second or subsequent plea of guilty to, or judicial finding 75565
of guilt of, a violation of that section shall provide for a 75566
suspension of the individual's certificate to practice for a 75567
period of at least one year or, if determined appropriate by the 75568
board, a more serious sanction involving the individual's 75569
certificate to practice. 75570

(D) For purposes of divisions (B)(10), (12), and (14) of this 75571
section, the commission of the act may be established by a finding 75572
by the board, pursuant to an adjudication under Chapter 119. of 75573
the Revised Code, that the individual committed the act. The board 75574
does not have jurisdiction under those divisions if the trial 75575
court renders a final judgment in the individual's favor and that 75576
judgment is based upon an adjudication on the merits. The board 75577
has jurisdiction under those divisions if the trial court issues 75578
an order of dismissal upon technical or procedural grounds. 75579

(E) The sealing of conviction records by any court shall have 75580
no effect upon a prior board order entered under this section or 75581
upon the board's jurisdiction to take action under this section 75582
if, based upon a plea of guilty, a judicial finding of guilt, or a 75583
judicial finding of eligibility for intervention in lieu of 75584
conviction, the board issued a notice of opportunity for a hearing 75585

prior to the court's order to seal the records. The board shall 75586
not be required to seal, destroy, redact, or otherwise modify its 75587
records to reflect the court's sealing of conviction records. 75588

(F)(1) The board shall investigate evidence that appears to 75589
show that a person has violated any provision of this chapter or 75590
any rule adopted under it. Any person may report to the board in a 75591
signed writing any information that the person may have that 75592
appears to show a violation of any provision of this chapter or 75593
any rule adopted under it. In the absence of bad faith, any person 75594
who reports information of that nature or who testifies before the 75595
board in any adjudication conducted under Chapter 119. of the 75596
Revised Code shall not be liable in damages in a civil action as a 75597
result of the report or testimony. Each complaint or allegation of 75598
a violation received by the board shall be assigned a case number 75599
and shall be recorded by the board. 75600

(2) Investigations of alleged violations of this chapter or 75601
any rule adopted under it shall be supervised by the supervising 75602
member elected by the board in accordance with section 4731.02 of 75603
the Revised Code and by the secretary as provided in section 75604
4731.39 of the Revised Code. The president may designate another 75605
member of the board to supervise the investigation in place of the 75606
supervising member. No member of the board who supervises the 75607
investigation of a case shall participate in further adjudication 75608
of the case. 75609

(3) In investigating a possible violation of this chapter or 75610
any rule adopted under this chapter, or in conducting an 75611
inspection under division (E) of section 4731.054 of the Revised 75612
Code, the board may question witnesses, conduct interviews, 75613
administer oaths, order the taking of depositions, inspect and 75614
copy any books, accounts, papers, records, or documents, issue 75615
subpoenas, and compel the attendance of witnesses and production 75616
of books, accounts, papers, records, documents, and testimony, 75617

except that a subpoena for patient record information shall not be 75618
issued without consultation with the attorney general's office and 75619
approval of the secretary and supervising member of the board. 75620

(a) Before issuance of a subpoena for patient record 75621
information, the secretary and supervising member shall determine 75622
whether there is probable cause to believe that the complaint 75623
filed alleges a violation of this chapter or any rule adopted 75624
under it and that the records sought are relevant to the alleged 75625
violation and material to the investigation. The subpoena may 75626
apply only to records that cover a reasonable period of time 75627
surrounding the alleged violation. 75628

(b) On failure to comply with any subpoena issued by the 75629
board and after reasonable notice to the person being subpoenaed, 75630
the board may move for an order compelling the production of 75631
persons or records pursuant to the Rules of Civil Procedure. 75632

(c) A subpoena issued by the board may be served by a 75633
sheriff, the sheriff's deputy, or a board employee designated by 75634
the board. Service of a subpoena issued by the board may be made 75635
by delivering a copy of the subpoena to the person named therein, 75636
reading it to the person, or leaving it at the person's usual 75637
place of residence, usual place of business, or address on file 75638
with the board. When serving a subpoena to an applicant for or the 75639
holder of a certificate issued under this chapter, service of the 75640
subpoena may be made by certified mail, return receipt requested, 75641
and the subpoena shall be deemed served on the date delivery is 75642
made or the date the person refuses to accept delivery. If the 75643
person being served refuses to accept the subpoena or is not 75644
located, service may be made to an attorney who notifies the board 75645
that the attorney is representing the person. 75646

(d) A sheriff's deputy who serves a subpoena shall receive 75647
the same fees as a sheriff. Each witness who appears before the 75648
board in obedience to a subpoena shall receive the fees and 75649

mileage provided for under section 119.094 of the Revised Code. 75650

(4) All hearings, investigations, and inspections of the 75651
board shall be considered civil actions for the purposes of 75652
section 2305.252 of the Revised Code. 75653

(5) A report required to be submitted to the board under this 75654
chapter, a complaint, or information received by the board 75655
pursuant to an investigation or pursuant to an inspection under 75656
division (E) of section 4731.054 of the Revised Code is 75657
confidential and not subject to discovery in any civil action. 75658

The board shall conduct all investigations or inspections and 75659
proceedings in a manner that protects the confidentiality of 75660
patients and persons who file complaints with the board. The board 75661
shall not make public the names or any other identifying 75662
information about patients or complainants unless proper consent 75663
is given or, in the case of a patient, a waiver of the patient 75664
privilege exists under division (B) of section 2317.02 of the 75665
Revised Code, except that consent or a waiver of that nature is 75666
not required if the board possesses reliable and substantial 75667
evidence that no bona fide physician-patient relationship exists. 75668

The board may share any information it receives pursuant to 75669
an investigation or inspection, including patient records and 75670
patient record information, with law enforcement agencies, other 75671
licensing boards, and other governmental agencies that are 75672
prosecuting, adjudicating, or investigating alleged violations of 75673
statutes or administrative rules. An agency or board that receives 75674
the information shall comply with the same requirements regarding 75675
confidentiality as those with which the state medical board must 75676
comply, notwithstanding any conflicting provision of the Revised 75677
Code or procedure of the agency or board that applies when it is 75678
dealing with other information in its possession. In a judicial 75679
proceeding, the information may be admitted into evidence only in 75680
accordance with the Rules of Evidence, but the court shall require 75681

that appropriate measures are taken to ensure that confidentiality 75682
is maintained with respect to any part of the information that 75683
contains names or other identifying information about patients or 75684
complainants whose confidentiality was protected by the state 75685
medical board when the information was in the board's possession. 75686
Measures to ensure confidentiality that may be taken by the court 75687
include sealing its records or deleting specific information from 75688
its records. 75689

(6) On a quarterly basis, the board shall prepare a report 75690
that documents the disposition of all cases during the preceding 75691
three months. The report shall contain the following information 75692
for each case with which the board has completed its activities: 75693

(a) The case number assigned to the complaint or alleged 75694
violation; 75695

(b) The type of certificate to practice, if any, held by the 75696
individual against whom the complaint is directed; 75697

(c) A description of the allegations contained in the 75698
complaint; 75699

(d) The disposition of the case. 75700

The report shall state how many cases are still pending and 75701
shall be prepared in a manner that protects the identity of each 75702
person involved in each case. The report shall be a public record 75703
under section 149.43 of the Revised Code. 75704

(G) If the secretary and supervising member determine both of 75705
the following, they may recommend that the board suspend an 75706
individual's certificate to practice without a prior hearing: 75707

(1) That there is clear and convincing evidence that an 75708
individual has violated division (B) of this section; 75709

(2) That the individual's continued practice presents a 75710
danger of immediate and serious harm to the public. 75711

Written allegations shall be prepared for consideration by 75712
the board. The board, upon review of those allegations and by an 75713
affirmative vote of not fewer than six of its members, excluding 75714
the secretary and supervising member, may suspend a certificate 75715
without a prior hearing. A telephone conference call may be 75716
utilized for reviewing the allegations and taking the vote on the 75717
summary suspension. 75718

The board shall issue a written order of suspension by 75719
certified mail or in person in accordance with section 119.07 of 75720
the Revised Code. The order shall not be subject to suspension by 75721
the court during pendency of any appeal filed under section 119.12 75722
of the Revised Code. If the individual subject to the summary 75723
suspension requests an adjudicatory hearing by the board, the date 75724
set for the hearing shall be within fifteen days, but not earlier 75725
than seven days, after the individual requests the hearing, unless 75726
otherwise agreed to by both the board and the individual. 75727

Any summary suspension imposed under this division shall 75728
remain in effect, unless reversed on appeal, until a final 75729
adjudicative order issued by the board pursuant to this section 75730
and Chapter 119. of the Revised Code becomes effective. The board 75731
shall issue its final adjudicative order within seventy-five days 75732
after completion of its hearing. A failure to issue the order 75733
within seventy-five days shall result in dissolution of the 75734
summary suspension order but shall not invalidate any subsequent, 75735
final adjudicative order. 75736

(H) If the board takes action under division (B)(9), (11), or 75737
(13) of this section and the judicial finding of guilt, guilty 75738
plea, or judicial finding of eligibility for intervention in lieu 75739
of conviction is overturned on appeal, upon exhaustion of the 75740
criminal appeal, a petition for reconsideration of the order may 75741
be filed with the board along with appropriate court documents. 75742
Upon receipt of a petition of that nature and supporting court 75743

documents, the board shall reinstate the individual's certificate 75744
to practice. The board may then hold an adjudication under Chapter 75745
119. of the Revised Code to determine whether the individual 75746
committed the act in question. Notice of an opportunity for a 75747
hearing shall be given in accordance with Chapter 119. of the 75748
Revised Code. If the board finds, pursuant to an adjudication held 75749
under this division, that the individual committed the act or if 75750
no hearing is requested, the board may order any of the sanctions 75751
identified under division (B) of this section. 75752

(I) The certificate to practice issued to an individual under 75753
this chapter and the individual's practice in this state are 75754
automatically suspended as of the date of the individual's second 75755
or subsequent plea of guilty to, or judicial finding of guilt of, 75756
a violation of section 2919.123 of the Revised Code, or the date 75757
the individual pleads guilty to, is found by a judge or jury to be 75758
guilty of, or is subject to a judicial finding of eligibility for 75759
intervention in lieu of conviction in this state or treatment or 75760
intervention in lieu of conviction in another jurisdiction for any 75761
of the following criminal offenses in this state or a 75762
substantially equivalent criminal offense in another jurisdiction: 75763
aggravated murder, murder, voluntary manslaughter, felonious 75764
assault, kidnapping, rape, sexual battery, gross sexual 75765
imposition, aggravated arson, aggravated robbery, or aggravated 75766
burglary. Continued practice after suspension shall be considered 75767
practicing without a certificate. 75768

The board shall notify the individual subject to the 75769
suspension by certified mail or in person in accordance with 75770
section 119.07 of the Revised Code. If an individual whose 75771
certificate is automatically suspended under this division fails 75772
to make a timely request for an adjudication under Chapter 119. of 75773
the Revised Code, the board shall do whichever of the following is 75774
applicable: 75775

(1) If the automatic suspension under this division is for a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 of the Revised Code, the board shall enter an order suspending the individual's certificate to practice for a period of at least one year or, if determined appropriate by the board, imposing a more serious sanction involving the individual's certificate to practice.

(2) In all circumstances in which division (I)(1) of this section does not apply, enter a final order permanently revoking the individual's certificate to practice.

(J) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent

action taken by the board is forever thereafter ineligible to hold 75808
a certificate to practice and the board shall not accept an 75809
application for reinstatement of the certificate or for issuance 75810
of a new certificate. 75811

(M) Notwithstanding any other provision of the Revised Code, 75812
all of the following apply: 75813

(1) The surrender of a certificate issued under this chapter 75814
shall not be effective unless or until accepted by the board. A 75815
telephone conference call may be utilized for acceptance of the 75816
surrender of an individual's certificate to practice. The 75817
telephone conference call shall be considered a special meeting 75818
under division (F) of section 121.22 of the Revised Code. 75819
Reinstatement of a certificate surrendered to the board requires 75820
an affirmative vote of not fewer than six members of the board. 75821

(2) An application for a certificate made under the 75822
provisions of this chapter may not be withdrawn without approval 75823
of the board. 75824

(3) Failure by an individual to renew a certificate of 75825
registration in accordance with this chapter shall not remove or 75826
limit the board's jurisdiction to take any disciplinary action 75827
under this section against the individual. 75828

(4) At the request of the board, a certificate holder shall 75829
immediately surrender to the board a certificate that the board 75830
has suspended, revoked, or permanently revoked. 75831

(N) Sanctions shall not be imposed under division (B)(28) of 75832
this section against any person who waives deductibles and 75833
copayments as follows: 75834

(1) In compliance with the health benefit plan that expressly 75835
allows such a practice. Waiver of the deductibles or copayments 75836
shall be made only with the full knowledge and consent of the plan 75837
purchaser, payer, and third-party administrator. Documentation of 75838

the consent shall be made available to the board upon request. 75839

(2) For professional services rendered to any other person 75840
authorized to practice pursuant to this chapter, to the extent 75841
allowed by this chapter and rules adopted by the board. 75842

(0) Under the board's investigative duties described in this 75843
section and subject to division (F) of this section, the board 75844
shall develop and implement a quality intervention program 75845
designed to improve through remedial education the clinical and 75846
communication skills of individuals authorized under this chapter 75847
to practice medicine and surgery, osteopathic medicine and 75848
surgery, and podiatric medicine and surgery. In developing and 75849
implementing the quality intervention program, the board may do 75850
all of the following: 75851

(1) Offer in appropriate cases as determined by the board an 75852
educational and assessment program pursuant to an investigation 75853
the board conducts under this section; 75854

(2) Select providers of educational and assessment services, 75855
including a quality intervention program panel of case reviewers; 75856

(3) Make referrals to educational and assessment service 75857
providers and approve individual educational programs recommended 75858
by those providers. The board shall monitor the progress of each 75859
individual undertaking a recommended individual educational 75860
program. 75861

(4) Determine what constitutes successful completion of an 75862
individual educational program and require further monitoring of 75863
the individual who completed the program or other action that the 75864
board determines to be appropriate; 75865

(5) Adopt rules in accordance with Chapter 119. of the 75866
Revised Code to further implement the quality intervention 75867
program. 75868

An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program.

Sec. 4731.222. (A) This section applies to both of the following:

(1) An applicant seeking restoration of a certificate issued under this chapter that has been in a suspended or inactive state for any cause for more than two years;

(2) An applicant seeking issuance of a certificate pursuant to section 4731.17, 4731.29, 4731.295, 4731.57, or 4731.571 of the Revised Code who for more than two years has not been engaged in the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine as any of the following:

(a) An active practitioner;

(b) A participant in a program of graduate medical education, as defined in section 4731.091 of the Revised Code;

(c) A student in a college of podiatry determined by the state medical board to be in good standing;

(d) A student in a school, college, or institution giving instruction in a limited branch of medicine determined by the board to be in good standing under section 4731.16 of the Revised Code.

(B) Before restoring a certificate to good standing for or issuing a certificate to an applicant subject to this section, the state medical board may impose terms and conditions including any one or more of the following:

(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice;

(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training; 75899
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(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing medical evaluations and procedures in a manner that meets the minimal standards of care; 75901
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(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions; 75906
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(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders; 75908
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(6) Restricting or limiting the extent, scope, or type of practice of the applicant. 75912
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The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity, in accordance with section 4731.08, 4731.19, or 4731.52 of the Revised Code. The board shall not restore a certificate under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 75914
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Sec. 4731.225. (A) If the holder of a certificate issued under this chapter violates division (A), (B), or (C) of section 4731.66 or section 4731.69 of the Revised Code, or if any other person violates division (B) or (C) of section 4731.66 or section 4731.69 of the Revised Code, the state medical board, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, shall: 75920
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~~(A)~~(1) For a first violation, impose a civil penalty of not more than five thousand dollars; 75927
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(B)(2) For each subsequent violation, impose a civil penalty of not more than twenty thousand dollars and, if the violator is a certificate holder, proceed under division (B)(27) of section 4731.22 of the Revised Code.

(B)(1) If the holder of a certificate issued under this chapter violates any section of this chapter other than section 4731.281 of the Revised Code or the sections specified in division (A) of this section, or violates any rule adopted under this chapter, the board may, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, impose a civil penalty. The amount of the civil penalty shall be determined by the board in accordance with the guidelines adopted under division (B)(2) of this section. The civil penalty may be in addition to any other action the board may take under section 4731.22 of the Revised Code.

(2) The board shall adopt and may amend guidelines regarding the amounts of civil penalties to be imposed under this section. Adoption or amendment of the guidelines requires the approval of not fewer than six board members.

Under the guidelines, no civil penalty amount shall exceed twenty thousand dollars.

(C) Amounts received from payment of civil penalties imposed under this section shall be deposited by the board in accordance with section 4731.24 of the Revised Code. Amounts received from payment of civil penalties imposed for violations of division (B)(26) of section 4731.22 of the Revised Code shall be used by the board solely for investigations, enforcement, and compliance monitoring.

Sec. 4731.24. Except as provided in sections 4731.281 and 4731.40 of the Revised Code, all receipts of the state medical board, from any source, shall be deposited in the state treasury.

~~Until July 1, 1998, the funds shall be deposited to the credit of the occupational licensing and regulatory fund. On and after July 1, 1998, the~~ The funds shall be deposited to the credit of the state medical board operating fund, which is hereby created ~~on~~ July 1, 1998. Except as provided in ~~section~~ sections 4730.252, 4731.225, 4731.24, 4760.133, 4762.133, 4774.133, and 4778.141 of the Revised Code, all funds deposited into the state treasury under this section shall be used solely for the administration and enforcement of this chapter and Chapters 4730., 4760., 4762., 4774., and 4778. of the Revised Code by the board.

Sec. 4731.281. ~~(A) On or before the deadline established under division (B) of this section for applying for renewal of a certificate of registration, each person holding a certificate under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery shall certify to the state medical board that in the preceding two years the person has completed one hundred hours of continuing medical education. The certification shall be made upon the application for biennial registration submitted pursuant to division (B) of this section. The board shall adopt rules providing for pro rata reductions by month of the number of hours of continuing education required for persons who are in their first registration period, who have been disabled due to illness or accident, or who have been absent from the country.~~

~~In determining whether a course, program, or activity qualifies for credit as continuing medical education, the board shall approve all continuing medical education taken by persons holding a certificate to practice medicine and surgery that is certified by the Ohio state medical association, all continuing medical education taken by persons holding a certificate to practice osteopathic medicine and surgery that is certified by the Ohio osteopathic association, and all continuing medical education~~

~~taken by persons holding a certificate to practice podiatric medicine and surgery that is certified by the Ohio podiatric medical association. Each person holding a certificate to practice under this chapter shall be given sufficient choice of continuing education programs to ensure that the person has had a reasonable opportunity to participate in continuing education programs that are relevant to the person's medical practice in terms of subject matter and level.~~

~~The board may require a random sample of persons holding a certificate to practice under this chapter to submit materials documenting completion of the continuing medical education requirement during the preceding registration period, but this provision shall not limit the board's authority to investigate pursuant to section 4731.22 of the Revised Code.~~

~~(B)(1) Every person holding a certificate under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery wishing to renew that certificate shall apply to the board for a certificate of registration upon an application furnished by the board, and pay to the board at the time of application a fee of three hundred five dollars, according to the following schedule:~~

~~(a) Persons whose last name begins with the letters "A" through "B," on or before April 1, 2001, and the first day of April of every odd-numbered year thereafter;~~

~~(b) Persons whose last name begins with the letters "C" through "D," on or before January 1, 2001, and the first day of January of every odd-numbered year thereafter;~~

~~(c) Persons whose last name begins with the letters "E" through "G," on or before October 1, 2000, and the first day of October of every even-numbered year thereafter;~~

~~(d) Persons whose last name begins with the letters "H"~~

through "K," on or before July 1, 2000, and the first day of July 76023
of every even-numbered year thereafter; 76024

(e) Persons whose last name begins with the letters "L" 76025
through "M," on or before April 1, 2000, and the first day of 76026
April of every even-numbered year thereafter; 76027

(f) Persons whose last name begins with the letters "N" 76028
through "R," on or before January 1, 2000, and the first day of 76029
January of every even-numbered year thereafter; 76030

(g) Persons whose last name begins with the letter "S," on or 76031
before October 1, 1999, and the first day of October of every 76032
odd-numbered year thereafter; 76033

(h) Persons whose last name begins with the letters "T" 76034
through "Z," on or before July 1, 1999, and the first day of July 76035
of every odd-numbered year thereafter. 76036

The board shall deposit the fee in accordance with section 76037
4731.24 of the Revised Code, except that the board shall deposit 76038
twenty dollars of the fee into the state treasury to the credit of 76039
the physician loan repayment fund created by section 3702.78 of 76040
the Revised Code. 76041

(2) The board shall mail or cause to be mailed to every 76042
person registered to practice medicine and surgery, osteopathic 76043
medicine and surgery, or podiatric medicine and surgery, a notice 76044
of registration renewal addressed to the person's last known 76045
address or may cause the notice to be sent to the person through 76046
the secretary of any recognized medical, osteopathic, or podiatric 76047
society, according to the following schedule: 76048

(a) To persons whose last name begins with the letters "A" 76049
through "B," on or before January 1, 2001, and the first day of 76050
January of every odd-numbered year thereafter; 76051

(b) To persons whose last name begins with the letters "C" 76052

through "D," on or before October 1, 2000, and the first day of 76053
October of every even-numbered year thereafter; 76054

(c) To persons whose last name begins with the letters "E" 76055
through "G," on or before July 1, 2000, and the first day of July 76056
of every even-numbered year thereafter; 76057

(d) To persons whose last name begins with the letters "H" 76058
through "K," on or before April 1, 2000, and the first day of 76059
April of every even-numbered year thereafter; 76060

(e) To persons whose last name begins with the letters "L" 76061
through "M," on or before January 1, 2000, and the first day of 76062
January of every even-numbered year thereafter; 76063

(f) To persons whose last name begins with the letters "N" 76064
through "R," on or before October 1, 1999, and the first day of 76065
October of every odd-numbered year thereafter; 76066

(g) To persons whose last name begins with the letter "S," on 76067
or before July 1, 1999, and the first day of July of every 76068
odd-numbered year thereafter; 76069

(h) To persons whose last name begins with the letters "T" 76070
through "Z," on or before April 1, 1999, and the first day of 76071
April of every odd-numbered year thereafter. 76072

(3) Failure of any person to receive a notice of renewal from 76073
the board shall not excuse the person from the requirements 76074
contained in this section. 76075

(4) The board's notice shall inform the applicant of the 76076
renewal procedure. The board shall provide the application for 76077
registration renewal in a form determined by the board. 76078

(5) The applicant shall provide in the application the 76079
applicant's full name, principal practice address and residence 76080
address, the number of the applicant's certificate to practice, 76081
and any other information required by the board. 76082

(6)(a) Except as provided in division ~~(B)~~(A)(6)(b) of this 76083
section, in the case of an applicant who prescribes or personally 76084
furnishes opioid analgesics or benzodiazepines, as defined in 76085
section 3719.01 of the Revised Code, the applicant shall certify 76086
to the board whether the applicant has been granted access to the 76087
drug database established and maintained by the state board of 76088
pharmacy pursuant to section 4729.75 of the Revised Code. 76089

(b) The requirement in division ~~(B)~~(A)(6)(a) of this section 76090
does not apply if any of the following is the case: 76091

(i) The state board of pharmacy notifies the state medical 76092
board pursuant to section 4729.861 of the Revised Code that the 76093
applicant has been restricted from obtaining further information 76094
from the drug database. 76095

(ii) The state board of pharmacy no longer maintains the drug 76096
database. 76097

(iii) The applicant does not practice medicine and surgery, 76098
osteopathic medicine and surgery, or podiatric medicine and 76099
surgery in this state. 76100

(c) If an applicant certifies to the state medical board that 76101
the applicant has been granted access to the drug database and the 76102
board finds through an audit or other means that the applicant has 76103
not been granted access, the board may take action under section 76104
4731.22 of the Revised Code. 76105

(7) The applicant shall include with the application a list 76106
of the names and addresses of any clinical nurse specialists, 76107
certified nurse-midwives, or certified nurse practitioners with 76108
whom the applicant is currently collaborating, as defined in 76109
section 4723.01 of the Revised Code. Every person registered under 76110
this section shall give written notice to the state medical board 76111
of any change of principal practice address or residence address 76112
or in the list within thirty days of the change. 76113

(8) The applicant shall report any criminal offense to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last filing an application for a certificate of registration.

(9) The applicant shall execute and deliver the application to the board in a manner prescribed by the board.

~~(C)~~(B) The board shall issue to any person holding a certificate under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, upon application and qualification therefor in accordance with this section, a certificate of registration under the seal of the board. A certificate of registration shall be valid for a two-year period.

~~(D) Failure of any certificate holder to register and comply with this section shall operate automatically to suspend the holder's certificate to practice. Continued practice after the suspension of the certificate to practice shall be considered as practicing in violation of section 4731.41, 4731.43, or 4731.60 of the Revised Code. If the certificate has been suspended pursuant to this division for two years or less, it may be reinstated. The board shall reinstate a certificate to practice suspended for failure to register upon an applicant's submission of a renewal application, the biennial registration fee, and the applicable monetary penalty. The penalty for reinstatement shall be fifty dollars. If the certificate has been suspended pursuant to this division for more than two years, it may be restored. Subject to section 4731.222 of the Revised Code, the board may restore a certificate to practice suspended for failure to register upon an applicant's submission of a restoration application, the biennial registration fee, and the applicable monetary penalty and compliance with sections 4776.01 to 4776.04 of the Revised Code.~~

~~The board shall not restore to an applicant a certificate to practice unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a certificate issued pursuant to section 4731.14, 4731.56, or 4731.57 of the Revised Code. The penalty for restoration shall be one hundred dollars. The board shall deposit the penalties in accordance with section 4731.24 of the Revised Code.~~

~~(E) If an individual certifies completion of the number of hours and type of continuing medical education required to receive a certificate of registration or reinstatement of a certificate to practice, and the board finds through the random samples it conducts under this section or through any other means that the individual did not complete the requisite continuing medical education, the board may impose a civil penalty of not more than five thousand dollars. The board's finding shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six members.~~

~~A civil penalty imposed under this division may be in addition to or in lieu of any other action the board may take under section 4731.22 of the Revised Code. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code.~~

~~(F)(C) Pursuant to section 4731.22 of the Revised Code, the board may suspend an individual's certificate to practice for failure to register and comply with this section. If an individual continues to practice after suspension, that activity constitutes practicing in violation of section 4731.41 or 4731.60 of the Revised Code. If the certificate has been suspended for two years or less, it may be reinstated. The board shall reinstate a certificate to practice for failure to register on an applicant's submission of a renewal application, the biennial registration~~

fee, and the applicable monetary penalty. If the certificate has 76178
been suspended for more than two years, it may be restored. 76179
Subject to section 4731.222 of the Revised Code, the board may 76180
restore a certificate to practice suspended for failure to 76181
register on an applicant's submission of a restoration 76182
application, the biennial registration fee, and the applicable 76183
monetary penalty and compliance with sections 4776.01 to 4776.04 76184
of the Revised Code. The board shall not restore to an applicant a 76185
certificate to practice unless the board, in its discretion, 76186
decides that the results of the criminal records check required by 76187
section 4776.02 of the Revised Code do not make the applicant 76188
ineligible for a certificate issued pursuant to section 4731.14, 76189
4731.56, or 4731.57 of the Revised Code. 76190

The monetary penalty for reinstatement is one hundred 76191
dollars. The monetary penalty for restoration is two hundred 76192
dollars. 76193

Amounts received from payment of civil penalties and monetary 76194
penalties imposed under this division shall be deposited in 76195
accordance with section 4731.24 of the Revised Code. 76196

(D) The state medical board may obtain information not 76197
protected by statutory or common law privilege from courts and 76198
other sources concerning malpractice claims against any person 76199
holding a certificate to practice under this chapter or practicing 76200
as provided in section 4731.36 of the Revised Code. 76201

~~(G)~~(E) Each mailing sent by the board under division 76202
~~(B)~~(A)(2) of this section to a person registered to practice 76203
medicine and surgery or osteopathic medicine and surgery shall 76204
inform the applicant of the reporting requirement established by 76205
division (H) of section 3701.79 of the Revised Code. At the 76206
discretion of the board, the information may be included on the 76207
application for registration or on an accompanying page. 76208

~~Sec. 4731.282. Not later than ninety days after the effective date of this section, the state medical board shall approve one or more continuing medical education courses of study included within the programs certified by the Ohio state medical association and the Ohio osteopathic association pursuant to section 4731.281 of the Revised Code that assist doctors of medicine and doctors of osteopathic medicine in recognizing (A)(1) Except as provided in division (D) of this section, each person holding a certificate to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery issued by the state medical board shall complete biennially not less than one hundred hours of continuing medical education that has been approved by the board.~~

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(2) Each person holding a certificate to practice shall be given sufficient choice of continuing education programs to ensure that the person has had a reasonable opportunity to participate in continuing education programs that are relevant to the person's medical practice in terms of subject matter and level.

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(B) In determining whether a course, program, or activity qualifies for credit as continuing medical education, the board shall approve all of the following:

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(1) Continuing medical education completed by holders of certificates to practice medicine and surgery that is certified by the Ohio state medical association;

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(2) Continuing medical education completed by holders of certificates to practice osteopathic medicine and surgery that is certified by the Ohio osteopathic association;

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(3) Continuing medical education completed by holders of certificates to practice podiatric medicine and surgery that is certified by the Ohio podiatric medical association.

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(C) The board shall approve one or more continuing medical education courses of study included within the programs certified by the Ohio state medical association and the Ohio osteopathic association under divisions (B)(1) and (2) of this section that assist doctors of medicine and doctors of osteopathic medicine in both of the following: 76239
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(1) Recognizing the signs of domestic violence and its relationship to child abuse. ~~Doctors are not required to take the courses;~~ 76245
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(2) Diagnosing and treating chronic pain, as defined in section 4731.052 of the Revised Code. 76248
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(D) The board shall adopt rules providing for pro rata reductions by month of the number of hours of continuing education that must be completed for certificate holders who are in their first registration period, have been disabled by illness or accident, or have been absent from the country. The board shall adopt the rules in accordance with Chapter 119. of the Revised Code. 76250
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(E) The board may require a random sample of holders of certificates to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery to submit materials documenting completion of the required number of hours of continuing medical education. This division does not limit the board's authority to conduct investigations pursuant to section 4731.22 of the Revised Code. 76257
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(F) The board may impose a civil penalty of not more than five thousand dollars if, through a random sample conducted under division (E) of this section or any other means, it finds that an individual falsely certified that the individual completed the number of hours and type of continuing medical education required for renewal of a certificate of registration. If the civil penalty 76264
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is imposed in addition to any other action the board takes under 76270
section 4731.22 of the Revised Code, the board's finding shall be 76271
made pursuant to an adjudication under Chapter 119. of the Revised 76272
Code and by an affirmative vote of not fewer than six of its 76273
members. 76274

A civil penalty imposed under this division may be in 76275
addition to or in lieu of any other action the board takes under 76276
section 4731.22 of the Revised Code. The board shall deposit civil 76277
penalties in accordance with section 4731.24 of the Revised Code. 76278

Sec. 4731.293. (A) The state medical board may issue, without 76279
examination, a clinical research faculty certificate to any person 76280
who applies for the certificate and provides to the board all of 76281
the following: 76282

(1) Evidence satisfactory to the board of all of the 76283
following: 76284

(a) That the applicant holds a current, unrestricted license 76285
to practice medicine and surgery or osteopathic medicine and 76286
surgery issued by another state or country; 76287

(b) That the applicant has been appointed to serve in this 76288
state on the academic staff of a medical school accredited by the 76289
liaison committee on medical education or an osteopathic medical 76290
school accredited by the American osteopathic association; 76291

(c) That the applicant is an international medical graduate 76292
who holds a medical degree from an educational institution listed 76293
in the international medical education directory. 76294

(2) An affidavit and supporting documentation from the dean 76295
of the medical school or the department director or chairperson of 76296
a teaching hospital affiliated with the school that the applicant 76297
is qualified to perform teaching and research activities and will 76298
be permitted to work only under the authority of the department 76299

director or chairperson of a teaching hospital affiliated with the 76300
medical school where the applicant's teaching and research 76301
activities will occur; 76302

(3) A description from the medical school or teaching 76303
hospital of the scope of practice in which the applicant will be 76304
involved, including the types of teaching, research, and 76305
procedures in which the applicant will be engaged; 76306

(4) A description from the medical school or teaching 76307
hospital of the type and amount of patient contact that will occur 76308
in connection with the applicant's teaching and research 76309
activities. 76310

(B) An applicant for an initial clinical research faculty 76311
certificate shall pay a fee of three hundred seventy-five dollars. 76312

(C) The holder of a clinical research faculty certificate may 76313
practice medicine and surgery or osteopathic medicine and surgery 76314
only as is incidental to the certificate holder's teaching or 76315
research duties at the medical school or a teaching hospital 76316
affiliated with the school. The board may revoke a certificate on 76317
receiving proof satisfactory to the board that the certificate 76318
holder has engaged in practice in this state outside the scope of 76319
the certificate or that there are grounds for action against the 76320
certificate holder under section 4731.22 of the Revised Code. 76321

(D) A clinical research faculty certificate is valid for 76322
three years, except that the certificate ceases to be valid if the 76323
holder's appointment to the academic staff of the school is no 76324
longer valid or the certificate is revoked pursuant to division 76325
(C) of this section. 76326

(E)(1) Three months before a clinical research faculty 76327
certificate expires, the board shall mail or cause to be mailed to 76328
the certificate holder a notice of renewal addressed to the 76329
certificate holder's last known address. Failure of a certificate 76330

holder to receive a notice of renewal from the board shall not 76331
excuse the certificate holder from the requirements contained in 76332
this section. The notice shall inform the certificate holder of 76333
the renewal procedure. The notice also shall inform the 76334
certificate holder of the reporting requirement established by 76335
division (H) of section 3701.79 of the Revised Code. At the 76336
discretion of the board, the information may be included on the 76337
application for renewal or on an accompanying page. 76338

(2) A clinical research faculty certificate may be renewed 76339
for an additional three-year period. There is no limit on the 76340
number of times a certificate may be renewed. A person seeking 76341
renewal of a certificate shall apply to the board. The board shall 76342
provide the application for renewal in a form determined by the 76343
board. 76344

(3) An applicant is eligible for renewal if the applicant 76345
does all of the following: 76346

(a) Pays a renewal fee of three hundred seventy-five dollars; 76347

(b) Reports any criminal offense to which the applicant has 76348
pleaded guilty, of which the applicant has been found guilty, or 76349
for which the applicant has been found eligible for intervention 76350
in lieu of conviction, since last filing an application for a 76351
clinical research faculty certificate; 76352

(c) Provides to the board an affidavit and supporting 76353
documentation from the dean of the medical school or the 76354
department director or chairperson of a teaching hospital 76355
affiliated with the school that the applicant is in compliance 76356
with the applicant's current clinical research faculty 76357
certificate; 76358

(d) Provides evidence satisfactory to the board of all of the 76359
following: 76360

(i) That the applicant continues to maintain a current, 76361

unrestricted license to practice medicine and surgery or 76362
osteopathic medicine and surgery issued by another state or 76363
country; 76364

(ii) That the applicant's initial appointment to serve in 76365
this state on the academic staff of a medical school is still 76366
valid or has been renewed; 76367

(iii) That the applicant has completed one hundred fifty 76368
hours of continuing medical education that meet the requirements 76369
set forth in section ~~4731.281~~ 4731.282 of the Revised Code. 76370

(4) Regardless of whether the certificate has expired, a 76371
person who was granted a visiting medical faculty certificate 76372
under this section as it existed immediately prior to ~~the~~ 76373
~~effective date of this amendment~~ June 6, 2012, may apply for a 76374
clinical research faculty certificate as a renewal. The board may 76375
issue the clinical research faculty certificate if the applicant 76376
meets the requirements of division (E)(3) of this section. The 76377
board may not issue a clinical research faculty certificate if the 76378
visiting medical faculty certificate was revoked. 76379

(F) The board shall maintain a register of all persons who 76380
hold clinical research faculty certificates. 76381

(G) The board may adopt any rules it considers necessary to 76382
implement this section. The rules shall be adopted in accordance 76383
with Chapter 119. of the Revised Code. 76384

Sec. 4731.295. (A)(1) As used in this section: 76385

(a) "Free clinic" has the same meaning as in section 3701.071 76386
of the Revised Code. 76387

(b) "Indigent and uninsured person" and "operation" have the 76388
same meanings as in section 2305.234 of the Revised Code. 76389

(2) For the purposes of this section, a person shall be 76390
considered retired from practice if the person's license or 76391

certificate has expired with the person's intention of ceasing to 76392
practice medicine and surgery or osteopathic medicine and surgery 76393
for remuneration. 76394

(B) The state medical board may issue, without examination, a 76395
volunteer's certificate to a person who is retired from practice 76396
so that the person may provide medical services to indigent and 76397
uninsured persons at any location, including a free clinic. The 76398
board shall deny issuance of a volunteer's certificate to a person 76399
who is not qualified under this section to hold a volunteer's 76400
certificate. 76401

(C) An application for a volunteer's certificate shall 76402
include all of the following: 76403

(1) A copy of the applicant's degree of medicine or 76404
osteopathic medicine. 76405

(2) One of the following, as applicable: 76406

(a) A copy of the applicant's most recent license or 76407
certificate authorizing the practice of medicine and surgery or 76408
osteopathic medicine and surgery issued by a jurisdiction in the 76409
United States that licenses persons to practice medicine and 76410
surgery or osteopathic medicine and surgery. 76411

(b) A copy of the applicant's most recent license equivalent 76412
to a license to practice medicine and surgery or osteopathic 76413
medicine and surgery in one or more branches of the United States 76414
armed services that the United States government issued. 76415

(3) Evidence of one of the following, as applicable: 76416

(a) That the applicant has maintained for at least ten years 76417
prior to retirement full licensure in good standing in any 76418
jurisdiction in the United States that licenses persons to 76419
practice medicine and surgery or osteopathic medicine and surgery. 76420

(b) That the applicant has practiced for at least ten years 76421

prior to retirement in good standing as a doctor of medicine and surgery or osteopathic medicine and surgery in one or more of the branches of the United States armed services.

(4) A notarized statement from the applicant, on a form prescribed by the board, that the applicant will not accept any form of remuneration for any medical services rendered while in possession of a volunteer's certificate.

(D) The holder of a volunteer's certificate may provide medical services only to indigent and uninsured persons, but may do so at any location, including a free clinic. The holder shall not accept any form of remuneration for providing medical services while in possession of the certificate. Except in a medical emergency, the holder shall not perform any operation or deliver babies. The board may revoke a volunteer's certificate on receiving proof satisfactory to the board that the holder has engaged in practice in this state outside the scope of the certificate.

(E)(1) A volunteer's certificate shall be valid for a period of three years, unless earlier revoked under division (D) of this section or pursuant to section 4731.22 of the Revised Code. A volunteer's certificate may be renewed upon the application of the holder. The board shall maintain a register of all persons who hold volunteer's certificates. The board shall not charge a fee for issuing or renewing a certificate pursuant to this section.

(2) To be eligible for renewal of a volunteer's certificate the holder of the certificate shall certify to the board completion of one hundred fifty hours of continuing medical education that meets the requirements of section ~~4731.281~~ 4731.282 of the Revised Code regarding certification by private associations and approval by the board. The board may not renew a certificate if the holder has not complied with the continuing medical education requirements. Any entity for which the holder

provides medical services may pay for or reimburse the holder for 76454
any costs incurred in obtaining the required continuing medical 76455
education credits. 76456

(3) The board shall issue to each person who qualifies under 76457
this section for a volunteer's certificate a wallet certificate 76458
and a wall certificate that state that the certificate holder is 76459
authorized to provide medical services pursuant to the laws of 76460
this state. The holder shall keep the wallet certificate on the 76461
holder's person while providing medical services and shall display 76462
the wall certificate prominently at the location where the holder 76463
primarily practices. 76464

(4) The holder of a volunteer's certificate issued pursuant 76465
to this section is subject to the immunity provisions regarding 76466
the provision of services to indigent and uninsured persons in 76467
section 2305.234 of the Revised Code. 76468

(F) The board shall adopt rules in accordance with Chapter 76469
119. of the Revised Code to administer and enforce this section. 76470

Sec. 4731.296. (A) For the purposes of this section, "the 76471
practice of telemedicine" means the practice of medicine in this 76472
state through the use of any communication, including oral, 76473
written, or electronic communication, by a physician located 76474
outside this state. 76475

(B) A person who wishes to practice telemedicine in this 76476
state shall file an application with the state medical board, 76477
together with a fee in the amount of the fee described in division 76478
(D) of section 4731.29 of the Revised Code and shall comply with 76479
sections 4776.01 to 4776.04 of the Revised Code. If the board, in 76480
its discretion, decides that the results of the criminal records 76481
check do not make the person ineligible for a telemedicine 76482
certificate, the board may issue, without examination, a 76483
telemedicine certificate to a person who meets all of the 76484

following requirements: 76485

(1) The person holds a current, unrestricted license to 76486
practice medicine and surgery or osteopathic medicine and surgery 76487
issued by another state that requires license holders to complete 76488
at least fifty hours of continuing medical education every two 76489
years. 76490

(2) The person's principal place of practice is in that 76491
state. 76492

(3) The person does not hold a certificate issued under this 76493
chapter authorizing the practice of medicine and surgery or 76494
osteopathic medicine and surgery in this state. 76495

(4) The person meets the same age, moral character, and 76496
educational requirements individuals must meet under sections 76497
4731.08, 4731.09, 4731.091, and 4731.14 of the Revised Code and, 76498
if applicable, demonstrates proficiency in spoken English in 76499
accordance with division (E) of section 4731.29 of the Revised 76500
Code. 76501

(C) The holder of a telemedicine certificate may engage in 76502
the practice of telemedicine in this state. A person holding a 76503
telemedicine certificate shall not practice medicine in person in 76504
this state without obtaining a special activity certificate under 76505
section 4731.294 of the Revised Code. 76506

(D) The board may revoke a certificate issued under this 76507
section or take other disciplinary action against a certificate 76508
holder pursuant to section 4731.22 of the Revised Code on 76509
receiving proof satisfactory to the board that the certificate 76510
holder has engaged in practice in this state outside the scope of 76511
the certificate or that there are grounds for action against the 76512
holder under section 4731.22 of the Revised Code. 76513

(E) A telemedicine certificate shall be valid for a period 76514
specified by the board, and the initial renewal shall be in 76515

accordance with a schedule established by the board. Thereafter, 76516
the certificate shall be valid for two years. A certificate may be 76517
renewed on application of the holder. 76518

To be eligible for renewal, the holder of the certificate 76519
shall do both of the following: 76520

(1) Pay a fee in the amount of the fee described in division 76521
~~(B)~~(A)(1) of section 4731.281 of the Revised Code; 76522

(2) Certify to the board compliance with the continuing 76523
medical education requirements of the state in which the holder's 76524
principal place of practice is located. 76525

The board may require a random sample of persons holding a 76526
telemedicine certificate to submit materials documenting 76527
completion of the continuing medical education requirements 76528
described in this division. 76529

(F) The board shall convert a telemedicine certificate to a 76530
certificate issued under section 4731.29 of the Revised Code on 76531
receipt of a written request from the certificate holder. Once the 76532
telemedicine certificate is converted, the holder is subject to 76533
all requirements and privileges attendant to a certificate issued 76534
under section 4731.29 of the Revised Code, including continuing 76535
medical education requirements. 76536

Sec. 4731.297. (A) As used in this section: 76537

(1) "Academic medical center" means a medical school and its 76538
affiliated teaching hospitals and clinics partnering to do all of 76539
the following: 76540

(a) Provide the highest quality of patient care from expert 76541
physicians; 76542

(b) Conduct groundbreaking research leading to medical 76543
advancements for current and future patients; 76544

(c) Provide medical education and graduate medical education to educate and train physicians. 76545
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(2) "Affiliated physician group practice" means a medical practice that consists of one or more physicians authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery and that is affiliated with an academic medical center to further the objectives described in divisions (A)(1)(a) to (c) of this section. 76547
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(B) The state medical board shall issue, without examination, to an applicant who meets the requirements of this section a certificate of conceded eminence authorizing the practice of medicine and surgery or osteopathic medicine and surgery as part of the applicant's employment with an academic medical center in this state or affiliated physician group practice in this state. 76553
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(C) To be eligible for a certificate of conceded eminence, an applicant shall provide to the board all of the following: 76559
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(1) Evidence satisfactory to the board of all of the following: 76561
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(a) That the applicant is an international medical graduate who holds a medical degree from an educational institution listed in the international medical education directory; 76563
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(b) That the applicant has been appointed to serve in this state as a full-time faculty member of a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association; 76566
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(c) That the applicant has accepted an offer of employment with an academic medical center in this state or affiliated physician group practice in this state; 76570
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(d) That the applicant holds a license in good standing in another state or country authorizing the practice of medicine and 76573
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surgery or osteopathic medicine and surgery; 76575

(e) That the applicant has unique talents and extraordinary 76576
abilities not generally found within the applicant's specialty, as 76577
demonstrated by satisfying at least four of the following: 76578

(i) The applicant has achieved educational qualifications 76579
beyond those that are required for entry into the applicant's 76580
specialty, including advanced degrees, special certifications, or 76581
other academic credentials. 76582

(ii) The applicant has written multiple articles in journals 76583
listed in the index medicus or an equivalent scholarly publication 76584
acceptable to the board. 76585

(iii) The applicant has a sustained record of excellence in 76586
original research, at least some of which involves serving as the 76587
principal investigator or co-principal investigator for a research 76588
project. 76589

(iv) The applicant has received nationally or internationally 76590
recognized prizes or awards for excellence. 76591

(v) The applicant has participated in peer review in a field 76592
of specialization that is the same as or similar to the 76593
applicant's specialty. 76594

(vi) The applicant has developed new procedures or treatments 76595
for complex medical problems that are recognized by peers as a 76596
significant advancement in the applicable field of medicine. 76597

(vii) The applicant has held previous academic appointments 76598
with or been employed by a health care organization that has a 76599
distinguished national or international reputation. 76600

(viii) The applicant has been the recipient of a national 76601
institutes of health or other competitive grant award. 76602

(f) That the applicant has received staff membership or 76603
professional privileges from the academic medical center pursuant 76604

to standards adopted under section 3701.351 of the Revised Code on 76605
a basis that requires the applicant's medical education and 76606
graduate medical education to be at least equivalent to that of a 76607
physician educated and trained in the United States; 76608

(g) That the applicant has sufficient written and oral 76609
English skills to communicate effectively and reliably with 76610
patients, their families, and other medical professionals; 76611

(h) That the applicant will have professional liability 76612
insurance through the applicant's employment with the academic 76613
medical center or affiliated physician group practice. 76614

(2) An affidavit from the applicant agreeing to practice only 76615
within the clinical setting of the academic medical center or for 76616
the affiliated physician group practice; 76617

(3) Three letters of reference from distinguished experts in 76618
the applicant's specialty attesting to the unique capabilities of 76619
the applicant, at least one of which must be from outside the 76620
academic medical center or affiliated physician group practice; 76621

(4) An affidavit from the dean of the medical school where 76622
the applicant has been appointed to serve as a faculty member 76623
stating that the applicant meets all of the requirements of 76624
division (C)(1) of this section and that the letters of reference 76625
submitted under division (C)(3) of this section are from 76626
distinguished experts in the applicant's specialty, and 76627
documentation to support the affidavit; 76628

(5) A fee of one thousand dollars for the certificate. 76629

(D)(1) The holder of a certificate of conceded eminence may 76630
practice medicine and surgery or osteopathic medicine and surgery 76631
only within the clinical setting of the academic medical center 76632
with which the certificate holder is employed or for the 76633
affiliated physician group practice with which the certificate 76634
holder is employed. 76635

(2) A certificate holder may supervise medical students, 76636
physicians participating in graduate medical education, advanced 76637
practice nurses, and physician assistants when performing clinical 76638
services in the certificate holder's area of specialty. 76639

(E) The board may revoke a certificate issued under this 76640
section on receiving proof satisfactory to the board that the 76641
certificate holder has engaged in practice in this state outside 76642
the scope of the certificate or that there are grounds for action 76643
against the certificate holder under section 4731.22 of the 76644
Revised Code. 76645

(F) A certificate of conceded eminence is valid for the 76646
shorter of two years or the duration of the certificate holder's 76647
employment with the academic medical center or affiliated 76648
physician group practice. The certificate ceases to be valid if 76649
the holder resigns or is otherwise terminated from the academic 76650
medical center or affiliated physician group practice. 76651

(G) A certificate of conceded eminence may be renewed for an 76652
additional two-year period. There is no limit on the number of 76653
times a certificate may be renewed. A person seeking renewal of a 76654
certificate shall apply to the board and is eligible for renewal 76655
if the applicant does all of the following: 76656

(1) Pays the renewal fee of one thousand dollars; 76657

(2) Provides to the board an affidavit and supporting 76658
documentation from the academic medical center or affiliated 76659
physician group practice of all of the following: 76660

(a) That the applicant's initial appointment to the medical 76661
faculty is still valid or has been renewed; 76662

(b) That the applicant's clinical practice is consistent with 76663
the established standards in the field; 76664

(c) That the applicant has demonstrated continued scholarly 76665

achievement; 76666

(d) That the applicant has demonstrated continued 76667
professional achievement consistent with the academic medical 76668
center's requirements, established pursuant to standards adopted 76669
under section 3701.351 of the Revised Code, for physicians with 76670
staff membership or professional privileges with the academic 76671
medical center. 76672

(3) Satisfies the same continuing medical education 76673
requirements set forth in section ~~4731.281~~ 4731.282 of the Revised 76674
Code that apply to a person who holds a certificate to practice 76675
medicine and surgery or osteopathic medicine and surgery issued 76676
under this chapter. 76677

(4) Complies with any other requirements established by the 76678
board. 76679

(H) The board may adopt any rules it considers necessary to 76680
implement this section. The rules shall be adopted in accordance 76681
with Chapter 119. of the Revised Code. 76682

Sec. 4731.299. (A) The state medical board may issue, without 76683
examination, to an applicant who meets all of the requirements of 76684
this section an expedited certificate to practice medicine and 76685
surgery or osteopathic medicine and surgery by endorsement. 76686
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(B) An individual who seeks an expedited certificate to 76688
practice medicine and surgery or osteopathic medicine and surgery 76689
by endorsement shall file with the board a written application on 76690
a form prescribed and supplied by the board. The application shall 76691
include all of the information the board considers necessary to 76692
process it. 76693

(C) To be eligible to receive an expedited certificate by 76694
endorsement, an applicant shall do both of the following: 76695

(1) Provide evidence satisfactory to the board that the applicant meets all of the following requirements:	76696 76697
(a) Has passed one of the following:	76698
(i) Steps one, two, and three of the United States medical licensing examination;	76699 76700
(ii) Levels one, two, and three of the comprehensive osteopathic medical licensing examination of the United States;	76701 76702
(iii) Any other medical licensing examination recognized by the board.	76703 76704
(b) For at least five years immediately preceding the date of application, has held a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by the licensing authority of another state or a Canadian province;	76705 76706 76707 76708
(c) For at least two years immediately preceding the date of application, has actively practiced medicine and surgery or osteopathic medicine and surgery in a clinical setting;	76709 76710 76711
(d) Is in compliance with the medical education and training requirements in sections 4731.091 and 4731.14 of the Revised Code.	76712 76713
(2) Certify to the board that all of the following are the case:	76714 76715
(a) Not more than two malpractice claims have been filed against the applicant within a period of ten years and no malpractice claim against the applicant has resulted in total payment of more than five hundred thousand dollars.	76716 76717 76718 76719
(b) The applicant does not have a criminal record according to the criminal records check required by section 4731.081 of the Revised Code.	76720 76721 76722
(c) The applicant does not have a medical condition that could affect the applicant's ability to practice according to acceptable and prevailing standards of care.	76723 76724 76725

(d) No adverse action has been taken against the applicant by a health care institution. 76726
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(e) To the applicant's knowledge, no federal agency, medical society, medical association, or branch of the United States military has investigated or taken action against the applicant. 76728
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(f) No professional licensing or regulatory authority has filed a complaint against, investigated, or taken action against the applicant and the applicant has not withdrawn a professional license application. 76731
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(g) The applicant has not been suspended or expelled from any institution of higher education or school, including a medical school. 76735
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(D) An applicant for an expedited certificate by endorsement shall comply with section 4731.081 of the Revised Code. 76738
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(E) At the time of application, the applicant shall pay to the board a fee of one thousand dollars, no part of which shall be returned. No application shall be considered filed until the board receives the fee. 76740
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(F) The secretary and supervising member of the board shall review all applications received under this section. ~~If~~ 76744
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If the board determines secretary and supervising member ~~determine~~ that an applicant meets the requirements for an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery by endorsement, the board shall issue the certificate to the applicant. ~~Each~~ 76746
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If the secretary and supervising member determine that an applicant does not meet the requirements for an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery by endorsement, the application shall be treated as an application under section 4731.08 of the Revised 76751
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Code. 76756

(G) Each certificate issued by the board under this section 76757
shall be signed by the president and secretary of the board and 76758
attested by ~~its~~ the board's seal. 76759

~~(G)~~(H) Within sixty days after ~~the effective date of this~~ 76760
~~section~~ September 29, 2013, the board shall approve acceptable 76761
means of demonstrating compliance with sections 4731.091 and 76762
4731.14 of the Revised Code as required by division (C)(1)(d) of 76763
this section. 76764

Sec. 4731.41. (A) No person shall practice medicine and 76765
surgery, or any of its branches, without the appropriate 76766
certificate from the state medical board to engage in the 76767
practice. No person shall advertise or claim to the public to be a 76768
practitioner of medicine and surgery, or any of its branches, 76769
without a certificate from the board. No person shall open or 76770
conduct an office or other place for such practice without a 76771
certificate from the board. No person shall conduct an office in 76772
the name of some person who has a certificate to practice medicine 76773
and surgery, or any of its branches. No person shall practice 76774
medicine and surgery, or any of its branches, after the person's 76775
certificate has been revoked, or, if suspended, during the time of 76776
such suspension. 76777

A certificate signed by the secretary of the board to which 76778
is affixed the official seal of the board to the effect that it 76779
appears from the records of the board that no such certificate to 76780
practice medicine and surgery, or any of its branches, in this 76781
state has been issued to the person specified therein, or that a 76782
certificate to practice, if issued, has been revoked or suspended, 76783
shall be received as prima-facie evidence of the record of the 76784
board in any court or before any officer of the state. 76785

(B) No certificate from the state medical board is required 76786

by a physician who comes into this state to practice medicine at a free-of-charge camp accredited by the SeriousFun children's network that specializes in providing therapeutic recreation, as defined in section 2305.231 of the Revised Code, for individuals with chronic illnesses as long as all of the following apply:

(1) The physician provides documentation to the medical director of the camp that the physician is licensed and in good standing to practice medicine in another state;

(2) The physician provides services only at the camp or in connection with camp events or camp activities that occur off the grounds of the camp;

(3) The physician receives no compensation for the services;

(4) The physician provides those services within this state for not more than thirty days per calendar year;

(5) The camp has a medical director who holds an unrestricted license to practice medicine issued in accordance with division (A) of this section.

Sec. 4731.62. (A) As used in this section:

(1) "Controlled substance" and "controlled substance analog" have the same meanings as in section 3719.01 of the Revised Code.

(2) "Dangerous drug" has the same meaning as in section 4729.01 of the Revised Code.

(3) "Mental health professional" has the same meaning as in section 340.032 of the Revised Code.

(B) A physician who is acting in a professional capacity and who knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a patient is experiencing an overdose of a dangerous drug, controlled substance, controlled substance analog, or metabolite

of a controlled substance may refer the patient to a mental health professional. If the physician refers the patient to a mental health professional, the physician shall promptly notify the mental health professional in writing of the referral. Within thirty days after receiving the written notification, the mental health professional shall inform the physician in writing of the status of treatment of the patient provided by the mental health professional. 76816
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(C) A communication between a physician and a mental health professional made under this section shall not be considered a breach of confidentiality between a physician or psychologist or other mental health professional and a patient or a waiver of a testimonial privilege by the patient. 76824
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(D) A physician or mental health professional is not liable in damages in a civil action for harm allegedly incurred as a result of a communication made under this section. 76829
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Sec. 4731.74. (A) As used in this section: 76832

(1) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 76833
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(2) "Drug" and "prescription" have the same meanings as in section 4729.01 of the Revised Code. 76835
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(3) "Institutional facility" means a hospital as defined in section 3727.01 of the Revised Code or a facility licensed by the state board of pharmacy and the department of health, the department of rehabilitation and correction, or the department of developmental disabilities, at which medical care is provided on site and a medical record documenting episodes of care, including drugs ordered and administered, is maintained. 76837
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(4) "Telehealth service" has the same meaning as in section 5164.95 of the Revised Code. 76844
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(B) Except as provided in divisions (C) and (D) of this section, a physician shall not prescribe, dispense, otherwise provide, or cause to be provided a prescription drug to a person on whom the physician has never conducted a medical evaluation. 76846
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(C) A physician may prescribe, dispense, otherwise provide, or cause to be provided a prescription drug that is not a controlled substance to a person on whom the physician has never conducted a medical evaluation, and who is at a location remote from the physician, if the physician meets all of the following requirements: 76850
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(1) In a manner that is consistent with the standard for in-person care by a physician, the remote physician shall complete and document a medical evaluation of the patient and collect clinical data as needed to establish a diagnosis, identify any underlying conditions, and identify any contraindications to the treatment that is recommended or provided. 76856
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(2)(a) Except as provided in division (C)(2)(b) of this section, the remote physician shall complete an examination of the patient using appropriate technology that is capable of all of the following: 76862
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(i) Transmitting images of the patient's condition in real-time; 76866
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(ii) Transmitting information regarding the patient's physical condition and other relevant clinical data needed for compliance with division (C)(1) of this section; 76868
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(iii) Being adjusted for better image quality and definition. 76871

(b) If the patient has a designated primary care physician or designates a primary care physician with assistance from the remote physician, the remote physician may examine the patient over the telephone without the use of the technology required by division (C)(2)(a) of this section, if the remote physician meets 76872
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all of the following requirements: 76877

(i) The remote physician is physically located in this state. 76878

(ii) The remote physician has received credentials to provide 76879
telehealth services pursuant to a process certified by the 76880
national committee for quality assurance. 76881

(iii) The remote physician forwards the patient's electronic 76882
health record to the patient's designated primary care physician 76883
after the consultation. 76884

(iv) The remote physician is available to follow up with the 76885
patient after the consult as necessary. 76886

(3) The remote physician shall document having had dialogue 76887
with the patient regarding treatment options and the risks and 76888
benefits of treatment sufficient to permit the patient to provide 76889
informed consent to treatment. 76890

(4) The remote physician shall maintain a contemporaneous 76891
medical record that is readily available to the patient and to the 76892
patient's other health care providers. 76893

(5) The remote physician shall include the electronic 76894
prescription information as part of the patient's medical record. 76895

(6) As necessary, the remote physician shall follow-up with 76896
the patient to assess the therapeutic outcome. 76897

(D) In addition to the circumstances described in division 76898
(C) of this section, a physician may prescribe, dispense, 76899
otherwise provide, or cause to be provided a prescription drug, 76900
including a controlled substance, to a person on whom the 76901
physician has never conducted a medical evaluation in the 76902
following situations: 76903

(1) The person is a patient of a colleague of the physician 76904
and the drugs are provided pursuant to an on call or cross 76905
coverage arrangement between the physicians. 76906

(2) The physician is consulting with another physician or health care provider who is authorized to practice in this state and is acting within the scope of that physician or provider's professional license, including having prescriptive authority if all of the following requirements are met: 76907
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(a) The physician shall establish that the other physician or health care provider has an ongoing professional relationship with the patient and has agreed to supervise the patient's use of the drug or drugs to be provided. 76912
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(b) If the health care provider is a physician assistant, the physician has a supervision agreement with the physician assistant. 76916
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(c) If the health care provider is an advanced practice registered nurse, the physician has a standard care arrangement with the advanced practice registered nurse. 76919
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(3) The physician is the medical director of a hospice care program licensed pursuant to Chapter 3712. of the Revised Code or is the attending physician of a hospice patient, enrolled in such a hospice care program, and the drugs are prescribed, dispensed, or otherwise provided to a hospice patient. 76922
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(4) The person has been admitted as an inpatient to or is a resident of an institutional facility. 76927
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(E) This section does not imply that a single in-person medical evaluation demonstrates that a prescription has been issued for a legitimate medical purpose within the course of professional practice. 76929
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Sec. 4732.10. (A) The state board of psychology shall appoint an entrance examiner who shall determine the sufficiency of an applicant's qualifications for admission to the appropriate examination. A member of the board or the executive director may 76933
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be appointed as the entrance examiner. 76937

(B) Requirements for admission to examination for a 76938
psychologist license shall be that the applicant: 76939

(1) Is at least twenty-one years of age; 76940

(2) Is of good moral character; 76941

(3) Meets one of the following requirements: 76942

(a) Received an earned doctoral degree from an institution 76943
accredited or recognized by a national or regional accrediting 76944
agency and a program accredited by any of the following: 76945

(i) The American psychological association, office of program 76946
consultation and accreditation; 76947

(ii) The accreditation office of the Canadian psychological 76948
association; 76949

(iii) A program listed by the association of state and 76950
provincial psychology boards/national register designation 76951
committee; 76952

(iv) The national association of school psychologists. 76953

(b) Received an earned doctoral degree in psychology or 76954
school psychology from an institution accredited or recognized by 76955
a national or regional accrediting agency but the program does not 76956
meet the program accreditation requirements of division (B)(3)(a) 76957
of this section; 76958

(c) Received from an academic institution outside of the 76959
United States or Canada a degree determined, under rules adopted 76960
by the board under division (E) of this section, to be equivalent 76961
to a doctoral degree in psychology from a program described in 76962
division (B)(3)(a) of this section; 76963

~~(e)~~(d) Held a psychologist license, certificate, or 76964
registration required for practice in another United States or 76965

Canadian jurisdiction for a minimum of ten years and meets 76966
educational, experience, and professional requirements established 76967
under rules adopted by the board. 76968

~~(d) Enrolled, not later than sixty days after April 7, 2009,~~ 76969
~~in an educational institution accredited or recognized by national~~ 76970
~~or regional accrediting agencies as maintaining satisfactory~~ 76971
~~standards and not later than eight years after April 7, 2009,~~ 76972
~~received an earned doctoral degree in psychology or school~~ 76973
~~psychology.~~ 76974

(4) Has had at least two years of supervised professional 76975
experience in psychological work of a type satisfactory to the 76976
board, at least one year of which must be a predoctoral 76977
internship. The board shall adopt guidelines for the kind of 76978
supervised professional experience ~~which~~ that fulfill this 76979
requirement. 76980

(5) If applying under division (B)(3)(b) or (c) of this 76981
section, has had at least two years of supervised professional 76982
experience in psychological work of a type satisfactory to the 76983
board, at least one year of which must be postdoctoral. The board 76984
shall adopt guidelines for the kind of supervised professional 76985
experience that fulfill this requirement. 76986

(C) Requirements for admission to examination for a school 76987
psychologist license shall be that the applicant: 76988

(1) Has received from an educational institution accredited 76989
or recognized by national or regional accrediting agencies as 76990
maintaining satisfactory standards, including those approved by 76991
the state board of education for the training of school 76992
psychologists, at least a master's degree in school psychology, or 76993
a degree considered equivalent by the board; 76994

(2) Is at least twenty-one years of age; 76995

(3) Is of good moral character; 76996

(4) Has completed at least sixty quarter hours, or the semester hours equivalent, at the graduate level, of accredited study in course work relevant to the study of school psychology;

(5) Has completed an internship in an educational institution approved by the Ohio department of education for school psychology supervised experience or one year of other training experience acceptable to the board, such as supervised professional experience under the direction of a licensed psychologist or licensed school psychologist;

(6) Furnishes proof of at least twenty-seven months, exclusive of internship, of full-time experience as a certificated school psychologist employed by a board of education or a private school meeting the standards prescribed by the state board of education, or of experience ~~which~~ that the board deems equivalent.

(D) If the entrance examiner finds that the applicant meets the requirements set forth in this section, the applicant shall be admitted to the appropriate examination.

(E) The board shall adopt under Chapter 119. of the Revised Code rules for determining for the purposes of division (B)(3)(b) of this section whether a degree is equivalent to a degree in psychology from an institution in the United States.

Sec. 4735.06. (A) Application for a license as a real estate broker shall be made to the superintendent of real estate on forms furnished by the superintendent and filed with the superintendent and shall be signed by the applicant or its members or officers. Each application shall state the name of the person applying and the location of the place of business for which the license is desired, and give such other information as the superintendent requires in the form of application prescribed by the superintendent.

If the applicant is a partnership, limited liability company, 77027
limited liability partnership, or association, the names of all 77028
the members also shall be stated, and, if the applicant is a 77029
corporation, the names of its president and of each of its 77030
officers also shall be stated. The superintendent has the right to 77031
reject the application of any partnership, association, limited 77032
liability company, limited liability partnership, or corporation 77033
if the name proposed to be used by such partnership, association, 77034
limited liability company, limited liability partnership, or 77035
corporation is likely to mislead the public or if the name is not 77036
such as to distinguish it from the name of any existing 77037
partnership, association, limited liability company, limited 77038
liability partnership, or corporation licensed under this chapter, 77039
unless there is filed with the application the written consent of 77040
such existing partnership, association, limited liability company, 77041
limited liability partnership, or corporation, executed by a duly 77042
authorized representative of it, permitting the use of the name of 77043
such existing partnership, association, limited liability company, 77044
limited liability partnership, or corporation. 77045

(B) A fee of one hundred dollars shall accompany the 77046
application for a real estate broker's license. The initial 77047
licensing period commences at the time the license is issued and 77048
ends on the applicant's first birthday thereafter. However, if the 77049
applicant was an inactive or active salesperson immediately 77050
preceding application for a broker's license, then the initial 77051
licensing period shall commence at the time the broker's license 77052
is issued and ends on the date the licensee's continuing education 77053
is due as set when the applicant was a salesperson. The 77054
application fee shall be nonrefundable. A fee of one hundred 77055
dollars shall be charged by the superintendent for each successive 77056
application made by an applicant. In the case of issuance of a 77057
three-year license, upon passing the examination, or upon waiver 77058
of the examination requirement, if the superintendent determines 77059

it is necessary, the applicant shall submit an additional fee 77060
determined by the superintendent based upon the number of years 77061
remaining in a real estate salesperson's licensing period. 77062

(C) One dollar of each application fee for a real estate 77063
broker's license shall be credited to the real estate education 77064
and research fund, which is hereby created in the state treasury. 77065
The Ohio real estate commission may use the fund in discharging 77066
the duties prescribed in divisions (E), (F), (G), and (H) of 77067
section 4735.03 of the Revised Code and shall use it in the 77068
advancement of education and research in real estate at any 77069
institution of higher education in the state, or in contracting 77070
with any such institution or a trade organization for a particular 77071
research or educational project in the field of real estate, or in 77072
advancing loans, not exceeding two thousand dollars, to applicants 77073
for salesperson licenses, to defray the costs of satisfying the 77074
educational requirements of division (F) of section 4735.09 of the 77075
Revised Code. Such loans shall be made according to rules 77076
established by the commission under the procedures of Chapter 119. 77077
of the Revised Code, and they shall be repaid to the fund within 77078
three years of the time they are made. No more than ~~ten~~ 77079
twenty-five thousand dollars shall be lent from the fund in any 77080
one fiscal year. 77081

The governor may appoint a representative from the executive 77082
branch to be a member ex officio of the commission for the purpose 77083
of advising on research requests or educational projects. The 77084
commission shall report to the general assembly on the third 77085
Tuesday after the third Monday in January of each year setting 77086
forth the total amount contained in the fund and the amount of 77087
each research grant that it has authorized and the amount of each 77088
research grant requested. A copy of all research reports shall be 77089
submitted to the state library of Ohio and the library of the 77090
legislative service commission. 77091

(D) If the superintendent, with the consent of the commission, enters into an agreement with a national testing service to administer the real estate broker's examination, pursuant to division (A) of section 4735.07 of the Revised Code, the superintendent may require an applicant to pay the testing service's examination fee directly to the testing service. If the superintendent requires the payment of the examination fee directly to the testing service, each applicant shall submit to the superintendent a processing fee in an amount determined by the Ohio real estate commission pursuant to division (A)(2) of section 4735.10 of the Revised Code.

Sec. 4735.13. (A) Every real estate broker licensed under this chapter shall have and maintain a definite place of business in this state. A post office box address is not a definite place of business for purposes of this section. The license of a real estate broker shall be prominently displayed in the office or place of business of the broker, and no license shall authorize the licensee to do business except from the location specified in it. If the broker maintains more than one place of business within the state, the broker shall apply for and procure a duplicate license for each branch office maintained by the broker. Each branch office shall be in the charge of a licensed broker or salesperson. The branch office license shall be prominently displayed at the branch office location.

(B) The license of each real estate salesperson shall be mailed to and remain in the possession of the licensed broker with whom the salesperson is or is to be associated until the licensee places the license on inactive or resigned status or until the salesperson leaves the brokerage or is terminated. The broker shall keep each salesperson's license in a way that it can, and shall on request, be made immediately available for public inspection at the office or place of business of the broker.

Except as provided in divisions (G) and (H) of this section, 77124
immediately upon the salesperson's leaving the association or 77125
termination of the association of a real estate salesperson with 77126
the broker, the broker shall return the salesperson's license to 77127
the superintendent of real estate. 77128

The failure of a broker to return the license of a real 77129
estate salesperson or broker who leaves or who is terminated, via 77130
certified mail return receipt requested, within three business 77131
days of the receipt of a written request from the superintendent 77132
for the return of the license, is prima-facie evidence of 77133
misconduct under division (A)(6) of section 4735.18 of the Revised 77134
Code. 77135

(C) A licensee shall notify the superintendent in writing 77136
within fifteen days of any of the following occurrences: 77137

(1) The licensee is convicted of a felony. 77138

(2) The licensee is convicted of a crime involving moral 77139
turpitude. 77140

(3) The licensee is found to have violated any federal, 77141
state, or municipal civil rights law pertaining to discrimination 77142
in housing. 77143

(4) The licensee is found to have engaged in a discriminatory 77144
practice pertaining to housing accommodations described in 77145
division (H) of section 4112.02 of the Revised Code. 77146

(5) The licensee is the subject of an order by the department 77147
of commerce, the department of insurance, or the department of 77148
agriculture revoking or permanently surrendering any professional 77149
license, certificate, or registration. 77150

(6) The licensee is the subject of an order by any government 77151
agency concerning real estate, financial matters, or the 77152
performance of fiduciary duties with respect to any license, 77153

certificate, or registration. 77154

If a licensee fails to notify the superintendent within the 77155
required time, the superintendent immediately may suspend the 77156
license of the licensee. 77157

Any court that convicts a licensee of a violation of any 77158
municipal civil rights law pertaining to housing discrimination 77159
also shall notify the Ohio civil rights commission within fifteen 77160
days of the conviction. 77161

(D) In case of any change of business location, a broker 77162
shall give notice to the superintendent, on a form prescribed by 77163
the superintendent, within thirty days after the change of 77164
location, whereupon the superintendent shall issue new licenses 77165
for the unexpired period without charge. If a broker changes a 77166
business location without giving the required notice and without 77167
receiving new licenses that action is prima-facie evidence of 77168
misconduct under division (A)(6) of section 4735.18 of the Revised 77169
Code. 77170

(E) If a real estate broker desires to associate with another 77171
real estate broker in the capacity of a real estate salesperson, 77172
the broker shall apply to the superintendent to deposit the 77173
broker's real estate broker's license with the superintendent and 77174
for the issuance of a real estate salesperson's license. The 77175
application shall be made on a form prescribed by the 77176
superintendent and shall be accompanied by the recommendation of 77177
the real estate broker with whom the applicant intends to become 77178
associated and a fee of twenty-five dollars for the real estate 77179
salesperson's license. One dollar of the fee shall be credited to 77180
the real estate education and research fund. If the superintendent 77181
is satisfied that the applicant is honest, truthful, and of good 77182
reputation, has not been convicted of a felony or a crime 77183
involving moral turpitude, and has not been finally adjudged by a 77184
court to have violated any municipal, state, or federal civil 77185

rights laws relevant to the protection of purchasers or sellers of 77186
real estate, and that the association of the real estate broker 77187
and the applicant will be in the public interest, the 77188
superintendent shall grant the application and issue a real estate 77189
salesperson's license to the applicant. Any license so deposited 77190
with the superintendent shall be subject to this chapter. A broker 77191
who intends to deposit the broker's license with the 77192
superintendent, as provided in this section, shall give written 77193
notice of this fact in a format prescribed by the superintendent 77194
to all salespersons associated with the broker when applying to 77195
place the broker's license on deposit. 77196

(F) If a real estate broker desires to become a member or 77197
officer of a partnership, association, limited liability company, 77198
limited liability partnership, or corporation that is or intends 77199
to become a licensed real estate broker, the broker shall notify 77200
the superintendent of the broker's intentions. The notice of 77201
intention shall be on a form prescribed by the superintendent and 77202
shall be accompanied by a fee of twenty-five dollars. One dollar 77203
of the fee shall be credited to the real estate education and 77204
research fund. 77205

A licensed real estate broker who is a member or officer of a 77206
partnership, association, limited liability company, limited 77207
liability partnership, or corporation shall only act as a real 77208
estate broker for such partnership, association, limited liability 77209
company, limited liability partnership, or corporation. 77210

(G)(1) If a real estate broker or salesperson enters the 77211
armed forces, the broker or salesperson may place the broker's or 77212
salesperson's license on deposit with the Ohio real estate 77213
commission. The licensee shall not be required to renew the 77214
license until the renewal date that follows the date of discharge 77215
from the armed forces. Any license deposited with the commission 77216
shall be subject to this chapter. ~~Any~~ 77217

Any licensee whose license is on deposit under this division 77218
and who fails to meet the continuing education requirements of 77219
section 4735.141 of the Revised Code because the licensee is in 77220
the armed forces shall satisfy the commission that the licensee 77221
has complied with the continuing education requirements within 77222
twelve months of the licensee's first birthday after discharge or 77223
within the amount of time equal to the total number of months the 77224
licensee spent on active duty, whichever is greater. The licensee 77225
shall submit proper documentation of active duty service and the 77226
length of that active duty service to the superintendent. The 77227
extension shall not exceed the total number of months that the 77228
licensee served in active duty. The superintendent shall notify 77229
the licensee of the licensee's obligations under section 4735.141 77230
of the Revised Code at the time the licensee applies for 77231
reactivation of the licensee's license. 77232

(2) If a licensee is a spouse of a member of the armed forces 77233
and the spouse's service resulted in the licensee's absence from 77234
this state, both of the following apply: 77235

(a) The licensee shall not be required to renew the license 77236
until the renewal date that follows the date of the spouse's 77237
discharge from the armed forces. 77238

(b) If the licensee fails to meet the continuing education 77239
requirements of section 4735.141 of the Revised Code, the licensee 77240
shall satisfy the commission that the licensee has complied with 77241
the continuing education requirements within twelve months after 77242
the licensee's first birthday after the spouse's discharge or 77243
within the amount of time equal to the total number of months the 77244
licensee's spouse spent on active duty, whichever is greater. The 77245
licensee shall submit proper documentation of the spouse's active 77246
duty service and the length of that active duty service. This 77247
extension shall not exceed the total number of months that the 77248
licensee's spouse served in active duty. 77249

(3) In the case of a licensee as described in division (G)(2) of this section, who holds the license through a reciprocity agreement with another state, the spouse's service shall have resulted in the licensee's absence from the licensee's state of residence for the provisions of that division to apply.

(4) As used in this division, "armed forces" means the armed forces of the United States or reserve component of the armed forces of the United States including the Ohio national guard or the national guard of any other state.

(H) If a licensed real estate salesperson submits an application to the superintendent to leave the association of one broker to associate with a different broker, the broker possessing the licensee's license need not return the salesperson's license to the superintendent. The superintendent may process the application regardless of whether the licensee's license is returned to the superintendent.

Sec. 4735.141. (A) Except as otherwise provided in this division and in section 4735.13 of the Revised Code and except for a licensee who has placed the licensee's license in resigned status pursuant to section 4735.142 of the Revised Code, each person licensed under section 4735.07 or 4735.09 of the Revised Code shall submit proof satisfactory to the superintendent of real estate that the licensee has satisfactorily completed thirty hours of continuing education, as prescribed by the Ohio real estate commission pursuant to section 4735.10 of the Revised Code, on or before the licensee's birthday occurring three years after the licensee's date of initial licensure, and on or before the licensee's birthday every three years thereafter.

Persons licensed as real estate salespersons who subsequently become licensed real estate brokers shall continue to submit proof of continuing education in accordance with the time period

established in this section. 77281

The requirements of this section shall not apply to any 77282
disabled licensee as provided in division (E) of this section. 77283

Each licensee who is seventy years of age or older, within a 77284
continuing education reporting period, shall submit proof 77285
satisfactory to the superintendent of real estate that the 77286
licensee has satisfactorily completed a total of nine classroom 77287
hours of continuing education, including instruction in Ohio real 77288
estate law; recently enacted state and federal laws affecting the 77289
real estate industry; municipal, state, and federal civil rights 77290
law; and canons of ethics for the real estate industry as adopted 77291
by the commission. The required proof of completion shall be 77292
submitted on or before the licensee's birthday that falls in the 77293
third year of that continuing education reporting period. A 77294
licensee who is seventy years of age or older whose license is in 77295
an inactive status is exempt from the continuing education 77296
requirements specified in this section. The commission shall adopt 77297
reasonable rules in accordance with Chapter 119. of the Revised 77298
Code to carry out the purposes of this paragraph. 77299

(B) The continuing education requirements of this section 77300
shall be completed in schools, seminars, and educational 77301
institutions approved by the commission. Such approval shall be 77302
given according to rules established by the commission under the 77303
procedures of Chapter 119. of the Revised Code, and shall not be 77304
limited to institutions providing two-year or four-year degrees. 77305
Each school, seminar, or educational institution approved under 77306
this division shall be open to all licensees on an equal basis. 77307

(C) If the requirements of this section are not met by a 77308
licensee within the period specified, the licensee's license shall 77309
be suspended automatically without the taking of any action by the 77310
superintendent. The superintendent shall notify the licensee of 77311
the license suspension, and such notification shall be sent by 77312

regular mail to the personal residence address of the licensee 77313
that is on file with the division. Any license so suspended shall 77314
remain suspended until it is reactivated by the superintendent. No 77315
such license shall be reactivated until it is established, to the 77316
satisfaction of the superintendent, that the requirements of this 77317
section have been met. If the requirements of this section are not 77318
met within twelve months from the date the license was suspended, 77319
the license shall be revoked automatically without the taking of 77320
any action by the superintendent. 77321

(D) If the license of a real estate broker is suspended 77322
pursuant to division (C) of this section, the license of a real 77323
estate salesperson associated with that broker correspondingly is 77324
suspended pursuant to division (H) of section 4735.20 of the 77325
Revised Code. A sole broker shall notify affiliated salespersons 77326
of the suspension in writing within three days of receiving the 77327
notice required by division (C) of this section. 77328

(1) The suspended license of the associated real estate 77329
salesperson shall be reactivated and no fee shall be charged or 77330
collected for that reactivation if that broker subsequently 77331
submits proof to the superintendent that the broker has complied 77332
with the requirements of this section and requests that the 77333
broker's license as a real estate broker be reactivated, and the 77334
superintendent then reactivates the broker's license as a real 77335
estate broker. 77336

(2) If the real estate salesperson submits an application to 77337
leave the association of the suspended broker in order to 77338
associate with a different broker, the suspended license of the 77339
associated real estate salesperson shall be reactivated and no fee 77340
shall be charged or collected for that reactivation. The 77341
superintendent may process the application regardless of whether 77342
the licensee's license is returned to the superintendent. 77343

Any person whose license is reactivated pursuant to this 77344

division shall comply with the requirements of this section and 77345
otherwise be in compliance with this chapter. 77346

(E) Any licensee who is a disabled licensee at any time 77347
during the last three months of the third year of the licensee's 77348
continuing education reporting period may receive an extension of 77349
time as deemed appropriate by the superintendent to submit proof 77350
to the superintendent that the licensee has satisfactorily 77351
completed the required thirty hours of continuing education. To 77352
receive an extension of time, the licensee shall submit a request 77353
to the division of real estate for the extension and proof 77354
satisfactory to the commission that the licensee was a disabled 77355
licensee at some time during the last three months of the 77356
three-year reporting period. The proof shall include, but is not 77357
limited to, a signed statement by the licensee's attending 77358
physician describing the disability, certifying that the 77359
licensee's disability is of such a nature as to prevent the 77360
licensee from attending any instruction lasting at least three 77361
hours in duration, and stating the expected duration of the 77362
disability. The licensee shall request the extension and provide 77363
the physician's statement to the division no later than one month 77364
prior to the end of the licensee's three-year continuing education 77365
reporting period, unless the disability did not arise until the 77366
last month of the three-year reporting period, in which event the 77367
licensee shall request the extension and provide the physician's 77368
statement as soon as practical after the occurrence of the 77369
disability. A licensee granted an extension pursuant to this 77370
division who is no longer a disabled licensee and who submits 77371
proof of completion of the continuing education during the 77372
extension period, shall submit, for future continuing education 77373
reporting periods, proof of completion of the continuing education 77374
requirements according to the schedule established in division (A) 77375
of this section. 77376

(F) The superintendent shall not renew a license if the licensee fails to comply with this section, and the licensee shall be required to pay the penalty fee provided in section 4735.14 of the Revised Code.

(G) A licensee shall submit proof of completion of the required continuing education with the licensee's notice of renewal. The proof shall be submitted in the manner provided by the superintendent.

Sec. 4736.12. (A) The state board of sanitarian registration shall charge the following fees:

(1) To apply as a sanitarian-in-training, eighty dollars;

(2) For sanitarians-in-training to apply for registration as sanitarians, eighty dollars. The applicant shall pay this fee only once regardless of the number of times the applicant takes an examination required under section 4736.08 of the Revised Code.

(3) For persons other than sanitarians-in-training to apply for registration as sanitarians, including persons meeting the requirements of section 4736.16 of the Revised Code, one hundred sixty dollars. The applicant shall pay this fee only once regardless of the number of times the applicant takes an examination required under section 4736.08 of the Revised Code.

(4) The renewal fee for registered sanitarians shall be ~~eighty~~ ninety dollars.

(5) The renewal fee for sanitarians-in-training shall be ~~eighty~~ ninety dollars.

(6) For late application for renewal, an additional ~~fifty~~ seventy-five dollars.

The board of sanitarian registration, with the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that such fees do not exceed

the amounts permitted by this section by more than fifty per cent. 77407

(B) The board of sanitarian registration shall charge 77408
separate fees for examinations as required by section 4736.08 of 77409
the Revised Code, provided that the fees are not in excess of the 77410
actual cost to the board of conducting the examinations. 77411

(C) The board of sanitarian registration may adopt rules 77412
establishing fees for all of the following: 77413

(1) Application for the registration of a training agency 77414
approved under rules adopted by the board pursuant to section 77415
4736.11 of the Revised Code and for the annual registration 77416
renewal of an approved training agency; 77417

(2) Application for the review of continuing education hours 77418
submitted for the board's approval by approved training agencies 77419
or by registered sanitarians or sanitarians-in-training; 77420

(3) Additional copies of pocket identification cards and wall 77421
certificates. 77422

Sec. 4741.03. (A) The state veterinary medical licensing 77423
board shall meet at least once in each calendar year and may hold 77424
additional meetings as often as it considers necessary to conduct 77425
the business of the board. The president of the board may call 77426
special meetings, and the executive director shall call special 77427
meetings upon the written request of three members of the board. 77428
The board shall organize by electing a president and 77429
vice-president from its veterinarian members and such other 77430
officers as the board prescribes by rule. Each officer shall serve 77431
for a term specified by board rule or until a successor is elected 77432
and qualified. A quorum of the board consists of four members of 77433
which at least three are members who are veterinarians. The 77434
concurrence of four members is necessary for the board to take any 77435
action. 77436

(B) The board may appoint a person, not one of its members, 77437
to serve as its executive director. The executive director is in 77438
the unclassified service and serves at the pleasure of the board. 77439
The executive director shall serve as the board's 77440
secretary-treasurer ex officio. The board may employ additional 77441
employees for professional, technical, clerical, and special work 77442
as it considers necessary. The executive director shall give a 77443
surety bond to the state in the sum the board requires, 77444
conditioned upon the faithful performance of the executive 77445
director's duties. The board shall pay the cost of the bond. The 77446
executive director shall keep a complete accounting of all funds 77447
received and of all vouchers presented by the board to the 77448
director of budget and management for the disbursement of funds. 77449
The president or executive director shall approve all vouchers of 77450
the board. All money received by the board shall be credited to 77451
the occupational licensing and regulatory fund. 77452

(C) In addition to any other duty required under this 77453
chapter, the board shall do all of the following: 77454

(1) Prescribe a seal; 77455

(2) ~~Accept and review applications for admission to an~~ 77456
~~examination in accordance with section 4741.09 of the Revised Code~~ 77457
~~and review~~ Review the results of board-approved, nationally 77458
recognized examinations taken by applicants in accordance with 77459
rules adopted by the board. 77460

(3) Keep a record of all of its meetings and proceedings; 77461

(4) Maintain a register that records all applicants for a 77462
certificate of license or a temporary permit, all persons who have 77463
been denied a license or permit, all persons who have been granted 77464
or reissued a license or permit, and all persons whose license or 77465
permit has been revoked or suspended. The register shall also 77466
include a record of persons licensed prior to October 17, 1975. 77467

(5) Maintain a register, in such form as the board determines	77468
by rule, of all colleges and universities that teach veterinary	77469
medicine and veterinary technology that are approved by the board;	77470
(6) Enforce this chapter, and for that purpose, make	77471
investigations relative as provided in section 4741.26 of the	77472
Revised Code;	77473
(7) Issue licenses and permits to persons who meet the	77474
qualifications set forth in this chapter;	77475
(8) Approve colleges and universities which meet the board's	77476
requirements for veterinary medicine and associated fields of	77477
study and withdraw or deny, after an adjudication conducted in	77478
accordance with Chapter 119. of the Revised Code, approval from	77479
colleges and universities which fail to meet those requirements;	77480
(9) Adopt rules, in accordance with Chapter 119. of the	77481
Revised Code, which are necessary for its government and for the	77482
administration and enforcement of this chapter.	77483
(D) The board may do all of the following:	77484
(1) Subpoena witnesses and require their attendance and	77485
testimony, and require the production by witnesses of books,	77486
papers, public records, animal patient records, and other	77487
documentary evidence and examine them, in relation to any matter	77488
that the board has authority to investigate, inquire into, or	77489
hear. Except for any officer or employee of the state or any	77490
political subdivision of the state, the treasurer of state shall	77491
pay all witnesses in any proceeding before the board, upon	77492
certification from the board, witness fees and mileage in the	77493
amount provided for under section 119.094 of the Revised Code.	77494
(2) Examine and inspect books, papers, public records, animal	77495
patient records, and other documentary evidence at the location	77496
where the books, papers, records, and other evidence are normally	77497
stored or maintained.	77498

(E) All registers, books, and records kept by the board are 77499
the property of the board and are open for public examination and 77500
inspection at all reasonable times in accordance with section 77501
149.43 of the Revised Code. The registers, books, and records are 77502
prima-facie evidence of the matters contained in them. 77503

Sec. 4741.11. Whenever an applicant for a license to practice 77504
veterinary medicine ~~passes the examination specified in section~~ 77505
~~4741.09 of the Revised Code, and~~ has graduated from a veterinary 77506
college approved by the state veterinary medical licensing board 77507
or accredited by the American veterinary medical association or 77508
has been issued a certificate on or after May 1, 1987, by the 77509
education commission for foreign veterinary graduates of the 77510
American veterinary medical association or by the program for the 77511
assessment of veterinary education equivalence of the American 77512
association of veterinary state boards, and is not in violation of 77513
this chapter, the board shall issue a certificate of license to 77514
that effect, signed by the members and bearing the seal of the 77515
board. The certificate shall show that the successful applicant 77516
has qualified under the laws of this state and the requirements of 77517
the board and that the applicant is duly licensed and qualified to 77518
practice veterinary medicine. 77519

~~Upon request, the board shall furnish to an applicant for a~~ 77520
~~license who fails to pass the examination a written report showing~~ 77521
~~reasons for the applicant's failure in the examination.~~ 77522

Sec. 4741.12. The state veterinary medical licensing board 77523
may issue a license to practice veterinary medicine without the 77524
examination required pursuant to section 4741.11 of the Revised 77525
Code to an applicant from another state, territory, country, or 77526
the District of Columbia who furnishes satisfactory proof to the 77527
board that the applicant meets all of the following criteria: 77528

(A) The applicant is a graduate of a veterinary college 77529
accredited by the American veterinary medical association or holds 77530
a certificate issued, on or after May 1, 1987, by the education 77531
commission for foreign veterinary graduates of the American 77532
veterinary medical association or ~~issued by any other nationally~~ 77533
~~recognized certification program the board approves by rule~~ by the 77534
program for the assessment of veterinary education equivalence of 77535
the American association of veterinary state boards. 77536

(B) The applicant holds a license, which is not under 77537
suspension, revocation, or other disciplinary action, issued by an 77538
agency similar to this board of another state, territory, country, 77539
or the District of Columbia, having requirements equivalent to 77540
those of this state, provided the laws of such state, territory, 77541
country, or district accord equal rights to the holder of a 77542
license to practice in this state who removes to such state, 77543
territory, country, or district. 77544

(C) The applicant is of good moral character, as determined 77545
by the board. 77546

(D) The applicant is not under investigation for an act which 77547
would constitute a violation of this chapter that would require 77548
the revocation of or refusal to renew a license. 77549

(E) The applicant has a thorough knowledge of the laws and 77550
rules governing the practice of veterinary medicine in this state, 77551
as determined by the board. 77552

Sec. 4741.17. (A) Applicants or registrants shall pay to the 77553
state veterinary medical licensing board: 77554

(1) For an initial veterinary license ~~based on examination,~~ 77555
on or after the first day of March in an even-numbered year, ~~three~~ 77556
~~hundred seventy-five~~ four hundred twenty-five dollars, and on or 77557
after the first day of March in an odd-numbered year, ~~two hundred~~ 77558

~~fifty three hundred~~ thirty-five dollars; 77559

(2) For an initial limited license to practice veterinary medicine for an intern, resident in a veterinary specialty, or graduate student, thirty-five dollars; 77560
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(3) For an initial limited license to practice veterinary medicine for an instructor, researcher, or diagnostician, one hundred fifty-five dollars; 77563
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~~(4) For a veterinary license by reciprocity issued on or after the first day of March in an even numbered year, four hundred twenty-five dollars, and on or after the first day of March in an odd numbered year, three hundred dollars;~~ 77566
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~~(5)~~ For a veterinary temporary permit, one hundred dollars; 77570

~~(6)~~(5) For a duplicate license, thirty-five dollars; 77571

~~(7)~~(6) For the veterinary license biennial renewal fee, where the application is postmarked no later than the first day of March, one hundred fifty-five dollars; where the application is postmarked after the first day of March, but no later than the first day of April, two hundred twenty-five dollars; and where the application is postmarked after the first day of April, four hundred fifty dollars. Notwithstanding section 4741.25 of the Revised Code, the board shall deposit ten dollars of each veterinary license biennial renewal fee that it collects into the state treasury to the credit of the veterinarian loan repayment fund created in section 4741.46 of the Revised Code. 77572
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~~(8)~~(7) For the limited license to practice veterinary medicine biennial renewal fee, where the application is postmarked not later than the first day of July, one hundred fifty-five dollars; where the application is postmarked after the first day of July, but not later than the first day of August, two hundred twenty-five dollars; and where the application is postmarked after the first day of August, four hundred fifty dollars. 77583
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Notwithstanding section 4741.25 of the Revised Code, the board 77590
shall deposit ten dollars of each limited license biennial renewal 77591
fee that it collects from instructors, researchers, and 77592
diagnosticians into the state treasury to the credit of the 77593
veterinarian loan repayment fund. 77594

~~(9)~~(8) For an initial registered veterinary technician 77595
registration fee on or after the first day of March in an 77596
odd-numbered year, thirty-five dollars, and on or after the first 77597
day of March in an even-numbered year, twenty-five dollars; 77598

~~(10)~~(9) For the biennial renewal registration fee of a 77599
registered veterinary technician, where the application is 77600
postmarked no later than the first day of March, thirty-five 77601
dollars; where the application is postmarked after the first day 77602
of March, but no later than the first day of April, forty-five 77603
dollars; and where the application is postmarked after the first 77604
day of April, sixty dollars; 77605

~~(11)~~(10) For a specialist certificate, fifty dollars. The 77606
certificate is not subject to renewal. 77607

~~(12)~~(11) For the reinstatement of a suspended license, or for 77608
reinstatement of a license that has lapsed more than one year, an 77609
additional fee of seventy-five dollars; 77610

~~(13) For examinations offered by the board, a fee, which 77611
shall be established by the board, in an amount adequate to cover 77612
the expense of procuring, administering, and scoring examinations; 77613~~

~~(14)~~(12) For a provisional veterinary graduate license, one 77614
hundred dollars. 77615

(B) For the purposes of divisions (A)~~(6)~~, (7), ~~(8)~~, and 77616
~~(10)~~(9) of this section, a date stamp of the office of the board 77617
may serve in lieu of a postmark. 77618

Sec. 4741.19. (A) Unless exempted under this chapter, no 77619

person shall practice veterinary medicine, or any of its branches, 77620
without a license or limited license issued by the state 77621
veterinary medical licensing board pursuant to sections 4741.11 to 77622
4741.13 of the Revised Code, a temporary permit issued pursuant to 77623
section 4741.14 of the Revised Code, or a registration certificate 77624
issued pursuant to division (C) of this section, or with an 77625
inactive, expired, suspended, terminated, or revoked license, 77626
temporary permit, or registration. 77627

(B) No veterinary student shall: 77628

(1) Perform or assist surgery unless under direct veterinary 77629
supervision and unless the student has had the minimum education 77630
and experience prescribed by rule of the board; 77631

(2) Engage in any other work related to the practice of 77632
veterinary medicine unless under veterinary supervision; 77633

(3) Participate in the operation of a branch office, clinic, 77634
or allied establishment unless a licensed veterinarian is present 77635
on the establishment premises. 77636

(C) No person shall act as a registered veterinary technician 77637
unless the person is registered with the board on a biennial basis 77638
and pays the biennial registration fee. A registered veterinary 77639
technician registration expires biennially on the first day of 77640
March in the odd-numbered years and may be renewed in accordance 77641
with the standard renewal procedures contained in Chapter 4745. of 77642
the Revised Code upon payment of the biennial registration fee and 77643
fulfillment of ten continuing education hours during the two years 77644
immediately preceding renewal for registration. Each registered 77645
veterinary technician shall notify in writing the executive 77646
director of the board of any change in the registered veterinary 77647
technician's office address or employment within ninety days after 77648
the change has taken place. 77649

(1) A registered veterinary technician operating under 77650

veterinary supervision may perform the following duties: 77651

(a) Prepare or supervise the preparation of patients, 77652
instruments, equipment, and medications for surgery; 77653

(b) Collect or supervise the collection of specimens and 77654
perform laboratory procedures as required by the supervising 77655
veterinarian; 77656

(c) Apply wound dressings, casts, or splints as required by 77657
the supervising veterinarian; 77658

(d) Assist a veterinarian in immunologic, diagnostic, 77659
medical, and surgical procedures; 77660

(e) Suture skin incisions; 77661

(f) Administer or supervise the administration of topical, 77662
oral, or parenteral medication under the direction of the 77663
supervising veterinarian; 77664

(g) Other ancillary veterinary technician functions that are 77665
performed pursuant to the order and control and under the full 77666
responsibility of a licensed veterinarian. 77667

(h) Any additional duties as established by the board in 77668
rule. 77669

(2) A registered veterinary technician operating under direct 77670
veterinary supervision may perform all of the following: 77671

(a) Induce and monitor general anesthesia according to 77672
medically recognized and appropriate methods; 77673

(b) Dental prophylaxis, periodontal care, and extraction not 77674
involving sectioning of teeth or resection of bone or both of 77675
these; 77676

(c) Equine dental procedures, including the floating of 77677
molars, premolars, and canine teeth; removal of deciduous teeth; 77678
and the extraction of first premolars or wolf teeth. 77679

The degree of supervision by a licensed veterinarian over the 77680
functions performed by the registered veterinary technician shall 77681
be consistent with the standards of generally accepted veterinary 77682
medical practices. 77683

(D) A veterinarian licensed to practice in this state shall 77684
not present the person's self as or state a claim that the person 77685
is a specialist unless the veterinarian has previously met the 77686
requirements for certification by a specialty organization 77687
recognized by the American board of veterinary specialties for a 77688
specialty or such other requirements set by rule of the board and 77689
has paid the fee required by division (A)~~(11)~~(10) of section 77690
4741.17 of the Revised Code. 77691

(E) Notwithstanding division (A) of this section, any animal 77692
owner or the owner's designee may engage in the practice of embryo 77693
transfer on the owner's animal if a licensed veterinarian directly 77694
supervises the owner or the owner's designee and the means used to 77695
perform the embryo transfer are nonsurgical. 77696

(F) Allied medical support may assist a licensed veterinarian 77697
to the extent to which the law that governs the individual 77698
providing the support permits, if all of the following apply: 77699

(1) A valid veterinary-client-patient-relationship exists. 77700

(2) The individual acts under direct veterinary supervision. 77701

(3) The allied medical support individual receives informed, 77702
written, client consent. 77703

(4) The veterinarian maintains responsibility for the patient 77704
and keeps the patient's medical records. 77705

The board may inspect the facilities of an allied medical 77706
support individual in connection with an investigation based on a 77707
complaint received in accordance with section 4741.26 of the 77708
Revised Code involving that individual. 77709

Sec. 4741.22. (A) The state veterinary medical licensing board may refuse to issue or renew a license, limited license, registration, or temporary permit to or of any applicant who, and may issue a reprimand to, suspend or revoke the license, limited license, registration, or the temporary permit of, or impose a civil penalty pursuant to this section upon any person holding a license, limited license, or temporary permit to practice veterinary medicine or any person registered as a registered veterinary technician who:

~~(A)~~(1) In the conduct of the person's practice does not conform to the rules of the board or the standards of the profession governing proper, humane, sanitary, and hygienic methods to be used in the care and treatment of animals;

~~(B)~~(2) Uses fraud, misrepresentation, or deception in any application or examination for licensure, or any other documentation created in the course of practicing veterinary medicine;

~~(C)~~(3) Is found to be physically or psychologically addicted to alcohol or an illegal or controlled substance, as defined in section 3719.01 of the Revised Code, to such a degree as to render the person unfit to practice veterinary medicine;

~~(D)~~(4) Directly or indirectly employs or lends the person's services to a solicitor for the purpose of obtaining patients;

~~(E)~~(5) Obtains a fee on the assurance that an incurable disease can be cured;

~~(F)~~(6) Advertises in a manner that violates section 4741.21 of the Revised Code;

~~(G)~~(7) Divides fees or charges or has any arrangement to share fees or charges with any other person, except on the basis of services performed;

~~(H)~~(8) Sells any biologic containing living, dead, or sensitized organisms or products of those organisms, except in a manner that the board by rule has prescribed; 77740
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~~(I)~~(9) Is convicted of or pleads guilty to any felony or crime involving illegal or prescription drugs, or fails to report to the board within sixty days of the individual's conviction of, plea of guilty to, or treatment in lieu of conviction involving a felony, misdemeanor of the first degree, or offense involving illegal or prescription drugs; 77743
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~~(J)~~(10) Is convicted of any violation of section 959.13 of the Revised Code; 77749
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~~(K)~~(11) Swears falsely in any affidavit required to be made by the person in the course of the practice of veterinary medicine; 77751
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~~(L)~~(12) Fails to report promptly to the proper official any known reportable disease; 77754
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~~(M)~~(13) Fails to report promptly vaccinations or the results of tests when required to do so by law or rule; 77756
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~~(N)~~(14) Has been adjudicated incompetent for the purpose of holding the license or permit by a court, as provided in Chapter 2111. of the Revised Code, and has not been restored to legal capacity for that purpose; 77758
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~~(O)~~(15) Permits a person who is not a licensed veterinarian, a veterinary student, or a registered veterinary technician to engage in work or perform duties in violation of this chapter; 77762
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~~(P)~~(16) Is guilty of gross incompetence or gross negligence; 77765

~~(Q)~~(17) Has had a license to practice veterinary medicine or a license, registration, or certificate to engage in activities as a registered veterinary technician revoked, suspended, or acted against by disciplinary action by an agency similar to this board 77766
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of another state, territory, or country or the District of Columbia; 77770
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~~(R)~~(18) Is or has practiced with a revoked, suspended, inactive, expired, or terminated license or registration; 77772
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~~(S)~~(19) Represents self as a specialist unless certified as a specialist by the board; 77774
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~~(T)~~(20) In the person's capacity as a veterinarian or registered veterinary technician makes or files a report, health certificate, vaccination certificate, or other document that the person knows is false or negligently or intentionally fails to file a report or record required by any applicable state or federal law; 77776
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~~(U)~~(21) Fails to use reasonable care in the administration of drugs or acceptable scientific methods in the selection of those drugs or other modalities for treatment of a disease or in conduct of surgery; 77782
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~~(V)~~(22) Makes available a dangerous drug, as defined in section 4729.01 of the Revised Code, to any person other than for the specific treatment of an animal patient; 77786
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~~(W)~~(23) Refuses to permit a board investigator or the board's designee to inspect the person's business premises during regular business hours, except as provided in division (A) of section 4741.26 of the Revised Code; 77789
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~~(X)~~(24) Violates any order of the board or fails to comply with a subpoena of the board; 77793
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~~(Y)~~(25) Fails to maintain medical records as required by rule of the board; 77795
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~~(Z)~~(26) Engages in cruelty to animals; 77797

~~(AA)~~(27) Uses, prescribes, or sells any veterinary prescription drug or biologic, or prescribes any extra-label use 77798
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of any over-the-counter drug or dangerous drug in the absence of a 77800
valid veterinary-client-patient relationship. 77801

Before (B) Except as provided in division (D) of this 77802
section, before the board may revoke, deny, refuse to renew, or 77803
suspend a license, registration, or temporary permit or otherwise 77804
discipline the holder of a license, registration, or temporary 77805
permit, the executive director shall file written charges with the 77806
board. The board shall conduct a hearing on the charges as 77807
provided in Chapter 119. of the Revised Code. 77808

(C) If the board, after a hearing conducted pursuant to 77809
Chapter 119. of the Revised Code, revokes, refuses to renew, or 77810
suspends a license, registration, or temporary permit for a 77811
violation of this section, section 4741.23, division (C) or (D) of 77812
section 4741.19, or division (B), (C), or (D) of section 4741.21 77813
of the Revised Code, the board may impose a civil penalty upon the 77814
holder of the license, permit, or registration of not less than 77815
one hundred dollars or more than one thousand dollars. In addition 77816
to the civil penalty and any other penalties imposed pursuant to 77817
this chapter, the board may assess any holder of a license, 77818
permit, or registration the costs of the hearing conducted under 77819
this section if the board determines that the holder has violated 77820
any provision for which the board may impose a civil penalty under 77821
this section. 77822

(D) The executive director may recommend that the board 77823
suspend an individual's certificate of license without a prior 77824
hearing if the executive director determines both of the 77825
following: 77826

(1) There is clear and convincing evidence that division 77827
(A)(3), (9), (14), (22), or (26) of this section applies to the 77828
individual. 77829

(2) The individual's continued practice presents a danger of 77830

immediate and serious harm to the public. 77831

The executive director shall prepare written allegations for 77832
consideration by the board. The board, upon review of those 77833
allegations and by an affirmative vote of not fewer than four of 77834
its members, may suspend the certificate without a prior hearing. 77835
A telephone conference call may be utilized for reviewing the 77836
allegations and taking the vote on the suspension. 77837

The board shall issue a written order of suspension by 77838
certified mail or in person in accordance with section 119.07 of 77839
the Revised Code. If the individual subject to the suspension 77840
requests an adjudicatory hearing by the board, the date set for 77841
the hearing shall be not later than fifteen days, but not earlier 77842
than seven days after the individual requests the hearing unless 77843
otherwise agreed to by both the board and the individual. 77844

A suspension imposed under this division shall remain in 77845
effect, unless reversed on appeal, until a final adjudicative 77846
order issued by the board under this section and Chapter 119. of 77847
the Revised Code becomes effective. The board shall issue its 77848
final adjudicative order not later than ninety days after 77849
completion of its hearing. Failure to issue the order within 77850
ninety days results in dissolution of the suspension order, but 77851
does not invalidate any subsequent, final adjudicative order. 77852

(E) A license or registration issued to an individual under 77853
this chapter is automatically suspended upon that individual's 77854
conviction of or plea of guilty to or upon a judicial finding with 77855
regard to any of the following: aggravated murder, murder, 77856
voluntary manslaughter, felonious assault, kidnapping, rape, 77857
sexual battery, gross sexual imposition, aggravated arson, 77858
aggravated robbery, or aggravated burglary. The suspension shall 77859
remain in effect from the date of the conviction, plea, or finding 77860
until an adjudication is held under Chapter 119. of the Revised 77861
Code. If the board has knowledge that an automatic suspension has 77862

occurred, it shall notify the individual subject to the 77863
suspension. If the individual is notified and either fails to 77864
request an adjudication within the time periods established by 77865
Chapter 119. of the Revised Code or fails to participate in the 77866
adjudication, the board shall enter a final order permanently 77867
revoking the individual's license or registration. 77868

Sec. 4741.31. The state veterinary medical licensing board 77869
shall adopt rules in accordance with Chapter 119. of the Revised 77870
Code establishing standards for approving and designating 77871
physicians and facilities as treatment providers for veterinarians 77872
with substance abuse problems and shall approve and designate 77873
treatment providers in accordance with the rules. The rules shall 77874
include standards for both inpatient and outpatient treatment. The 77875
rules shall provide that to be approved, a treatment provider must 77876
be capable of making an initial examination to determine the type 77877
of treatment required for a veterinarian with substance abuse 77878
problems. Subject to the rules, the board shall review and approve 77879
treatment providers on a regular basis and may, at its discretion, 77880
withdraw or deny approval. 77881

An approved treatment provider shall: 77882

(A) Report to the board the name of any veterinarian 77883
suffering or showing evidence of suffering impairment by reason of 77884
alcohol or drug addiction as described in division ~~(C)~~(A)(3) of 77885
section 4741.22 of the Revised Code who fails to comply within one 77886
week with a referral for examination; 77887

(B) Report to the board the name of any impaired veterinarian 77888
who fails to enter treatment within forty-eight hours following 77889
the provider's determination that the veterinarian needs 77890
treatment; 77891

(C) Require every veterinarian who enters treatment to agree 77892
to a treatment contract establishing the terms of treatment and 77893

aftercare, including any required supervision or restrictions of practice during treatment or aftercare; 77894
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(D) Require a veterinarian to suspend practice on entering any required inpatient treatment; 77896
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(E) Report to the board any failure by an impaired veterinarian to comply with the terms of the treatment contract during inpatient or outpatient treatment or aftercare; 77898
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(F) Report to the board the resumption of practice of any impaired veterinarian before the treatment provider has made a clear determination that the veterinarian is capable of practicing according to acceptable and prevailing standards of care; 77901
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(G) Require a veterinarian who resumes practice after completion of treatment to comply with an aftercare contract that meets the requirements of rules adopted by the board for approval of treatment providers; 77905
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(H) Report to the board any veterinarian who suffers a relapse at any time during or following aftercare. 77909
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Any veterinarian who enters into treatment by an approved treatment provider shall be deemed to have waived any confidentiality requirements that would otherwise prevent the treatment provider from making reports required under this section. 77911
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In the absence of fraud or bad faith, no professional association of veterinarians licensed under this chapter that sponsors a committee or program to provide peer assistance to veterinarians with substance abuse problems, no representative or agent of such a committee or program, and no member of the state veterinary medical licensing board shall be liable to any person for damages in a civil action by reason of actions taken to refer a veterinarian to a treatment provider designated by the board or actions or omissions of the provider in treating a veterinarian. 77916
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In the absence of fraud or bad faith, no person who reports 77925
to the board a veterinarian with a suspected substance abuse 77926
problem shall be liable to any person for damages in a civil 77927
action as a result of the report. 77928

Sec. 4743.05. Except as otherwise provided in sections 77929
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the 77930
Revised Code, all money collected under Chapters 3773., 4701., 77931
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 77932
4733., 4734., 4736., 4741., 4753., 4755., 4757., 4758., 4759., 77933
4761., 4771., ~~4775.~~, 4779., and 4781. of the Revised Code shall be 77934
paid into the state treasury to the credit of the occupational 77935
licensing and regulatory fund, which is hereby created for use in 77936
administering such chapters. 77937

At the end of each quarter, the director of budget and 77938
management shall transfer from the occupational licensing and 77939
regulatory fund to the nurse education assistance fund created in 77940
section 3333.28 of the Revised Code the amount certified to the 77941
director under division (B) of section 4723.08 of the Revised 77942
Code. 77943

At the end of each quarter, the director shall transfer from 77944
the occupational licensing and regulatory fund to the certified 77945
public accountant education assistance fund created in section 77946
4701.26 of the Revised Code the amount certified to the director 77947
under division (H)(2) of section 4701.10 of the Revised Code. 77948

Sec. 4743.08. (A) As used in this section and in section 77949
4743.09 of the Revised Code: 77950

(1) "Dangerous drug" has the same meaning as in section 77951
4729.01 of the Revised Code. 77952

(2) "Health care provider" or "provider" means an individual 77953
who is licensed, certified, or registered by a board, commission, 77954

or agency that is created under or by virtue of Title XLVII of the Revised Code and provides health-related diagnostic, evaluative, or treatment services. In accordance with Chapter 119. of the Revised Code, the director of health may adopt rules further defining "health care provider."

(3) "Insurer" means any person that is authorized to engage in the business of insurance in this state under Title XXXIX of the Revised Code, the Ohio fair plan underwriting association created under section 3929.43 of the Revised Code, any health insuring corporation, or any legal entity that is self-insured and provides benefits to its employees or members.

(B)(1) Except as provided in division (D) of this section, before a health care provider dispenses a dangerous drug or provides a medical product or service to a patient, the provider shall notify the patient or the patient's representative of all of the following:

(a) The provider's usual and customary charge for the drug or medical product or service;

(b) The portion of the charge described in division (B)(1) (a) of this section that the patient's insurer will pay for the drug, medical product, or service or, if the patient is a medicaid recipient, the portion the medicaid program will pay for the medicaid service;

(c) Any out-of-pocket amount the patient will be charged for the drug, medical product, or service.

(2) The notifications required by division (B)(1) of this section shall be provided in writing unless the patient and the provider are in different locations. Under those circumstances, the notifications may be given verbally.

(C) Except as provided in division (D) of this section, a health care provider shall not dispense a dangerous drug or

provide a medical product or service to a patient unless the 77986
patient or the patient's representative consents to being charged 77987
the out-of-pocket amount for the item. Consent shall be given in 77988
writing unless the patient and the provider are in different 77989
locations. Under those circumstances, consent may be given 77990
verbally if the verbal consent is recorded by the provider. 77991

(D) The requirements of divisions (B) and (C) of this section 77992
do not apply in emergency situations. The director of health may 77993
adopt rules specifying which situations are emergency situations. 77994

Sec. 4743.09. Notwithstanding any provision of the Revised 77995
Code to the contrary, a health care provider may advertise the 77996
provider's usual and customary charge for any product, procedure, 77997
or service that is provided, performed, or rendered by the 77998
provider. Any provision in a contract that prohibits this practice 77999
is void. 78000

Sec. 4745.01. (A) "Standard renewal procedure," as used in 78001
Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 78002
927., 942., 943., 953., 1321., 3710., 3713., 3719., 3742., 3748., 78003
3769., 3783., 3921., 3951., 4104., 4105., 4143., 4169., 4561., 78004
4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 4727., 78005
4728., 4729., 4731., 4733., 4734., 4735., 4739., 4741., 4747., 78006
4749., 4752., 4753., 4755., 4757., 4758., 4759., 4761., 4766., and 78007
4773., and 4775. of the Revised Code, means the license renewal 78008
procedures specified in this chapter. 78009

(B) "Licensing agency," as used in this chapter, means any 78010
department, division, board, section of a board, or other state 78011
governmental unit subject to the standard renewal procedure, as 78012
defined in this section, and authorized by the Revised Code to 78013
issue a license to engage in a specific profession, occupation, or 78014
occupational activity, or to have charge of and operate certain 78015

specified equipment, machinery, or premises. 78016

(C) "License," as used in this chapter, means a license, 78017
certificate, permit, card, or other authority issued or conferred 78018
by a licensing agency by authority of which the licensee has or 78019
claims the privilege to engage in the profession, occupation, or 78020
occupational activity, or to have control of and operate certain 78021
specific equipment, machinery, or premises, over which the 78022
licensing agency has jurisdiction. 78023

(D) "Licensee," as used in this chapter, means either the 78024
person to whom the license is issued or renewed by a licensing 78025
agency, or the person, partnership, or corporation at whose 78026
request the license is issued or renewed. 78027

(E) "Renewal" and "renewed," as used in this chapter and in 78028
the chapters of the Revised Code specified in division (A) of this 78029
section, includes the continuing licensing procedure provided in 78030
Chapter 3748. of the Revised Code and rules adopted under it and 78031
in sections 1321.05 and 3921.33 of the Revised Code, and as 78032
applied to those continuing licenses any reference in this chapter 78033
to the date of expiration of any license shall be construed to 78034
mean the due date of the annual or other fee for the continuing 78035
license. 78036

Sec. 4760.133. (A)(1) If an anesthesiologist assistant 78037
violates any section of this chapter or any rule adopted under 78038
this chapter, the state medical board may, pursuant to an 78039
adjudication under Chapter 119. of the Revised Code and an 78040
affirmative vote of not fewer than six of its members, impose a 78041
civil penalty. The amount of the civil penalty shall be determined 78042
by the board in accordance with the guidelines adopted under 78043
division (A)(2) of this section. The civil penalty may be in 78044
addition to any other action the board may take under section 78045
4760.13 of the Revised Code. 78046

(2) The board shall adopt and may amend guidelines regarding the amounts of civil penalties to be imposed under this section. Adoption or amendment of the guidelines requires the approval of not fewer than six board members. 78047
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Under the guidelines, no civil penalty amount shall exceed twenty thousand dollars. 78051
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(B) Amounts received from payment of civil penalties imposed under this section shall be deposited by the board in accordance with section 4731.24 of the Revised Code. Amounts received from payment of civil penalties imposed for violations of division (B)(6) of section 4760.13 of the Revised Code shall be used by the board solely for investigations, enforcement, and compliance monitoring. 78053
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Sec. 4762.133. (A)(1) If an oriental medicine practitioner or acupuncturist violates any section of this chapter or any rule adopted under this chapter, the state medical board may, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, impose a civil penalty. The amount of the civil penalty shall be determined by the board in accordance with the guidelines adopted under division (A)(2) of this section. The civil penalty may be in addition to any other action the board may take under section 4762.13 of the Revised Code. 78060
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(2) The board shall adopt and may amend guidelines regarding the amounts of civil penalties to be imposed under this section. Adoption or amendment of the guidelines requires the approval of not fewer than six board members. 78070
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Under the guidelines, no civil penalty amount shall exceed twenty thousand dollars. 78074
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(B) Amounts received from payment of civil penalties imposed 78076

under this section shall be deposited by the board in accordance 78077
with section 4731.24 of the Revised Code. Amounts received from 78078
payment of civil penalties imposed for violations of division 78079
(B)(6) of section 4762.13 of the Revised Code shall be used by the 78080
board solely for investigations, enforcement, and compliance 78081
monitoring. 78082

Sec. 4763.01. As used in this chapter: 78083

(A) "Real estate appraisal" or "appraisal" means an analysis, 78084
opinion, or conclusion relating to the nature, quality, value, or 78085
utility of specified interests in, or aspects of identified real 78086
estate that is classified as either a valuation or an analysis. 78087

(B) "Valuation" means an estimate of the value of real 78088
estate. 78089

(C) "Analysis" means a study of real estate for purposes 78090
other than valuation. 78091

(D) "Appraisal report" means a written communication of a 78092
real estate appraisal, or appraisal review, ~~or appraisal~~ 78093
~~consulting service~~ or an oral communication of a real estate 78094
appraisal, or appraisal review, ~~or appraisal consulting service~~ 78095
that is documented by a writing that supports the oral 78096
communication. 78097

(E) "Appraisal assignment" means an engagement for which a 78098
person licensed or certified under this chapter is employed, 78099
retained, or engaged to act, or would be perceived by third 78100
parties or the public as acting, as a disinterested third party in 78101
rendering an unbiased real estate appraisal. 78102

(F) "Specialized services" means all appraisal services, 78103
other than appraisal assignments, including, but not limited to, 78104
valuation and analysis given in connection with activities such as 78105
real estate brokerage, mortgage banking, real estate counseling, 78106

and real estate tax counseling, and specialized marketing, 78107
financing, and feasibility studies. 78108

(G) "Real estate" has the same meaning as in section 4735.01 78109
of the Revised Code. 78110

(H) "Appraisal foundation" means a nonprofit corporation 78111
incorporated under the laws of the state of Illinois on November 78112
30, 1987, for the purposes of establishing and improving uniform 78113
appraisal standards by defining, issuing, and promoting those 78114
standards; establishing appropriate criteria for the certification 78115
and recertification of qualified appraisers by defining, issuing, 78116
and promoting the qualification criteria and disseminating the 78117
qualification criteria to others; and developing or assisting in 78118
development of appropriate examinations for qualified appraisers. 78119

(I) "Prepare" means to develop and communicate, whether 78120
through a personal physical inspection or through the act or 78121
process of critically studying a report prepared by another who 78122
made the physical inspection, an appraisal, analysis, or opinion, 78123
or specialized service and to report the results. If the person 78124
who develops and communicates the appraisal or specialized service 78125
does not make the personal inspection, the name of the person who 78126
does make the personal inspection shall be identified on the 78127
appraisal or specialized service reported. 78128

(J) "Report" means any communication, written, oral, or by 78129
any other means of transmission of information, of a real estate 78130
appraisal, appraisal review, ~~appraisal consulting service~~, or 78131
specialized service that is transmitted to a client or employer 78132
upon completion of the appraisal or service. 78133

(K) "State-certified general real estate appraiser" means any 78134
person who satisfies the certification requirements of this 78135
chapter relating to the appraisal of all types of real property 78136
and who holds a current and valid certificate or renewal 78137

certificate issued to the person pursuant to this chapter. 78138

(L) "State-certified residential real estate appraiser" means 78139
any person who satisfies the certification requirements only 78140
relating to the appraisal of one to four units of single-family 78141
residential real estate without regard to transaction value or 78142
complexity and who holds a current and valid certificate or 78143
renewal certificate issued to the person pursuant to this chapter. 78144

(M) "State-licensed residential real estate appraiser" means 78145
any person who satisfies the licensure requirements of this 78146
chapter relating to the appraisal of noncomplex one-to-four unit 78147
single-family residential real estate having a transaction value 78148
of less than one million dollars and complex one-to-four unit 78149
single-family residential real estate having a transaction value 78150
of less than two hundred fifty thousand dollars and who holds a 78151
current and valid license or renewal license issued to the person 78152
pursuant to this chapter. 78153

(N) "Certified or licensed real estate appraisal" means an 78154
appraisal prepared and reported by a certificate holder or 78155
licensee under this chapter acting within the scope of 78156
certification or licensure and as a disinterested third party. 78157

(O) "State-registered real estate appraiser assistant" means 78158
any person, other than a state-certified general real estate 78159
appraiser, state-certified residential real estate appraiser, or a 78160
state-licensed residential real estate appraiser, who satisfies 78161
the registration requirements of this chapter for participating in 78162
the development and preparation of real estate appraisals and who 78163
holds a current and valid registration or renewal registration 78164
issued to the person pursuant to this chapter. 78165

(P) "Institution of higher education" means a state 78166
university or college, a private college or university located in 78167
this state that possesses a certificate of authorization issued by 78168

the ~~Ohio board of regents~~ chancellor of higher education pursuant 78169
to Chapter 1713. of the Revised Code, or an accredited college or 78170
university located outside this state that is accredited by an 78171
accrediting organization or professional accrediting association 78172
recognized by the ~~Ohio board of regents~~ chancellor of higher 78173
education. 78174

(Q) "Division of real estate" may be used interchangeably 78175
with, and for all purposes has the same meaning as, "division of 78176
real estate and professional licensing." 78177

(R) "Superintendent" or "superintendent of real estate" means 78178
the superintendent of the division of real estate and professional 78179
licensing of this state. Whenever the division or superintendent 78180
of real estate is referred to or designated in any statute, rule, 78181
contract, or other document, the reference or designation shall be 78182
deemed to refer to the division or superintendent of real estate 78183
and professional licensing, as the case may be. 78184

(S) "Appraisal review" means the act or process of developing 78185
and communicating an opinion about the quality of another 78186
appraiser's work that was performed as part of an appraisal, or 78187
appraisal review, ~~or appraisal consulting assignment.~~ 78188

(T) ~~"Appraisal consulting" means the act or process of~~ 78189
~~developing an analysis, recommendation, or opinion to solve a~~ 78190
~~problem related to real estate.~~ 78191

~~(U)~~ "Work file" means documentation used during the 78192
preparation of an appraisal report or necessary to support an 78193
appraiser's analyses, opinions, or conclusions. 78194

Sec. 4763.07. (A) Every state-certified general real estate 78195
appraiser, state-certified residential real estate appraiser and 78196
state-licensed residential real estate appraiser shall submit 78197
proof of successfully completing a minimum of fourteen classroom 78198

hours of continuing education instruction in courses or seminars 78199
approved by the real estate appraiser board. The certificate 78200
holder and licensee shall have satisfied the fourteen-hour 78201
continuing education requirements within the one-year period 78202
immediately following the issuance of the initial certificate or 78203
license and shall satisfy those requirements annually thereafter. 78204
A 78205

In accordance with federal law, each state-registered real 78206
estate appraiser assistant ~~who remains in this classification for~~ 78207
~~more than two years~~ shall ~~satisfy in the third and successive~~ 78208
~~years this section's requirements~~ submit proof of successfully 78209
completing a minimum of fourteen classroom hours of continuing 78210
education instruction in courses or seminars approved by the real 78211
estate appraiser board. Each registrant shall satisfy the 78212
fourteen-hour continuing education requirements annually. 78213

This division does not apply to an appraiser with a 78214
certification or license from another state that is temporarily 78215
recognized in this state pursuant to division (E)(2) of section 78216
4763.05 of the Revised Code. A 78217

A certificate holder, licensee, or registrant who fails to 78218
submit proof to the superintendent of meeting these requirements 78219
is ineligible to obtain a renewal certificate, license, or 78220
registration and shall comply with section 4763.05 of the Revised 78221
Code in order to regain a certificate, license, or registration, 78222
except that the certificate holder, licensee, or registrant may 78223
submit proof to the superintendent of meeting these requirements 78224
within three months after the date of expiration of the 78225
certificate, license, or registration, or by obtaining a medical 78226
exception under division (E) of this section, without having to 78227
comply with section 4763.05 of the Revised Code. A certificate 78228
holder, licensee, or registrant may not engage in any activities 78229
permitted by the certificate, license, or registration during the 78230

three-month period following the certificate's, license's, or 78231
registration's normal expiration date or during the time period 78232
for which a medical exception applies. 78233

A certificate holder, licensee, or registrant may satisfy all 78234
or a portion of the required hours of classroom instruction in the 78235
following manner: 78236

(1) Completion of an educational program of study determined 78237
by the board to be equivalent, for continuing education purposes, 78238
to courses or seminars approved by the board; 78239

(2) Participation, other than as a student, in educational 78240
processes or programs approved by the board that relate to real 78241
estate appraisal theory, practices, or techniques. 78242

A certificate holder, licensee, or registrant shall present 78243
to the superintendent of real estate evidence of the manner in 78244
which the certificate holder, licensee, or registrant satisfied 78245
the requirements of division (A) of this section. 78246

(B) The board shall adopt rules for implementing a continuing 78247
education program for state-certified general real estate 78248
appraisers, state-certified residential real estate appraisers, 78249
state-licensed residential real estate appraisers, and 78250
state-registered real estate appraiser assistants for the purpose 78251
of assuring that certificate holders, licensees, and registrants 78252
have current knowledge of real estate appraisal theories, 78253
practices, and techniques that will provide a high degree of 78254
service and protection to members of the public. In addition to 78255
any other provisions the board considers appropriate, the rules 78256
adopted by the board shall prescribe the following: 78257

(1) Policies and procedures for obtaining board approval of 78258
courses of instruction and seminars; 78259

(2) Standards, policies, and procedures to be applied in 78260
evaluating the alternative methods of complying with continuing 78261

education requirements set forth in divisions (A)(1) and (2) of 78262
this section; 78263

(3) Standards, monitoring methods, and systems for recording 78264
attendance to be employed by course sponsors as a prerequisite to 78265
approval of courses for continuing education credit. 78266

(C) No amendment or rescission of a rule the board adopts 78267
pursuant to division (B) of this section shall operate to deprive 78268
a certificate holder or licensee of credit toward renewal of 78269
certification or licensure for any course of instruction completed 78270
by the certificate holder or licensee prior to the effective date 78271
of the amendment or rescission that would have qualified for 78272
credit under the rule as it existed prior to amendment or 78273
rescission. 78274

(D) The superintendent of real estate shall not issue a 78275
renewal certificate, registration, or license to any person who 78276
does not meet applicable minimum criteria for state certification, 78277
registration, or licensure prescribed by federal law or rule. 78278

(E) The superintendent may grant a medical exception upon 78279
application by a person certified, registered, or licensed under 78280
this chapter. To receive an exception, the certificate holder, 78281
registrant, or licensee shall submit a request to the 78282
superintendent with proof satisfactory that a medical exception is 78283
warranted. If the superintendent makes a determination that 78284
satisfactory proof has not been presented, within fifteen days of 78285
the date of the denial of the medical exception, the certificate 78286
holder, registrant, or licensee may file with the division of real 78287
estate a request that the real estate appraiser board review the 78288
determination. The board may adopt reasonable rules in accordance 78289
with Chapter 119. of the Revised Code to implement this division. 78290

Sec. 4765.161. The state board of emergency medical, fire, 78291
and transportation services shall adopt rules under section 78292

4765.11 of the Revised Code to establish an expedited veterans paramedic certification program for any person who is a veteran of the armed forces of the United States and who, while serving in the armed forces of the United States, received training as what this state categorizes as a paramedic. The program shall provide for a method or procedure whereby, upon application by such a veteran, the veteran is evaluated to determine the extent of the training the veteran received while serving in the armed forces of the United States. If the evaluation indicates that the training the veteran received while serving in the armed forces of the United States was such that the veteran is eligible to be issued a certificate to practice as a paramedic, the board shall issue the veteran a certificate to practice as a paramedic as provided in section 4765.30 of the Revised Code upon payment of the appropriate fee.

If the evaluation indicates that the training the veteran received while serving in the armed forces of the United States was such that the veteran is not eligible to be issued a certificate to practice as a paramedic, the veteran shall receive credit for the training the veteran received while serving in the armed forces of the United States and shall be required to successfully complete only the necessary additional training or instruction in order to be issued a certificate to practice as a paramedic.

Sec. 4765.361. An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic may perform medical services that the technician is authorized by law to perform in nonemergency situations if the services are performed under the direction of the technician's medical director or cooperating physician advisory board. In nonemergency situations, no medical director or

cooperating physician advisory board shall delegate, instruct, or 78324
otherwise authorize a technician to perform any medical service 78325
that the technician is not authorized by law to perform. 78326

Sec. 4774.133. (A)(1) If a radiologist assistant violates any 78327
section of this chapter or any rule adopted under this chapter, 78328
the state medical board may, pursuant to an adjudication under 78329
Chapter 119. of the Revised Code and an affirmative vote of not 78330
fewer than six of its members, impose a civil penalty. The amount 78331
of the civil penalty shall be determined by the board in 78332
accordance with the guidelines adopted under division (A)(2) of 78333
this section. The civil penalty may be in addition to any other 78334
action the board may take under section 4774.13 of the Revised 78335
Code. 78336

(2) The board shall adopt and may amend guidelines regarding 78337
the amounts of civil penalties to be imposed under this section. 78338
Adoption or amendment of the guidelines requires the approval of 78339
not fewer than six board members. 78340

Under the guidelines, no civil penalty amount shall exceed 78341
twenty thousand dollars. 78342

(B) Amounts received from payment of civil penalties imposed 78343
under this section shall be deposited by the board in accordance 78344
with section 4731.24 of the Revised Code. Amounts received from 78345
payment of civil penalties imposed for violations of division 78346
(B)(6) of section 4774.13 of the Revised Code shall be used by the 78347
board solely for investigations, enforcement, and compliance 78348
monitoring. 78349

Sec. 4776.10. As used in Chapters 4713., 4738., 4740., 4747., 78350
and 4749. and sections 4725.40 to ~~4725.59~~ 4725.55 of the Revised 78351
Code: 78352

(A) "Crime of moral turpitude" or "moral turpitude" means all of the following:

(1) A violation of section 2903.01 or 2903.02 of the Revised Code;

(2) A sexually oriented offense as defined in section 2950.01 of the Revised Code;

(3) An offense that is an offense of violence as defined in section 2901.01 of the Revised Code, if the offense is a felony of the first or second degree;

(4) Complicity in committing an offense described in division (A)(1) of this section;

(5) An attempt or conspiracy to commit or complicity in committing any offense described in division (A)(1), (2), (3), or (4) of this section if the attempt, conspiracy, or complicity is a felony of the first or second degree;

(6) A violation of any former law of this state, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States that is or was substantially equivalent to any offense listed in division (A)(1), (2), (3), (4), or (5) of this section.

(B) "Direct nexus" means that the nature of the offense for which the individual was convicted or to which the individual pleaded guilty has a direct bearing on the fitness or ability of the individual to perform one or more of the duties or responsibilities necessarily related to a particular occupation, profession, or trade.

(C) "Disqualifying offense" means an offense that is a felony and that has a direct nexus to an individual's proposed or current field of licensure, certification, or employment.

Sec. 4778.06. (A) An individual seeking to renew a license to 78383
practice as a genetic counselor shall, on or before the 78384
thirty-first day of January of each even-numbered year, apply for 78385
renewal of the license. The state medical board shall send renewal 78386
notices at least one month prior to the expiration date. 78387

Renewal applications shall be submitted to the board in a 78388
manner prescribed by the board. Each application shall be 78389
accompanied by a biennial renewal fee of one hundred fifty 78390
dollars. 78391

The applicant shall report any criminal offense to which the 78392
applicant has pleaded guilty, of which the applicant has been 78393
found guilty, or for which the applicant has been found eligible 78394
for intervention in lieu of conviction, since last signing an 78395
application for a license to practice as a genetic counselor. 78396

(B) To be eligible for renewal, a genetic counselor shall 78397
certify to the board that the counselor has done both of the 78398
following: 78399

(1) Maintained the counselor's status as a certified genetic 78400
counselor; 78401

(2) Completed at least thirty hours of continuing education 78402
in genetic counseling that has been approved by the national 78403
society of genetic counselors or American board of genetic 78404
counseling. 78405

(C) If an applicant submits a renewal application that the 78406
board considers to be complete and qualifies for renewal pursuant 78407
to division (B) of this section, the board shall issue to the 78408
applicant a renewed license to practice as a genetic counselor. 78409

(D) The board may require a random sample of genetic 78410
counselors to submit materials documenting that their status as 78411
certified genetic counselors has been maintained and that the 78412

number of hours of continuing education required under division 78413
(B)(2) of this section has been completed. 78414

If a genetic counselor certifies that the genetic counselor 78415
has completed the number of hours and type of continuing education 78416
required for renewal of a license, and the board finds through the 78417
random sample or any other means that the genetic counselor did 78418
not complete the requisite continuing education, the board may 78419
impose a civil penalty of not more than five thousand dollars. ~~The~~ 78420
If a civil penalty is imposed in addition to any other action the 78421
board takes under section 4778.14 of the Revised Code, the board's 78422
finding shall be made pursuant to an adjudication under Chapter 78423
119. of the Revised Code and by an affirmative vote of not fewer 78424
than six members. A civil penalty imposed under this division may 78425
be in addition to or in lieu of any other action the board may 78426
take under section 4778.14 of the Revised Code. The board shall 78427
deposit civil penalties in accordance with section 4731.24 of the 78428
Revised Code. 78429

Sec. 4778.141. (A)(1) If a genetic counselor violates any 78430
section of this chapter other than section 4778.06 of the Revised 78431
Code or violates any rule adopted under this chapter, the state 78432
medical board may, pursuant to an adjudication under Chapter 119, 78433
of the Revised Code and an affirmative vote of not fewer than six 78434
of its members, impose a civil penalty. The amount of the civil 78435
penalty shall be determined by the board in accordance with 78436
guidelines adopted under division (A)(2) of this section. The 78437
civil penalty may be in addition to any other action the board may 78438
take under section 4778.14 of the Revised Code. 78439

(2) The board shall adopt and may amend guidelines regarding 78440
the amounts of civil penalties to be imposed under this section. 78441
Adoption or amendment of the guidelines requires the approval of 78442
not fewer than six board members. 78443

Under the guidelines, no civil penalty amount shall exceed 78444
twenty thousand dollars. 78445

(B) Amounts received from payment of civil penalties imposed 78446
under this section shall be deposited by the board in accordance 78447
with section 4731.24 of the Revised Code. Amounts received from 78448
payment of civil penalties imposed for violations of division 78449
(B)(6) of section 4778.14 of the Revised Code shall be used by the 78450
board solely for investigations, enforcement, and compliance 78451
monitoring. 78452

Sec. 4905.71. (A) Every telephone or electric light company 78453
that is a public utility as defined by section 4905.02 of the 78454
Revised Code and, subject to section 4927.15 of the Revised Code, 78455
every incumbent local exchange carrier as defined by section 78456
4927.01 of the Revised Code shall permit, upon reasonable terms 78457
and conditions and the payment of reasonable charges, the 78458
attachment of any wire, cable, facility, or apparatus to its 78459
poles, pedestals, or placement of same in conduit duct space, by 78460
any person or entity other than a public utility that is 78461
authorized and has obtained, under law, any necessary public or 78462
private authorization and permission to construct and maintain the 78463
attachment, so long as the attachment does not interfere, 78464
obstruct, or delay the service and operation of the ~~telephone or~~ 78465
~~electric light~~ company or carrier, or create a hazard to safety. 78466
Every such ~~telephone or electric light~~ company or carrier shall 78467
file tariffs with the public utilities commission containing the 78468
charges, terms, and conditions established for such use. 78469

(B) The commission shall regulate the justness and 78470
reasonableness of the charges, terms, and conditions contained in 78471
any such tariff, and may, upon complaint of any persons in which 78472
it appears that reasonable grounds for complaint are stated, or 78473
upon its own initiative, investigate such charges, terms, and 78474

conditions and conduct a hearing to establish just and reasonable 78475
charges, terms, and conditions, and to resolve any controversy 78476
that may arise among the parties as to such attachment. 78477

Sec. 4905.81. The public utilities commission shall: 78478

(A) Supervise and regulate each motor carrier; 78479

(B) Regulate the safety of operation of each motor carrier, 78480
and of each intermodal equipment provider as defined in section 78481
4923.041 of the Revised Code; 78482

(C) Adopt reasonable safety rules applicable to the highway 78483
transportation of persons or property in interstate and intrastate 78484
commerce by motor carriers; 78485

(D) Adopt safety rules applicable to the transportation and 78486
offering for transportation of hazardous materials in interstate 78487
and intrastate commerce by motor carriers. The rules shall not be 78488
incompatible with the requirements of the United States department 78489
of transportation. 78490

(E) Require the filing of reports and other data by motor 78491
carriers; 78492

(F) Adopt reasonable rules for the administration and 78493
enforcement of this chapter and Chapters 4901., 4903., 4907., 78494
4909., 4921., and 4923. of the Revised Code applying to each motor 78495
carrier in this state; 78496

(G) Supervise and regulate motor carriers in all other 78497
matters affecting the relationship between those carriers and the 78498
public to the exclusion of all local authorities, except as 78499
provided in this section. The commission, in the exercise of the 78500
jurisdiction conferred upon it by this chapter and Chapters 4901., 78501
4903., 4907., 4909., 4921., and 4923. of the Revised Code, may 78502
adopt rules affecting motor carriers, notwithstanding the 78503
provisions of any ordinance, resolution, license, or permit 78504

enacted, adopted, or granted by any township, municipal 78505
corporation, municipal corporation and county, or county. In case 78506
of conflict between any such ordinance, resolution, license, or 78507
permit, the order or rule of the commission shall prevail. Local 78508
subdivisions may adopt reasonable local police rules within their 78509
respective boundaries not inconsistent with those chapters and 78510
rules adopted under them. 78511

The commission has jurisdiction to receive, hear, and 78512
determine as a question of fact, upon complaint of any party or 78513
upon its own motion, and upon not less than fifteen days' notice 78514
of the time and place of the hearing and the matter to be heard, 78515
whether any corporation, company, association, joint-stock 78516
association, person, firm, or copartnership, or their lessees, 78517
legal or personal representatives, trustees, or receivers or 78518
trustees appointed by any court, is engaged as a motor carrier. 78519
The finding of the commission on such a question is a final order 78520
that may be reviewed as provided in section 4923.15 of the Revised 78521
Code. 78522

Sec. 4905.95. (A) Except as otherwise provided in division 78523
(C) of this section: 78524

(1) The public utilities commission, regarding any proceeding 78525
under this section, shall provide reasonable notice and the 78526
opportunity for a hearing in accordance with rules adopted under 78527
section 4901.13 of the Revised Code. 78528

(2) Sections 4903.02 to 4903.082, 4903.09 to 4903.16, and 78529
4903.20 to 4903.23 of the Revised Code apply to all proceedings 78530
and orders of the commission under this section and to all 78531
operators subject to those proceedings and orders. 78532

(B) If, pursuant to a proceeding it specially initiates or to 78533
any other proceeding and after the hearing provided for under 78534
division (A) of this section, the commission finds that: 78535

(1) An operator has violated or failed to comply with, or is violating or failing to comply with, sections 4905.90 to 4905.96 of the Revised Code or the pipe-line safety code, the commission by order:

(a) Shall require the operator to comply and to undertake corrective action necessary to protect the public safety;

(b) May assess upon the operator forfeitures of not more than ~~one~~ two hundred thousand dollars for each day of each violation or noncompliance, except that the aggregate of such forfeitures shall not exceed ~~one~~ two million dollars for any related series of violations or noncompliances. In determining the amount of any such forfeiture, the commission shall consider all of the following:

(i) The gravity of the violation or noncompliance;

(ii) The operator's history of prior violations or noncompliances;

(iii) The operator's good faith efforts to comply and undertake corrective action;

(iv) The operator's ability to pay the forfeiture;

(v) The effect of the forfeiture on the operator's ability to continue as an operator;

(vi) Such other matters as justice may require.

All forfeitures collected under this division or section 4905.96 of the Revised Code shall be deposited in the state treasury to the credit of the general revenue fund.

(c) May direct the attorney general to seek the remedies provided in section 4905.96 of the Revised Code.

(2) An intrastate pipe-line transportation facility is hazardous to life or property, the commission by order:

(a) Shall require the operator of the facility to take 78565
corrective action to remove the hazard. Such corrective action may 78566
include suspended or restricted use of the facility, physical 78567
inspection, testing, repair, replacement, or other action. 78568

(b) May direct the attorney general to seek the remedies 78569
provided in section 4905.96 of the Revised Code. 78570

(C) If, pursuant to a proceeding it specially initiates or to 78571
any other proceeding, the commission finds that an emergency 78572
exists due to a condition on an intrastate pipe-line 78573
transportation facility posing a clear and immediate danger to 78574
life or health or threatening a significant loss of property and 78575
requiring immediate corrective action to protect the public 78576
safety, the commission may issue, without notice or prior hearing, 78577
an order reciting its finding and may direct the attorney general 78578
to seek the remedies provided in section 4905.96 of the Revised 78579
Code. The order shall remain in effect for not more than forty 78580
days after the date of its issuance. The order shall provide for a 78581
hearing as soon as possible, but not later than thirty days after 78582
the date of its issuance. After the hearing the commission shall 78583
continue, revoke, or modify the order and may make findings under 78584
and seek appropriate remedies as provided in division (B) of this 78585
section. 78586

Sec. 4911.021. The consumers' counsel shall not operate a 78587
telephone call center for consumer complaints. ~~Any~~ However, for 78588
any calls received by the consumers' counsel concerning consumer 78589
complaints ~~shall be forwarded,~~ the consumers' counsel may assist 78590
consumers with their complaints or forward the calls to the public 78591
utilities commission's call center. 78592

Sec. 4923.04. (A)~~(1)~~ The public utilities commission shall 78593
adopt rules applicable to ~~the~~ all of the following: 78594

(1) <u>The transportation of persons or property by motor carriers operating in interstate and intrastate commerce;</u>	78595
	78596
(2) The commission shall adopt rules applicable to the highway transportation and offering for transportation of hazardous materials by motor carriers, and persons engaging in the highway transportation and offering for transportation of hazardous materials, operating in interstate or intrastate commerce;	78597
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<u>(3) The use and interchange of intermodal equipment, as those terms are defined in section 4923.041 of the Revised Code.</u>	78603
	78604
(B) The rules adopted under division (A) of this section shall not be incompatible with the requirements of the United States department of transportation.	78605
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	78607
(C) To achieve the purposes of this chapter and to assist the commission in the performance of any of its powers or duties, the commission, either through the public utilities commissioners or employees authorized by it, may do either or both of the following:	78608
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(1) Apply for, and any judge of a court of record of competent jurisdiction may issue, an appropriate search warrant;	78613
	78614
(2) Examine under oath, at the offices of the commission, any officer, agent, or employee of any person subject to this chapter. The commission, by subpoena, also may compel the attendance of a witness for the purpose of the examination and, by subpoena duces tecum, may compel the production of all books, contracts, records, and documents that relate to the transportation and offering for transportation of hazardous materials <u>compliance with this chapter or compliance with rules adopted under this chapter.</u>	78615
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<u>Sec. 4923.041. (A) As used in section 4923.04 of the Revised Code:</u>	78623
	78624

"Interchange" means the act of providing intermodal equipment to a motor carrier pursuant to an intermodal equipment interchange agreement for the purpose of transporting the equipment for loading or unloading by any person or repositioning the equipment for the benefit of the equipment provider, but it does not include the leasing of equipment to a motor carrier for primary use in the motor carrier's freight hauling operations. 78625
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"Intermodal equipment" means trailing equipment that is used in the intermodal transportation of containers over public highways in interstate commerce, including trailers and chassis. 78632
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(B) As used in this section: 78635

"Intermodal equipment interchange agreement" means the uniform intermodal interchange and facilities access agreement or any other written document executed by an intermodal equipment provider or its agent and a motor carrier or its agent, the primary purpose of which is to establish the responsibilities and liabilities of both parties with respect to the interchange of the intermodal equipment. 78636
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"Intermodal equipment provider" means any person that interchanges intermodal equipment with a motor carrier pursuant to a written interchange agreement or has a contractual responsibility for the maintenance of the intermodal equipment. 78643
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"Person" means any individual, partnership, association, corporation, business trust, or any other organized group of individuals. 78647
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Sec. 4927.01. (A) As used in this chapter: 78650

(1) "Basic local exchange service" means residential-end-user access to and usage of telephone-company-provided services over a single line or small-business-end-user access to and usage of telephone-company-provided services over the primary access line 78651
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78654

of service, which in the case of residential and small-business 78655
access and usage is not part of a bundle or package of services, 78656
that does both of the following: 78657

(a) Enables a customer to originate or receive voice 78658
communications within a local service area as that area exists on 78659
September 13, 2010, ~~the effective date of the amendment of this~~ 78660
~~section by S.B. 162 of the 128th general assembly~~ or as that area 78661
is changed with the approval of the public utilities commission; 78662

(b) Consists of all of the following services: 78663

(i) Local dial tone service; 78664

(ii) For residential end users, flat-rate telephone exchange 78665
service; 78666

(iii) Touch tone dialing service; 78667

(iv) Access to and usage of 9-1-1 services, where such 78668
services are available; 78669

(v) Access to operator services and directory assistance; 78670

(vi) Provision of a telephone directory in any reasonable 78671
format for no additional charge and a listing in that directory, 78672
with reasonable accommodations made for private listings; 78673

(vii) Per call, caller identification blocking services; 78674

(viii) Access to telecommunications relay service; and 78675

(ix) Access to toll presubscription, interexchange or toll 78676
providers or both, and networks of other telephone companies. 78677

"Basic local exchange service" excludes any voice service to 78678
which customers are transitioned following a withdrawal of basic 78679
local exchange service under section 4927.10 of the Revised Code. 78680

(2) "Bundle or package of services" means one or more 78681
telecommunications services or other services offered together as 78682
one service option at a single price. 78683

(3) "Carrier access" means access to and usage of telephone company-provided facilities that enable end user customers originating or receiving voice grade, data, or image communications, over a local exchange telephone company network operated within a local service area, to access interexchange or other networks and includes special access.

(4) "Federal poverty level" means the income level represented by the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(5) "Incumbent local exchange carrier" means, with respect to an area, the local exchange carrier that:

(a) On February 8, 1996, provided telephone exchange service in such area; and

(b)(i) On February 8, 1996, was deemed to be a member of the exchange carrier association pursuant to 47 C.F.R. 69.601(b); or

(ii) Is a person or entity that, on or after February 8, 1996, became a successor or assign of a member described in division (A)(5)(b)(i) of this section.

(6) "Internet protocol-enabled services" means any services, capabilities, functionalities, or applications that are provided using internet protocol or a successor protocol to enable an end user to send or receive communications in internet protocol format or a successor format, regardless of how any particular such service is classified by the federal communications commission, and includes voice over internet protocol service.

(7) "Interstate-access component" means the portion of carrier access that is within the jurisdiction of the federal

communications commission. 78715

(8) "Local exchange carrier" means any person engaged in the 78716
provision of telephone exchange service, or the offering of access 78717
to telephone exchange service or facilities for the purpose of 78718
originating or terminating telephone toll service. 78719

~~(8)~~(9) "Local service area" means the geographic area that 78720
may encompass more than one exchange area and within which a 78721
telephone customer, by paying the rate for basic local exchange 78722
service, may complete calls to other telephone customers without 78723
being assessed long distance toll charges. 78724

~~(9)~~(10) "Small business" means a nonresidential service 78725
customer with three or fewer service access lines. 78726

~~(10)~~(11) "Telecommunications" means the transmission, between 78727
or among points specified by the user, of information of the 78728
user's choosing, without change in the form or content of the 78729
information as sent and received. 78730

~~(11)~~(12) "Telecommunications carrier" has the same meaning as 78731
in the "Telecommunications Act of 1996," 110 Stat. 60, 47 U.S.C. 78732
153. 78733

~~(12)~~(13) "Telecommunications service" means the offering of 78734
telecommunications for a fee directly to the public, or to such 78735
classes of users as to be effectively available directly to the 78736
public, regardless of the facilities used. 78737

~~(13)~~(14) "Telephone company" means a company described in 78738
division (A) of section 4905.03 of the Revised Code that is a 78739
public utility under section 4905.02 of the Revised Code. 78740

~~(14)~~(15) "Telephone exchange service" means 78741
telecommunications service that is within a telephone exchange, or 78742
within a connected system of telephone exchanges within the same 78743
exchange area operated to furnish to subscribers 78744

intercommunicating service of the character ordinarily furnished 78745
by a single exchange, and that is covered by the exchange service 78746
charge; or comparable service provided through a system of 78747
switches, transmission equipment, or other facilities, or 78748
combination thereof, by which a customer can originate and 78749
terminate a telecommunications service. 78750

~~(15)~~(16) "Telephone toll service" means telephone service 78751
between stations in different exchange areas for which there is 78752
made a separate charge not included in contracts with customers 78753
for exchange service. 78754

~~(16)~~(17) "Voice over internet protocol service" means a 78755
service that ~~uses a broadband connection from an end user's~~ 78756
~~location and~~ enables real-time, two-way, voice communications that 78757
originate or terminate from the user's location using internet 78758
protocol or a successor protocol, including, but not limited to, 78759
any such service that permits an end user to receive calls from 78760
and terminate calls to the public switched network. 78761

~~(17)~~(18) "Voice service" includes all of the applicable 78762
functionalities described in 47 C.F.R. 54.101(a). "Voice service" 78763
is not the same as basic local exchange service. 78764

(19) "Wireless service" means federally licensed commercial 78765
mobile service as defined in the "Telecommunications Act of 1996," 78766
110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and further defined as 78767
commercial mobile radio service in 47 C.F.R. 20.3. Under division 78768
(A)~~(17)~~(19) of this section, commercial mobile radio service is 78769
specifically limited to mobile telephone, mobile cellular 78770
telephone, paging, personal communications services, and 78771
specialized mobile radio service provided by a common carrier in 78772
this state and excludes fixed wireless service. 78773

~~(18)~~(20) "Wireless service provider" means a facilities-based 78774
provider of wireless service to one or more end users in this 78775

state. 78776

(B) The definitions of this section shall be applied 78777
consistent with the definitions in the "Telecommunications Act of 78778
1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended, and with 78779
federal decisions interpreting those definitions. 78780

Sec. 4927.02. (A) It is the policy of this state to: 78781

(1) Ensure the availability of adequate basic local exchange 78782
service or voice service to citizens throughout the state; 78783

(2) Provide incentives for competing providers of 78784
telecommunications service to provide advanced, high-quality 78785
telecommunications service to citizens throughout the state; 78786

(3) Rely primarily on market forces, where they exist, to 78787
maintain reasonable service levels for telecommunications services 78788
at reasonable rates; 78789

(4) Encourage innovation in the telecommunications industry 78790
and the deployment of advanced telecommunications services; 78791

(5) Create a regulatory climate that provides incentives to 78792
create and maintain high technology jobs for Ohioans; 78793

(6) Promote diversity and options in the supply of 78794
telecommunications services and equipment throughout the state; 78795

(7) Recognize the continuing emergence of a competitive 78796
telecommunications environment through flexible regulatory 78797
treatment of telecommunications services where appropriate; 78798

(8) Consider the regulatory treatment of competing and 78799
functionally equivalent services and, to the extent practicable, 78800
provide for equivalent regulation of all telephone companies and 78801
services; 78802

(9) Not unduly favor or advantage any provider and not unduly 78803
disadvantage providers of competing and functionally equivalent 78804

services; and 78805

(10) Protect the affordability of telephone service for 78806
low-income subscribers through the continuation of federal 78807
lifeline assistance programs. 78808

(B) The public utilities commission shall consider the policy 78809
set forth in this section in carrying out this chapter. 78810

Sec. 4927.07. (A) A Except as provided under the notice 78811
requirements of section 4927.10 of the Revised Code, a telephone 78812
company may withdraw any telecommunications service if it gives at 78813
least thirty days' prior notice to the public utilities commission 78814
and to its affected customers. 78815

(B) A Except as provided under the notice requirements of 78816
section 4927.10 of the Revised Code, a telephone company may 78817
abandon entirely telecommunications service in this state if it 78818
gives at least thirty days' prior notice to the commission, to its 78819
wholesale and retail customers, and to any telephone company 78820
wholesale provider of its services. 78821

(C) Divisions (A) and (B) of this section do not apply to any 78822
of the following: 78823

(1) ~~Basic local exchange service provided by an incumbent~~ 78824
~~local exchange carrier;~~ 78825

~~(2)~~ Pole attachments under section 4905.71 of the Revised 78826
Code; 78827

~~(3)~~(2) Conduit occupancy under section 4905.71 of the Revised 78828
Code; 78829

~~(4)~~(3) Interconnection and resale agreements approved under 78830
the "Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 151 78831
et seq., as amended. 78832

(D) ~~An~~ Except as provided in section 4927.10 of the Revised 78833

Code, an incumbent local exchange carrier may not withdraw or 78834
abandon basic local exchange service. 78835

(E) A Neither a telephone company nor an incumbent local 78836
exchange carrier may not, without first filing a request with the 78837
commission and obtaining commission approval, withdraw any tariff 78838
filed with the commission for pole attachments or conduit 78839
occupancy under section 4905.71 of the Revised Code or abandon 78840
service provided under that section. 78841

Sec. 4927.10. (A) Subject to division (B) of this section, if 78842
the federal communications commission adopts an order that allows 78843
an incumbent local exchange carrier to withdraw the 78844
interstate-access component of its basic local exchange service 78845
under 47 U.S.C. 214, neither of the following shall apply, 78846
beginning when the order is adopted, with regard to any exchange 78847
area in which an incumbent local exchange carrier withdraws that 78848
component: 78849

(1) The prohibition contained in division (D) of section 78850
4927.07 of the Revised Code against the withdrawal or abandonment 78851
of basic local exchange service by an incumbent local exchange 78852
carrier, provided that the carrier gives at least one hundred 78853
twenty days' prior notice to the public utilities commission and 78854
to its affected customers of the withdrawal or abandonment; 78855

(2) The requirements contained in division (A) of section 78856
4927.11 of the Revised Code. 78857

(B) If a residential customer to whom notice has been given 78858
under this section will be unable to obtain reasonable and 78859
comparatively priced voice service upon the carrier's withdrawal 78860
or abandonment of basic local exchange service, the customer may 78861
file a petition with the public utilities commission not later 78862
than ninety days prior to the effective date of the withdrawal or 78863
abandonment. If a residential customer is identified by the 78864

collaborative process established under Section 749.10 of H.B. 64 78865
of the 131st general assembly as a customer who will be unable to 78866
obtain reasonable and comparatively priced voice service upon the 78867
withdrawal or abandonment of basic local exchange service, that 78868
customer shall be treated as though the customer filed a timely 78869
petition under this division. 78870

(1) The public utilities commission shall issue an order 78871
disposing of the petition not later than ninety days after the 78872
filing of the petition. 78873

(a) If the public utilities commission determines after an 78874
investigation that no reasonable and comparatively priced voice 78875
service will be available to the affected customer at the 78876
customer's residence, the public utilities commission shall 78877
attempt to identify a willing provider of a reasonable and 78878
comparatively priced voice service to serve the customer. 78879

(b) If no willing provider is identified, the public 78880
utilities commission may order the withdrawing or abandoning 78881
carrier to provide a reasonable and comparatively priced voice 78882
service to the customer at the customer's residence. 78883

(c) The willing provider or the carrier, as applicable, may 78884
utilize any technology or service arrangement to provide the voice 78885
service. 78886

(2) Except as provided in division (B)(2) of this section, an 78887
order adopted under division (B)(1)(b) of this section shall not 78888
be in effect for more than twelve months after the date that it is 78889
issued. If an order is issued under division (B)(1)(b) of this 78890
section, the public utilities commission shall evaluate, during 78891
the twelve-month period in which the order is effective, whether 78892
an alternative reasonable and comparatively priced voice service 78893
is found to exist for the affected customer. If no such voice 78894
service is available, the public utilities commission may extend 78895

the order for one additional twelve-month period. If, at the end 78896
of the second twelve-month period, no alternative reasonable and 78897
comparatively priced voice service is available, the public 78898
utilities commission may order the withdrawing or abandoning 78899
carrier to continue to provide a reasonable and comparatively 78900
priced voice service to the affected customer at the customer's 78901
residence, utilizing any technology or service arrangement to 78902
provide the voice service. 78903

(3) For purposes of this division, the public utilities 78904
commission shall define the term "reasonable and comparatively 78905
priced voice service" to include service that provides voice grade 78906
access to the public switched network or its functional 78907
equivalent, access to 9-1-1, and that is competitively priced, 78908
when considering all the alternatives in the marketplace and their 78909
functionalities. 78910

Sec. 4927.101. (A) Section 4927.10 of the Revised Code and 78911
the amendments to sections 4927.01, 4927.02, 4927.07, and 4927.11 78912
of the Revised Code made by H.B. 64 of the 131st general assembly 78913
shall not affect any of the following: 78914

(1) Any contractual obligation, including agreements under 78915
the "Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 251 78916
and 252, as amended; 78917

(2) Any right or obligation under federal law or rules; 78918

(3) The carrier-access requirements under section 4927.15 of 78919
the Revised Code; 78920

(4) Any right or obligation under section 4905.71 of the 78921
Revised Code; 78922

(5) Any state law or rule adopted under this title related to 78923
wholesale rights or obligations. 78924

(B) The amendments to section 4927.15 of the Revised Code 78925

made by H.B. 64 of the 131st general assembly shall not affect the 78926
obligations and rights described in divisions (A)(1), (2), (4), 78927
and (5) of this section. 78928

Sec. 4927.11. (A) Except as otherwise provided in this 78929
section and section 4927.10 of the Revised Code, an incumbent 78930
local exchange carrier shall provide basic local exchange service 78931
to all persons or entities in its service area requesting that 78932
service, and that service shall be provided on a reasonable and 78933
nondiscriminatory basis. 78934

(B)(1) An incumbent local exchange carrier is not obligated 78935
to construct facilities and provide basic local exchange service, 78936
or any other telecommunications service, to the occupants of 78937
multitenant real estate, including, but not limited to, 78938
apartments, condominiums, subdivisions, office buildings, or 78939
office parks, if the owner, operator, or developer of the 78940
multitenant real estate does any of the following to the benefit 78941
of any other telecommunications service provider: 78942

(a) Permits only one provider of telecommunications service 78943
to install the company's facilities or equipment during the 78944
construction or development phase of the multitenant real estate; 78945

(b) Accepts or agrees to accept incentives or rewards that 78946
are offered by a telecommunications service provider to the owner, 78947
operator, developer, or occupants of the multitenant real estate 78948
and are contingent on the provision of telecommunications service 78949
by that provider to the occupants, to the exclusion of services 78950
provided by other telecommunications service providers; 78951

(c) Collects from the occupants of the multitenant real 78952
estate any charges for the provision of telecommunications service 78953
to the occupants, including charges collected through rents, fees, 78954
or dues. 78955

(2) A carrier not obligated to construct facilities and provide basic local exchange service pursuant to division (B)(1) of this section shall notify the public utilities commission of that fact within one hundred twenty days of receiving knowledge thereof.

(3) The commission by rule may establish a process for determining a necessary successor telephone company to provide service to real estate described in division (B)(1) of this section when the circumstances described in that division cease to exist.

(4) An incumbent local exchange carrier that receives a request from any person or entity to provide service under the circumstances described in division (B)(1) of this section shall, within fifteen days of such receipt, provide notice to the person or entity specifying whether the carrier will provide the requested service. If the carrier provides notice that it will not serve the person or entity, the notice shall describe the person's or entity's right to file a complaint with the commission under section 4927.21 of the Revised Code within thirty days after receipt of the notice. In resolving any such complaint, the commission's determination shall be limited to whether any circumstance described in divisions (B)(1)(a) to (c) of this section exists. Upon a finding by the commission that such a circumstance exists, the complaint shall be dismissed. Upon a finding that such circumstances do not exist, the person's or entity's sole remedy shall be provision by the carrier of the requested service within a reasonable time.

(C) An incumbent local exchange carrier may apply to the commission for a waiver from compliance with division (A) of this section. The application shall include, at a minimum, the reason for the requested waiver, the number of persons or entities who would be impacted by the waiver, and the alternatives that would

be available to those persons or entities if the waiver were 78988
granted. The incumbent local exchange carrier applying for the 78989
waiver shall publish notice of the waiver application one time in 78990
a newspaper of general circulation throughout the service area 78991
identified in the application and shall provide additional notice 78992
to affected persons or entities as required by the commission in 78993
rules adopted under this division. The commission's rules shall 78994
define "affected" for purposes of this division. The commission 78995
shall afford such persons or entities a reasonable opportunity to 78996
comment to the commission on the application. This opportunity 78997
shall include a public hearing conducted in accordance with rules 78998
adopted under this division and conducted in the service area 78999
identified in the application. After a reasonable opportunity to 79000
comment has been provided, but not later than one hundred twenty 79001
days after the application is filed, the commission either shall 79002
issue an order granting the waiver if, upon investigation, it 79003
finds the waiver to be just, reasonable, and not contrary to the 79004
public interest, and that the applicant demonstrates a financial 79005
hardship or an unusual technical limitation, or shall issue an 79006
order denying the waiver based on a failure to meet those 79007
standards and specifying the reasons for the denial. The 79008
commission shall adopt rules to implement division (C) of this 79009
section. 79010

Sec. 4927.15. (A)(1) The rates, terms, and conditions for 79011
9-1-1 service provided in this state by a telephone company or a 79012
telecommunications carrier and each of the following provided in 79013
this state by a telephone company shall be approved and tariffed 79014
in the manner prescribed by rule adopted by the public utilities 79015
commission and shall be subject to the applicable laws, including 79016
rules or regulations adopted and orders issued by the commission 79017
or the federal communications commission: 79018

~~(1) Carrier access:~~ 79019

(2)(a) N-1-1 services, other than 9-1-1 service;	79020
(3) Pole attachments and conduit occupancy under section 4905.71 of the Revised Code;	79021 79022
(4)(b) Pay telephone access lines;	79023
(5)(c) Toll presubscription;	79024
(6)(d) Telecommunications relay service.	79025
<u>(2) The rates, terms, and conditions for both of the following provided in this state by a telephone company or an incumbent local exchange carrier shall be approved and tariffed in the manner prescribed by rule adopted by the public utilities commission and shall be subject to the applicable laws, including rules or regulations adopted and orders issued by the commission or the federal communications commission:</u>	79026 79027 79028 79029 79030 79031 79032
<u>(a) Carrier access;</u>	79033
<u>(b) Pole attachments and conduit occupancy under section 4905.71 of the Revised Code.</u>	79034 79035
(B) The public utilities commission may order changes in a telephone company's rates for carrier access in this state subject to this division. In the event that the public utilities commission reduces a telephone company's rates for carrier access that are in effect on September 13, 2010, that reduction shall be on a revenue-neutral basis under terms and conditions established by the public utilities commission, and any resulting rate changes necessary to comply with division (B) or (C) of this section shall be in addition to any upward rate alteration made under section 4927.12 of the Revised Code.	79036 79037 79038 79039 79040 79041 79042 79043 79044 79045
(C) The public utilities commission has authority to address carrier access policy and to create and administer mechanisms for carrier access reform, including, but not limited to, high cost support.	79046 79047 79048 79049

~~Sec. 4928.54. Beginning on the starting date of competitive retail electric service, the The director of development may services shall aggregate percentage of income payment plan program customers for the purpose of ~~competitively auctioning~~ establishing a competitive procurement process for the supply of competitive retail electric ~~generation~~ service ~~to~~ for those customers. The process shall be an auction. Only bidders certified under section 4928.08 of the Revised Code and ~~further qualified under eligibility criteria the director prescribes by rule under division (B) of section 4928.53 of the Revised Code after consultation with the commission and electric light companies regarding any such rule. The objectives of~~ may participate in the auction shall be to provide reliable retail electric generation service to customers, based on selection criteria that the winning bid provide the lowest cost and best value to customers. The rules adopted by the director under division (b) of section 4928.53 of the Revised Code shall ensure a fair and unbiased auction process and the performance of any winning bidder.~~

Sec. 4928.541. The competitive procurement process established under section 4928.54 of the Revised Code shall be conducted until a winning bid is selected.

Sec. 4928.542. The winning bid selected through the competitive procurement process established under section 4928.54 of the Revised Code shall meet all of the following requirements:

(A) Be designed to provide reliable competitive retail electric service to percentage of income payment plan program customers;

(B) Reduce the cost of the percentage of income payment plan program relative to the otherwise applicable standard service offer established under sections 4928.141, 4928.142, and 4928.143

of the Revised Code; 79080

(C) Result in the best value for persons paying the universal service rider under section 4928.52 of the Revised Code. 79081
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Sec. 4928.543. The director of development services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement sections 4928.54, 4928.541, and 4928.542 of the Revised Code. The rules shall ensure a fair and unbiased auction process and the performance of the winning bidder. 79083
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Sec. 4928.544. (A) For the purpose of facilitating compliance with sections 4928.54, 4928.541, and 4928.542 of the Revised Code, and upon written request by the director of development services, the public utilities commission shall design, manage, and supervise the competitive procurement process required by section 4928.54 of the Revised Code. To the extent reasonably possible, and to minimize costs, the process may be designed based on any existing competitive procurement process for the establishment of the default generation supply price for electric distribution utilities. 79088
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This division does not preclude a process design that is based on a competitive procurement process that applies to the combined certified territories of electric distribution utilities subject to common ownership. 79098
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(B) The director of development services shall reimburse the commission for its costs incurred under division (A) of this section. The reimbursements constitute administrative costs of the low-income customer assistance programs for the purpose of division (A) of section 4928.51 of the Revised Code. 79102
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Sec. 4928.55. The director of development services shall establish an energy efficiency and weatherization program 79107
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targeted, to the extent practicable, to high-cost, high-volume use 79109
structures occupied by customers eligible for the percentage of 79110
income payment plan program, with the goal of reducing the energy 79111
bills of the occupants. Acceptance of energy efficiency and 79112
weatherization services provided by the program shall be a 79113
condition for the eligibility of any such customer to participate 79114
in the percentage of income payment plan program. ~~Any difference 79115~~
~~between universal service fund revenues under section 4928.51 of 79116~~
~~the Revised Code and any savings in percentage of income payment 79117~~
~~plan program costs as a result of competitive auctioning under 79118~~
~~section 4928.54 of the Revised Code shall be reinvested in the 79119~~
~~targeted energy efficiency and weatherization program. 79120~~

Sec. 4928.581. (A) The public benefits advisory board shall 79121
conduct an independent investigation and analysis for the purpose 79122
of making the report required under division (B) of this section. 79123

(B) With the approval of a majority of its voting members, 79124
the board shall prepare a written report containing all of the 79125
following: 79126

(1) For each year since the establishment of the universal 79127
service fund and for each electric distribution utility, the 79128
annual amount of revenue collected from customers for the purpose 79129
of supporting the universal service fund and the low-income 79130
customer assistance programs. 79131

(2) For 2016, 2017, and 2018, and for each electric 79132
distribution utility, a forecast of the annual amount of revenue 79133
that will be collected from customers for the purpose of 79134
supporting the universal service fund and the low-income customer 79135
assistance programs, assuming no changes are made to the programs. 79136
The forecast shall identify all assumptions, input variables, and 79137
values assigned to input variables. The forecast may include 79138
alternative outcomes based on variations in the assumptions, 79139

variables, and values, so as to show the sensitivity of the 79140
forecast to alternative inputs. 79141

(3) A recommendation as to any changes that should be made to 79142
the design and implementation of the current universal service 79143
fund and the low-income customer assistance programs to ensure 79144
that energy services are provided to low-income and other 79145
consumers in this state in an affordable manner consistent with 79146
the policy specified in section 4928.02 of the Revised Code. 79147

(C) The report required under division (B) of this section 79148
may include dissenting views and alternative recommendations. 79149

(D) On or before December 15, 2015, the board shall submit 79150
the report required under division (B) of this section to the 79151
governor, the president of the senate, the speaker of the house of 79152
representatives, each member of the standing committees of both 79153
houses of the general assembly that have primary jurisdiction 79154
regarding public utility legislation, the director of development 79155
services, the chairperson of the public utilities commission, the 79156
Ohio consumers' counsel, and each member of the public benefits 79157
advisory board. 79158

Sec. 4928.582. (A) To discharge the duties under section 79159
4928.581 of the Revised Code, the public benefits advisory board 79160
may obtain professional services as the board determines 79161
appropriate. The professionals shall be promptly reimbursed by the 79162
director of development services for the actual and necessary 79163
expenses incurred in the performance of their duties under section 79164
4928.581 of the Revised Code. The reimbursements constitute 79165
administrative costs of the low-income customer assistance 79166
programs for the purpose of division (A) of section 4928.51 of the 79167
Revised Code. 79168

(B) The chairperson of the board may execute, subject to the 79169
advice and consent of the board, any professional-services 79170

retention agreements that the board determines appropriate. 79171

Sec. 4928.583. The director of development services, the 79172
public utilities commission, and each electric distribution 79173
utility shall promptly respond to requests by the public benefits 79174
advisory board for information needed to prepare the report 79175
required under section 4928.581 of the Revised Code. 79176

Sec. 4929.164. (A) A natural gas company may file an 79177
application with the public utilities commission for approval of 79178
an economic development project that has been ~~certified by~~ 79179
submitted to the director of development services ~~under~~ for the 79180
SiteOhio certification program, pursuant to section 122.9511 of 79181
the Revised Code. The company shall file the application prior to 79182
beginning the project. 79183

(B) The commission may approve a project under this section 79184
if both of the following apply: 79185

(1) The infrastructure development costs for the project are 79186
projected to generate a return on the company's investment that is 79187
less than the most recently authorized rate of return. 79188

(2) The amount of infrastructure development costs to be 79189
incurred by the company per calendar year, for the project and all 79190
other projects previously approved under this section, is not 79191
projected to exceed the product of one dollar multiplied by the 79192
aggregate number of the company's customers in this state. 79193

(C) The commission shall adopt rules to provide for an 79194
accelerated review of an application filed under division (A) of 79195
this section. The rules shall provide for the automatic approval 79196
of the application not later than ninety days after the date of 79197
the application filing unless the commission suspends the 79198
application for good cause shown. If the application is suspended, 79199
the commission shall approve, deny, modify, or hold a hearing on 79200

the application not later than forty-five days after the date that 79201
the suspension begins. 79202

Sec. 5101.073. There is hereby created in the state treasury 79203
the ODJFS ~~general services administration~~ audit settlements and 79204
~~operating~~ contingency fund. The ~~director of job and family~~ 79205
~~services may submit a deposit modification and payment detail~~ 79206
~~report to the treasurer of state after the completion of the~~ 79207
~~reconciliation of all final transactions with the federal~~ 79208
~~government regarding a federal grant for a program the department~~ 79209
~~of job and family services administers and a final closeout for~~ 79210
~~the grant. On receipt of the report, the treasurer of state shall~~ 79211
~~transfer the money in the refunds and audit settlements fund that~~ 79212
~~is the subject of the report to the ODJFS general services~~ 79213
~~administration and operating fund. Money in the ODJFS general~~ 79214
~~services administration and operating fund shall be used to pay~~ 79215
~~for the expenses of the programs the department administers and~~ 79216
~~the department's administrative expenses, including the costs of~~ 79217
~~state hearings under section 5101.35 of the Revised Code, required~~ 79218
~~audit adjustments~~ audits, settlements, contingencies, and other 79219
related expenses. As necessary for the purposes of the fund, the 79220
director of job and family services may request the director of 79221
budget and management to transfer money from any of the funds used 79222
by the department of job and family services, except the general 79223
revenue fund, to the ODJFS audit settlements and contingency fund. 79224
Upon receipt of such a request, the director of budget and 79225
management may transfer the money requested. The director of 79226
budget and management, in consultation with the director of job 79227
and family services, may transfer money from the ODJFS audit 79228
settlements and contingency fund to any fund used by the 79229
department or to the general revenue fund. 79230

Sec. 5101.54. (A) The director of job and family services 79231

shall administer the supplemental nutrition assistance program in 79232
accordance with the Food and Nutrition Act of 2008 (7 U.S.C. 2011 79233
et seq.). The department may: 79234

(1) Prepare and submit to the secretary of the United States 79235
department of agriculture a plan for the administration of the 79236
supplemental nutrition assistance program; 79237

(2) Prescribe forms for applications, certificates, reports, 79238
records, and accounts of county departments of job and family 79239
services, and other matters; 79240

(3) Require such reports and information from each county 79241
department of job and family services as may be necessary and 79242
advisable; 79243

(4) Administer and expend any sums appropriated by the 79244
general assembly for the purposes of the supplemental nutrition 79245
assistance program and all sums paid to the state by the United 79246
States as authorized by the Food and Nutrition Act of 2008; 79247

(5) Conduct such investigations as are necessary; 79248

(6) Enter into interagency agreements and cooperate with 79249
investigations conducted by the department of public safety, 79250
including providing information for investigative purposes, 79251
exchanging property and records, passing through federal financial 79252
participation, modifying any agreements with the United States 79253
department of agriculture, providing for the supply, security, and 79254
accounting of supplemental nutrition assistance program benefits 79255
for investigative purposes, and meeting any other requirements 79256
necessary for the detection and deterrence of illegal activities 79257
in the supplemental nutrition assistance program; 79258

(7) Adopt rules in accordance with Chapter 119. of the 79259
Revised Code governing employment and training requirements of 79260
recipients of supplemental nutrition assistance program benefits, 79261
including rules specifying which recipients are subject to the 79262

requirements and establishing sanctions for failure to satisfy the 79263
requirements. The rules shall be consistent with 7 U.S.C. 2015,
including its work and employment and training requirements, and, 79264
to the extent practicable, ~~may~~ shall provide for the recipients to 79265
participate in work activities, developmental activities, and 79266
alternative work activities ~~established under~~ described in 79267
sections 5107.40 to 5107.69 of the Revised Code that are 79268
comparable to programs authorized by 7 U.S.C. 2015(d)(4). The 79269
rules may reference rules adopted under section 5107.05 of the 79270
Revised Code governing work activities, developmental activities, 79271
and alternative work activities ~~established under~~ described in 79272
sections 5107.40 to 5107.69 of the Revised Code. 79273
79274

(8) Adopt rules in accordance with section 111.15 of the 79275
Revised Code that are consistent with the Food and Nutrition Act 79276
of 2008, as amended, and regulations adopted thereunder governing 79277
the following: 79278

(a) Eligibility requirements for the supplemental nutrition 79279
assistance program; 79280

(b) Sanctions for failure to comply with eligibility 79281
requirements; 79282

(c) Allotment of supplemental nutrition assistance program 79283
benefits; 79284

(d) To the extent permitted under federal statutes and 79285
regulations, a system under which some or all recipients of 79286
supplemental nutrition assistance program benefits subject to 79287
employment and training requirements established by rules adopted 79288
under division (A)(7) of this section receive the benefits after 79289
satisfying the requirements; 79290

(e) Administration of the program by county departments of 79291
job and family services; 79292

(f) Other requirements necessary for the efficient 79293

administration of the program. 79294

(9) Submit a plan to the United States secretary of 79295
agriculture for the department of job and family services to 79296
operate a simplified supplemental nutrition assistance program 79297
pursuant to 7 U.S.C. 2035 under which requirements governing the 79298
Ohio works first program established under Chapter 5107. of the 79299
Revised Code also govern the supplemental nutrition assistance 79300
program in the case of households receiving supplemental nutrition 79301
assistance program benefits and participating in Ohio works first. 79302

(B) A household that is entitled to receive supplemental 79303
nutrition assistance program benefits and that is determined to be 79304
in immediate need of nutrition assistance, shall receive 79305
certification of eligibility for program benefits, pending 79306
verification, within twenty-four hours, or, if mitigating 79307
circumstances occur, within seventy-two hours, after application, 79308
if: 79309

(1) The results of the application interview indicate that 79310
the household will be eligible upon full verification; 79311

(2) Information sufficient to confirm the statements in the 79312
application has been obtained from at least one additional source, 79313
not a member of the applicant's household. Such information shall 79314
be recorded in the case file, and shall include: 79315

(a) The name of the person who provided the name of the 79316
information source; 79317

(b) The name and address of the information source; 79318

(c) A summary of the information obtained. 79319

The period of temporary eligibility shall not exceed one 79320
month from the date of certification of temporary eligibility. If 79321
eligibility is established by full verification, benefits shall 79322
continue without interruption as long as eligibility continues. 79323

At the time of application, the county department of job and family services shall provide to a household described in this division a list of community assistance programs that provide emergency food.

(C) All applications shall be approved or denied through full verification within thirty days from receipt of the application by the county department of job and family services.

(D) Nothing in this section shall be construed to prohibit the certification of households that qualify under federal regulations to receive supplemental nutrition assistance program benefits without charge under the Food and Nutrition Act of 2008.

(E) Any person who applies for the supplemental nutrition assistance program shall receive a voter registration application under section 3503.10 of the Revised Code.

Sec. 5101.60. As used in sections 5101.60 to 5101.71 of the Revised Code:

(A) "Abuse" means the infliction upon an adult by self or others of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish.

(B) "Adult" means any person sixty years of age or older within this state who is handicapped by the infirmities of aging or who has a physical or mental impairment which prevents the person from providing for the person's own care or protection, and who resides in an independent living arrangement. An "independent living arrangement" is a domicile of a person's own choosing, including, but not limited to, a private home, apartment, trailer, or rooming house. An "independent living arrangement" includes a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, but does not

include other institutions or facilities licensed by the state or 79354
facilities in which a person resides as a result of voluntary, 79355
civil, or criminal commitment. 79356

(C) "Caretaker" means the person assuming the responsibility 79357
for the care of an adult on a voluntary basis, by contract, 79358
through receipt of payment for care, as a result of a family 79359
relationship, or by order of a court of competent jurisdiction. 79360

(D) "Court" means the probate court in the county where an 79361
adult resides. 79362

(E) "Emergency" means that the adult is living in conditions 79363
which present a substantial risk of immediate and irreparable 79364
physical harm or death to self or any other person. 79365

(F) "Emergency services" means protective services furnished 79366
to an adult in an emergency. 79367

(G) "Exploitation" means the unlawful or improper act of a 79368
caretaker using an adult or an adult's resources for monetary or 79369
personal benefit, profit, or gain when the caretaker obtained or 79370
exerted control over the adult or the adult's resources in any of 79371
the following ways: 79372

(1) Without the adult's consent or the consent of the person 79373
authorized to give consent on the adult's behalf; 79374

(2) Beyond the scope of the express or implied consent of the 79375
adult or the person authorized to give consent on the adult's 79376
behalf; 79377

(3) By deception; 79378

(4) By threat; 79379

(5) By intimidation. 79380

(H) "In need of protective services" means an adult known or 79381
suspected to be suffering from abuse, neglect, or exploitation to 79382
an extent that either life is endangered or physical harm, mental 79383

anguish, or mental illness results or is likely to result. 79384

(I) "Incapacitated person" means a person who is impaired for 79385
any reason to the extent that the person lacks sufficient 79386
understanding or capacity to make and carry out reasonable 79387
decisions concerning the person's self or resources, with or 79388
without the assistance of a caretaker. Refusal to consent to the 79389
provision of services shall not be the sole determinative that the 79390
person is incapacitated. "Reasonable decisions" are decisions made 79391
in daily living which facilitate the provision of food, shelter, 79392
clothing, and health care necessary for life support. 79393

(J) "Mental illness" means a substantial disorder of thought, 79394
mood, perception, orientation, or memory that grossly impairs 79395
judgment, behavior, capacity to recognize reality, or ability to 79396
meet the ordinary demands of life. 79397

(K) "Neglect" means the failure of an adult to provide for 79398
self the goods or services necessary to avoid physical harm, 79399
mental anguish, or mental illness or the failure of a caretaker to 79400
provide such goods or services. 79401

(L) "Peace officer" means a peace officer as defined in 79402
section 2935.01 of the Revised Code. 79403

(M) "Physical harm" means bodily pain, injury, impairment, or 79404
disease suffered by an adult. 79405

(N) "Protective services" means services provided by the 79406
county department of job and family services or its designated 79407
agency to an adult who has been determined by evaluation to 79408
require such services for the prevention, correction, or 79409
discontinuance of an act of as well as conditions resulting from 79410
abuse, neglect, or exploitation. Protective services may include, 79411
but are not limited to, case work services, medical care, mental 79412
health services, legal services, fiscal management, home health 79413
care, homemaker services, housing-related services, guardianship 79414

services, and placement services as well as the provision of such 79415
commodities as food, clothing, and shelter. 79416

(O) "Working day" means Monday, Tuesday, Wednesday, Thursday, 79417
and Friday, except when such day is a holiday as defined in 79418
section 1.14 of the Revised Code. 79419

Sec. 5101.61. (A) As used in this section: 79420

(1) "Senior service provider" means any person who provides 79421
care or services to a person who is an adult as defined in 79422
division (B) of section 5101.60 of the Revised Code. 79423

(2) "Ambulatory health facility" means a nonprofit, public or 79424
proprietary freestanding organization or a unit of such an agency 79425
or organization that: 79426

(a) Provides preventive, diagnostic, therapeutic, 79427
rehabilitative, or palliative items or services furnished to an 79428
outpatient or ambulatory patient, by or under the direction of a 79429
physician or dentist in a facility which is not a part of a 79430
hospital, but which is organized and operated to provide medical 79431
care to outpatients; 79432

(b) Has health and medical care policies which are developed 79433
with the advice of, and with the provision of review of such 79434
policies, an advisory committee of professional personnel, 79435
including one or more physicians, one or more dentists, if dental 79436
care is provided, and one or more registered nurses; 79437

(c) Has a medical director, a dental director, if dental care 79438
is provided, and a nursing director responsible for the execution 79439
of such policies, and has physicians, dentists, nursing, and 79440
ancillary staff appropriate to the scope of services provided; 79441

(d) Requires that the health care and medical care of every 79442
patient be under the supervision of a physician, provides for 79443
medical care in a case of emergency, has in effect a written 79444

agreement with one or more hospitals and other centers or clinics, 79445
and has an established patient referral system to other resources, 79446
and a utilization review plan and program; 79447

(e) Maintains clinical records on all patients; 79448

(f) Provides nursing services and other therapeutic services 79449
in accordance with programs and policies, with such services 79450
supervised by a registered professional nurse, and has a 79451
registered professional nurse on duty at all times of clinical 79452
operations; 79453

(g) Provides approved methods and procedures for the 79454
dispensing and administration of drugs and biologicals; 79455

(h) Has established an accounting and record keeping system 79456
to determine reasonable and allowable costs; 79457

(i) "Ambulatory health facilities" also includes an 79458
alcoholism treatment facility approved by the joint commission on 79459
accreditation of healthcare organizations as an alcoholism 79460
treatment facility or certified by the department of mental health 79461
and addiction services, and such facility shall comply with other 79462
provisions of this division not inconsistent with such 79463
accreditation or certification. 79464

(3) "Community mental health facility" means a facility which 79465
provides community mental health services and is included in the 79466
comprehensive mental health plan for the alcohol, drug addiction, 79467
and mental health service district in which it is located. 79468

(4) "Community mental health service" means services, other 79469
than inpatient services, provided by a community mental health 79470
facility. 79471

(5) "Home health agency" means an institution or a distinct 79472
part of an institution operated in this state which: 79473

(a) Is primarily engaged in providing home health services; 79474

(b) Has home health policies which are established by a group of professional personnel, including one or more duly licensed doctors of medicine or osteopathy and one or more registered professional nurses, to govern the home health services it provides and which includes a requirement that every patient must be under the care of a duly licensed doctor of medicine or osteopathy;

(c) Is under the supervision of a duly licensed doctor of medicine or doctor of osteopathy or a registered professional nurse who is responsible for the execution of such home health policies;

(d) Maintains comprehensive records on all patients;

(e) Is operated by the state, a political subdivision, or an agency of either, or is operated not for profit in this state and is licensed or registered, if required, pursuant to law by the appropriate department of the state, county, or municipality in which it furnishes services; or is operated for profit in this state, meets all the requirements specified in divisions (A)(5)(a) to (d) of this section, and is certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.

(6) "Home health service" means the following items and services, provided, except as provided in division (A)(6)(g) of this section, on a visiting basis in a place of residence used as the patient's home:

(a) Nursing care provided by or under the supervision of a registered professional nurse;

(b) Physical, occupational, or speech therapy ordered by the patient's attending physician;

(c) Medical social services performed by or under the supervision of a qualified medical or psychiatric social worker

and under the direction of the patient's attending physician;	79506
(d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse;	79507 79508 79509
(e) Medical supplies and the use of medical appliances;	79510
(f) Medical services of interns and residents-in-training under an approved teaching program of a nonprofit hospital and under the direction and supervision of the patient's attending physician;	79511 79512 79513 79514
(g) Any of the foregoing items and services which:	79515
(i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility;	79516 79517 79518
(ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient is there to receive any item or service involving the use of such equipment.	79519 79520 79521 79522 79523
Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, <u>certified Ohio behavior analyst</u> , any employee of a hospital as defined in section 3701.01 of the Revised Code, any nurse licensed under Chapter 4723. of the Revised Code, any employee of an ambulatory health facility, any employee of a home health agency, any employee of a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, any employee of a nursing home, residential care facility, or home for the aging, as defined in section 3721.01 of the Revised Code, any senior service provider, any peace officer, coroner, member of the clergy, any employee of a community mental health facility, and any person	79524 79525 79526 79527 79528 79529 79530 79531 79532 79533 79534 79535 79536

engaged in professional counseling, social work, or marriage and family therapy having reasonable cause to believe that an adult is being abused, neglected, or exploited, or is in a condition which is the result of abuse, neglect, or exploitation shall immediately report such belief to the county department of job and family services. This section does not apply to employees of any hospital or public hospital as defined in section 5122.01 of the Revised Code.

(B) Any person having reasonable cause to believe that an adult has suffered abuse, neglect, or exploitation may report, or cause reports to be made of such belief to the department.

(C) The reports made under this section shall be made orally or in writing except that oral reports shall be followed by a written report if a written report is requested by the department. Written reports shall include:

(1) The name, address, and approximate age of the adult who is the subject of the report;

(2) The name and address of the individual responsible for the adult's care, if any individual is, and if the individual is known;

(3) The nature and extent of the alleged abuse, neglect, or exploitation of the adult;

(4) The basis of the reporter's belief that the adult has been abused, neglected, or exploited.

(D) Any person with reasonable cause to believe that an adult is suffering abuse, neglect, or exploitation who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from such a report, or any employee of the state or any of its subdivisions who is discharging responsibilities under section 5101.62 of the Revised Code shall be immune from civil or criminal liability on account of such

investigation, report, or testimony, except liability for perjury, 79568
unless the person has acted in bad faith or with malicious 79569
purpose. 79570

(E) No employer or any other person with the authority to do 79571
so shall discharge, demote, transfer, prepare a negative work 79572
performance evaluation, or reduce benefits, pay, or work 79573
privileges, or take any other action detrimental to an employee or 79574
in any way retaliate against an employee as a result of the 79575
employee's having filed a report under this section. 79576

(F) ~~Neither the~~ The written or oral report provided for in 79577
this section ~~nor~~ and the investigatory report provided for in 79578
section 5101.62 of the Revised Code ~~shall be considered a~~ are 79579
confidential and are not public record records, as defined in 79580
section 149.43 of the Revised Code. ~~Information~~ In accordance with 79581
rules adopted by the department of job and family services, 79582
information contained in the report shall upon request be made 79583
available to the adult who is the subject of the report, ~~to~~ 79584
~~agencies authorized by the department to receive information~~ 79585
~~contained in the report,~~ and to legal counsel for the adult. 79586

(G) The county department of job and family services shall be 79587
available to receive the written or oral report provided for in 79588
this section twenty-four hours a day and seven days a week. 79589

Sec. 5101.611. (A) If a county department of job and family 79590
services knows or has reasonable cause to believe that the subject 79591
of a report made under section 5101.61 or of an investigation 79592
conducted under sections 5101.62 to 5101.64 ~~or on the initiative~~ 79593
~~of the department of the Revised Code is mentally retarded or~~ 79594
~~developmentally disabled~~ an individual with a developmental 79595
disability as defined in section 5126.01 of the Revised Code, the 79596
county department shall refer the case to the county board of 79597
developmental disabilities of that county for review pursuant to 79598

section 5126.31 of the Revised Code. 79599

If a county board of developmental disabilities refers a case 79600
to the county department of job and family services in accordance 79601
with section 5126.31, the county department of job and family 79602
services shall proceed with the case in accordance with sections 79603
5101.60 to 5101.71 of the Revised Code. 79604

(B) If a county department of job and family services knows 79605
or has reasonable cause to believe that the subject of a report 79606
made under section 5101.61 or of an investigation conducted under 79607
sections 5101.62 to 5101.64 of the Revised Code is a resident of a 79608
long-term care facility, as defined in section 173.14 of the 79609
Revised Code, the department shall refer the case to the office of 79610
the state long-term care ombudsman program for review pursuant to 79611
section 173.19 of the Revised Code. 79612

If the state ombudsman or regional long-term care ombudsman 79613
program refers a case to the county department of job and family 79614
services in accordance with rules adopted pursuant to section 79615
173.20 of the Revised Code, the county department shall proceed 79616
with the case in accordance with sections 5101.60 to 5101.71 of 79617
the Revised Code. 79618

(C) If a county department of job and family services knows 79619
or has reasonable cause to believe that the subject of a report 79620
made under section 5101.61 or of an investigation conducted under 79621
sections 5101.62 to 5101.64 of the Revised Code is a resident of a 79622
nursing home, as defined in section 3721.01 of the Revised Code, 79623
and has allegedly been abused, neglected, or exploited by an 79624
employee of the nursing home, the department shall refer the case 79625
to the department of health for investigation pursuant to section 79626
3721.031 of the Revised Code. 79627

(D) If a county department of job and family services knows 79628
or has reasonable cause to believe that the subject of a report 79629

made under section 5101.61 or of an investigation conducted under 79630
sections 5101.62 to 5101.64 of the Revised Code is a child, as 79631
defined in section 5153.01 of the Revised Code, the department 79632
shall refer the case to the public children services agency of 79633
that county. 79634

(E) A referral by the county department of job and family 79635
services of a case to another public regulatory agency or 79636
investigatory entity pursuant to this section shall be made in 79637
accordance with rules adopted by the department of job and family 79638
services. 79639

Sec. 5101.612. (A) The department of job and family services 79640
shall establish and maintain a uniform statewide automated adult 79641
protective services information system. The information system 79642
shall contain records regarding all of the following: 79643

(1) All reports of abuse, neglect, or exploitation of adults 79644
made to county departments of job and family services under 79645
section 5101.61 of the Revised Code; 79646

(2) Investigations conducted under section 5101.62 of the 79647
Revised Code; 79648

(3) Protective services provided to adults pursuant to 79649
sections 5101.60 to 5101.71 of the Revised Code; 79650

(4) Any other information related to adults in need of 79651
protective services that state or federal law, regulation, or rule 79652
requires the department or a county department to maintain. 79653

(B) The department shall plan implementation of the 79654
information system on a county-by-county basis. The department 79655
shall promptly notify all county departments of the initiation and 79656
completion of statewide implementation of the information system. 79657

(C) Except as provided in division (C)(3) of this section and 79658
in rules adopted by the department pursuant to that division: 79659

(1) The information contained in or obtained from the information system is confidential and is not subject to disclosure pursuant to section 149.43 or 1347.08 of the Revised Code. 79660
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(2) No person shall knowingly do either of the following: 79664

(a) Access or use information contained in the information system; 79665
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(b) Disclose information obtained from the information system. 79667
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(3) Information contained in the information system may be accessed or used only in a manner, to the extent, and for the purposes, authorized by rules adopted by the department. 79669
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Sec. 5101.62. The county department of job and family services or its designee shall be responsible for the investigation of all reports provided for in section 173.20 or 5101.61 and all cases referred to it under section 5126.31 of the Revised Code and for evaluating the need for and, to the extent of available funds, providing or arranging for the provision of protective services. ~~The department may designate another agency to perform the department's duties under this section.~~ 79672
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Investigation of the report provided for in section 5101.61 or a case referred to the department under section 5126.31 of the Revised Code shall be initiated within twenty-four hours after the department receives the report or case if any emergency exists; otherwise investigation shall be initiated within three working days. 79680
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Investigation of the need for protective services shall include a face-to-face visit with the adult who is the subject of the report, preferably in the adult's residence, and consultation with the person who made the report, if feasible, and agencies or 79686
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persons who have information about the adult's alleged abuse, 79690
neglect, or exploitation. 79691

The department shall give written notice of the intent of the 79692
investigation and an explanation of the notice in language 79693
reasonably understandable to the adult who is the subject of the 79694
investigation, at the time of the initial interview with that 79695
person. 79696

Upon completion of the investigation, the department shall 79697
determine from its findings whether or not the adult who is the 79698
subject of the report is in need of protective services. No adult 79699
shall be determined to be abused, neglected, or in need of 79700
protective services for the sole reason that, in lieu of medical 79701
treatment, the adult relies on or is being furnished spiritual 79702
treatment through prayer alone in accordance with the tenets and 79703
practices of a church or religious denomination of which the adult 79704
is a member or adherent. The department shall write a report which 79705
confirms or denies the need for protective services and states why 79706
it reached this conclusion. 79707

Sec. 5101.621. (A) Each county department of job and family 79708
services shall prepare a memorandum of understanding that is 79709
signed by all of the following: 79710

(1) The director of the county department of job and family 79711
services; 79712

(2) If the county department has entered into an interagency 79713
agreement with a local agency pursuant to section 5101.622 of the 79714
Revised Code, the director of the local agency; 79715

(3) The county peace officer; 79716

(4) All chief municipal peace officers within the county; 79717

(5) Other law enforcement officers handling adult abuse, 79718
neglect, and exploitation cases in the county; 79719

(6) The prosecuting attorney of the county; 79720

(7) The coroner of the county. 79721

(B) The memorandum of understanding shall set forth the 79722
procedures to be followed by the persons listed in division (A) of 79723
this section in the execution of their respective responsibilities 79724
related to cases of adult abuse, neglect, and exploitation. The 79725
memorandum of understanding shall establish all of the following: 79726

(1) An interdisciplinary team to coordinate efforts related 79727
to the prevention, reporting, and treatment of abuse, neglect, and 79728
exploitation of adults; 79729

(2) The roles and responsibilities for handling cases that 79730
have been referred by the county department to another agency 79731
pursuant to section 5101.611 of the Revised Code; 79732

(3) The roles and responsibilities for filing criminal 79733
charges against persons alleged to have abused, neglected, or 79734
exploited adults. 79735

Failure to follow the procedure set forth in the memorandum 79736
of understanding is not grounds for, and shall not result in, the 79737
dismissal of any charge or complaint arising from a report of 79738
abuse, neglect, or exploitation or the suppression of any evidence 79739
obtained as a result of a report of abuse, neglect, or 79740
exploitation and does not give any rights or grounds for appeal or 79741
post-conviction relief to any person. 79742

(C) The memorandum of understanding may, in addition, be 79743
signed by any of the following persons who are also members of the 79744
interdisciplinary team described in division (B)(1) of this 79745
section: 79746

(1) A representative of the area agency on aging, as defined 79747
in section 173.14 of the Revised Code; 79748

(2) The regional long-term care ombudsman; 79749

(3) A representative of the board of alcohol, drug addiction, and mental health services; 79750
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(4) A representative of the board of health of a city or general health district; 79752
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(5) A representative of the county board of developmental disabilities; 79754
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(6) A representative of a victim assistance program; 79756

(7) A representative of a local housing authority; 79757

(8) Any other person whose participation furthers the goals of the memorandum of understanding. 79758
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Sec. 5101.622. The county department of job and family services may enter into an agreement or contract with another person or government entity to perform the following duties: 79760
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(A) In accordance with division (G) of section 5101.61 of the Revised Code, receive reports made under that section; 79763
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(B) Perform the county department's duties under section 5101.62 of the Revised Code; 79765
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(C) Petition the court pursuant to section 5101.65 or 5101.69 of the Revised Code for an order authorizing the provision of protective services. 79767
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Sec. 5101.69. (A) Upon petition by the county department of ~~human~~ job and family services or its designee, the court may issue an order authorizing the provision of protective services on an emergency basis to an adult. The petition for any emergency order shall include all of the following: 79770
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(1) The name, age, and address of the adult in need of protective services; 79775
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(2) The nature of the emergency; 79777

(3) The proposed protective services; 79778

(4) The petitioner's reasonable belief, together with facts 79779
supportive thereof, as to the existence of the circumstances 79780
described in divisions (D)(1) to (3) of this section; 79781

(5) Facts showing the petitioner's attempts to obtain the 79782
adult's consent to the protective services. 79783

(B) Notice of the filing and contents of the petition 79784
provided for in division (A) of this section, the rights of the 79785
person in the hearing provided for in division (C) of this 79786
section, and the possible consequences of a court order, shall be 79787
given to the adult. Notice shall also be given to the spouse of 79788
the adult or, if ~~he~~ the adult has none, to ~~his~~ the adult's adult 79789
children or next of kin, and ~~his~~ the adult's guardian, if any, if 79790
~~his~~ the guardian's whereabouts are known. The notice shall be 79791
given in language reasonably understandable to its recipients at 79792
least twenty-four hours prior to the hearing provided for in this 79793
section. The court may waive the twenty-four ~~hour~~ hours' notice 79794
~~requirement~~ requirement upon a showing that both of the following 79795
are the case: 79796

(1) Immediate and irreparable physical harm or immediate and 79797
irreparable financial harm to the adult or others will result from 79798
the twenty-four hour delay; ~~and~~ 79799

(2) Reasonable attempts have been made to notify the adult, 79800
~~his~~ the adult's spouse, or, if ~~he~~ the adult has none, ~~his~~ the 79801
adult's adult children or next of kin, if any, and ~~his~~ the adult's 79802
guardian, if any, if ~~his~~ the guardian's whereabouts are known. 79803

Notice of the court's determination shall be given to all 79804
persons receiving notice of the filing of the petition provided 79805
for in this division. 79806

(C) Upon receipt of a petition for an order for emergency 79807
services, the court shall hold a hearing no sooner than 79808

twenty-four and no later than seventy-two hours after the notice 79809
provided for in division (B) of this section has been given, 79810
unless the court has waived the notice. The adult who is the 79811
subject of the petition shall have the right to be present at the 79812
hearing, present evidence, and examine and cross-examine 79813
witnesses. 79814

(D) The court shall issue an order authorizing the provision 79815
of protective services on an emergency basis if it finds, on the 79816
basis of clear and convincing evidence, ~~that~~ all of the following: 79817

(1) The adult is an incapacitated person; 79818

(2) An emergency exists; 79819

(3) No person authorized by law or court order to give 79820
consent for the adult is available or willing to consent to 79821
emergency services. 79822

(E) In issuing an emergency order, the court shall adhere to 79823
the following limitations: 79824

(1) The court shall order only such protective services as 79825
are necessary and available locally to remove the conditions 79826
creating the emergency, and the court shall specifically designate 79827
those protective services the adult shall receive; 79828

(2) The court shall not order any change of residence under 79829
this section unless the court specifically finds that a change of 79830
residence is necessary; 79831

(3) The court may order emergency ~~services~~ services only for 79832
fourteen days. The county department or its designee may petition 79833
the court for a renewal of the order for a fourteen-day period 79834
upon a showing that continuation of the order is necessary to 79835
remove the emergency. 79836

(4) In its order the court shall authorize the director of 79837
the county department ~~or his,~~ the director's designee, or a 79838

representative of the department's designee to give consent for 79839
the person for the approved emergency services until the 79840
expiration of the order; 79841

(5) The court shall not order a person to a hospital or 79842
public hospital as defined in section 5122.01 of the Revised Code. 79843

(F) If the county department or its designee determines that 79844
the adult continues to need protective services after the order 79845
provided for in division (D) of this section has expired, the 79846
county department or its designee may petition the court for an 79847
order to continue protective services, pursuant to section 5101.65 79848
of the Revised Code. After the filing of the petition, the county 79849
department or its designee may continue to provide protective 79850
services pending a hearing by the court. 79851

Sec. 5101.691. (A) A court, through a probate judge or a 79852
magistrate under the direction of a probate judge, may issue by 79853
telephone an ex parte emergency order authorizing the provision of 79854
protective services, including the relief available under division 79855
(B) of section 5101.692 of the Revised Code, to an adult on an 79856
emergency basis if all of the following are the case: 79857

(1) The court receives notice from the county department of 79858
job and family services, an authorized employee of the county 79859
department, the department's designee, or an authorized employee 79860
of the department's designee, that the county department, 79861
designee, or employee believes an emergency order is needed as 79862
described in this section. 79863

(2) There is reasonable cause to believe that the adult is 79864
incapacitated. 79865

(3) There is reasonable cause to believe that there is a 79866
substantial risk to the adult of immediate and irreparable 79867
physical harm, immediate and irreparable financial harm, or death. 79868

(B)(1) The judge or magistrate shall journalize any order issued under this section. 79869
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(2) An order issued under this section shall be in effect for not longer than twenty-four hours, except that if the day following the day on which the order is issued is not a working day, the order shall remain in effect until the next working day. 79871
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(C)(1) Except as provided in division (C)(2) of this section, not later than twenty-four hours after an order is issued under this section, a petition shall be filed with the court in accordance with division (A) of section 5101.69 of the Revised Code. 79875
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(2) If the day following the day on which the order was issued is not a working day, the petition shall be filed with the court on the next working day. 79880
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(3) Except as provided in section 5101.692 of the Revised Code, proceedings on the petition shall be conducted in accordance with section 5101.69 of the Revised Code. 79883
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Sec. 5101.692. (A) If an order is issued pursuant to section 5101.691 of the Revised Code, the court shall hold a hearing not later than twenty-four hours after the issuance to determine whether there is probable cause for the order, except that if the day following the day on which the order is issued is not a working day, the court shall hold the hearing on the next working day. 79886
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(B) At the hearing, the court: 79893

(1) Shall determine whether protective services are the least restrictive alternative available for meeting the adult's needs; 79894
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(2) May issue temporary orders to protect the adult from immediate and irreparable physical harm or immediate and irreparable financial harm, including, but not limited to, 79896
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temporary protection orders, evaluations, and orders requiring a party to vacate the adult's place of residence or legal settlement; 79899
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(3) May order emergency services; 79902

(4) May freeze the financial assets of the adult. 79903

(C) A temporary order issued pursuant to division (B)(2) of this section is effective for thirty days. The court may renew the order for an additional thirty-day period. 79904
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Information contained in the order may be entered into the law enforcement automated data system. 79907
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Sec. 5101.71. (A) The county departments of job and family services shall implement sections 5101.60 to 5101.71 of the Revised Code. The department of job and family services ~~may~~ shall provide a program of ongoing, comprehensive, formal training ~~to county departments and other agencies authorized to implement~~ regarding the implementation of sections 5101.60 to 5101.71 of the Revised Code and require all adult protective services caseworkers and their supervisors to undergo the training. Training shall not be limited to the procedures for implementing section 5101.62 of the Revised Code. The department of job and family services shall adopt any rules it deems necessary regarding the training. 79909
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(B) The director of job and family services may adopt rules in accordance with section 111.15 of the Revised Code ~~governing the county departments' implementation to carry out the purposes~~ of sections 5101.60 to 5101.71 of the Revised Code. The rules adopted pursuant to this division may include a requirement that the county departments provide on forms prescribed by the rules a plan of proposed expenditures, and a report of actual expenditures, of funds necessary to implement sections 5101.60 to 5101.71 of the Revised Code and other requirements for intake 79920
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procedures, investigations, case management, and the provision of 79929
protective services. 79930

Sec. 5101.72. The department of job and family services, ~~to~~ 79931
~~the extent of available funds,~~ may reimburse county departments of 79932
job and family services for all or part of the costs they incur in 79933
implementing sections 5101.60 to 5101.71 of the Revised Code. The 79934
director of job and family services shall adopt internal 79935
management rules in accordance with section 111.15 of the Revised 79936
Code that provide for reimbursement of county departments of job 79937
and family services under this section. 79938

The director shall adopt internal management rules in 79939
accordance with section 111.15 of the Revised Code that do both of 79940
the following: 79941

(A) Implement sections 5101.60 to 5101.71 of the Revised 79942
Code; 79943

(B) Require the county departments to collect and submit to 79944
the department, or ensure that a designated agency collects and 79945
submits to the department, data concerning the implementation of 79946
sections 5101.60 to 5101.71 of the Revised Code. 79947

Sec. 5101.91. (A) As used in sections 5101.91 and 5101.92 of 79948
the Revised Code: 79949

(1) "Political subdivision" has the same meaning as in 79950
section 2744.01 of the Revised Code. 79951

(2) "Publicly funded assistance program" means any physical 79952
health, behavioral health, social, employment, education, housing, 79953
or similar program funded or provided by the state or a political 79954
subdivision of the state. 79955

(B) There is hereby created the Ohio healthier buckeye 79956
advisory council in the department of job and family services. The 79957

council shall meet at the discretion of the director of job and family services and shall consist of the following members:

(1) Five members representing affected local private employers or local faith-based, charitable, nonprofit, or public entities or individuals participating in the healthier buckeye grant program, appointed by the governor;

(2) Two members of the senate, one from the majority party and one from the minority party, appointed by the president of the senate;

(3) Two members of the house of representatives, one from the majority party and one from the minority party, appointed by the speaker of the house of representatives;

(4) One member representing the judicial branch of government, appointed by the chief justice of the supreme court;

(5) Additional members representing any other entities or organizations the director of job and family services determines are necessary, appointed by the governor.

(C) Initial appointments to the council shall be made not later than thirty days after ~~the effective date of this section~~ September 15, 2014.

A member shall serve at the pleasure of the member's appointing authority. Members may be reappointed to the council. Vacancies on the council shall be filled in the same manner as the original appointments.

(D) The director of job and family services shall serve as chairperson of the council.

(E) The department of job and family services shall provide administrative assistance to the council.

(F) Members shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the

performance of their official duties. 79988

(G) Annually, the Ohio healthier buckeye advisory council 79989
shall submit a report to the governor and, in accordance with 79990
section 101.68 of the Revised Code, to the general assembly. Each 79991
report shall contain a description of the council's activities for 79992
the preceding year and any other information the council considers 79993
appropriate to include in the report. 79994

Sec. 5101.92. The Ohio healthier buckeye advisory council ~~may~~ 79995
shall do all of the following: 79996

(A) Develop the means by which ~~county~~ local healthier buckeye 79997
councils established under section 355.02 of the Revised Code may 79998
reduce the reliance of individuals on publicly funded assistance 79999
programs as provided in section 355.03 of the Revised Code; 80000

~~(B) Recommend to the director of job and family services~~ 80001
~~eligibility criteria, application processes, and maximum grant~~ 80002
~~amounts for the Ohio healthier buckeye grant program~~ Provide 80003
assistance in the establishment of local healthier buckeye 80004
councils under Chapter 355. of the Revised Code; 80005

~~(C) Not later than December 1, 2015, submit to the director~~ 80006
~~recommendations for doing all of the following:~~ 80007

~~(1) Coordinating services across all public assistance~~ 80008
~~programs to help individuals find employment, succeed at work, and~~ 80009
~~stay out of poverty;~~ 80010

~~(2) Revising incentives for public assistance programs to~~ 80011
~~foster person-centered case management;~~ 80012

~~(3) Standardizing and automating eligibility determination~~ 80013
~~policies and processes for public assistance programs~~ Identify 80014
barriers and gaps to achieving greater financial independence for 80015
individuals and families, and provide advice to remove those 80016
barriers and gaps; 80017

<u>(D) Collect, analyze, and report performance measure</u>	80018
<u>information.</u>	80019
Sec. 5101.99. (A) Whoever violates division (A) or (B) of	80020
section 5101.61 of the Revised Code shall be fined not more than	80021
five hundred dollars.	80022
(B) Whoever violates division (A) of section 5101.27 of the	80023
Revised Code is guilty of a misdemeanor of the first degree.	80024
(C) Whoever violates section 5101.133 <u>or division (C)(2) of</u>	80025
<u>section 5101.612</u> of the Revised Code is guilty of a misdemeanor of	80026
the fourth degree.	80027
Sec. 5104.01. As used in this chapter:	80028
(A) "Administrator" means the person responsible for the	80029
daily operation of a center, type A home, or type B home. The	80030
administrator and the owner may be the same person.	80031
(B) "Approved child day camp" means a child day camp approved	80032
pursuant to section 5104.22 of the Revised Code.	80033
(C) "Border state child care provider" means a child care	80034
provider that is located in a state bordering Ohio and that is	80035
licensed, certified, or otherwise approved by that state to	80036
provide child care.	80037
(D) "Career pathways model" means an alternative pathway to	80038
meeting the requirements to be a child-care staff member or	80039
administrator that does both of the following:	80040
(1) Uses a framework approved by the director of job and	80041
family services to document formal education, training,	80042
experience, and specialized credentials and certifications;	80043
(2) Allows the child-care staff member or administrator to	80044
achieve a designation as an early childhood professional level	80045
one, two, three, four, five, or six.	80046

(E) "Caretaker parent" means the father or mother of a child 80047
whose presence in the home is needed as the caretaker of the 80048
child, a person who has legal custody of a child and whose 80049
presence in the home is needed as the caretaker of the child, a 80050
guardian of a child whose presence in the home is needed as the 80051
caretaker of the child, and any other person who stands in loco 80052
parentis with respect to the child and whose presence in the home 80053
is needed as the caretaker of the child. 80054

(F) "Chartered nonpublic school" means a school that meets 80055
standards for nonpublic schools prescribed by the state board of 80056
education for nonpublic schools pursuant to section 3301.07 of the 80057
Revised Code. 80058

(G) "Child" includes an infant, toddler, preschool-age child, 80059
or school-age child. 80060

(H) "Child care block grant act" means the "Child Care and 80061
Development Block Grant Act of 1990," established in section 5082 80062
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 80063
1388-236 (1990), 42 U.S.C. 9858, as amended. 80064

(I) "Child day camp" means a program in which only school-age 80065
children attend or participate, that operates for no more than 80066
seven hours per day, that operates only during one or more public 80067
school district's regular vacation periods or for no more than 80068
fifteen weeks during the summer, and that operates outdoor 80069
activities for each child who attends or participates in the 80070
program for a minimum of fifty per cent of each day that children 80071
attend or participate in the program, except for any day when 80072
hazardous weather conditions prevent the program from operating 80073
outdoor activities for a minimum of fifty per cent of that day. 80074
For purposes of this division, the maximum seven hours of 80075
operation time does not include transportation time from a child's 80076
home to a child day camp and from a child day camp to a child's 80077
home. 80078

(J) "Child care" means ~~administering~~ all of the following: 80079

(1) Administering to the needs of infants, toddlers, 80080
preschool-age children, and school-age children outside of school 80081
hours ~~by~~i 80082

(2) By persons other than their parents ~~or~~, guardians, or 80083
custodians, ~~or relatives by blood, marriage, or adoption for~~i 80084

(3) For any part of the twenty-four-hour day ~~in~~i 80085

(4) In a place ~~or residence~~ other than a child's own home, 80086
except that an in-home aide provides child care in the child's own 80087
home. 80088

(K) "Child day-care center" and "center" mean any place in 80089
which child care or publicly funded child care is provided for 80090
thirteen or more children at one time or any place that is not the 80091
permanent residence of the licensee or administrator in which 80092
child care or publicly funded child care is provided for seven to 80093
twelve children at one time. In counting children for the purposes 80094
of this division, any children under six years of age who are 80095
related to a licensee, administrator, or employee and who are on 80096
the premises of the center shall be counted. "Child day-care 80097
center" and "center" do not include any of the following: 80098

(1) A place located in and operated by a hospital, as defined 80099
in section 3727.01 of the Revised Code, in which the needs of 80100
children are administered to, if all the children whose needs are 80101
being administered to are monitored under the on-site supervision 80102
of a physician licensed under Chapter 4731. of the Revised Code or 80103
a registered nurse licensed under Chapter 4723. of the Revised 80104
Code, and the services are provided only for children who, in the 80105
opinion of the child's parent, guardian, or custodian, are 80106
exhibiting symptoms of a communicable disease or other illness or 80107
are injured; 80108

(2) A child day camp; 80109

(3) A place that provides child care, but not publicly funded child care, if all of the following apply:	80110 80111
(a) An organized religious body provides the child care;	80112
(b) A parent, custodian, or guardian of at least one child receiving child care is on the premises and readily accessible at all times;	80113 80114 80115
(c) The child care is not provided for more than thirty days a year;	80116 80117
(d) The child care is provided only for preschool-age and school-age children.	80118 80119
(L) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	80120 80121 80122
(M) "Child care resource and referral services" means all of the following services:	80123 80124
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	80125 80126 80127
(2) Provision of individualized consumer education to families seeking child care;	80128 80129
(3) Provision of timely referrals of available child care providers to families seeking child care;	80130 80131
(4) Recruitment of child care providers;	80132
(5) Assistance in the development, conduct, and dissemination of training for child care providers and provision of technical assistance to current and potential child care providers, employers, and the community;	80133 80134 80135 80136
(6) Collection and analysis of data on the supply of and demand for child care in the community;	80137 80138

(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	80139 80140 80141
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	80142 80143 80144
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	80145 80146
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	80147 80148 80149 80150
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care homes.	80151 80152 80153 80154
(N) "Child-care staff member" means an employee of a child day-care center or type A family day-care home who is primarily responsible for the care and supervision of children. The administrator may be a part-time child-care staff member when not involved in other duties.	80155 80156 80157 80158 80159
(O) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.	80160 80161 80162 80163
(P) "Employee" means a person who either:	80164
(1) Receives compensation for duties performed in a child day-care center or type A family day-care home;	80165 80166
(2) Is assigned specific working hours or duties in a child day-care center or type A family day-care home.	80167 80168

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

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

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(S) "Head start program" means a comprehensive child development program serving birth to three years old and preschool-age children that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as amended, and is licensed as a child day-care center.

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

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(U) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center's type A family day-care home's, or licensed type B family day-care home's compliance with licensing requirements.

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(V) "Infant" means a child who is less than eighteen months of age.

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

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chapter and any rules adopted under it. 80200

(X) "Instrument-based program monitoring information system" 80201
means a method to assess compliance with licensing requirements 80202
for child day-care centers, type A family day-care homes, and 80203
licensed type B family day-care homes in which each licensing 80204
requirement is assigned a weight indicative of the relative 80205
importance of the requirement to the health, growth, and safety of 80206
the children that is used to develop an indicator checklist. 80207

(Y) "License capacity" means the maximum number in each age 80208
category of children who may be cared for in a child day-care 80209
center or type A family day-care home at one time as determined by 80210
the director of job and family services considering building 80211
occupancy limits established by the department of commerce, amount 80212
of available indoor floor space and outdoor play space, and amount 80213
of available play equipment, materials, and supplies. For the 80214
purposes of a provisional license issued under this chapter, the 80215
director shall also consider the number of available child-care 80216
staff members when determining "license capacity" for the 80217
provisional license. 80218

(Z) "Licensed child care program" means any of the following: 80219

(1) A child day-care center licensed by the department of job 80220
and family services pursuant to this chapter; 80221

(2) A type A family day-care home or type B family day-care 80222
home licensed by the department of job and family services 80223
pursuant to this chapter; 80224

(3) A licensed preschool program or licensed school child 80225
program. 80226

(AA) "Licensed preschool program" or "licensed school child 80227
program" means a preschool program or school child program, as 80228
defined in section 3301.52 of the Revised Code, that is licensed 80229
by the department of education pursuant to sections 3301.52 to 80230

3301.59 of the Revised Code. 80231

(BB) "Licensed type B family day-care home" and "licensed 80232
type B home" mean a type B family day-care home for which there is 80233
a valid license issued by the director of job and family services 80234
pursuant to section 5104.03 of the Revised Code. 80235

(CC) "Licensee" means the owner of a child day-care center, 80236
type A family day-care home, or type B family day-care home that 80237
is licensed pursuant to this chapter and who is responsible for 80238
ensuring its compliance with this chapter and rules adopted 80239
pursuant to this chapter. 80240

(DD) "Operate a child day camp" means to operate, establish, 80241
manage, conduct, or maintain a child day camp. 80242

(EE) "Owner" includes a person, as defined in section 1.59 of 80243
the Revised Code, ~~or~~ government entity, firm, organization, 80244
institution, agency, as well as any individual governing board 80245
members, partners, incorporators, agents, or authorized 80246
representatives of the owner. 80247

(FF) "Parent cooperative child day-care center," "parent 80248
cooperative center," "parent cooperative type A family day-care 80249
home," and "parent cooperative type A home" mean a corporation or 80250
association organized for providing educational services to the 80251
children of members of the corporation or association, without 80252
gain to the corporation or association as an entity, in which the 80253
services of the corporation or association are provided only to 80254
children of the members of the corporation or association, 80255
ownership and control of the corporation or association rests 80256
solely with the members of the corporation or association, and at 80257
least one parent-member of the corporation or association is on 80258
the premises of the center or type A home during its hours of 80259
operation. 80260

(GG) "Part-time child day-care center," "part-time center," 80261

"part-time type A family day-care home," and "part-time type A home" mean a center or type A home that provides child care or publicly funded child care for ~~no~~ not more than four hours a day for any child or not more than fifteen consecutive weeks per year, regardless of the number of hours per day.

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

(II) "Preschool-age child" means a child who is three years old or older but is not a school-age child.

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

(1) A case plan prepared and maintained for the child pursuant to section 2151.412 of the Revised Code indicates a need for protective care and the child resides with a parent, stepparent, guardian, or another person who stands in loco parentis as defined in rules adopted under section 5104.38 of the Revised Code;

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

(KK) "Publicly funded child care" means administering to the needs of infants, toddlers, preschool-age children, and school-age children under age thirteen during any part of the twenty-four-hour day by persons other than their caretaker parents for remuneration wholly or in part with federal or state funds, including funds available under the child care block grant act,

Title IV-A, and Title XX, distributed by the department of job and family services. 80293
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(LL) "Religious activities" means any of the following: 80295
worship or other religious services; religious instruction; Sunday 80296
school classes or other religious classes conducted during or 80297
prior to worship or other religious services; youth or adult 80298
fellowship activities; choir or other musical group practices or 80299
programs; meals; festivals; or meetings conducted by an organized 80300
religious group. 80301

(MM) "School-age child" means a child who is enrolled in or 80302
is eligible to be enrolled in a grade of kindergarten or above but 80303
is less than fifteen years old. 80304

(NN) "School-age child care center" and "school-age child 80305
type A home" mean a center or type A home that provides child care 80306
for school-age children only and that does either or both of the 80307
following: 80308

(1) Operates only during that part of the day that 80309
immediately precedes or follows the public school day of the 80310
school district in which the center or type A home is located; 80311

(2) Operates only when the public schools in the school 80312
district in which the center or type A home is located are not 80313
open for instruction with pupils in attendance. 80314

(OO) "Serious risk noncompliance" means a licensure or 80315
certification rule violation that leads to a great risk of harm 80316
to, or death of, a child, and is observable, not inferable. 80317

(PP) "State median income" means the state median income 80318
calculated by the department of development pursuant to division 80319
(A)(1)(g) of section 5709.61 of the Revised Code. 80320

(QQ) "Title IV-A" means Title IV-A of the "Social Security 80321
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 80322

(RR) "Title XX" means Title XX of the "Social Security Act," 80323
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 80324

(SS) "Toddler" means a child who is at least eighteen months 80325
of age but less than three years of age. 80326

(TT) "Type A family day-care home" and "type A home" mean a 80327
permanent residence of the administrator in which child care or 80328
publicly funded child care is provided for seven to twelve 80329
children at one time or a permanent residence of the administrator 80330
in which child care is provided for four to twelve children at one 80331
time if four or more children at one time are under two years of 80332
age. In counting children for the purposes of this division, any 80333
children under six years of age who are related to a licensee, 80334
administrator, or employee and who are on the premises of the type 80335
A home shall be counted. "Type A family day-care home" and "type A 80336
home" do not include any child day camp. 80337

(UU) "Type B family day-care home" and "type B home" mean a 80338
permanent residence of the provider in which child care is 80339
provided for one to six children at one time and in which no more 80340
than three children are under two years of age at one time. In 80341
counting children for the purposes of this division, any children 80342
under six years of age who are related to the provider and who are 80343
on the premises of the type B home shall be counted. "Type B 80344
family day-care home" and "type B home" do not include any child 80345
day camp. 80346

Sec. 5104.013. (A)(1) At the times specified in division 80347
(A)(3) of this section, the director of job and family services, 80348
as part of the process of licensure of child day-care centers, 80349
type A family day-care homes, and ~~licensed~~ type B family day-care 80350
homes shall request the superintendent of the bureau of criminal 80351
identification and investigation to conduct a criminal records 80352
check with respect to the following persons: 80353

(a) Any owner, licensee, or administrator of a ~~child day care~~ center; 80354
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(b) Any owner, licensee, or administrator of a type A ~~family day care~~ home or type B home and any person eighteen years of age or older who resides in a type A ~~family day care~~ home; 80356
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~~(c) Any administrator of a licensed type B family day care home and any person eighteen years of age or older who resides in a licensed type B family day care home or type B home.~~ 80359
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(2) At the time specified in division (A)(3) of this section, the director of a county department of job and family services, as part of the process of certification of in-home aides, shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any in-home aide. 80362
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(3) The director of job and family services shall request a criminal records check pursuant to division (A)(1) of this section at the time of the initial application for licensure and every five years thereafter. The director of a county department of job and family services shall request a criminal records check pursuant to division (A)(2) of this section at the time of the initial application for certification and every five years thereafter. When the director of job and family services or the director of a county department of job and family services requests pursuant to division (A)(1) or (2) of this section a criminal records check for a person at the time of the person's initial application for licensure or certification, the director shall request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as a part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. In all other 80368
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cases in which the director of job and family services or the 80386
director of a county department of job and family services 80387
requests a criminal records check for an applicant pursuant to 80388
division (A)(1) or (2) of this section, the director may request 80389
that the superintendent include information from the federal 80390
bureau of investigation in the criminal records check, including 80391
fingerprint-based checks of national crime information databases 80392
as described in 42 U.S.C. 671. 80393

(4) The director of job and family services shall review the 80394
results of a criminal records check subsequent to a request made 80395
pursuant to divisions (A)(1) and (3) of this section prior to 80396
approval of a license. The director of a county department of job 80397
and family services shall review the results of a criminal records 80398
check subsequent to a request made pursuant to divisions (A)(2) 80399
and (3) of this section prior to approval of certification. 80400

(B) The director of job and family services or the director 80401
of a county department of job and family services shall provide to 80402
each person for whom a criminal records check is required under 80403
this section a copy of the form prescribed pursuant to division 80404
(C)(1) of section 109.572 of the Revised Code and a standard 80405
impression sheet to obtain fingerprint impressions prescribed 80406
pursuant to division (C)(2) of that section, obtain the completed 80407
form and impression sheet from that person, and forward the 80408
completed form and impression sheet to the superintendent of the 80409
bureau of criminal identification and investigation. 80410

(C) A person who receives pursuant to division (B) of this 80411
section a copy of the form and standard impression sheet described 80412
in that division and who is requested to complete the form and 80413
provide a set of fingerprint impressions shall complete the form 80414
or provide all the information necessary to complete the form and 80415
shall provide the impression sheet with the impressions of the 80416
person's fingerprints. If the person, upon request, fails to 80417

provide the information necessary to complete the form or fails to 80418
provide impressions of the person's fingerprints, the director may 80419
consider the failure as a reason to deny licensure or 80420
certification. 80421

(D) Except as provided in rules adopted under division ~~(G)~~(N) 80422
of this section,~~the~~: 80423

(1) The director of job and family services shall not grant a 80424
license to a ~~child day care center~~, type A ~~family day care home~~, 80425
or type B ~~family day care home~~ and a county director of job and 80426
family services shall not certify an in-home aide if a person for 80427
whom a criminal records check was required in connection with the 80428
center or home previously has been convicted of or pleaded guilty 80429
to any of the violations described in division (A)(5) of section 80430
109.572 of the Revised Code. 80431

(2) The director of job and family services shall not grant a 80432
license to a type A home or type B home if a resident of the type 80433
A home or type B home is under eighteen years of age and has been 80434
adjudicated a delinquent child for committing a violation of any 80435
section listed in division (A)(5) of section 109.572 of the 80436
Revised Code. 80437

(E) Each ~~child day care center~~, type A ~~family day care home~~, 80438
and type B ~~family day care home~~ shall pay to the bureau of 80439
criminal identification and investigation the fee prescribed 80440
pursuant to division (C)(3) of section 109.572 of the Revised Code 80441
for each criminal records check conducted in accordance with that 80442
section upon a request made pursuant to division (A) of this 80443
section. 80444

(F)(1) At the times specified in division (F)(2) of this 80445
section, the administrator of a center, type A home or licensed 80446
type B home shall request the superintendent of the bureau of 80447
criminal identification and investigation to conduct a criminal 80448

records check with respect to any applicant who has applied to the center, type A home, or licensed type B home for employment. 80449
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(2) The administrator shall request a criminal records check pursuant to division (F)(1) of this section at the time of the applicant's initial application for employment and every five years thereafter. When the administrator requests pursuant to division (F)(1) of this section a criminal records check for an applicant at the time of the applicant's initial application for employment, the administrator shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check for the applicant, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check. In all other cases in which the administrator requests a criminal records check for an applicant pursuant to division (F)(1) of this section, the administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671. 80451
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(G) Any person required by division (F) of this section to request a criminal records check shall inform each person, at the time of the person's initial application for employment, that the person is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for that position. 80470
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(H) A person required by division (F) of this section to request a criminal records check shall provide to each applicant a 80479
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copy of the form prescribed pursuant to division (C)(1) of section 80481
109.572 of the Revised Code, provide to each applicant a standard 80482
impression sheet to obtain fingerprint impressions prescribed 80483
pursuant to division (C)(2) of section 109.572 of the Revised 80484
Code, obtain the completed form and impression sheet from each 80485
applicant, and forward the completed form and impression sheet to 80486
the superintendent of the bureau of criminal identification and 80487
investigation at the time the person requests a criminal records 80488
check pursuant to division (F) of this section. 80489

(I) An applicant who receives pursuant to division (H) of 80490
this section a copy of the form prescribed pursuant to division 80491
(C)(1) of section 109.572 of the Revised Code and a copy of an 80492
impression sheet prescribed pursuant to division (C)(2) of that 80493
section and who is requested to complete the form and provide a 80494
set of fingerprint impressions shall complete the form or provide 80495
all the information necessary to complete the form and shall 80496
provide the impression sheet with the impressions of the 80497
applicant's fingerprints. If an applicant, upon request, fails to 80498
provide the information necessary to complete the form or fails to 80499
provide impressions of the applicant's fingerprints, the center or 80500
type A home shall not employ that applicant for any position for 80501
which a criminal records check is required by division (F) of this 80502
section. 80503

(J)(1) Except as provided in rules adopted under division (N) 80504
of this section, no center, type A home, or licensed type B home 80505
shall employ or contract with another entity for the services of a 80506
person if the person previously has been convicted of or pleaded 80507
guilty to any of the violations described in division (A)(5) of 80508
section 109.572 of the Revised Code. 80509

(2) A center, type A home, or licensed type B home may employ 80510
an applicant conditionally until the criminal records check 80511
required by this section is completed and the center or home 80512

receives the results of the criminal records check. If the results 80513
of the criminal records check indicate that, pursuant to division 80514
(J)(1) of this section, the applicant does not qualify for 80515
employment, the center, type A home, or licensed type B home shall 80516
release the applicant from employment. 80517

(3) The administrator of a center, type A home, or licensed 80518
type B home shall review the results of the criminal records check 80519
before an applicant has sole responsibility for the care, custody, 80520
or control of any child. 80521

(K)(1) Each center, type A home, and licensed type B home 80522
shall pay to the bureau of criminal identification and 80523
investigation the fee prescribed pursuant to division (C)(3) of 80524
section 109.572 of the Revised Code for each criminal records 80525
check conducted in accordance with that section upon the request 80526
pursuant to division (F) of this section of the administrator of 80527
the center, type A home, or licensed type B home. 80528

(2) A center, type A home, or licensed type B home may charge 80529
an applicant a fee for the costs it incurs in obtaining a criminal 80530
records check under this section. A fee charged under this 80531
division shall not exceed the amount of fees the center, type A 80532
home, or licensed type B home pays under division (K)(1) of this 80533
section. If a fee is charged under this division, the center, type 80534
A home, or licensed type B home shall notify the applicant at the 80535
time of the applicant's initial application for employment of the 80536
amount of the fee and that, unless the fee is paid, the center, 80537
type A home, or licensed type B home will not consider the 80538
applicant for employment. 80539

~~(F)~~(L) The report of any criminal records check conducted by 80540
the bureau of criminal identification and investigation in 80541
accordance with section 109.572 of the Revised Code and pursuant 80542
to a request made under division (A) or (F) of this section is not 80543
a public record for the purposes of section 149.43 of the Revised 80544

Code and shall not be made available to any person other than the 80545
person who is the subject of the criminal records check or the 80546
person's representative, the director of job and family services, 80547
the director of a county department of job and family services, 80548
the center, type A home, or type B home involved, and any court, 80549
hearing officer, or other necessary individual involved in a case 80550
dealing with a denial of licensure or certification related to the 80551
criminal records check. 80552

(M)(1) Each of the following persons shall sign a statement 80553
on forms prescribed by the director of job and family services 80554
attesting to the fact that the person has not been convicted of or 80555
pleaded guilty to any offense set forth in division (A)(5) of 80556
section 109.572 of the Revised Code and that no child has been 80557
removed from the person's home pursuant to section 2151.353 of the 80558
Revised Code: 80559

(a) An employee of a center, type A home, or licensed type B 80560
home; 80561

(b) A person eighteen years of age or older who resides in a 80562
type A home or licensed type B home; 80563

(c) An in-home aide; 80564

(d) An owner, licensee, or administrator of a center, type A 80565
home, or licensed type B home. 80566

(2) Each licensee of a type A home or type B home shall sign 80567
a statement on a form prescribed by the director of job and family 80568
services attesting to the fact that no person who resides at the 80569
type A home or licensed type B home and is under eighteen years of 80570
age has been adjudicated a delinquent child for committing a 80571
violation of any section listed in division (A)(5) of section 80572
109.572 of the Revised Code. 80573

(3) The statements required under divisions (M)(1) and (2) of 80574
this section shall be kept on file as follows: 80575

(a) With respect to an owner, licensee, administrator, or employee of a center, type A home, or licensed type B home, or a person eighteen years of age or older residing in a type A home or licensed type B home, at the center, type A home, or licensed type B home; 80576
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(b) With respect to in-home aides, at the county department of job and family services. 80581
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(4) No owner, administrator, licensee, or employee of a center, type A home, or licensed type B home, and no person eighteen years of age or older residing in a type A home or licensed type B home, shall withhold information from, or falsify information on, any statement required pursuant to division (M)(1) or (2) of this section. 80583
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~~(G)~~(N) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules specifying exceptions to the ~~prohibition~~ prohibitions in ~~division~~ divisions (D) and (J) of this section for persons who have been convicted of an offense listed in ~~that division~~ division (A)(5) of section 109.572 of the Revised Code but who meet standards in regard to rehabilitation set by the director. 80589
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~~(H)~~(O) As used in this section, ~~"criminal:~~ 80597

(1) "Applicant" means a person who is under final consideration for appointment to or employment in a position with a center, a type A home, or licensed type B home or any person who would serve in any position with a center, type A home, or licensed type B home pursuant to a contract with another entity. 80598
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(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 80603
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Sec. 5104.015. The director of job and family services shall 80605

adopt rules in accordance with Chapter 119. of the Revised Code 80606
governing the operation of child day-care centers, including 80607
parent cooperative centers, part-time centers, drop-in centers, 80608
and school-age child care centers. The rules shall reflect the 80609
various forms of child care and the needs of children receiving 80610
child care or publicly funded child care and shall include 80611
specific rules for school-age child care centers that are 80612
developed in consultation with the department of education. The 80613
rules shall not require an existing school facility that is in 80614
compliance with applicable building codes to undergo an additional 80615
building code inspection or to have structural modifications. The 80616
rules shall include the following: 80617

(A) Submission of a site plan and descriptive plan of 80618
operation to demonstrate how the center proposes to meet the 80619
requirements of this chapter and rules adopted pursuant to this 80620
chapter for the initial license application; 80621

(B) Standards for ensuring that the physical surroundings of 80622
the center are safe and sanitary including the physical 80623
environment, the physical plant, and the equipment of the center; 80624

(C) Standards for the supervision, care, and discipline of 80625
children receiving child care or publicly funded child care in the 80626
center; 80627

(D) Standards for a program of activities, and for play 80628
equipment, materials, and supplies, to enhance the development of 80629
each child; however, any educational curricula, philosophies, and 80630
methodologies that are developmentally appropriate and that 80631
enhance the social, emotional, intellectual, and physical 80632
development of each child shall be permissible. As used in this 80633
division, "program" does not include instruction in religious or 80634
moral doctrines, beliefs, or values that is conducted at child 80635
day-care centers owned and operated by churches and does include 80636

methods of disciplining children at child day-care centers.	80637
(E) Admissions policies and procedures;	80638
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	80639 80640
(G) First aid and emergency procedures;	80641
(H) Procedures for discipline and supervision of children;	80642
(I) Standards for the provision of nutritious meals and snacks;	80643 80644
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	80645 80646 80647
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	80648 80649
(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	80650 80651 80652 80653
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	80654 80655 80656
(N) Procedures for record keeping, organization, and administration;	80657 80658
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	80659 80660 80661
(P) Inspection procedures;	80662
(Q) Procedures and standards for setting initial license application fees;	80663 80664
(R) Procedures for receiving, recording, and responding to	80665

complaints about centers;	80666
(S) Procedures for enforcing section 5104.04 of the Revised Code;	80667 80668
(T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter;	80669 80670 80671 80672 80673
(U) Requirements for the training of administrators and child-care staff members, <u>including training</u> in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention. Training requirements for child day care centers adopted under this division shall be consistent with sections 5104.034 and 5104.037 of the Revised Code.	80674 80675 80676 80677 80678 80679 80680
(V) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;	80681 80682 80683 80684
(W) A procedure for reporting of injuries of children that occur at the center;	80685 80686
(X) Standards for licensing child day-care centers for children with short-term illnesses and other temporary medical conditions;	80687 80688 80689
(Y) <u>Minimum requirements for instructional time for child day-care centers rated through the tiered quality rating and improvement system established pursuant to section 5104.30 of the Revised Code;</u>	80690 80691 80692 80693
<u>(Z)</u> Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care centers.	80694 80695

Sec. 5104.016. The director of job and family services, in 80696
addition to the rules adopted under section 5104.015 of the 80697
Revised Code, shall adopt rules establishing minimum requirements 80698
for child day-care centers. The rules shall include the 80699
requirements set forth in sections 5104.032 to ~~5104.037~~ 5104.036 80700
of the Revised Code. Except as provided in section 5104.07 of the 80701
Revised Code, the rules shall not change the square footage 80702
requirements of section 5104.032 of the Revised Code; the maximum 80703
number of children per child-care staff member and maximum group 80704
size requirements of section 5104.033 of the Revised Code; the 80705
educational and experience requirements of section 5104.035 of the 80706
Revised Code; the age, educational, and experience requirements of 80707
section 5104.036 of the Revised Code; ~~the number and type of~~ 80708
~~inservice training hours required under section 5104.037 of the~~ 80709
~~Revised Code;~~ however, the rules shall provide procedures for 80710
determining compliance with those requirements. 80711

Sec. 5104.017. The director of job and family services shall 80712
adopt rules pursuant to Chapter 119. of the Revised Code governing 80713
the operation of type A family day-care homes, including parent 80714
cooperative type A homes, part-time type A homes, drop-in type A 80715
homes, and school-age child type A homes. The rules shall reflect 80716
the various forms of child care and the needs of children 80717
receiving child care. The rules shall include the following: 80718

(A) Submission of a site plan and descriptive plan of 80719
operation to demonstrate how the type A home proposes to meet the 80720
requirements of this chapter and rules adopted pursuant to this 80721
chapter for the initial license application; 80722

(B) Standards for ensuring that the physical surroundings of 80723
the type A home are safe and sanitary, including the physical 80724
environment, the physical plant, and the equipment of the type A 80725
home; 80726

(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home;	80727 80728 80729
(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	80730 80731 80732 80733 80734 80735
(E) Admissions policies and procedures;	80736
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	80737 80738
(G) First aid and emergency procedures;	80739
(H) Procedures for discipline and supervision of children;	80740
(I) Standards for the provision of nutritious meals and snacks;	80741 80742
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	80743 80744 80745
(K) Procedures for screening employees, including any necessary physical examinations and immunizations;	80746 80747
(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	80748 80749 80750 80751
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	80752 80753 80754
(N) Procedures for record keeping, organization, and administration;	80755 80756

(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	80757 80758 80759
(P) Inspection procedures;	80760
(Q) Procedures and standards for setting initial license application fees;	80761 80762
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	80763 80764
(S) Procedures for enforcing section 5104.04 of the Revised Code;	80765 80766
(T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;	80767 80768 80769 80770 80771
(U) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	80772 80773 80774 80775
(V) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;	80776 80777 80778 80779
(W) Standards for the maximum number of children per child-care staff member;	80780 80781
(X) Requirements for the amount of usable indoor floor space for each child;	80782 80783
(Y) Requirements for safe outdoor play space;	80784
(Z) Qualifications and training requirements for administrators and for child-care staff members;	80785 80786

(AA) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	80787 80788 80789
(BB) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;	80790 80791
(CC) <u>Minimum requirements for instructional time for type A homes rated through the tiered quality rating and improvement system established pursuant to section 5104.30 of the Revised Code;</u>	80792 80793 80794 80795
(DD) Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.	80796 80797
Sec. 5104.018. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the licensure of type B family day-care homes. The rules shall provide for safeguarding the health, safety, and welfare of children receiving child care or publicly funded child care in a licensed type B family day-care home and shall include all of the following:	80798 80799 80800 80801 80802 80803 80804
(A) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code-;	80805 80806 80807
(B) Standards for ensuring that the type B home and the physical surroundings of the type B home are safe and sanitary, including physical environment, physical plant, and equipment;	80808 80809 80810
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the home;	80811 80812 80813
(D) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and	80814 80815 80816

methodologies that are developmentally appropriate and that	80817
enhance the social, emotional, intellectual, and physical	80818
development of each child shall be permissible;	80819
(E) Admission policies and procedures;	80820
(F) Health care, first aid and emergency procedures;	80821
(G) Procedures for the care of sick children;	80822
(H) Procedures for discipline and supervision of children;	80823
(I) Nutritional standards;	80824
(J) Procedures for screening children, including any	80825
necessary physical examinations and the immunizations required	80826
pursuant to section 5104.014 of the Revised Code;	80827
(K) Procedures for screening administrators and employees,	80828
including any necessary physical examinations and immunizations;	80829
(L) Methods of encouraging parental participation and	80830
ensuring that the rights of children, parents, and administrators	80831
are protected and the responsibilities of parents and	80832
administrators are met;	80833
(M) Standards for the safe transport of children when under	80834
the care of administrators;	80835
(N) Procedures for issuing, denying, or revoking licenses;	80836
(O) Procedures for the inspection of type B homes that	80837
require, at a minimum, that each type B home be inspected prior to	80838
licensure to ensure that the home is safe and sanitary;	80839
(P) Procedures for record keeping and evaluation;	80840
(Q) Procedures for receiving, recording, and responding to	80841
complaints;	80842
(R) Standards providing for the special needs of children who	80843
are handicapped or who receive treatment for health conditions	80844
while the child is receiving child care or publicly funded child	80845

care in the type B home;	80846
(S) Requirements for the amount of usable indoor floor space for each child;	80847 80848
(T) Requirements for safe outdoor play space;	80849
(U) Qualification and training requirements for administrators;	80850 80851
(V) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;	80852 80853 80854
(W) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;	80855 80856 80857
(X) <u>Minimum requirements for instructional time for type B homes rated through the tiered quality rating and improvement system established pursuant to section 5104.30 of the Revised Code;</u>	80858 80859 80860 80861
(Y) Any other procedures and standards necessary to carry out the provisions of this chapter regarding licensure of type B homes.	80862 80863 80864
Sec. 5104.03. (A) Any person, firm, organization, institution, or agency seeking to establish a child day-care center, type A family day-care home, or licensed type B family day-care home shall apply for a license to the director of job and family services on such form as the director prescribes. The director shall provide at no charge to each applicant for licensure a copy of the child care license requirements in this chapter and a copy of the rules adopted pursuant to this chapter. The copies may be provided in paper or electronic form.	80865 80866 80867 80868 80869 80870 80871 80872 80873
Fees shall be set by the director pursuant to sections 5104.015, 5104.017, and 5104.018 of the Revised Code and shall be	80874 80875

paid at the time of application for a license to operate a center, 80876
type A home, or type B home. Fees collected under this section 80877
shall be paid into the state treasury to the credit of the general 80878
revenue fund. 80879

(B)(1) Upon filing of the application for a license, the 80880
director shall investigate and inspect the center, type A home, or 80881
type B home to determine the license capacity for each age 80882
category of children of the center, type A home, or type B home 80883
and to determine whether the center, type A home, or type B home 80884
complies with this chapter and rules adopted pursuant to this 80885
chapter. When, after investigation and inspection, the director is 80886
satisfied that this chapter and rules adopted pursuant to it are 80887
complied with, subject to division (H) of this section, a license 80888
shall be issued as soon as practicable in such form and manner as 80889
prescribed by the director. The license shall be designated as 80890
provisional and shall be valid for twelve months from the date of 80891
issuance unless revoked. 80892

(2) The director may contract with a government entity or a 80893
private nonprofit entity for the entity to inspect type A or type 80894
B family day-care homes pursuant to this section. If the director 80895
contracts with a government entity or private nonprofit entity for 80896
that purpose, the entity may contract with another government 80897
entity or private nonprofit entity for the other entity to inspect 80898
type A or type B homes pursuant to this section. The director, 80899
government entity, or private nonprofit entity shall conduct an 80900
inspection prior to the issuance of a license for a type A or type 80901
B home and, as part of that inspection, ensure that the ~~type B~~ 80902
home is safe and sanitary. 80903

(C)(1) On receipt of an application for licensure as a type B 80904
family day-care home to provide publicly funded child care, the 80905
director shall search the uniform statewide automated child 80906
welfare information system for information concerning any abuse or 80907

neglect report made pursuant to section 2151.421 of the Revised Code of which the applicant, any other adult residing in the applicant's home, or a person designated by the applicant to be an emergency or substitute caregiver for the applicant is the subject.

(2) The director shall consider any information discovered pursuant to division (C)(1) of this section or that is provided by a public children services agency pursuant to section 5153.175 of the Revised Code. If the director determines that the information, when viewed within the totality of the circumstances, reasonably leads to the conclusion that the applicant may directly or indirectly endanger the health, safety, or welfare of children, the director shall deny the application for licensure or revoke the license of a type B family day-care home.

(D) The director shall investigate and inspect the center, type A home, or type B home at least once during operation under a license designated as provisional. If after the investigation and inspection the director determines that the requirements of this chapter and rules adopted pursuant to this chapter are met, subject to division (H) of this section, the director shall issue a new license to the center or home.

(E) Each license shall state the name of the licensee, the name of the administrator, the address of the center, type A home, or licensed type B home, and the license capacity for each age category of children. The license shall include thereon, in accordance with sections 5104.015, 5104.017, and 5104.018 of the Revised Code, the toll-free telephone number to be used by persons suspecting that the center, type A home, or licensed type B home has violated a provision of this chapter or rules adopted pursuant to this chapter. A license is valid only for the licensee, administrator, address, and license capacity for each age category of children designated on the license. The license capacity

specified on the license is the maximum number of children in each 80940
age category that may be cared for in the center, type A home, or 80941
licensed type B home at one time. 80942

The center or type A home licensee shall notify the director 80943
when the administrator of the center or home changes. The director 80944
shall amend the current license to reflect a change in an 80945
administrator, if the administrator meets the requirements of this 80946
chapter and rules adopted pursuant to this chapter, or a change in 80947
license capacity for any age category of children as determined by 80948
the director of job and family services. 80949

(F) If the director revokes the license of a center, a type A 80950
home, or a type B home, the director shall not issue another 80951
license to the owner of the center, type A home, or type B home 80952
until five years have elapsed from the date the license is 80953
revoked. 80954

If the director denies an application for a license, the 80955
director shall not ~~accept~~ consider another application from the 80956
applicant until five years have elapsed from the date the 80957
application is denied. 80958

(G) If during the application for licensure process the 80959
director determines that the license of the owner has been 80960
revoked, the investigation of the center, type A home, or type B 80961
home shall cease. This action does not constitute denial of the 80962
application and may not be appealed under division (H) of this 80963
section. 80964

(H) ~~All~~ (1) Except as provided in division (H)(2) of this 80965
section, all actions of the director with respect to licensing 80966
centers, type A homes, or type B homes, refusal to license, and 80967
revocation of a license shall be in accordance with Chapter 119. 80968
of the Revised Code. ~~Any~~ Except as provided in division (H)(2) of 80969
this section, any applicant who is denied a license or any owner 80970

whose license is revoked may appeal in accordance with section 80971
119.12 of the Revised Code. 80972

(2) The following actions by the director are not subject to 80973
Chapter 119. of the Revised Code: 80974

(a) The director does not issue a license to the owner of a 80975
center, type A home, or type B home because the owner sought a 80976
license before five years had elapsed from the date the previous 80977
license was revoked. 80978

(b) The director does not issue a license because the 80979
applicant applied for licensure before five years had elapsed from 80980
the date the previous application was denied. 80981

(I) In no case shall the director issue a license under this 80982
section for a center, type A home, or type B home if the director, 80983
based on documentation provided by the appropriate county 80984
department of job and family services, determines that the 80985
applicant had been certified as a type B family day-care home when 80986
such certifications were issued by county departments prior to 80987
January 1, 2014, that the county department revoked that 80988
certification within the immediately preceding five years, that 80989
the revocation was based on the applicant's refusal or inability 80990
to comply with the criteria for certification, and that the 80991
refusal or inability resulted in a risk to the health or safety of 80992
children. 80993

(J)(1) Except as provided in division (J)(2) of this section, 80994
an administrator of a type B family day-care home that receives a 80995
license pursuant to this section to provide publicly funded child 80996
care is an independent contractor and is not an employee of the 80997
department of job and family services. 80998

(2) For purposes of Chapter 4141. of the Revised Code, 80999
determinations concerning the employment of an administrator of a 81000
type B family day-care home that receives a license pursuant to 81001

this section shall be determined under Chapter 4141. of the 81002
Revised Code. 81003

Sec. 5104.036. (A) All child-care staff members of a child 81004
day-care center shall be at least eighteen years of age, shall 81005
comply with the training requirements set forth in rules adopted 81006
pursuant to section 5104.015 of the Revised Code, and shall 81007
furnish the director of job and family services or the director's 81008
designee evidence of at least high school graduation or 81009
certification of high school equivalency by the state board of 81010
education or the appropriate agency of another state or evidence 81011
of completion of a training program approved by the department of 81012
job and family services or state board of education, except as 81013
follows: 81014

(B) A child-care staff member may be less than eighteen years 81015
of age if the staff member is either of the following: 81016

(1) A graduate of a two-year vocational child-care training 81017
program approved by the state board of education; 81018

(2) A student enrolled in the second year of a vocational 81019
child-care training program approved by the state board of 81020
education which leads to high school graduation, provided that the 81021
student performs the student's duties in the child day-care center 81022
under the continuous supervision of an experienced child-care 81023
staff member, receives periodic supervision from the vocational 81024
child-care training program teacher-coordinator in the student's 81025
high school, and meets all other requirements of this chapter and 81026
rules adopted pursuant to this chapter. 81027

(C) A child-care staff member shall be exempt from the 81028
educational requirements of division (A) of this section if the 81029
staff member: 81030

(1) Prior to January 1, 1972, was employed or designated by a 81031

child day-care center and has been continuously employed since 81032
either by the same child day-care center employer or at the same 81033
child day-care center; 81034

(2) Is a student enrolled in the second year of a vocational 81035
child-care training program approved by the state board of 81036
education which leads to high school graduation, provided that the 81037
student performs the student's duties in the child day-care center 81038
under the continuous supervision of an experienced child-care 81039
staff member, receives periodic supervision from the vocational 81040
child-care training program teacher-coordinator in the student's 81041
high school, and meets all other requirements of this chapter and 81042
rules adopted pursuant to this chapter; 81043

(3) Is receiving or has completed the final year of 81044
instruction at home as authorized under section 3321.04 of the 81045
Revised Code or has graduated from a nonchartered, nonpublic 81046
school in Ohio. 81047

Sec. 5104.04. (A) The department of job and family services 81048
shall establish procedures to be followed in investigating, 81049
inspecting, and licensing child day-care centers, type A family 81050
day-care homes, and licensed type B family day-care homes. 81051

(B)(1)(a) The department shall, at least once during every 81052
twelve-month period of operation of a center, type A home, or 81053
licensed type B home, inspect the center, type A home, or licensed 81054
type B home. The department shall inspect a part-time center or 81055
part-time type A home at least once during every twelve-month 81056
period of operation. The department shall provide a written 81057
inspection report to the licensee within a reasonable time after 81058
each inspection. The licensee shall display its most recent 81059
inspection report in a conspicuous place in the center, type A 81060
home, or licensed type B home. 81061

Inspections may be unannounced. No person, firm, 81062

organization, institution, or agency shall interfere with the 81063
inspection of a center, type A home, or licensed type B home by 81064
any state or local official engaged in performing duties required 81065
of the state or local official by this chapter or rules adopted 81066
pursuant to this chapter, including inspecting the center, type A 81067
home, or licensed type B home, reviewing records, or interviewing 81068
licensees, employees, children, or parents. 81069

(b) Upon receipt of any complaint that a center, type A home 81070
or licensed type B home is out of compliance with the requirements 81071
of this chapter or rules adopted pursuant to this chapter, the 81072
department shall investigate the center or home, and both of the 81073
following apply: 81074

(i) If the complaint alleges that a child suffered physical 81075
harm while receiving child care at the center or home or that the 81076
noncompliance alleged in the complaint involved, resulted in, or 81077
poses a substantial risk of physical harm to a child receiving 81078
child care at the center or home, the department shall inspect the 81079
center or home. 81080

(ii) If division (B)(1)(b)(i) of this section does not apply 81081
regarding the complaint, the department may inspect the center or 81082
home. 81083

(c) Division (B)(1)(b) of this section does not limit, 81084
restrict, or negate any duty of the department to inspect a 81085
center, type A home, or licensed type B home that otherwise is 81086
imposed under this section, or any authority of the department to 81087
inspect a center, type A home, or licensed type B home that 81088
otherwise is granted under this section when the department 81089
believes the inspection is necessary and it is permitted under the 81090
grant. 81091

(2) If the department implements an instrument-based program 81092
monitoring information system, it may use an indicator checklist 81093

to comply with division (B)(1) of this section. 81094

(3) The department shall contract with a third party by the 81095
first day of October in each even-numbered year to collect 81096
information concerning the amounts charged by the center or home 81097
for providing child care services for use in establishing 81098
reimbursement ceilings and payment pursuant to section 5104.30 of 81099
the Revised Code. The third party shall compile the information 81100
and report the results of the survey to the department not later 81101
than the first day of December in each even-numbered year. 81102

(C) The department may deny an application or revoke a 81103
license of a center, type A home, or licensed type B home, if the 81104
applicant knowingly makes a false statement on the application, 81105
the center or home does not comply with the requirements of this 81106
chapter or rules adopted pursuant to this chapter, or the 81107
applicant or owner has pleaded guilty to or been convicted of an 81108
offense described in division (A)(5) of section 5104.09 109.572 of 81109
the Revised Code. 81110

(D) If the department finds, after notice and hearing 81111
pursuant to Chapter 119. of the Revised Code, that any applicant, 81112
person, firm, organization, institution, or agency applying for 81113
licensure or licensed under section 5104.03 of the Revised Code is 81114
in violation of any provision of this chapter or rules adopted 81115
pursuant to this chapter, the department may issue an order of 81116
denial to the applicant or an order of revocation to the center, 81117
type A home, or licensed type B home revoking the license 81118
previously issued by the department. Upon the issuance of such an 81119
order, the person whose application is denied or whose license is 81120
revoked may appeal in accordance with section 119.12 of the 81121
Revised Code. 81122

(E) The surrender of a center, type A home, or licensed type 81123
B home license to the department or the withdrawal of an 81124
application for licensure by the owner or administrator of the 81125

center, type A home, or licensed type B home shall not prohibit 81126
the department from instituting any of the actions set forth in 81127
this section. 81128

(F) Whenever the department receives a complaint, is advised, 81129
or otherwise has any reason to believe that a center or type A 81130
home is providing child care without a license issued pursuant to 81131
section 5104.03 and is not exempt from licensing pursuant to 81132
section 5104.02 of the Revised Code, the department shall 81133
investigate the center or type A home and may inspect the areas 81134
children have access to or areas necessary for the care of 81135
children in the center or type A home during suspected hours of 81136
operation to determine whether the center or type A home is 81137
subject to the requirements of this chapter or rules adopted 81138
pursuant to this chapter. 81139

(G) The department, upon determining that the center or type 81140
A home is operating without a license, shall notify the attorney 81141
general, the prosecuting attorney of the county in which the 81142
center or type A home is located, or the city attorney, village 81143
solicitor, or other chief legal officer of the municipal 81144
corporation in which the center or type A home is located, that 81145
the center or type A home is operating without a license. Upon 81146
receipt of the notification, the attorney general, prosecuting 81147
attorney, city attorney, village solicitor, or other chief legal 81148
officer of a municipal corporation shall file a complaint in the 81149
court of common pleas of the county in which the center or type A 81150
home is located requesting that the court grant an order enjoining 81151
the owner from operating the center or type A home in violation of 81152
section 5104.02 of the Revised Code. The court shall grant such 81153
injunctive relief upon a showing that the respondent named in the 81154
complaint is operating a center or type A home and is doing so 81155
without a license. 81156

(H) The department shall prepare an annual report on 81157

inspections conducted under this section. The report shall include 81158
the number of inspections conducted, the number and types of 81159
violations found, and the steps taken to address the violations. 81160
The department shall file the report with the governor, the 81161
president and minority leader of the senate, and the speaker and 81162
minority leader of the house of representatives on or before the 81163
first day of January of each year, beginning in 1999. 81164

Sec. 5104.042. (A) The department of job and family services 81165
may suspend, without a prior hearing, the license of a child 81166
day-care center, type A family day-care home, or licensed type B 81167
family day-care home if any of the following occur: 81168

(1) A child dies or suffers a serious injury while receiving 81169
child care in the center, type A home, or licensed type B home. 81170

(2) A public children services agency receives a report 81171
pursuant to section 2151.421 of the Revised Code, and the person 81172
alleged to have inflicted abuse or neglect on the child who is the 81173
subject of the report is any of the following: 81174

(a) The owner, licensee, or administrator of the center, type 81175
A home, or licensed type B home; 81176

(b) An employee of the center, type A home, or licensed type 81177
B home; 81178

(c) Any person who resides in the type A home or licensed 81179
type B home. 81180

(3) An owner, licensee, administrator, or employee of the 81181
center, type A home, or licensed type B home, or a resident of the 81182
type A home or licensed type B home is charged by an indictment, 81183
information, or complaint with an offense relating to the abuse or 81184
neglect of a child. 81185

(4) The department or a county department of job and family 81186
services determines that the center, type A home, or licensed type 81187

B home created a serious risk to the health or safety of a child receiving child care in the center, type A home, or licensed type B home that resulted in or could have resulted in a child's death or injury. 81188
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(5) The owner, licensee, or administrator of the center, type A home, or licensed type B home is charged by indictment, information, or complaint with fraud. 81192
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(B) The department shall issue a written order of suspension and furnish a copy to the licensee. The licensee may appeal the suspension in accordance with section 119.12 of the Revised Code. 81195
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(C) Except as provided in division (D) of this section, any summary suspension imposed under this section shall remain in effect, unless reversed on appeal, until any of the following occurs: 81198
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(1) The public children services agency completes its investigation of the report pursuant to section 2151.421 of the Revised Code. 81202
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(2) All criminal charges are disposed of through dismissal, a finding of not guilty, conviction, or a plea of guilty. 81205
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(3) A final order is issued by the department pursuant to Chapter 119. of the Revised Code becomes effective. 81207
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(D) If the department initiates the revocation of a license that has been suspended pursuant to this section, the suspension shall continue until the revocation process is completed. 81209
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(E) The center, type A home, or licensed type B home shall not provide child care while the summary suspension remains in effect. Upon issuance of the order of suspension, the licensee shall inform the caretaker parent of each child receiving child care in the center, type A home, or licensed type B home of the suspension. 81212
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(F) The director of job and family services may adopt rules 81218
in accordance with Chapter 119. of the Revised Code establishing 81219
standards and procedures for the summary suspension of licenses. 81220

~~Sec. 5104.09. (A)(1) Except as provided in rules adopted~~ 81221
~~pursuant to division (D) of this section, no individual who has~~ 81222
~~been convicted of or pleaded guilty to a violation described in~~ 81223
~~division (A)(5) of section 109.572 of the Revised Code, a~~ 81224
~~violation of section 2905.11, 2909.02, 2909.03, 2909.04, 2909.05,~~ 81225
~~2917.01, 2917.02, 2917.03, 2917.31, 2921.03, 2921.34, or 2921.35~~ 81226
~~of the Revised Code or a violation of an existing or former law or~~ 81227
~~ordinance of any municipal corporation, this state, any other~~ 81228
~~state, or the United States that is substantially equivalent to~~ 81229
~~any of those violations, or two violations of section 4511.19 of~~ 81230
~~the Revised Code during operation of the center or home shall be~~ 81231
~~certified as an in home aide or be employed in any capacity in or~~ 81232
~~own or operate a child day care center, type A family day care~~ 81233
~~home, type B family day care home, or licensed type B family~~ 81234
~~day care home.~~ 81235

~~(2) Each employee of a child day care center and type A home~~ 81236
~~and every person eighteen years of age or older residing in a type~~ 81237
~~A home or licensed type B home shall sign a statement on forms~~ 81238
~~prescribed by the director of job and family services attesting to~~ 81239
~~the fact that the employee or resident person has not been~~ 81240
~~convicted of or pleaded guilty to any offense set forth in~~ 81241
~~division (A)(1) of this section and that no child has been removed~~ 81242
~~from the employee's or resident person's home pursuant to section~~ 81243
~~2151.353 of the Revised Code. Each licensee of a type A family~~ 81244
~~day care home or type B family day care home shall sign a~~ 81245
~~statement on a form prescribed by the director attesting to the~~ 81246
~~fact that no person who resides at the type A home or licensed~~ 81247
~~type B home and who is under the age of eighteen has been~~ 81248
~~adjudicated a delinquent child for committing a violation of any~~ 81249

~~section listed in division (A)(1) of this section. The statements shall be kept on file at the center, type A home, or licensed type B home.~~ 81250
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~~(3) Each in-home aide shall sign a statement on forms prescribed by the director of job and family services attesting that the aide has not been convicted of or pleaded guilty to any offense set forth in division (A)(1) of this section and that no child has been removed from the aide's home pursuant to section 2151.353 of the Revised Code. The statement shall be kept on file at the county department of job and family services.~~ 81253
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~~(4) Each administrator and licensee of a center, type A home, or licensed type B home shall sign a statement on a form prescribed by the director of job and family services attesting that the administrator or licensee has not been convicted of or pleaded guilty to any offense set forth in division (A)(1) of this section and that no child has been removed from the administrator's or licensee's home pursuant to section 2151.353 of the Revised Code. The statement shall be kept on file at the center, type A home, or licensed type B home.~~ 81260
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~~(B) No in-home aide, no administrator, licensee, or employee of a center, type A home, or licensed type B home, and no person eighteen years of age or older residing in a type A home or licensed type B home shall withhold information from, or falsify information on, any statement required pursuant to division (A)(2), (3), or (4) of this section.~~ 81269
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~~(C) No administrator, licensee, or child-care staff member shall discriminate in the enrollment of children in a child day-care center upon the basis of race, color, religion, sex, or national origin.~~ 81275
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~~(D) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement~~ 81279
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~~this section, including rules specifying exceptions to the 81281
prohibition in division (A) of this section for persons who have 81282
been convicted of an offense listed in that division but meet 81283
rehabilitation standards set by the director. 81284~~

Sec. 5104.30. (A) The department of job and family services 81285
is hereby designated as the state agency responsible for 81286
administration and coordination of federal and state funding for 81287
publicly funded child care in this state. Publicly funded child 81288
care shall be provided to the following: 81289

(1) Recipients of transitional child care as provided under 81290
section 5104.34 of the Revised Code; 81291

(2) Participants in the Ohio works first program established 81292
under Chapter 5107. of the Revised Code; 81293

(3) Individuals who would be participating in the Ohio works 81294
first program if not for a sanction under section 5107.16 of the 81295
Revised Code and who continue to participate in a work activity, 81296
developmental activity, or alternative work activity pursuant to 81297
an assignment under section 5107.42 of the Revised Code; 81298

(4) A family receiving publicly funded child care on October 81299
1, 1997, until the family's income reaches one hundred fifty per 81300
cent of the federal poverty line; 81301

(5) Subject to available funds, other individuals determined 81302
eligible in accordance with rules adopted under section 5104.38 of 81303
the Revised Code. 81304

The department shall apply to the United States department of 81305
health and human services for authority to operate a coordinated 81306
program for publicly funded child care, if the director of job and 81307
family services determines that the application is necessary. For 81308
purposes of this section, the department of job and family 81309
services may enter into agreements with other state agencies that 81310

are involved in regulation or funding of child care. The 81311
department shall consider the special needs of migrant workers 81312
when it administers and coordinates publicly funded child care and 81313
shall develop appropriate procedures for accommodating the needs 81314
of migrant workers for publicly funded child care. 81315

(B) The department of job and family services shall 81316
distribute state and federal funds for publicly funded child care, 81317
including appropriations of state funds for publicly funded child 81318
care and appropriations of federal funds available under the child 81319
care block grant act, Title IV-A, and Title XX. The department may 81320
use any state funds appropriated for publicly funded child care as 81321
the state share required to match any federal funds appropriated 81322
for publicly funded child care. 81323

(C) In the use of federal funds available under the child 81324
care block grant act, all of the following apply: 81325

(1) The department may use the federal funds to hire staff to 81326
prepare any rules required under this chapter and to administer 81327
and coordinate federal and state funding for publicly funded child 81328
care. 81329

(2) Not more than five per cent of the aggregate amount of 81330
the federal funds received for a fiscal year may be expended for 81331
administrative costs. 81332

(3) The department shall allocate and use at least four per 81333
cent of the federal funds for the following: 81334

(a) Activities designed to provide comprehensive consumer 81335
education to parents and the public; 81336

(b) Activities that increase parental choice; 81337

(c) Activities, including child care resource and referral 81338
services, designed to improve the quality, and increase the 81339
supply, of child care; 81340

(d) Establishing a tiered quality rating and improvement system in which participation in the program may allow child day-care providers to be eligible for grants, technical assistance, training, or other assistance and become eligible for unrestricted monetary awards for maintaining a quality rating.

(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. If authorized by rules adopted by the department pursuant to section 5104.42 of the Revised Code, county departments of job and family services may purchase child care from funds obtained through any other means.

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

The department shall develop and maintain a registry of persons providing child care. The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing

procedures and requirements for the registry's administration. 81373

(E)(1) The director shall adopt rules in accordance with 81374
Chapter 119. of the Revised Code establishing both of the 81375
following: 81376

(a) Reimbursement ceilings for providers of publicly funded 81377
child care not later than the first day of July in each 81378
odd-numbered year; 81379

(b) A procedure for reimbursing and paying providers of 81380
publicly funded child care. 81381

(2) In establishing reimbursement ceilings under division 81382
(E)(1)(a) of this section, the director shall do all of the 81383
following: 81384

(a) Use the information obtained under division (B)(3) of 81385
section 5104.04 of the Revised Code; 81386

(b) Establish an enhanced reimbursement ceiling for providers 81387
who provide child care for caretaker parents who work 81388
nontraditional hours; 81389

(c) For an in-home aide, establish a an hourly reimbursement 81390
~~ceiling that is seventy five per cent of the reimbursement ceiling~~ 81391
~~that applies to a licensed type B family day care home;~~ 81392

(d) With regard to the tiered quality rating and improvement 81393
system established pursuant to division (C)(3)(d) of this section, 81394
do both of the following: 81395

(i) Establish enhanced reimbursement ceilings for child 81396
day-care providers that participate in the system and maintain 81397
quality ratings under the system; 81398

(ii) In the case of child day-care providers that have been 81399
given access to the system by the department, weigh any reduction 81400
in reimbursement ceilings more heavily against those providers 81401
that do not participate in the system or do not maintain quality 81402

ratings under the system.	81403
(3) In establishing reimbursement ceilings under division	81404
(E)(1)(a) of this section, the director may establish different	81405
reimbursement ceilings based on any of the following:	81406
(a) Geographic location of the provider;	81407
(b) Type of care provided;	81408
(c) Age of the child served;	81409
(d) Special needs of the child served;	81410
(e) Whether the expanded hours of service are provided;	81411
(f) Whether weekend service is provided;	81412
(g) Whether the provider has exceeded the minimum	81413
requirements of state statutes and rules governing child care;	81414
(h) Any other factors the director considers appropriate.	81415
(F) The director shall adopt rules in accordance with Chapter	81416
119. of the Revised Code to implement the tiered quality rating	81417
and improvement system described in division (C)(3)(d) of this	81418
section.	81419
Sec. 5104.34. (A)(1) Each county department of job and family	81420
services shall implement procedures for making determinations of	81421
eligibility for publicly funded child care. Under those	81422
procedures, the eligibility determination for each applicant shall	81423
be made no later than thirty calendar days from the date the	81424
county department receives a completed application for publicly	81425
funded child care. Each applicant shall be notified promptly of	81426
the results of the eligibility determination. An applicant	81427
aggrieved by a decision or delay in making an eligibility	81428
determination may appeal the decision or delay to the department	81429
of job and family services in accordance with section 5101.35 of	81430
the Revised Code. The due process rights of applicants shall be	81431

protected. 81432

To the extent permitted by federal law, the county department 81433
may make all determinations of eligibility for publicly funded 81434
child care, may contract with child care providers or child care 81435
resource and referral service organizations for the providers or 81436
resource and referral service organizations to make all or any 81437
part of the determinations, and may contract with child care 81438
providers or child care resource and referral service 81439
organizations for the providers or resource and referral service 81440
organizations to collect specified information for use by the 81441
county department in making determinations. If a county department 81442
contracts with a child care provider or a child care resource and 81443
referral service organization for eligibility determinations or 81444
for the collection of information, the contract shall require the 81445
provider or resource and referral service organization to make 81446
each eligibility determination no later than thirty calendar days 81447
from the date the provider or resource and referral organization 81448
receives a completed application that is the basis of the 81449
determination and to collect and transmit all necessary 81450
information to the county department within a period of time that 81451
enables the county department to make each eligibility 81452
determination no later than thirty days after the filing of the 81453
application that is the basis of the determination. 81454

The county department may station employees of the department 81455
in various locations throughout the county to collect information 81456
relevant to applications for publicly funded child care and to 81457
make eligibility determinations. The county department, child care 81458
provider, and child care resource and referral service 81459
organization shall make each determination of eligibility for 81460
publicly funded child care no later than thirty days after the 81461
filing of the application that is the basis of the determination, 81462
shall make each determination in accordance with any relevant 81463

rules adopted pursuant to section 5104.38 of the Revised Code, and 81464
shall notify promptly each applicant for publicly funded child 81465
care of the results of the determination of the applicant's 81466
eligibility. 81467

The director of job and family services shall adopt rules in 81468
accordance with Chapter 119. of the Revised Code for monitoring 81469
the eligibility determination process. In accordance with those 81470
rules, the state department shall monitor eligibility 81471
determinations made by county departments of job and family 81472
services and shall direct any entity that is not in compliance 81473
with this division or any rule adopted under this division to 81474
implement corrective action specified by the department. 81475

(2)(a) All eligibility determinations for publicly funded 81476
child care shall be made in accordance with rules adopted pursuant 81477
to division (A) of section 5104.38 of the Revised Code. Except as 81478
otherwise provided in this section, both of the following apply: 81479

(i) Publicly funded child care may be provided only to 81480
eligible infants, toddlers, preschool-age children, and school-age 81481
children under age thirteen. 81482

(ii) For an applicant to be eligible for publicly funded 81483
child care, the caretaker parent must be employed or participating 81484
in a program of education or training for an amount of time 81485
reasonably related to the time that the parent's children are 81486
receiving publicly funded child care. This restriction does not 81487
apply to families whose children are eligible for protective child 81488
care. 81489

(b) In accordance with rules adopted under division (B) of 81490
section 5104.38 of the Revised Code, an applicant may receive 81491
publicly funded child care while the county department determines 81492
eligibility. An applicant may receive publicly funded child care 81493
while a county department determines eligibility only once during 81494

a twelve-month period. If the county department determines that an applicant is not eligible for publicly funded child care, the licensed child care program shall be paid for providing publicly funded child care for up to five days after that determination if the county department received a completed application with all required documentation. A program may appeal a denial of payment under this division.

(c) If a caretaker parent who has been determined eligible to receive publicly funded child care no longer meets the requirements of division (A)(2)(a)(ii) of this section, the caretaker parent may continue to receive publicly funded child care for a period of up to thirteen weeks not to extend beyond the caretaker parent's twelve-month eligibility period. Such authorization may be given only once during a twelve-month period.

Subject to available funds, the department of job and family services shall allow a family to receive publicly funded child care unless the family's income exceeds the maximum income eligibility limit. Initial and continued eligibility for publicly funded child care is subject to available funds unless the family is receiving child care pursuant to division (A)(1), (2), (3), or (4) of section 5104.30 of the Revised Code. If the department must limit eligibility due to lack of available funds, it shall give first priority for publicly funded child care to an assistance group whose income is not more than the maximum income eligibility limit that received transitional child care in the previous month but is no longer eligible because the twelve-month period has expired. Such an assistance group shall continue to receive priority for publicly funded child care until its income exceeds the maximum income eligibility limit.

(3) An assistance group that ceases to participate in the Ohio works first program established under Chapter 5107. of the Revised Code is eligible for transitional child care at any time

during the immediately following twelve-month period that both of 81527
the following apply: 81528

(a) The assistance group requires child care due to 81529
employment; 81530

(b) The assistance group's income is not more than one 81531
hundred fifty per cent of the federal poverty line. 81532

An assistance group ineligible to participate in the Ohio 81533
works first program pursuant to section 5101.83 or section 5107.16 81534
of the Revised Code is not eligible for transitional child care. 81535

(B) To the extent permitted by federal law, the department of 81536
job and family services may require a caretaker parent determined 81537
to be eligible for publicly funded child care to pay a fee 81538
according to the schedule of fees established in rules adopted 81539
under section 5104.38 of the Revised Code. The department shall 81540
make protective child care services available to children without 81541
regard to the income or assets of the caretaker parent of the 81542
child. 81543

(C) A caretaker parent receiving publicly funded child care 81544
shall report to the entity that determined eligibility any changes 81545
in status with respect to employment or participation in a program 81546
of education or training not later than ten calendar days after 81547
the change occurs. 81548

(D) If the department of job and family services determines 81549
that available resources are not sufficient to provide publicly 81550
funded child care to all eligible families who request it, the 81551
department may establish a waiting list. The department may 81552
establish separate waiting lists within the waiting list based on 81553
income. 81554

(E) A caretaker parent shall not receive full-time publicly 81555
funded child care from more than one child care provider per child 81556
during ~~any period~~ a week, unless a county department grants the 81557

family an exemption for one of the following reasons: 81558

(a) The child needs additional care during non-traditional hours: 81559
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(b) The child needs to change providers in the middle of the week and the hours of care provided by the providers do not overlap; 81561
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(c) The child's provider is closed on scheduled school days off or on calamity days; 81564
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(d) The child is enrolled in a part-time program participating in the tiered quality rating and improvement system established under section 5104.30 of the Revised Code and needs care from an additional part-time provider. 81566
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(F) As used in this section, "maximum income eligibility limit" means the amount of income specified in rules adopted under division (A) of section 5104.38 of the Revised Code. 81570
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Sec. 5104.37. (A) As used in this section, "eligible provider" means an individual or entity eligible to provide publicly funded child care pursuant to section 5104.31 of the Revised Code. 81573
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(B) The department of job and family services may withhold any money due under this chapter and recover through any appropriate method any money erroneously paid under this chapter if evidence exists of less than full compliance with this chapter and any rules adopted under it. 81577
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(C) Notwithstanding any other provision of this chapter to the contrary, the department shall take action against an eligible provider as described in this section. 81582
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(D) Subject to the notice and appeal provisions of divisions (G) and (H) of this section, the department may suspend a contract entered into under section 5104.32 of the Revised Code with an 81585
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eligible provider if the department has initiated an investigation 81588
of the provider for either of the following reasons: 81589

(1) The department has evidence that the eligible provider 81590
received an improper child care payment as a result of the 81591
provider's intentional act. 81592

(2) The department receives notice and a copy of an 81593
indictment, information, or complaint charging the eligible 81594
provider or the owner or operator of the provider with committing 81595
any of the following: 81596

(a) An act that is a felony or misdemeanor relating to 81597
providing or billing for publicly funded child care or providing 81598
management or administrative services relating to providing 81599
publicly funded child care; 81600

(b) An act that would constitute an offense described in 81601
division (A)(5) of section 5104.09 109.572 of the Revised Code. 81602

(E)(1) Except as provided in division (E)(2) of this section, 81603
the suspension of a contract under division (D) of this section 81604
shall continue until the department completes its investigation or 81605
all criminal charges are disposed of through dismissal, a finding 81606
of not guilty, conviction, or a plea of guilty. 81607

(2) If the department initiates the termination of a contract 81608
that has been suspended pursuant to division (D) of this section, 81609
the suspension shall continue until the termination process is 81610
completed. 81611

(F) An eligible provider shall not provide publicly funded 81612
child care while the provider's contract is under suspension 81613
pursuant to division (D) of this section. As of the date the 81614
eligible provider's contract is suspended, the department shall 81615
withhold payment to the eligible provider for publicly funded 81616
child care. 81617

(G) Before suspending an eligible provider's contract 81618
pursuant to division (D) of this section, the department shall 81619
notify the eligible provider. The notice shall include all of the 81620
following: 81621

(1) A description, which need not disclose specific 81622
information concerning any ongoing administrative or criminal 81623
investigation, of the reason that the department initiated its 81624
investigation of the provider; 81625

(2) A statement that the eligible provider will be prohibited 81626
from providing publicly funded child care while the contract is 81627
under suspension; 81628

(3) A statement that the suspension will continue until the 81629
department completes its investigation or all criminal charges are 81630
disposed of through dismissal, a finding of not guilty, 81631
conviction, or a plea of guilty, and that if the department 81632
initiates the termination of the contract, the suspension will 81633
continue until the termination process is completed. 81634

(H) An eligible provider may file an appeal with the 81635
department regarding any proposal by the department to suspend the 81636
provider's contract pursuant to division (D) of this section. The 81637
appeal must be received by the department not later than fifteen 81638
days after the date the provider receives the notification 81639
described in division (G) of this section. The department shall 81640
review the evidence and issue a decision not later than thirty 81641
days after receiving the appeal. The department shall not suspend 81642
a contract pursuant to division (D) of this section until the time 81643
for filing the appeal has passed or, if the provider files a 81644
timely appeal, the department has issued a decision on the appeal. 81645

Sec. 5104.38. In addition to any other rules adopted under 81646
this chapter, the director of job and family services shall adopt 81647
rules in accordance with Chapter 119. of the Revised Code 81648

governing financial and administrative requirements for publicly 81649
funded child care and establishing all of the following: 81650

(A) Procedures and criteria to be used in making 81651
determinations of eligibility for publicly funded child care that 81652
give priority to children of families with lower incomes and 81653
procedures and criteria for eligibility for publicly funded 81654
protective child care. The rules shall specify the maximum amount 81655
of income a family may have for initial and continued eligibility. 81656
The maximum amount shall not exceed ~~two~~ three hundred per cent of 81657
the federal poverty line. The rules may specify exceptions to the 81658
eligibility requirements in the case of a family that previously 81659
received publicly funded child care and is seeking to have the 81660
child care reinstated after the family's eligibility was 81661
terminated. 81662

(B) Procedures under which an applicant for publicly funded 81663
child care may receive publicly funded child care while the county 81664
department of job and family services determines eligibility and 81665
under which a licensed child care program may appeal a denial of 81666
payment under division (A)(2)(b) of section 5104.34 of the Revised 81667
Code; 81668

(C) A schedule of fees requiring all eligible caretaker 81669
parents to pay a fee for publicly funded child care according to 81670
income and family size, which shall be uniform for all types of 81671
publicly funded child care, except as authorized by rule, and, to 81672
the extent permitted by federal law, shall permit the use of state 81673
and federal funds to pay the customary deposits and other advance 81674
payments that a provider charges all children who receive child 81675
care from that provider. ~~The schedule of fees may not provide for~~ 81676
~~a caretaker parent to pay a fee that exceeds ten per cent of the~~ 81677
~~parent's family income.~~ 81678

(D) A formula for determining the amount of state and federal 81679
funds appropriated for publicly funded child care that may be 81680

allocated to a county department to use for administrative purposes;	81681 81682
(E) Procedures to be followed by the department and county departments in recruiting individuals and groups to become providers of child care;	81683 81684 81685
(F) Procedures to be followed in establishing state or local programs designed to assist individuals who are eligible for publicly funded child care in identifying the resources available to them and to refer the individuals to appropriate sources to obtain child care;	81686 81687 81688 81689 81690
(G) Procedures to deal with fraud and abuse committed by either recipients or providers of publicly funded child care;	81691 81692
(H) Procedures for establishing a child care grant or loan program in accordance with the child care block grant act;	81693 81694
(I) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans;	81695 81696
(J) A definition of "person who stands in loco parentis" for the purposes of division (JJ)(1) of section 5104.01 of the Revised Code;	81697 81698 81699
(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department;	81700 81701 81702 81703 81704
(L) If the director establishes a different reimbursement ceiling under division (E)(3)(d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served;	81705 81706 81707 81708 81709
(M) To the extent permitted by federal law, procedures for	81710

paying for up to thirty days of child care for a child whose 81711
caretaker parent is seeking employment, taking part in employment 81712
orientation activities, or taking part in activities in 81713
anticipation of enrolling in or attending an education or training 81714
program or activity, if the employment or the education or 81715
training program or activity is expected to begin within the 81716
thirty-day period; 81717

(N) Any other rules necessary to carry out sections 5104.30 81718
to 5104.43 of the Revised Code. 81719

Sec. 5104.99. (A) Whoever violates section 5104.02 of the 81720
Revised Code shall be punished as follows: 81721

(1) For each offense, the offender shall be fined not less 81722
than one hundred dollars nor more than five hundred dollars 81723
multiplied by the number of children receiving child care at the 81724
child day-care center or type A family day-care home that either 81725
exceeds the number of children to which a type B family day-care 81726
home may provide child care or, if the offender is a licensed type 81727
A family day-care home that is operating as a child day-care 81728
center without being licensed as a center, exceeds the license 81729
capacity of the type A home. 81730

(2) In addition to the fine specified in division (A)(1) of 81731
this section, all of the following apply: 81732

(a) Except as provided in divisions (A)(2)(b), (c), and (d) 81733
of this section, the court shall order the offender to reduce the 81734
number of children to which it provides child care to a number 81735
that does not exceed either the number of children to which a type 81736
B family day-care home may provide child care or, if the offender 81737
is a licensed type A family day-care home that is operating as a 81738
child day-care center without being licensed as a center, the 81739
license capacity of the type A home. 81740

(b) If the offender previously has been convicted of or
pleaded guilty to one violation of section 5104.02 of the Revised
Code, the court shall order the offender to cease the provision of
child care to any person until it obtains a child day-care center
license or a type A family day-care home license, as appropriate,
under section 5104.03 of the Revised Code.

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(c) If the offender previously has been convicted of or
pleaded guilty to two violations of section 5104.02 of the Revised
Code, the offender is guilty of a misdemeanor of the first degree,
and the court shall order the offender to cease the provision of
child care to any person until it obtains a child day-care center
license or a type A family day-care home license, as appropriate,
under section 5104.03 of the Revised Code. The court shall impose
the fine specified in division (A)(1) of this section and may
impose an additional fine provided that the total amount of the
fines so imposed does not exceed the maximum fine authorized for a
misdemeanor of the first degree under section 2929.28 of the
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(d) If the offender previously has been convicted of or
pleaded guilty to three or more violations of section 5104.02 of
the Revised Code, the offender is guilty of a felony of the fifth
degree, and the court shall order the offender to cease the
provision of child care to any person until it obtains a child
day-care center license or a type A family day-care home license,
as appropriate, under section 5104.03 of the Revised Code. The
court shall impose the fine specified in division (A)(1) of this
section and may impose an additional fine provided that the total
amount of the fines so imposed does not exceed the maximum fine
authorized for a felony of the fifth degree under section 2929.18
of the Revised Code.

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(B) Whoever violates division ~~(B)~~(M)(4) of section ~~5104.09~~
5104.013 of the Revised Code is guilty of a misdemeanor of the

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first degree. If the offender is a licensee of a center ~~or~~, type A 81773
home, or licensed type B home, the conviction shall constitute 81774
grounds for denial or revocation of an application for licensure 81775
pursuant to section 5104.04 of the Revised Code. Except as 81776
otherwise provided in this division, the offense established under 81777
division (M)(4) of section 5104.013 of the Revised Code is a 81778
strict liability offense, and section 2901.20 of the Revised Code 81779
does not apply. If the offender is a person eighteen years of age 81780
or older residing in a ~~center or~~ type A home or licensed type B 81781
home or is an employee of a center ~~or a~~, type A home, or licensed 81782
type B home and if the licensee had knowledge of, and acquiesced 81783
in, the commission of the offense, the conviction shall constitute 81784
grounds for denial or revocation of an application for licensure 81785
pursuant to section 5104.04 of the Revised Code. 81786

(C) Whoever violates ~~division (C) of~~ section 5104.09 of the 81787
Revised Code is guilty of a misdemeanor of the third degree. 81788

Sec. 5107.05. The director of job and family services shall 81789
adopt rules to implement this chapter. The rules shall be 81790
consistent with Title IV-A, Title IV-D, federal regulations, state 81791
law, the Title IV-A state plan submitted to the United States 81792
secretary of health and human services under section 5101.80 of 81793
the Revised Code, amendments to the plan, and waivers granted by 81794
the United States secretary. Rules governing eligibility, program 81795
participation, and other applicant and participant requirements 81796
shall be adopted in accordance with Chapter 119. of the Revised 81797
Code. Rules governing financial and other administrative 81798
requirements applicable to the department of job and family 81799
services and county departments of job and family services shall 81800
be adopted in accordance with section 111.15 of the Revised Code. 81801

(A) The rules shall specify, establish, or govern all of the 81802
following: 81803

- (1) A payment standard for Ohio works first based on federal and state appropriations that is increased in accordance with section 5107.04 of the Revised Code; 81804
81805
81806
- (2) For the purpose of section 5107.04 of the Revised Code, the method of determining the amount of cash assistance an assistance group receives under Ohio works first; 81807
81808
81809
- (3) Requirements for initial and continued eligibility for Ohio works first, including requirements regarding income, citizenship, age, residence, and assistance group composition; 81810
81811
81812
- (4) For the purpose of section 5107.12 of the Revised Code, application and verification procedures, including the minimum information an application must contain; 81813
81814
81815
- (5) The extent to which a participant of Ohio works first must notify, pursuant to section 5107.12 of the Revised Code, a county department of job and family services of additional income not previously reported to the county department; 81816
81817
81818
81819
- (6) For the purpose of section 5107.16 of the Revised Code, both of the following: 81820
81821
- (a) Standards for the determination of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract; 81822
81823
81824
- (b) The compliance activities a member of an assistance group must complete for the member to be considered to have ceased to fail or refuse to comply in full with a provision of a self-sufficiency contract. 81825
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- (7) The department of job and family services providing written notice of a sanction under section 5107.161 of the Revised Code; 81829
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81831
- (8) For the purpose of division (B) of section 5107.17 of the Revised Code, the circumstances under which the adult member of an 81832
81833

assistance group or an assistance group's minor head of household 81834
whose failure or refusal, without good cause, to comply in full 81835
with a provision of a self-sufficiency contract causes a sanction 81836
under section 5107.16 of the Revised Code must enter into a new, 81837
or amend an existing, self-sufficiency contract before the 81838
assistance group may resume participation in Ohio works first 81839
following the sanction; 81840

(9) Requirements for the collection and distribution of 81841
support payments owed participants of Ohio works first pursuant to 81842
section 5107.20 of the Revised Code; 81843

(10) For the purpose of section 5107.22 of the Revised Code, 81844
what constitutes cooperating in establishing a minor child's 81845
paternity or establishing, modifying, or enforcing a child support 81846
order and good cause for failure or refusal to cooperate; 81847

(11) The requirements governing the LEAP program, including 81848
the definitions of "equivalent of a high school diploma" and "good 81849
cause," and the incentives provided under the LEAP program; 81850

(12) If the director implements section 5107.301 of the 81851
Revised Code, the requirements governing the award provided under 81852
that section, including the form that the award is to take and 81853
requirements an individual must satisfy to receive the award; 81854

(13) Circumstances under which a county department of job and 81855
family services may exempt a minor head of household or adult from 81856
participating in a work activity or developmental activity for all 81857
or some of the weekly hours otherwise required by section 5107.43 81858
of the Revised Code. 81859

(14) The maximum amount of time the department will subsidize 81860
positions created by state agencies and political subdivisions 81861
under division (C) of section 5107.52 of the Revised Code; 81862

(15) The implementation of sections 5107.71 to 5107.717 of 81863
the Revised Code by county departments of job and family services; 81864

(16) A domestic violence screening process to be used for the 81865
purpose of division (A) of section 5107.71 of the Revised Code; 81866

(17) The minimum frequency with which county departments of 81867
job and family services must redetermine a member of an assistance 81868
group's need for a waiver issued under section 5107.714 of the 81869
Revised Code; 81870

(18) Requirements for work activities, developmental 81871
activities, and alternative work activities for Ohio works first 81872
participants. 81873

(B) The rules adopted under division (A)(3) of this section 81874
regarding income shall specify what is countable income, gross 81875
earned income, and gross unearned income for the purpose of 81876
section 5107.10 of the Revised Code. 81877

The rules adopted under division (A)(10) of this section 81878
shall be consistent with 42 U.S.C. 654(29). 81879

The rules adopted under division (A)(13) of this section 81880
shall specify that the circumstances include that a school or 81881
place of work is closed due to a holiday or weather or other 81882
emergency and that an employer grants the minor head of household 81883
or adult leave for illness or earned vacation. 81884

(C) The rules may provide that a county department of job and 81885
family services is not required to take action under section 81886
5107.76 of the Revised Code to recover an erroneous payment under 81887
circumstances the rules specify. 81888

Sec. 5107.64. County departments of job and family services 81889
shall establish and administer alternative work activities for 81890
minor heads of households and adults participating in Ohio works 81891
first. In establishing alternative work activities, county 81892
departments are not limited by the restrictions Title IV-A imposes 81893
on work activities. The following are examples of alternative work 81894

activities that a county department may establish:	81895
(A) Parenting classes and life-skills training;	81896
(B) Participation in <u>addiction services provided by a</u>	81897
community addiction services provider certified by the department	81898
of mental health and addiction services under section 5119.36, as	81899
<u>defined in section 5119.01</u> of the Revised Code;	81900
(C) In the case of a homeless assistance group, finding a	81901
home;	81902
(D) In the case of a minor head of household or adult with a	81903
disability, active work in an individual written rehabilitation	81904
plan with the opportunities for Ohioans with disabilities agency;	81905
(E) In the case of a minor head of household or adult who has	81906
been the victim of domestic violence, residing in a domestic	81907
violence shelter, receiving counseling or treatment related to the	81908
domestic violence, or participating in criminal justice activities	81909
against the domestic violence offender;	81910
(F) An education program under which a participant who does	81911
not speak English attends English as a second language course.	81912
Sec. 5108.01. As used in this chapter:	81913
(A) <u>"Additional benefits and services" means the benefits and</u>	81914
<u>services that a county department of job and family services may</u>	81915
<u>include in its county prevention, retention, and contingency</u>	81916
<u>program plan. "Additional benefits and services" are in addition</u>	81917
<u>to required benefits and services.</u>	81918
(B) <u>"County family services planning committee" means the</u>	81919
county family services planning committee established under	81920
section 329.06 of the Revised Code or the board created by	81921
consolidation under division (C) of section 6301.06 of the Revised	81922
Code.	81923

(B)(C) "County prevention, retention, and contingency program plan" and "county plan" mean the plan each county department of job and family services must adopt under section 5108.04 of the Revised Code. 81924
81925
81926
81927

(D) "Ohio works first" has the same meaning as in section 5107.02 of the Revised Code. 81928
81929

(E) "Prevention, retention, and contingency program" means the program established by this chapter and funded in part with federal funds provided under Title IV-A. 81930
81931
81932

(C)(F) "Required benefits and services" means the benefits and services specified in rules adopted under section 5108.03 of the Revised Code that a county department of job and family services must include in its county prevention, retention, and contingency program plan. 81933
81934
81935
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81937

(G) "Title IV-A" means Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 81938
81939

Sec. 5108.021. All of the following apply to all benefits and services provided under the prevention, retention, and contingency program, regardless of whether they are required benefits and services or additional benefits and services: 81940
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81942
81943

(A) The benefits and services must be allowable uses of federal Title IV-A funds under sections 401 and 404(a) of the "Social Security Act," 42 U.S.C. 601 and 604(a). 81944
81945
81946

(B) The benefits and services must not be "assistance" as defined in 45 C.F.R. 260.31(a) and, except as provided in division 81947
81948

(C) of this section, must be benefits and services that 45 C.F.R. 260.31(b) excludes from the definition of "assistance." 81949
81950

(C) The benefits and services must not include work subsidies specified in 45 C.F.R. 260.31(b)(2). 81951
81952

(D) The benefits and services must have the following primary 81953

<u>purposes:</u>	81954
<u>(1) Diverting families from participating in Ohio works</u>	81955
<u>first;</u>	81956
<u>(2) Meeting an emergent need that, if not met, would threaten</u>	81957
<u>the safety, health, or well-being of one or more members of a</u>	81958
<u>family.</u>	81959
<u>Sec. 5108.022. Required benefits and services provided under</u>	81960
<u>the prevention, retention, and contingency program shall not be</u>	81961
<u>suspended by a county department of job and family services unless</u>	81962
<u>funds allocated for the program by the director of job and family</u>	81963
<u>services have been exhausted and the county department of job and</u>	81964
<u>family services submits an amended prevention, retention, and</u>	81965
<u>contingency program plan in accordance with section 5108.04 of the</u>	81966
<u>Revised Code.</u>	81967
<u>Sec. 5108.03. (A) The director of job and family services</u>	81968
<u>shall adopt rules in accordance with Chapter 119. of the Revised</u>	81969
<u>Code to implement this chapter. The rules shall specify and</u>	81970
<u>establish all of the following:</u>	81971
<u>(1) The required benefits and services that each county</u>	81972
<u>department of job and family services must include in its county</u>	81973
<u>prevention, retention, and contingency program plan;</u>	81974
<u>(2) Income and other eligibility requirements for required</u>	81975
<u>benefits and services and maximum eligibility requirements for</u>	81976
<u>additional benefits and services;</u>	81977
<u>(3) The maximum amount of required benefits and services and</u>	81978
<u>additional benefits and services an eligible individual may</u>	81979
<u>receive in a year;</u>	81980
<u>(4) Other requirements for county prevention, retention, and</u>	81981
<u>contingency program plans, including requirements for adopting,</u>	81982

updating, amending, and suspending county plans. 81983

(B) All of the following shall be specified as required 81984

benefits and services in the rules adopted under division (A)(1) 81985

of this section: 81986

(1) Short-term supportive services that address the specific 81987

crisis or episode of need, including assistance with employment, 81988

housing, utilities, transportation, or other employment-related 81989

needs; 81990

(2) Disaster assistance; 81991

(3) Any other benefits and services the director specifies. 81992

Sec. 5108.04. Each county department of job and family 81993

services shall adopt a written ~~statement of policies governing the~~ 81994

county prevention, retention, and contingency program plan for the 81995

county. The ~~statement of policies~~ initial county plan shall be 81996

adopted not later than ~~October 1~~ November 15, 2003, and 2015. The 81997

county plan shall be updated not later than October 1, 2017, and 81998

at least every two years thereafter. A county department may amend 81999

its ~~statement of policies to modify, terminate, and establish new~~ 82000

~~policies~~ county plan, except that required benefits and services 82001

may be suspended only as provided in section 5108.022 of the 82002

Revised Code. A ~~county department also may amend its statement of~~ 82003

~~policies to suspend operation of its prevention, retention, and~~ 82004

~~contingency program temporarily.~~ The county director of job and 82005

family services shall sign and date the ~~statement of policies~~ 82006

county plan and any amendment to it. Neither the ~~statement of~~ 82007

~~policies~~ county plan nor any amendment to it may have an effective 82008

date that is earlier than the date of the county director's 82009

signature. 82010

Each county department ~~of job and family services~~ shall 82011

provide the department of job and family services a written copy 82012

of the ~~statement of policies~~ county department's initial and 82013
updated county plans, and any amendments it adopts to ~~the~~ 82014
~~statement~~ a county plan, including any amendment concerning a 82015
suspension, not later than ten calendar days after the ~~statement~~ 82016
county plan's or amendment's effective date. 82017

Each county department shall comply with section 5108.022 of 82018
the Revised Code and rules adopted under section 5108.03 of the 82019
Revised Code when adopting, updating, amending, or suspending a 82020
county plan under this section. 82021

Sec. ~~5108.05~~ 5108.041. ~~In adopting a statement of policies~~ 82022
~~under section 5108.04 of the Revised Code for the county's (A)~~ 82023
Each county prevention, retention, and contingency program, ~~each~~ 82024
~~county department of job and family services~~ plan shall do all of 82025
~~the following:~~ 82026

~~(A) Establish or specify all of the following:~~ 82027

~~(1) Benefits~~ include all required benefits and services and 82028
may include additional benefits and services ~~to be provided under~~ 82029
~~the program that are allowable uses of federal Title IV A funds~~ 82030
~~under 42 U.S.C. 601 and 604(a), except that they may not be~~ 82031
~~"assistance" as defined in 45 C.F.R. 260.31(a) but rather benefits~~ 82032
~~and services that 45 C.F.R. 260.31(b) excludes from the definition~~ 82033
~~of assistance;~~ 82034

~~(2).~~ If a county plan includes additional benefits and 82035
services, the county plan shall establish or specify all of the 82036
following: 82037

(1) Restrictions on the amount, duration, and frequency of 82038
the additional benefits and services; 82039

~~(3)~~(2) Eligibility requirements for the additional benefits 82040
and services that do not exceed the maximum eligibility 82041
requirements for additional benefits and services specified in 82042

<u>rules adopted under section 5108.03 of the Revised Code;</u>	82043
(4) (3) Fair and equitable procedures for both of the following:	82044
	82045
(a) The certification of eligibility for the <u>additional</u> benefits and services that do not have a financial need eligibility requirement;	82046
	82047
	82048
(b) The determination and verification of eligibility for the <u>additional</u> benefits and services that have a financial need eligibility requirement.	82049
	82050
	82051
(5) (4) Objective criteria for the delivery of the <u>additional</u> benefits and services;	82052
	82053
(6) (5) Administrative requirements;	82054
(7) (6) Other matters the county department <u>of job and family services</u> determines are necessary.	82055
	82056
(B) Provide for the statement of policies to be <u>Each county prevention, retention, and contingency program plan shall be</u> consistent with all of the following:	82057
	82058
	82059
(1) The plan of cooperation the board of county commissioners develops under section 307.983 of the Revised Code;	82060
	82061
(2) The review and analysis of the county family services committee conducted in accordance with division (B)(2) of section 329.06 of the Revised Code;	82062
	82063
	82064
(3) Title IV-A, federal regulations, state law, the Title IV-A state plan submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, and amendments to the plan, <u>and rules adopted under section 5108.03 of the Revised Code.</u>	82065
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	82069
(C) Either <u>Each county department of job and family services shall either</u> provide the public and local government entities at least thirty days to submit comments on, or have the county family	82070
	82071
	82072

services planning committee review, the ~~statement of policies~~ 82073
~~county prevention, retention, and contingency program plan,~~ 82074
including the design of the county's prevention, retention, and 82075
contingency program, before the county ~~director signs and dates~~ 82076
~~the statement of policies plan is submitted to the department of~~ 82077
~~job and family services under section 5108.04 of the Revised Code.~~ 82078

Sec. ~~5108.03~~ 5108.05. ~~Under the prevention, retention, and~~ 82079
~~contingency program, each~~ Each county department of job and family 82080
services shall do ~~both~~ all of the following in accordance with its 82081
~~county prevention, retention, and contingency program plan and the~~ 82082
~~statement of policies the county department develops~~ rules adopted 82083
under section ~~5108.04~~ 5108.03 of the Revised Code: 82084

(A) ~~Provide~~ Make all required benefits and services ~~that~~ 82085
~~individuals need to overcome immediate barriers to achieving or~~ 82086
~~maintaining self sufficiency and personal responsibility available~~ 82087
in the county or counties the county department serves; 82088

(B) Make the additional benefits and services, if any, 82089
included in its county plan available in the county or counties 82090
the county department serves; 82091

~~(B)~~(C) Perform related administrative duties. 82092

Sec. 5108.06. In adopting a ~~statement of policies under~~ 82093
~~section 5108.04 of the Revised Code for the county's prevention,~~ 82094
~~retention, and contingency program~~ county prevention, retention, 82095
and contingency program plan, a county department of job and 82096
family services may specify both of the following: 82097

(A) Benefits and services to be provided under the program 82098
that prevent and reduce the incidence of out-of-wedlock 82099
pregnancies or encourage the formation and maintenance of 82100
two-parent families as permitted by 45 C.F.R. 260.20(c) and (d); 82101

(B) How the county department will certify individuals' 82102

eligibility for such benefits and services. 82103

Sec. 5108.07. (A) Each ~~statement of policies adopted under~~ 82104
~~section 5108.04 of the Revised Code~~ county prevention, retention, 82105
and contingency program plan shall include the board of county 82106
commissioners' certification that the county department of job and 82107
family services complied with this chapter and rules adopted under 82108
section 5108.03 of the Revised Code in adopting the ~~statement of~~ 82109
~~policies~~ county plan. 82110

(B) The board of county commissioners shall revise its 82111
certification under division (A) of this section if the county 82112
department ~~adopts an amendment under section 5108.04 of the~~ 82113
~~Revised Code~~ amends its county prevention, retention, and 82114
contingency program plan to suspend operation of its prevention, 82115
retention, and contingency program temporarily or to make any 82116
other ~~amendment under that section~~ change the board considers to 82117
be significant. 82118

Sec. 5108.09. When a state hearing under division (B) of 82119
section 5101.35 of the Revised Code or an administrative appeal 82120
under division (C) of that section is held regarding the 82121
prevention, retention, and contingency program, the hearing 82122
officer, director of job and family services, or director's 82123
designee shall base the decision in the hearing or appeal on the 82124
county department of job and family services' ~~written statement of~~ 82125
~~policies adopted under section 5108.04 of the Revised Code~~ county 82126
prevention, retention, and contingency program plan and any 82127
amendments ~~the county department adopted to the statement~~ county 82128
plan if the county department provides a written copy of the 82129
~~statement of policies~~ county plan and all amendments to the 82130
hearing officer, director, or director's designee at the hearing 82131
or appeal. 82132

Sec. 5108.11. (A) To the extent permitted by section 307.982 82133
of the Revised Code, a board of county commissioners may enter 82134
into a written contract with a private or government entity for 82135
the entity to do either or both of the following for the county's 82136
prevention, retention, and contingency program: 82137

(1) Certify eligibility for benefits and services that do not 82138
have a financial need eligibility requirement; 82139

(2) Accept applications and determine and verify eligibility 82140
for benefits and services that have a financial need eligibility 82141
requirement. 82142

(B) If a board of county commissioners enters into a contract 82143
under division (A) of this section with a private or government 82144
entity, the county department of job and family services shall do 82145
all of the following: 82146

(1) Ensure that eligibility for benefits and services is 82147
certified or determined and verified in accordance with the 82148
~~statement of policies adopted under section 5108.04~~ county 82149
prevention, retention, and contingency program plan and rules 82150
adopted under section 5108.03 of the Revised Code; 82151

(2) Ensure that the private or government entity maintains 82152
all records that are necessary for audits; 82153

(3) Monitor the private or government entity for compliance 82154
with Title IV-A, this chapter of the Revised Code, ~~and~~ the 82155
~~statement of policies~~ county prevention, retention, and 82156
contingency program plan, and rules adopted under section 5108.03 82157
of the Revised Code; 82158

(4) Take actions that are necessary to recover any funds that 82159
are not spent in accordance with Title IV-A ~~or~~, this chapter of 82160
the Revised Code, or rules adopted under section 5108.03 of the 82161
Revised Code. 82162

Sec. 5115.04. ~~(A)~~ The department of job and family services 82163
shall supervise and administer the disability financial assistance 82164
program, ~~except that the~~ subject to the following exceptions: 82165

The department may require county departments of job and 82166
family services to perform any administrative function for the 82167
program, as specified in rules adopted by the director of job and 82168
family services. 82169

~~(B)~~ If the department requires county departments to perform 82170
administrative functions under this ~~section~~ division, the director 82171
shall adopt rules in accordance with section 111.15 of the Revised 82172
Code governing the performance of the functions ~~to be performed~~ by 82173
county departments. County departments shall perform the functions 82174
in accordance with the rules. The director shall conduct 82175
investigations to determine whether disability financial 82176
assistance is being administered in compliance with the Revised 82177
Code and rules adopted by the director. 82178

~~(C)~~ If disability financial assistance payments are made by 82179
the county department of job and family services, the department 82180
shall advance sufficient funds to provide the county treasurer 82181
with the amount estimated for the payments. Financial assistance 82182
payments shall be distributed in accordance with sections 126.35, 82183
319.16, and 329.03 of the Revised Code. 82184

The department may enter into an agreement with a state 82185
agency whereby the state agency agrees to make eligibility 82186
determinations for the program. If the department enters into such 82187
an agreement, the department shall cover the administrative costs 82188
incurred by the state agency to make the eligibility 82189
determinations. 82190

As used in this division, "state agency" has the same meaning 82191
as in section 117.01 of the Revised Code. 82192

Sec. 5119.01. (A) As used in this chapter:	82193
(1) "Addiction" means the chronic and habitual use of alcoholic beverages, the use of a drug of abuse as defined in section 3719.011 of the Revised Code, or the use of gambling by an individual to the extent that the individual no longer can control the individual's use of alcohol, the individual becomes physically or psychologically dependent on the drug, the individual's use of alcohol or drugs endangers the health, safety, or welfare of the individual or others, or the individual's gambling causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.	82194 82195 82196 82197 82198 82199 82200 82201 82202 82203 82204
(2) "Addiction services" means services, including intervention, for the treatment of persons with alcohol, drug, or gambling addictions, and for the prevention of such addictions.	82205 82206 82207
(3) "Alcohol and drug addiction services" means services, including intervention, for the treatment of alcoholics or persons who abuse drugs of abuse and for the prevention of alcoholism and drug addiction.	82208 82209 82210 82211
(4) "Alcoholic" means a person suffering from alcoholism.	82212
(5) "Alcoholism" means the chronic and habitual use of alcoholic beverages by an individual to the extent that the individual no longer can control the individual's use of alcohol or endangers the health, safety, or welfare of the individual or others.	82213 82214 82215 82216 82217
(6) "Community addiction services provider" means an agency, association, corporation, individual, or program that provides community alcohol, drug addiction, or gambling addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code.	82218 82219 82220 82221 82222

(7) "Community mental health services provider" means an agency, association, corporation, individual, or program that provides ~~community~~ mental health services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code.

(8) "Drug addiction" means the use of a drug of abuse, as defined in section 3719.011 of the Revised Code, by an individual to the extent that the individual becomes physically or psychologically dependent on the drug or endangers the health, safety, or welfare of the individual or others.

(9) "Gambling addiction" means the use of gambling by an individual to the extent that it causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

(10) "Gambling addiction services" means services for the treatment of persons who have a gambling addiction and for the prevention of gambling addiction.

(11) "Hospital" means a hospital or inpatient unit licensed by the department of mental health and addiction services under section 5119.33 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department under Chapter 5119. of the Revised Code.

(12) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(13) "Mental health services" means services for the assessment, care, or treatment of persons who have a mental illness as defined in this section.

(14)(a) "Residence" means a person's physical presence in a county with intent to remain there, except in either of the

following circumstances: 82254

(i) If a person is receiving a mental health treatment 82255
service at a facility that includes nighttime sleeping 82256
accommodations, "residence" means that county in which the person 82257
maintained the person's primary place of residence at the time the 82258
person entered the facility; 82259

(ii) If a person is committed pursuant to section 2945.38, 82260
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 82261
"residence" means the county where the criminal charges were 82262
filed. 82263

(b) When the residence of a person is disputed, the matter of 82264
residence shall be referred to the department of mental health and 82265
addiction services for investigation and determination. Residence 82266
shall not be a basis for a board of alcohol, drug addiction, and 82267
mental health services to deny services to any person present in 82268
the board's service district, and the board shall provide services 82269
for a person whose residence is in dispute while residence is 82270
being determined and for a person in an emergency situation. 82271

(B) Any reference in this chapter to a board of alcohol, drug 82272
addiction, and mental health services also refers to an alcohol 82273
and drug addiction services board or a community mental health 82274
board in a service district in which an alcohol and drug addiction 82275
services board or a community mental health board has been 82276
established under section 340.021 or former section 340.02 of the 82277
Revised Code. 82278

Sec. 5119.10. (A) The director of mental health and addiction 82279
services is the chief executive and appointing authority of the 82280
department of mental health and addiction services. The director 82281
may organize the department for its efficient operation, including 82282
creating divisions or offices as necessary. The director may 82283
establish procedures for the governance of the department, conduct 82284

of its employees and officers, performance of its business, and 82285
custody, use, and preservation of departmental records, papers, 82286
books, documents, and property. Whenever the Revised Code imposes 82287
a duty upon or requires an action of the department or any of its 82288
institutions, the director or the director's designee shall 82289
perform the action or duty in the name of the department, except 82290
that the medical director appointed pursuant to section 5119.11 of 82291
the Revised Code shall be responsible for decisions relating to 82292
medical diagnosis, treatment, rehabilitation, quality assurance, 82293
and the clinical aspects of the following: licensure of hospitals 82294
and residential facilities, research, community addiction and 82295
mental health services plans, and certification and delivery of 82296
~~mental health and~~ addiction and mental health services. 82297

(B) The director shall: 82298
82299

(1) Adopt rules for the proper execution of the powers and 82300
duties of the department with respect to the institutions under 82301
its control, and require the performance of additional duties by 82302
the officers of the institutions as necessary to fully meet the 82303
requirements, intents, and purposes of this chapter. In case of an 82304
apparent conflict between the powers conferred upon any managing 82305
officer and those conferred by such sections upon the department, 82306
the presumption shall be conclusive in favor of the department. 82307

(2) Adopt rules for the nonpartisan management of the 82308
institutions under the department's control. An officer or 82309
employee of the department or any officer or employee of any 82310
institution under its control who, by solicitation or otherwise, 82311
exerts influence directly or indirectly to induce any other 82312
officer or employee of the department or any of its institutions 82313
to adopt the exerting officer's or employee's political views or 82314
to favor any particular person, issue, or candidate for office 82315
shall be removed from the exerting officer's or employee's office 82316

or position, by the department in case of an officer or employee, 82317
and by the governor in case of the director. 82318

(3) Appoint such employees, including the medical director, 82319
as are necessary for the efficient conduct of the department, and 82320
prescribe their titles and duties; 82321

(4) Prescribe the forms of affidavits, applications, medical 82322
certificates, orders of hospitalization and release, and all other 82323
forms, reports, and records that are required in the 82324
hospitalization or admission and release of all persons to the 82325
institutions under the control of the department, or are otherwise 82326
required under this chapter or Chapter 5122. of the Revised Code; 82327

(5) Exercise the powers and perform the duties relating to 82328
~~community~~ addiction and mental health facilities and services that 82329
are assigned to the director under this chapter and Chapter 340. 82330
of the Revised Code; 82331

(6) Develop and implement clinical evaluation and monitoring 82332
of services that are operated by the department; 82333

(7) Adopt rules establishing standards for the performance of 82334
evaluations by a forensic center or other psychiatric program or 82335
facility of the mental condition of defendants ordered by the 82336
court under section 2919.271, or 2945.371 of the Revised Code, and 82337
for the treatment of defendants who have been found incompetent to 82338
stand trial and ordered by the court under section 2945.38, 82339
2945.39, 2945.401, or 2945.402 of the Revised Code to receive 82340
treatment in facilities; 82341

(8) On behalf of the department, have the authority and 82342
responsibility for entering into contracts and other agreements 82343
with providers, agencies, institutions, and other entities, both 82344
public and private, as necessary for the department to carry out 82345
its duties under this chapter and Chapters 340., 2919., 2945., and 82346
5122. of the Revised Code. Chapter 125. of the Revised Code does 82347

not apply to contracts the director enters into under this section 82348
for services provided to individuals with mental illness by 82349
providers, agencies, institutions, and other entities not owned or 82350
operated by the department. 82351

(9) Adopt rules in accordance with Chapter 119. of the 82352
Revised Code specifying the supplemental services that may be 82353
provided through a trust authorized by section 5815.28 of the 82354
Revised Code; 82355

(10) Adopt rules in accordance with Chapter 119. of the 82356
Revised Code establishing standards for the maintenance and 82357
distribution to a beneficiary of assets of a trust authorized by 82358
section 5815.28 of the Revised Code. 82359

(C) The director may contract with hospitals licensed by the 82360
department under section 5119.33 of the Revised Code for the care 82361
and treatment of mentally ill patients, or with persons, 82362
organizations, or agencies for the custody, evaluation, 82363
supervision, care, or treatment of mentally ill persons receiving 82364
services elsewhere than within the enclosure of a hospital 82365
operated under section 5119.14 of the Revised Code. 82366

Sec. 5119.11. (A) The director of mental health and addiction 82367
services shall appoint a medical director who is eligible or 82368
certified by the American board of psychiatry and neurology or the 82369
American osteopathic board of neurology and psychiatry, and has at 82370
least five years of clinical and two years of administrative 82371
experience. The medical director shall also have certification or 82372
substantial training and experience in the field of addiction 82373
medicine or addiction psychiatry. The medical director shall be 82374
responsible for decisions relating to medical diagnosis, 82375
treatment, prevention, rehabilitation, quality assurance, and the 82376
clinical aspects of ~~mental health and~~ addiction and mental health 82377
services involving all of the following: 82378

(1) Licensure of hospitals, residential facilities, and outpatient facilities;	82379
	82380
(2) Research;	82381
(3) Community addiction and mental health services plans;	82382
(4) Certification and delivery of mental health and addiction <u>and mental health</u> services.	82383
	82384
(B) The medical director shall also exercise clinical supervision of the chief clinical officers of hospitals and institutions under the jurisdiction of the department and shall review and approve decisions relating to the employment of the chief clinical officers. The medical director or the medical director's designee shall advise the director on matters relating to licensure, research, and the certification and delivery of mental health and addiction <u>and mental health</u> services and community <u>addiction and mental health</u> plans. The medical director shall participate in the development of guidelines for community addiction and mental health services plans. The director of mental health and addiction services may establish other duties of the medical director.	82385
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Sec. 5119.161. The department of mental health and addiction services, in conjunction with the department of job and family services, shall develop a joint state plan to improve the accessibility and timeliness of alcohol and drug addiction services for individuals identified by a public children services agency as in need of those services. The plan shall address the fact that Ohio works first participants may be among the persons receiving services under section 340.15 of the Revised Code and shall require the department of job and family services to seek federal funds available under Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, for the provision of the services to Ohio works first participants who are	82398
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receiving services under section 340.15 of the Revised Code. 82410

~~The plan shall address the need and manner for sharing~~ 82411
~~information and include a request for the general assembly to~~ 82412
~~appropriate an amount of funds specified in the report to be used~~ 82413
~~by the departments to pay for services under section 340.15 of the~~ 82414
~~Revised Code. The departments shall review and amend the plan as~~ 82415
necessary. 82416

~~Not later than the first day of July of each even numbered~~ 82417
~~year, the departments shall submit a report on the progress made~~ 82418
~~under the joint state plan to the governor, president of the~~ 82419
~~senate, and speaker of the house of representatives. The report~~ 82420
~~shall include information on treatment capacity, needs~~ 82421
~~assessments, and number of individuals who received services~~ 82422
~~pursuant to section 340.15 of the Revised Code.~~ 82423

Sec. 5119.186. (A) The director of mental health and 82424
addiction services or the managing officer of an institution of 82425
the department may enter into an agreement with boards of trustees 82426
or boards of directors of one or more institutions of higher 82427
education or hospitals licensed pursuant to section 5119.33 of the 82428
Revised Code to establish, manage, and conduct collaborative 82429
training efforts for students enrolled in courses of studies for 82430
occupations or professions that involve the care and treatment for 82431
persons receiving ~~mental health or addiction~~ or mental health 82432
services. 82433

(B) Such collaborative training efforts may include but are 82434
not limited to programs in psychiatry, psychology, nursing, social 82435
work, counseling professions, and others considered appropriate by 82436
the director of mental health and addiction services. Any such 82437
program shall be approved or accredited by its respective 82438
professional organization or state board having jurisdiction over 82439
the profession. 82440

- (1) The department shall require that the following be provided for in agreements between the department and institutions of higher education or hospitals licensed pursuant to section 5119.33 of the Revised Code:
- (a) Establishment of inter-disciplinary committees to advise persons responsible for training programs. Each committee shall have representation drawn from the geographical community the institution of higher education or hospital serves and shall include representatives of agencies, boards, targeted populations as determined by the department, racial and ethnic minority groups, and publicly funded programs;
 - (b) Funding procedures;
 - (c) Specific outcomes and accomplishments that are expected or required of a program under such agreement;
 - (d) The types of services to be provided under such agreement.
- (2) The department may require that the following be provided for in agreements between the department and institutions of higher education or hospitals licensed pursuant to section 5119.33 of the Revised Code:
- (a) Special arrangements for individual residents or trainees to encourage their employment in publicly funded settings upon completion of their training;
 - (b) Procedures for the selection of residents or trainees to promote the admission, retention, and graduation of women, minorities, and disabled persons;
 - (c) Cross-cultural training and other subjects considered necessary to enhance training efforts and the care and treatment of patients and clients;
 - (d) Funding of faculty positions oriented toward meeting the

needs of publicly funded programs. 82471

Subject to appropriations by the general assembly, the 82472
director of mental health and addiction services has final 82473
approval of the funding of these collaborative training efforts. 82474

Sec. 5119.21. (A) The department of mental health and 82475
addiction services shall: 82476

(1) To the extent the department has available resources and 82477
in consultation with boards of alcohol, drug addiction, and mental 82478
health services, support a continuum of care in accordance with 82479
Chapter 340. of the Revised Code on a district or multi-district 82480
basis. The department shall define the essential elements of a 82481
continuum of care, shall assist in identifying resources, and may 82482
prioritize support for one or more of the elements. 82483

(2) Provide training, consultation, and technical assistance 82484
regarding ~~mental health and~~ addiction and mental health services 82485
and appropriate prevention, recovery, and mental health promotion 82486
activities, including those that are culturally competent, to 82487
employees of the department, community mental health and addiction 82488
services providers, boards of alcohol, drug addiction, and mental 82489
health services, and other agencies providing ~~mental health and~~ 82490
addiction and mental health services; 82491

(3) To the extent the department has available resources, 82492
promote and support a full range of ~~mental health and~~ addiction 82493
and mental health services that are available and accessible to 82494
all residents of this state, especially for severely ~~mentally~~ 82495
~~disabled~~ emotionally disturbed children, and adolescents, severely 82496
mentally disabled adults, pregnant women, parents, guardians or 82497
custodians of children at risk of abuse or neglect, and other 82498
special target populations, including racial and ethnic 82499
minorities, as determined by the department; 82500

(4) Develop standards and measures for evaluating the 82501
effectiveness of ~~mental health and~~ addiction and mental health 82502
services, including services that use methadone treatment, of 82503
gambling addiction services, and for increasing the accountability 82504
of community mental health and ~~alcohol and~~ addiction services 82505
providers ~~and of gambling addiction services providers;~~ 82506

(5) Design and set criteria for the determination of priority 82507
populations; 82508

(6) Promote, direct, conduct, and coordinate scientific 82509
research, taking ethnic and racial differences into consideration, 82510
concerning the causes and prevention of mental illness and 82511
addiction, methods of providing effective services and treatment, 82512
and means of enhancing the mental health of and recovery from 82513
addiction of all residents of this state; 82514

(7) Foster the establishment and availability of vocational 82515
rehabilitation services and the creation of employment 82516
opportunities for ~~consumers of mental health and~~ individuals with 82517
addiction ~~services and mental health needs~~, including members of 82518
racial and ethnic minorities; 82519

(8) Establish a program to protect and promote the rights of 82520
persons receiving ~~mental health and~~ addiction and mental health 82521
services, including the issuance of guidelines on informed consent 82522
and other rights; 82523

(9) Promote the involvement of persons who are receiving or 82524
have received ~~mental health or~~ addiction or mental health 82525
services, including families and other persons having a close 82526
relationship to a person receiving those services, in the 82527
planning, evaluation, delivery, and operation of ~~mental health and~~ 82528
addiction and mental health services; 82529

(10) Notify and consult with the relevant constituencies that 82530
may be affected by rules, standards, and guidelines issued by the 82531

department of mental health and addiction services. These 82532
constituencies shall include consumers of ~~mental health and~~ 82533
addiction and mental health services and their families, and may 82534
include public and private providers, employee organizations, and 82535
others when appropriate. Whenever the department proposes the 82536
adoption, amendment, or rescission of rules under Chapter 119. of 82537
the Revised Code, the notification and consultation required by 82538
this division shall occur prior to the commencement of proceedings 82539
under Chapter 119. The department shall adopt rules under Chapter 82540
119. of the Revised Code that establish procedures for the 82541
notification and consultation required by this division. 82542

(11) Provide consultation to the department of rehabilitation 82543
and correction concerning the delivery of ~~mental health and~~ 82544
addiction and mental health services in state correctional 82545
institutions-; 82546

(12) Promote and coordinate efforts in the provision of 82547
alcohol and drug addiction services and of gambling addiction 82548
services by other state agencies, as defined in section 1.60 of 82549
the Revised Code; courts; hospitals; clinics; physicians in 82550
private practice; public health authorities; boards of alcohol, 82551
drug addiction, and mental health services; ~~alcohol and drug~~ 82552
community addiction services providers; law enforcement agencies; 82553
~~gambling addiction services providers;~~ and related groups; 82554

(13) Provide to each court of record, and biennially update, 82555
a list of the treatment and education programs within that court's 82556
jurisdiction that the court may require an offender, sentenced 82557
pursuant to section 4511.19 of the Revised Code, to attend; 82558

(14) Make the warning sign described in sections 3313.752, 82559
3345.41, and 3707.50 of the Revised Code available on the 82560
department's internet web site; 82561

(15) Provide a program of gambling addiction services on 82562

behalf of the state lottery commission, pursuant to an agreement 82563
entered into with the director of the commission under division 82564
(K) of section 3770.02 of the Revised Code, and provide a program 82565
of gambling addiction services on behalf of the Ohio casino 82566
control commission, under an agreement entered into with the 82567
executive director of the commission under section 3772.062 of the 82568
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 82569
Constitution, the department may enter into agreements with boards 82570
of alcohol, drug addiction, and mental health services, including 82571
boards with districts in which a casino facility is not located, 82572
and nonprofit organizations to provide gambling addiction services 82573
and ~~substance abuse~~ alcohol and drug addiction services, and with 82574
state institutions of higher education or private nonprofit 82575
institutions that possess a certificate of authorization issued 82576
under Chapter 1713. of the Revised Code to perform related 82577
research. 82578

(B) The department may accept and administer grants from 82579
public or private sources for carrying out any of the duties 82580
enumerated in this section. 82581

~~(C) Pursuant to Chapter 119. of the Revised Code, the~~ 82582
~~department shall adopt a rule defining the term "intervention" as~~ 82583
~~it is used in this chapter in connection with alcohol and drug~~ 82584
~~addiction services and in connection with gambling addiction~~ 82585
~~services.~~ The department may adopt ~~other~~ rules in accordance with 82586
Chapter 119. of the Revised Code as necessary to implement the 82587
requirements of this chapter. 82588

Sec. 5119.23. (A) The department of mental health and 82589
addiction services shall establish a methodology for allocating to 82590
boards of alcohol, drug addiction, and mental health services the 82591
funds appropriated by the general assembly to the department for 82592
the purpose of ~~local mental health and addiction services~~ 82593

~~continuum~~ the continuum of care that each board establishes under 82594
section 340.03 of the Revised Code. The department shall establish 82595
the methodology after notifying and consulting with relevant 82596
constituencies as required by division (A)(10) of section 5119.21 82597
of the Revised Code. The methodology may provide for the funds to 82598
be allocated to boards on a district or multi-district basis. 82599

(B) Subject to section 5119.25 of the Revised Code, and to 82600
required submissions and approvals under section 340.08 of the 82601
Revised Code, the department shall allocate the funds to the 82602
boards in a manner consistent with the methodology, this section, 82603
other state and federal laws, rules, and regulations. 82604

(C) In consultation with boards, community addiction services 82605
providers, community mental health ~~and addiction~~ services 82606
providers, and persons receiving services, the department shall 82607
establish guidelines for the use of funds allocated ~~and~~ 82608
~~distributed~~ under this section. 82609

Sec. 5119.25. (A) The director of mental health and addiction 82610
services, in whole or in part, may withhold funds otherwise to be 82611
allocated to a board of alcohol, drug addiction, and mental health 82612
services under section 5119.23 of the Revised Code if the board 82613
fails to comply with Chapter 340. or ~~section 5119.22, 5119.24,~~ 82614
~~5119.36, or 5119.371~~ 5119. of the Revised Code or rules of the 82615
department of mental health and addiction services. However, 82616
beginning September 15, 2016, the director shall withhold all such 82617
funds from the board when required to do so under division (A)(4) 82618
of section 340.08 of the Revised Code or division (G)(1) of 82619
section 5119.22 of the Revised Code. 82620

(B) The director of mental health and addiction services may 82621
withhold funds otherwise to be allocated to a board of alcohol, 82622
drug addiction, and mental health services under section 5119.23 82623
of the Revised Code if the board denies available service on the 82624

basis of race, color, religion, creed, sex, age, national origin, 82625
disability as defined in section 4112.01 of the Revised Code, or 82626
developmental disability. 82627

(C) The director shall issue a notice identifying the areas 82628
of noncompliance and the action necessary to achieve compliance. 82629
The director may offer technical assistance to the board to 82630
achieve compliance. The board shall have thirty days from receipt 82631
of the notice of noncompliance to present its position that it is 82632
in compliance or to submit to the director evidence of corrective 82633
action the board took to achieve compliance. Before withholding 82634
funds, the director or the director's designee shall hold a 82635
hearing within thirty days of receipt of the board's position or 82636
evidence to determine if there are continuing violations and that 82637
either assistance is rejected or the board is unable, or has 82638
failed, to achieve compliance. The director may appoint a 82639
representative from another board of alcohol, drug addiction, and 82640
mental health services to serve as a mentor for the board in 82641
developing and executing a plan of corrective action to achieve 82642
compliance. Any such representative shall be from a board that is 82643
in compliance with Chapter 340. of the Revised Code, ~~sections~~ 82644
~~5119.22, 5119.24, 5119.36, and 5119.371 of the Revised Code~~ this 82645
chapter, and the department's rules. Subsequent to the hearing 82646
process, if it is determined that compliance has not been 82647
achieved, the director may allocate all or part of the withheld 82648
funds to one or more community mental health services providers or 82649
community addiction services providers to provide the ~~community~~ 82650
mental health ~~or community~~ service or addiction service for which 82651
the board is not in compliance until the time that there is 82652
compliance. The director shall adopt rules in accordance with 82653
Chapter 119. of the Revised Code to implement this section. 82654

Sec. 5119.28. (A) All records, and reports, other than court 82655
journal entries or court docket entries, identifying a person and 82656

pertaining to the person's mental health condition, assessment, 82657
provision of care or treatment, or payment for assessment, care or 82658
treatment that are maintained in connection with any services 82659
certified by the department of mental health and addiction 82660
services, or any hospitals or facilities licensed or operated by 82661
the department, shall be kept confidential and shall not be 82662
disclosed by any person except: 82663

(1) If the person identified, or the person's legal guardian, 82664
if any, or if the person is a minor, the person's parent or legal 82665
guardian, consents; 82666

(2) When disclosure is provided for in this chapter or 82667
Chapter 340. or 5122. of the Revised Code or in accordance with 82668
other provisions of state or federal law authorizing such 82669
disclosure; 82670

(3) That hospitals, boards of alcohol, drug addiction, and 82671
mental health services, licensed facilities, and community mental 82672
health services providers may release necessary information to 82673
insurers and other third-party payers, including government 82674
entities responsible for processing and authorizing payment, to 82675
obtain payment for goods and services furnished to the person; 82676

(4) Pursuant to a court order signed by a judge; 82677

(5) That a person shall be granted access to the person's own 82678
psychiatric and medical records, unless access specifically is 82679
restricted in a person's treatment plan for clear treatment 82680
reasons; 82681

(6) That the department of mental health and addiction 82682
services may exchange psychiatric records and other pertinent 82683
information with community mental health services providers and 82684
boards of alcohol, drug addiction, and mental health services 82685
relating to the person's care or services. Records and information 82686

that may be exchanged pursuant to this division shall be limited 82687
to medication history, physical health status and history, 82688
financial status, summary of course of treatment, summary of 82689
treatment needs, and a discharge summary, if any. 82690

(7) That the department of mental health and addiction 82691
services, hospitals and community providers operated by the 82692
department, hospitals licensed by the department under section 82693
5119.33 of the Revised Code, and community mental health services 82694
providers may exchange psychiatric records and other pertinent 82695
information with payers and other providers of treatment and 82696
health services if the purpose of the exchange is to facilitate 82697
continuity of care for the person or for the emergency treatment 82698
of the person; 82699

(8) That the department of mental health and addiction 82700
services and community mental health services providers may 82701
exchange psychiatric records and other pertinent information with 82702
boards of alcohol, drug addiction, and mental health services for 82703
purposes of any board function set forth in Chapter 340. of the 82704
Revised Code. Boards of alcohol, drug addiction, and mental health 82705
services shall not access any personal information from the 82706
department or providers except as required or permitted by this 82707
section, or Chapter 340. or 5122. of the Revised Code for purposes 82708
related to payment, care coordination, health care operations, 82709
program and service evaluation, reporting activities, research, 82710
system administration, oversight, or other authorized purposes. 82711

(9) That a person's family member who is involved in the 82712
provision, planning, and monitoring of services to the person may 82713
receive medication information, a summary of the person's 82714
diagnosis and prognosis, and a list of the services and personnel 82715
available to assist the person and the person's family, if the 82716
person's treatment provider determines that the disclosure would 82717
be in the best interests of the person. No such disclosure shall 82718

be made unless the person is notified first and receives the 82719
information and does not object to the disclosure. 82720

(10) That community mental health services providers may 82721
exchange psychiatric records and certain other information with 82722
the board of alcohol, drug addiction, and mental health services 82723
and other providers in order to provide services to a person 82724
involuntarily committed to a board. Release of records under this 82725
division shall be limited to medication history, physical health 82726
status and history, financial status, summary of course of 82727
treatment, summary of treatment needs, and discharge summary, if 82728
any. 82729

(11) That information may be disclosed to the executor or the 82730
administrator of an estate of a deceased person when the 82731
information is necessary to administer the estate; 82732

(12) That information may be disclosed to staff members of 82733
the appropriate board or to staff members designated by the 82734
director of mental health and addiction services for the purpose 82735
of evaluating the quality, effectiveness, and efficiency of 82736
services and determining if the services meet minimum standards. 82737
Information obtained during such evaluations shall not be retained 82738
with the name of any person. 82739

(13) That records pertaining to the person's diagnosis, 82740
course of treatment, treatment needs, and prognosis shall be 82741
disclosed and released to the appropriate prosecuting attorney if 82742
the person was committed pursuant to section 2945.38, 2945.39, 82743
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 82744
attorney designated by the board for proceedings pursuant to 82745
involuntary commitment under Chapter 5122. of the Revised Code; ~~i~~ 82746

(14) That the department of mental health and addiction 82747
services may exchange psychiatric hospitalization records, other 82748
mental health treatment records, and other pertinent information 82749

with the department of rehabilitation and correction and with the 82750
department of youth services to ensure continuity of care for 82751
inmates and offenders who are receiving mental health services in 82752
an institution of the department of rehabilitation and correction 82753
or the department of youth services and may exchange psychiatric 82754
hospitalization records, other mental health treatment records, 82755
and other pertinent information with boards of alcohol, drug 82756
addiction, and mental health services and community mental health 82757
services providers to ensure continuity of care for inmates or 82758
offenders who are receiving mental health services in an 82759
institution and are scheduled for release within six months. The 82760
release of records under this division is limited to records 82761
regarding an inmate's or offender's medication history, physical 82762
health status and history, summary of course of treatment, summary 82763
of treatment needs, and a discharge summary, if any. 82764

(15) That a community mental health services provider that 82765
ceases to operate may transfer to either a community mental health 82766
services provider that assumes its caseload or to the board of 82767
alcohol, drug addiction, and mental health services of the service 82768
district in which the person resided at the time services were 82769
most recently provided any ~~treatment~~ records concerning treatment 82770
that have not been transferred elsewhere at the person's request; 82771

(16) That records and reports relating to a person who has 82772
been deceased for fifty years or more are no longer considered 82773
confidential. 82774

(B) Before records are disclosed pursuant to divisions 82775
(A)(3), (6), and (10) of this section, the custodian of the 82776
records shall attempt to obtain the person's consent for the 82777
disclosure. 82778

(C) No person shall reveal the content of a medical record of 82779
a person that is confidential pursuant to this section, except as 82780
authorized by law. 82781

Sec. 5119.31. The department of administrative services shall 82782
purchase all supplies needed for the proper support and 82783
maintenance of the institutions under the control of the 82784
department of mental health and addiction services in accordance 82785
with the competitive selection procedures of Chapter 125. of the 82786
Revised Code and such rules as the department of administrative 82787
services adopts. All bids shall be publicly opened on the day and 82788
hour and at the place specified in the advertisement. 82789

Preference shall be given to bidders in localities wherein 82790
the institution is located, if the price is fair and reasonable 82791
and not greater than the usual price; but bids not meeting the 82792
specifications shall be rejected. 82793

The department of administrative services may require such 82794
security as it considers proper to accompany the bids and shall 82795
fix the security to be given by the contractor. 82796

The department of administrative services may reject any or 82797
all bids and secure new bids, if for any reason it is deemed for 82798
the best interest of the state to do so, and it may authorize the 82799
managing officer of any institution to purchase perishable goods 82800
and supplies for use in cases of emergency, in which cases such 82801
managing officer shall certify such fact in writing and the 82802
department of administrative services shall record the reasons for 82803
such purchase. 82804

Sec. 5119.33. (A)(1) The department of mental health and 82805
addiction services shall inspect and license all hospitals that 82806
receive mentally ill persons, except those hospitals managed by 82807
the department. No hospital may receive for care or treatment, 82808
either at public or private expense, any person who is or appears 82809
to be mentally ill, whether or not so adjudicated, unless the 82810
hospital has received a license from the department authorizing it 82811

to receive for care or treatment persons who are mentally ill or 82812
the hospital is managed by the department. 82813

(2) No such license shall be granted to a hospital for the 82814
treatment of mentally ill persons unless the department is 82815
satisfied, after investigation, that the hospital is managed and 82816
operated by qualified persons and has on its staff one or more 82817
qualified physicians responsible for the medical care of the 82818
patients confined there. At least one such physician shall be a 82819
psychiatrist. 82820

(B) The department shall adopt rules under Chapter 119. of 82821
the Revised Code prescribing minimum standards for the operation 82822
of hospitals for the care and treatment of mentally ill persons 82823
and establishing standards and procedures for the issuance, 82824
renewal, or revocation of full, probationary, and interim 82825
licenses. No license shall be granted to any hospital established 82826
or used for the care of mentally ill persons unless such hospital 82827
is operating in accordance with this section and rules adopted 82828
pursuant to this section. A full license shall expire one year 82829
after the date of issuance, a probationary license shall expire at 82830
the time prescribed by rule adopted pursuant to Chapter 119. of 82831
the Revised Code by the director of mental health and addiction 82832
services, and an interim license shall expire ninety days after 82833
the date of issuance. A full, probationary, or interim license may 82834
be renewed, except that an interim license may be renewed only 82835
twice. The department may fix reasonable fees for licenses and for 82836
license renewals. Such hospitals are subject to inspection and 82837
on-site review by the department. 82838

(C) Except as otherwise provided in Chapter 5122. of the 82839
Revised Code, neither the director of mental health and addiction 82840
services; an employee of the department; a board of alcohol, drug 82841
addiction, and mental health services or employee of a community 82842
mental health services provider; nor any other public official 82843

shall hospitalize any mentally ill person for care or treatment in 82844
any hospital that is not licensed in accordance with this section. 82845

(D) The department may issue an order suspending the 82846
admission of patients who are mentally ill to a hospital for care 82847
or treatment if it finds either of the following: 82848

(1) The hospital is not in compliance with rules adopted by 82849
the director pursuant to this section. 82850

(2) The hospital has been cited for more than one violation 82851
of statutes or rules during any previous period of time during 82852
which the hospital is licensed pursuant to this section. 82853

(E) Any license issued by the department under this section 82854
may be revoked or not renewed by the department for any of the 82855
following reasons: 82856

~~(A)~~(1) The hospital is no longer a suitable place for the 82857
care or treatment of mentally ill persons. 82858

~~(B)~~(2) The hospital refuses to be subject to inspection or 82859
on-site review by the department. 82860

~~(C)~~(3) The hospital has failed to furnish humane, kind, and 82861
adequate treatment and care. 82862

~~(D)~~(4) The hospital fails to comply with the licensure rules 82863
of the department. 82864

(F) The department may inspect, conduct an on-site review, 82865
and review the records of any hospital that the department has 82866
reason to believe is operating without a license. 82867

Sec. 5119.34. (A) As used in this section and sections 82868
5119.341 and 5119.342 of the Revised Code: 82869

(1) "Accommodations" means housing, daily meal preparation, 82870
laundry, housekeeping, arranging for transportation, social and 82871
recreational activities, maintenance, security, and other services 82872

that do not constitute personal care services or skilled nursing care.	82873 82874
(2) "ADAMHS board" means a board of alcohol, drug addiction, and mental health services.	82875 82876
(3) "Adult" means a person who is eighteen years of age or older, other than a person described in division (A)(4) of this section who is between eighteen and twenty-one years of age.	82877 82878 82879
(4) "Child" means a person who is under eighteen years of age or a person with a mental disability who is under twenty-one years of age.	82880 82881 82882
(5) "Community mental health services provider" means a community mental health services provider as defined in section 5119.01 of the Revised Code.	82883 82884 82885
(6) "Community mental health services" means any mental health services certified by the department pursuant to section 5119.36 of the Revised Code.	82886 82887 82888
(7) "Operator" means the person or persons, firm, partnership, agency, governing body, association, corporation, or other entity that is responsible for the administration and management of a residential facility and that is the applicant for a residential facility license.	82889 82890 82891 82892 82893
(8) "Personal care services" means services including, but not limited to, the following:	82894 82895
(a) Assisting residents with activities of daily living;	82896
(b) Assisting residents with self-administration of medication in accordance with rules adopted under this section;	82897 82898
(c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section.	82899 82900 82901 82902

"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A)(8) of this section to be considered to be providing personal care services.

~~(9) "Residential facility" means a publicly or privately operated home or facility that provides one of the following:~~

~~(a) Accommodations, supervision, personal care services, and community mental health services for one or more unrelated adults with mental illness or severe mental disabilities or to one or more unrelated children and adolescents with a serious emotional disturbance or who are in need of mental health services who are referred by or are receiving community mental health services from a community mental health services provider, hospital, or practitioner.~~

~~(b) Accommodations, supervision, and personal care services to any of the following:~~

~~(i) One or two unrelated persons with mental illness or persons with severe mental disabilities who are referred by or are receiving mental health services from a community mental health services provider, hospital, or practitioner;~~

~~(ii) One or two unrelated adults who are receiving residential state supplement payments;~~

~~(iii) Three to sixteen unrelated adults.~~

~~(c) Room and board for five or more unrelated adults with mental illness or severe mental disability who are referred by or are receiving community mental health services from a community mental health services provider, hospital, or practitioner.~~

~~(10) "Residential facility" does not include any of the following:~~

(a) A hospital subject to licensure under section 5119.33 of the Revised Code;	82933
	82934
(b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities;	82935
	82936
	82937
(c) An institution or association subject to certification under section 5103.03 of the Revised Code;	82938
	82939
(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;	82940
	82941
	82942
(e) A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code;	82943
	82944
(f) Alcohol or drug addiction services certified pursuant to section 5119.36 of the Revised Code;	82945
	82946
(g) A facility licensed to provide methadone treatment under section 5119.391 of the Revised Code;	82947
	82948
(h) Any facility that receives funding for operating costs from the development services agency under any program established to provide emergency shelter housing or transitional housing for the homeless;	82949
	82950
	82951
	82952
(i) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code;	82953
	82954
	82955
(j) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans.	82956
	82957
	82958
	82959
(11) "Room and board" means the provision of sleeping and living space, meals or meal preparation, laundry services, housekeeping services, or any combination thereof.	82960
	82961
	82962

~~(12)~~(10) "Residential state supplement" means the program 82963
administered under section 5119.41 of the Revised Code and related 82964
provisions of the Administrative Code under which the state 82965
supplements the supplemental security income payments received by 82966
aged, blind, or disabled adults under Title XVI of the Social 82967
Security Act. Residential state supplement payments are used for 82968
the provision of accommodations, supervision, and personal care 82969
services to supplemental security income recipients the department 82970
of mental health and addition services determines are at risk of 82971
needing institutional care. 82972

~~(13)~~(11) "Supervision" means any of the following: 82973

(a) Observing a resident to ensure the resident's health, 82974
safety, and welfare while the resident engages in activities of 82975
daily living or other activities; 82976

(b) Reminding a resident to perform or complete an activity, 82977
such as reminding a resident to engage in personal hygiene or 82978
other self-care activities; 82979

(c) Assisting a resident in making or keeping an appointment. 82980

~~(14)~~(12) "Unrelated" means that a resident is not related to 82981
the owner or operator of a residential facility or to the owner's 82982
or operator's spouse as a parent, grandparent, child, stepchild, 82983
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 82984
the child of an aunt or uncle. 82985

(B)(1) A "residential facility" is a publicly or privately 82986
operated home or facility that falls into one of the following 82987
categories: 82988

(a) Class one facilities provide accommodations, supervision, 82989
personal care services, and mental health services for one or more 82990
unrelated adults with mental illness or one or more unrelated 82991
children or adolescents with severe emotional disturbances; 82992

<u>(b) Class two facilities provide accommodations, supervision,</u>	82993
<u>and personal care services to any of the following:</u>	82994
<u>(i) One or two unrelated persons with mental illness;</u>	82995
<u>(ii) One or two unrelated adults who are receiving</u>	82996
<u>residential state supplement payments;</u>	82997
<u>(iii) Three to sixteen unrelated adults.</u>	82998
<u>(c) Class three facilities provide room and board for five or</u>	82999
<u>more unrelated adults with mental illness.</u>	83000
<u>(2) "Residential facility" does not include any of the</u>	83001
<u>following:</u>	83002
<u>(a) A hospital subject to licensure under section 5119.33 of</u>	83003
<u>the Revised Code or an institution maintained, operated, managed,</u>	83004
<u>and governed by the department of mental health and addiction</u>	83005
<u>services for the hospitalization of mentally ill persons pursuant</u>	83006
<u>to section 5119.14 of the Revised Code;</u>	83007
<u>(b) A residential facility licensed under section 5123.19 of</u>	83008
<u>the Revised Code or otherwise regulated by the department of</u>	83009
<u>developmental disabilities;</u>	83010
<u>(c) An institution or association subject to certification</u>	83011
<u>under section 5103.03 of the Revised Code;</u>	83012
<u>(d) A facility operated by a hospice care program licensed</u>	83013
<u>under section 3712.04 of the Revised Code that is used exclusively</u>	83014
<u>for care of hospice patients;</u>	83015
<u>(e) A nursing home, residential care facility, or home for</u>	83016
<u>the aging as defined in section 3721.02 of the Revised Code;</u>	83017
<u>(f) A facility licensed to provide methadone treatment under</u>	83018
<u>section 5119.391 of the Revised Code;</u>	83019
<u>(g) Any facility that receives funding for operating costs</u>	83020
<u>from the development services agency under any program established</u>	83021

to provide emergency shelter housing or transitional housing for 83022
the homeless; 83023

(h) A terminal care facility for the homeless that has 83024
entered into an agreement with a hospice care program under 83025
section 3712.07 of the Revised Code; 83026

(i) A facility approved by the veterans administration under 83027
section 104(a) of the "Veterans Health Care Amendments of 1983," 83028
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 83029
the placement and care of veterans; 83030

(j) The residence of a relative or guardian of a person with 83031
mental illness. 83032

(C) Nothing in division ~~(A)(9)~~(B) of this section shall be 83033
construed to permit personal care services to be imposed on a 83034
resident who is capable of performing the activity in question 83035
without assistance. 83036

~~(C)~~(D) Except in the case of a residential facility described 83037
in division ~~(A)(9)(a)~~ (B)(1)(a) of this section, members of the 83038
staff of a residential facility shall not administer medication to 83039
the facility's residents, but may do any of the following: 83040

(1) Remind a resident when to take medication and watch to 83041
ensure that the resident follows the directions on the container; 83042

(2) Assist a resident in the self-administration of 83043
medication by taking the medication from the locked area where it 83044
is stored, in accordance with rules adopted pursuant to this 83045
section, and handing it to the resident. If the resident is 83046
physically unable to open the container, a staff member may open 83047
the container for the resident. 83048

(3) Assist a physically impaired but mentally alert resident, 83049
such as a resident with arthritis, cerebral palsy, or Parkinson's 83050
disease, in removing oral or topical medication from containers 83051

and in consuming or applying the medication, upon request by or 83052
with the consent of the resident. If a resident is physically 83053
unable to place a dose of medicine to the resident's mouth without 83054
spilling it, a staff member may place the dose in a container and 83055
place the container to the mouth of the resident. 83056

~~(D)~~(E)(1) Except as provided in division ~~(D)~~(E)(2) of this 83057
section, a person operating or seeking to operate a residential 83058
facility shall apply for licensure of the facility to the 83059
department of mental health and addiction services. The 83060
application shall be submitted by the operator. When applying for 83061
the license, the applicant shall pay to the department the 83062
application fee specified in rules adopted under division ~~(K)~~(L) 83063
of this section. The fee is nonrefundable. 83064

The department shall send a copy of an application to the 83065
ADAMHS board serving the county in which the person operates or 83066
seeks to operate the facility. The ADAMHS board shall review the 83067
application and provide to the department any information about 83068
the applicant or the facility that the board would like the 83069
department to consider in reviewing the application. 83070

(2) A person may not apply for a license to operate a 83071
residential facility if the person is or has been the owner, 83072
operator, or manager of a residential facility for which a license 83073
to operate was revoked or for which renewal of a license was 83074
refused for any reason other than nonpayment of the license 83075
renewal fee, unless both of the following conditions are met: 83076

(a) A period of not less than two years has elapsed since the 83077
date the director of mental health and addiction services issued 83078
the order revoking or refusing to renew the facility's license. 83079

(b) The director's revocation or refusal to renew the license 83080
was not based on an act or omission at the facility that violated 83081
a resident's right to be free from abuse, neglect, or 83082

exploitation. 83083

~~(E)~~(F)(1) The department of mental health and addiction 83084
services shall inspect and license the operation of residential 83085
facilities. The department shall consider the past record of the 83086
facility and the applicant or licensee in arriving at its 83087
licensure decision. 83088

The department may issue full, probationary, and interim 83089
licenses. A full license shall expire up to three years after the 83090
date of issuance, a probationary license shall expire in a shorter 83091
period of time as specified in rules adopted by the director of 83092
~~mental health~~ mental health and addiction services under division 83093
~~(K)~~(L) of this section, and an interim license shall expire ninety 83094
days after the date of issuance. A license may be renewed in 83095
accordance with rules adopted by the director under division 83096
~~(K)~~(L) of this section. The renewal application shall be submitted 83097
by the operator. When applying for renewal of a license, the 83098
applicant shall pay to the department the renewal fee specified in 83099
rules adopted under division ~~(K)~~(L) of this section. The fee is 83100
nonrefundable. 83101

(2) The department may issue an order suspending the 83102
admission of residents to the facility or refuse to issue or renew 83103
and may revoke a license if it finds ~~the~~ any of the following: 83104

(a) The facility is not in compliance with rules adopted by 83105
the director pursuant to division ~~(K)~~(L) of this section ~~or if~~ 83106
any; 83107

(b) Any facility operated by the applicant or licensee has 83108
been cited for a pattern of serious noncompliance or repeated 83109
violations of statutes or rules during the period of current or 83110
previous licenses. ~~Proceedings;~~ 83111

(c) The applicant or licensee submits false or misleading 83112
information as part of a license application, renewal, or 83113

investigation. 83114

Proceedings initiated to deny applications for full or 83115
probationary licenses or to revoke such licenses are governed by 83116
Chapter 119. of the Revised Code. An order issued pursuant to this 83117
division remains in effect during the pendency of those 83118
proceedings. 83119

~~(F)~~(G) The department may issue an interim license to operate 83120
a residential facility if both of the following conditions are 83121
met: 83122

(1) The department determines that the closing of or the need 83123
to remove residents from another residential facility has created 83124
an emergency situation requiring immediate removal of residents 83125
and an insufficient number of licensed beds are available. 83126

(2) The residential facility applying for an interim license 83127
meets standards established for interim licenses in rules adopted 83128
by the director under division ~~(K)~~(L) of this section. 83129

An interim license shall be valid for ninety days and may be 83130
renewed by the director no more than twice. Proceedings initiated 83131
to deny applications for or to revoke interim licenses under this 83132
division are not subject to Chapter 119. of the Revised Code. 83133

~~(G)~~(H)(1) The department of mental health and addiction 83134
services may conduct an inspection of a residential facility as 83135
follows: 83136

(a) Prior to issuance of a license for the facility; 83137

(b) Prior to renewal of the license; 83138

(c) To determine whether the facility has completed a plan of 83139
correction required pursuant to division ~~(G)~~(H)(2) of this section 83140
and corrected deficiencies to the satisfaction of the department 83141
and in compliance with this section and rules adopted pursuant to 83142
it; 83143

- (d) Upon complaint by any individual or agency; 83144
- (e) At any time the director considers an inspection to be 83145
necessary in order to determine whether the facility is in 83146
compliance with this section and rules adopted pursuant to this 83147
section. 83148
- (2) In conducting inspections the department may conduct an 83149
on-site examination and evaluation of the residential facility and 83150
its personnel, activities, and services. The department shall have 83151
access to examine and copy all records, accounts, and any other 83152
documents relating to the operation of the residential facility, 83153
including records pertaining to residents, and shall have access 83154
to the facility in order to conduct interviews with the operator, 83155
staff, and residents. Following each inspection and review, the 83156
department shall complete a report listing any deficiencies, and 83157
including, when appropriate, a time table within which the 83158
operator shall correct the deficiencies. The department may 83159
require the operator to submit a plan of correction describing how 83160
the deficiencies will be corrected. 83161
- ~~(H)~~(I) No person shall do any of the following: 83162
- (1) Operate a residential facility unless the facility holds 83163
a valid license; 83164
- (2) Violate any of the conditions of licensure after having 83165
been granted a license; 83166
- (3) Interfere with a state or local official's inspection or 83167
investigation of a residential facility; 83168
- (4) Violate any of the provisions of this section or any 83169
rules adopted pursuant to this section. 83170
- ~~(I)~~(J) The following may enter a residential facility at any 83171
time: 83172
- (1) Employees designated by the director of mental health and 83173

addiction services;	83174
(2) Employees of an ADAMHS board under either of the following circumstances:	83175 83176
(a) When a resident of the facility is receiving services from a community mental health services provider under contract with that ADAMHS board or another ADAMHS board;	83177 83178 83179
(b) When authorized by section 340.05 of the Revised Code.	83180
(3) Employees of a community mental health services provider under either of the following circumstances:	83181 83182
(a) When the services provider has a person receiving services residing in the facility;	83183 83184
(b) When the services provider is acting as an agent of an ADAMHS board other than the board with which it is under contract.	83185 83186
(4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are recipients under the residential state supplement program.	83187 83188 83189 83190 83191
The persons specified in division (I) <u>(J)</u> of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents.	83192 83193 83194 83195
(J) <u>(K)</u> Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license.	83196 83197 83198 83199 83200 83201
(K) <u>(L)</u> The director shall adopt and may amend and rescind rules pursuant to Chapter 119. of the Revised Code governing the	83202 83203

licensing and operation of residential facilities. The rules shall 83204
establish all of the following: 83205

(1) Minimum standards for the health, safety, adequacy, and 83206
cultural competency of treatment of and services for persons in 83207
residential facilities; 83208

(2) Procedures for the issuance, renewal, or revocation of 83209
the licenses of residential facilities; 83210

(3) Procedures for conducting ~~criminal records checks~~ 83211
background investigations for prospective or current operators, 83212
employees, ~~and~~ volunteers, and other non-resident occupants who 83213
may have direct access to facility residents; 83214

(4) The fee to be paid when applying for a new residential 83215
facility license or renewing the license; 83216

(5) Procedures for the operator of a residential facility to 83217
follow when notifying the ADAMHS board serving the county in which 83218
the facility is located when the facility is serving residents 83219
with mental illness or severe mental disability, including the 83220
circumstances under which the operator is required to make such a 83221
notification; 83222

(6) Procedures for the issuance and termination of orders of 83223
suspension of admission of residents to a residential facility; 83224

(7) Measures to be taken by residential facilities relative 83225
to residents' medication; 83226

(8) Requirements relating to preparation of special diets; 83227

(9) The maximum number of residents who may be served in a 83228
residential facility; 83229

(10) The rights of residents of residential facilities and 83230
procedures to protect such rights; 83231

(11) ~~Procedures for obtaining an affiliation agreement~~ 83232
~~approved by the board between a residential facility and a~~ 83233

~~community mental health services provider;~~ 83234

~~(12)~~ Standards and procedures under which the director may 83235
waive the requirements of any of the rules adopted. 83236

~~(L)~~(M)(1) The department may withhold the source of any 83237
complaint reported as a violation of this section when the 83238
department determines that disclosure could be detrimental to the 83239
department's purposes or could jeopardize the investigation. The 83240
department may disclose the source of any complaint if the 83241
complainant agrees in writing to such disclosure and shall 83242
disclose the source upon order by a court of competent 83243
jurisdiction. 83244

(2) Any person who makes a complaint under division ~~(L)~~(M)(1) 83245
of this section, or any person who participates in an 83246
administrative or judicial proceeding resulting from such a 83247
complaint, is immune from civil liability and is not subject to 83248
criminal prosecution, other than for perjury, unless the person 83249
has acted in bad faith or with malicious purpose. 83250

~~(M)~~(N)(1) The director of mental health and addiction 83251
services may petition the court of common pleas of the county in 83252
which a residential facility is located for an order enjoining any 83253
person from operating a residential facility without a license or 83254
from operating a licensed facility when, in the director's 83255
judgment, there is a present danger to the health or safety of any 83256
of the occupants of the facility. The court shall have 83257
jurisdiction to grant such injunctive relief upon a showing that 83258
the respondent named in the petition is operating a facility 83259
without a license or there is a present danger to the health or 83260
safety of any residents of the facility. 83261

(2) When the court grants injunctive relief in the case of a 83262
facility operating without a license, the court shall issue, at a 83263
minimum, an order enjoining the facility from admitting new 83264

residents to the facility and an order requiring the facility to 83265
assist with the safe and orderly relocation of the facility's 83266
residents. 83267

(3) If injunctive relief is granted against a facility for 83268
operating without a license and the facility continues to operate 83269
without a license, the director shall refer the case to the 83270
attorney general for further action. 83271

~~(N)~~(O) The director may fine a person for violating division 83272
~~(H)~~(I) of this section. The fine shall be five hundred dollars for 83273
a first offense; for each subsequent offense, the fine shall be 83274
one thousand dollars. The director's actions in imposing a fine 83275
shall be taken in accordance with Chapter 119. of the Revised 83276
Code. 83277

Sec. 5119.341. (A) Any person may operate a residential 83278
facility providing accommodations and personal care services for 83279
one to five unrelated persons and licensed as a residential 83280
facility that meets the criteria specified in division ~~(A)(9)(b)~~ 83281
(B)(1)(b) of section 5119.34 of the Revised Code as a permitted 83282
use in any residential district or zone, including any 83283
single-family residential district or zone of any political 83284
subdivision. Such facilities may be required to comply with area, 83285
height, yard, and architectural compatibility requirements that 83286
are uniformly imposed upon all single-family residences within the 83287
district or zone. 83288

(B) Any person may operate a residential facility providing 83289
accommodations and personal care services for six to sixteen 83290
persons and licensed as a residential facility that meets the 83291
criteria specified in division ~~(A)(9)(b)~~ (B)(1)(b) of section 83292
5119.34 of the Revised Code as a permitted use in any 83293
multiple-family residential district or zone of any political 83294
subdivision, except that a political subdivision that has enacted 83295

a zoning ordinance or resolution establishing planned-unit 83296
developments as defined in section 519.021 of the Revised Code may 83297
exclude such facilities from such districts, and a political 83298
subdivision that has enacted a zoning ordinance or resolution may 83299
regulate such facilities in multiple-family residential districts 83300
or zones as a conditionally permitted use or special exception, in 83301
either case, under reasonable and specific standards and 83302
conditions set out in the zoning ordinance or resolution to: 83303

(1) Require the architectural design and site layout of the 83304
home and the location, nature, and height of any walls, screens, 83305
and fences to be compatible with adjoining land uses and the 83306
residential character of the neighborhood; 83307

(2) Require compliance with yard, parking, and sign 83308
regulation. 83309

(C) Divisions (A) and (B) of this section do not affect any 83310
right of a political subdivision to permit a person to operate a 83311
residential facility licensed under section 5119.34 of the Revised 83312
Code in a single-family residential district or zone under 83313
conditions established by the political subdivision. 83314

(D)(1) Notwithstanding divisions (A) and (B) of this section 83315
and except as provided in division (D)(2) of this section, a 83316
political subdivision that has enacted a zoning ordinance or 83317
resolution may limit the excessive concentration of licensed 83318
residential facilities that meet the criteria specified in 83319
division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised 83320
Code. 83321

(2) Division (D)(1) of this section does not authorize a 83322
political subdivision to prevent or limit the continued existence 83323
and operation of residential facilities existing and operating on 83324
September 10, 2012, and that meet the criteria specified in 83325
division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised 83326

Code. A political subdivision may consider the existence of such 83327
facilities for the purpose of limiting the excessive concentration 83328
of such facilities that meet the criteria specified in division 83329
(A)(9)(b) (B)(1)(b) of section 5119.34 of the Revised Code that 83330
are not existing and operating on September 10, 2012. 83331

Sec. 5119.36. (A) A community mental health services provider 83332
applicant or community addiction services provider applicant that 83333
seeks certification of its ~~community~~ mental health services or 83334
~~community~~ addiction services shall submit an application to the 83335
director of mental health and addiction services. On receipt of 83336
the application, the director may conduct an on-site review and 83337
shall evaluate the provider applicant to determine whether its 83338
services satisfy the standards established by rules adopted under 83339
division (E) of this section. The director shall make the 83340
evaluation, and, if the director conducts an on-site review of the 83341
provider applicant, may make the review, in cooperation with the 83342
board of alcohol, drug addiction, and mental health services for 83343
treatment or prevention services with which the provider applicant 83344
seeks to contract under division (A)(8)(a) of section 340.03 of 83345
the Revised Code. 83346

(B) Subject to section 5119.371 of the Revised Code, the 83347
director shall determine whether the services of ~~an a community~~ 83348
mental health services provider applicant or community addiction 83349
services applicant satisfy the standards for certification of the 83350
services. If the director determines that ~~a community mental~~ 83351
~~health services provider's or a community addiction services~~ 83352
~~provider's~~ an applicant's services satisfy the standards for 83353
certification and the provider applicant has paid the fee required 83354
under division (D) of this section, the director shall certify the 83355
services. No community mental health services provider or 83356
community addiction services provider shall be eligible to receive 83357
state or federal funds, or funds administered by a board of 83358

alcohol, drug addiction, and mental health services for treatment 83359
or prevention services unless its services have been certified by 83360
the department. 83361

(C) If the director determines that a community mental health 83362
services ~~provider's~~ provider applicant's or a community addiction 83363
services ~~provider's~~ provider applicant's services do not satisfy 83364
the standards for certification, the director shall identify the 83365
areas of noncompliance, specify what action is necessary to 83366
satisfy the standards, and may offer technical assistance to the 83367
~~provider~~ applicant and to the board of alcohol, drug addiction, 83368
and mental health services so that the board may assist the 83369
~~provider~~ applicant in satisfying the standards. The director shall 83370
give the ~~provider~~ applicant a reasonable time within which to 83371
demonstrate that its services satisfy the standards or to bring 83372
the services into compliance with the standards. If the director 83373
concludes that the services continue to fail to satisfy the 83374
standards, the director may request that the board reallocate any 83375
funds for the mental health or addiction services the ~~provider~~ 83376
applicant was to provide to another community mental health or 83377
addiction services provider whose ~~community~~ mental health or 83378
~~community~~ addiction services satisfy the standards. If the board 83379
does not reallocate such funds in a reasonable period of time, the 83380
director may withhold state and federal funds for the services and 83381
allocate those funds directly to a community mental health or 83382
community addiction services provider whose services satisfy the 83383
standards. 83384

(D) Each community mental health services provider applicant 83385
or community addiction services provider applicant seeking 83386
certification of its ~~mental health or~~ addiction or mental health 83387
services under this section shall pay a fee for the certification 83388
required by this section, unless the ~~provider~~ applicant is exempt 83389
under rules adopted under division (E) of this section. Fees shall 83390

be paid into the state treasury to the credit of the sale of goods 83391
and services fund created pursuant to section 5119.45 of the 83392
Revised Code. 83393

(E) The director shall adopt rules in accordance with Chapter 83394
119. of the Revised Code to implement this section. The rules 83395
shall do all of the following: 83396

(1) Establish certification standards for mental health 83397
services and addiction services that are consistent with 83398
nationally recognized applicable standards and facilitate 83399
participation in federal assistance programs. The rules shall 83400
include as certification standards only requirements that improve 83401
the quality of services or the health and safety of persons 83402
receiving ~~community mental health and addiction~~ and mental health 83403
services. The standards shall address at a minimum all of the 83404
following: 83405

(a) Reporting major unusual incidents to the director; 83406

(b) Procedures for applicants for and persons receiving 83407
~~community mental health and addiction~~ and mental health services 83408
to file grievances and complaints; 83409

(c) Seclusion; 83410

(d) Restraint; 83411

(e) Requirements regarding physical facilities of service 83412
delivery sites; 83413

(f) Requirements with regard to health, safety, adequacy, and 83414
cultural specificity and sensitivity; 83415

(g) Standards for evaluating services; 83416

(h) Standards and procedures for granting full ~~or~~ 83417
~~conditional, probationary, and interim~~ certification to a ~~service~~ 83418
community mental health services provider applicant or community 83419
addiction services applicant; 83420

- (i) Standards and procedures for revoking the certification of a community mental health or addiction services provider's services that do not continue to meet the minimum standards established pursuant to this section; 83421 83422 83423 83424
- (j) The limitations to be placed on a provider that is granted ~~conditional~~ probationary or interim certification; 83425 83426
- (k) Development of written policies addressing the rights of persons receiving services, including all of the following: 83427 83428
- (i) The right to a copy of the written policies addressing the rights of persons receiving services; 83429 83430
- (ii) The right at all times to be treated with consideration and respect for the person's privacy and dignity; 83431 83432
- (iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the person's treatment plan for clear treatment reasons; 83433 83434 83435 83436
- (iv) The right to have a client rights officer provided by the ~~services~~ provider or board of alcohol, drug addiction, and mental health services advise the person of the person's rights, including the person's rights under Chapter 5122. of the Revised Code if the person is committed to the provider or board. 83437 83438 83439 83440 83441
- (2) Establish the process for certification of ~~community mental health and~~ addiction and mental health services; 83442 83443
- (3) Set the amount of certification review fees; 83444
- (4) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds. 83445 83446
- (F) The department may issue an order suspending admissions to a community addiction services provider that provides overnight accommodations if it finds either of the following: 83447 83448 83449
- (1) The provider is not in compliance with rules adopted by 83450

the director pursuant to division (E) of this section; 83451

(2) The provider has been cited for more than one violation 83452
of statutes or rules during any previous certification period of 83453
the provider. 83454

(G) The department shall maintain a current list of community 83455
addiction services providers whose addiction services are 83456
certified by the department under division (B) of this section and 83457
shall provide a copy of the list to a judge of a court of common 83458
pleas who requests a copy for the use of the judge under division 83459
(H) of section 2925.03 of the Revised Code. The list ~~of certified~~ 83460
~~addiction services~~ shall identify each provider by its name, its 83461
address, and the county in which it is located. 83462

~~(G)~~(H) No person shall represent in any manner that a 83463
provider is certified by the department if the provider is not 83464
certified at the time the representation is made. 83465

Sec. 5119.361. The director of mental health and addiction 83466
services shall require that each board of alcohol, drug addiction, 83467
and mental health services ensure that each community mental 83468
health services provider and community addiction services provider 83469
with which it contracts under division (A)(8)(a) of section 340.03 83470
of the Revised Code to provide ~~community mental health or~~ 83471
addiction or mental health services establish grievance procedures 83472
consistent with rules adopted under section 5119.36 of the Revised 83473
Code that are available to all persons seeking or receiving 83474
services from a community mental health or addiction services 83475
provider. 83476

Sec. 5119.365. The director of mental health and addiction 83477
services shall adopt rules in accordance with Chapter 119. of the 83478
Revised Code to do both of the following: 83479

(A) Streamline the intake procedures used by a community 83480

addiction services provider accepting and beginning to serve a new 83481
~~patient~~ individual, including procedures regarding intake forms 83482
and questionnaires; 83483

(B) Enable a community addiction services provider to retain 83484
~~a patient~~ an individual as an active patient even though the 83485
patient last received services from the provider more than thirty 83486
days before resumption of services so that the ~~patient~~ individual 83487
and provider do not have to repeat the intake procedures. 83488

Sec. 5119.41. (A) As used in this section ~~and section~~ 83489
~~5119.411 of the Revised Code:~~ 83490

(1) "Nursing facility" has the same meaning as in section 83491
5165.01 of the Revised Code. 83492

(2) "Residential state supplement administrative agency" 83493
means the department of mental health and addiction services or, 83494
if the department designates an entity under division (C) of this 83495
section for a particular area, the designated entity. 83496

(3) "Residential state supplement program" means the program 83497
administered pursuant to this section. 83498

(B) The department of mental health and addiction services 83499
shall implement the residential state supplement program under 83500
which the state supplements the supplemental security income 83501
payments received by aged, blind, or disabled adults under Title 83502
XVI of the "Social Security Act," 42 U.S.C. 1381 et seq. 83503
Residential state supplement payments shall be used for the 83504
provision of accommodations, supervision, and personal care 83505
services to social security, supplemental security income, and 83506
social security disability insurance recipients who the department 83507
determines are at risk of needing institutional care. 83508

(C) In implementing the program, the department may designate 83509
one or more entities to be responsible for providing 83510

administrative services regarding the program. The department may 83511
designate an entity to be a residential state supplement 83512
administrative agency under this division either by entering into 83513
a contract with the entity to serve in that capacity or by 83514
otherwise delegating to the entity the responsibility to serve in 83515
that capacity. 83516

(D) For an individual to be eligible for residential state 83517
supplement payments, all of the following must be the case: 83518

(1) Except as provided by division ~~(H)~~(G) of this section, 83519
the individual must reside in one of the following living 83520
arrangements: 83521

(a) A residential care facility licensed by the department of 83522
health under Chapter 3721. of the Revised Code or an assisted 83523
living program as defined in section 5111.89 of the Revised Code; 83524

(b) A residential facility ~~as defined in division (A)(9)(b)~~ 83525
~~of licensed by the department of mental health and addiction~~ 83526
~~services under section 5119.34 of the Revised Code licensed by the~~ 83527
~~department of mental health and addiction services;~~ 83528

~~(c) An apartment or room used to provide community mental~~ 83529
~~health housing services certified by the department of mental~~ 83530
~~health and addiction services under section 5119.36 of the Revised~~ 83531
~~Code and approved by a board of alcohol, drug addiction, and~~ 83532
~~mental health services under division (A)(14) of section 340.03 of~~ 83533
~~the Revised Code.~~ 83534

(2) ~~A residential state supplement administrative agency must~~ 83535
~~have determined that the environment in which the individual will~~ 83536
~~be living while receiving the payments is appropriate for the~~ 83537
~~individual's needs. If the individual is eligible for social~~ 83538
~~security payments, supplemental security income payments, or~~ 83539
~~social security disability insurance benefits because of a mental~~ 83540
~~disability, the If a residential state supplement administrative~~ 83541

agency is aware that an individual enrolled in the program has 83542
mental health needs, the agency shall refer the individual to a 83543
community mental health services provider for an assessment under 83544
pursuant to division (A) of section 340.091 of the Revised Code. 83545

(3) The individual satisfies all eligibility requirements 83546
established by rules adopted under division (E) of this section. 83547

(4) An individual residing in a living arrangement housing 83548
more than sixteen individuals shall not be eligible for inclusion 83549
in the program unless the director of mental health and addiction 83550
services specifically waives this size limitation with respect to 83551
that individual in that living arrangement. An individual with 83552
such a waiver as of October 1, 2015, shall remain eligible for the 83553
program as long as the individual remains in that living 83554
arrangement. 83555

(E) The director of mental health and addiction services and 83556
medicaid director shall adopt rules in accordance with ~~section~~ 83557
~~111.15~~ Chapter 119. of the Revised Code as necessary to implement 83558
the residential state supplement program. 83559

To the extent permitted by Title XVI of the "Social Security 83560
Act," and any other provision of federal law, the medicaid 83561
director may adopt rules establishing standards for adjusting the 83562
eligibility requirements concerning the level of impairment a 83563
person must have so that the amount appropriated for the program 83564
by the general assembly is adequate for the number of eligible 83565
individuals. The rules shall not limit the eligibility of disabled 83566
persons solely on a basis classifying disabilities as physical or 83567
mental. The medicaid director also may adopt rules that establish 83568
eligibility standards for aged, blind, or disabled individuals who 83569
reside in one of the homes or facilities specified in division 83570
(D)(1) of this section but who, because of their income, do not 83571
receive supplemental security income payments. The rules may 83572
provide that these individuals may include individuals who receive 83573

other types of benefits, including, social security payments or 83574
social security disability insurance benefits provided under Title 83575
II of the "Social Security Act," 42 U.S.C. 401, et seq. 83576
Notwithstanding division (B) of this section, such payments may be 83577
made if funds are available for them. 83578

The director of mental health and addiction services may 83579
adopt rules establishing the method to be used to determine the 83580
amount an eligible individual will receive under the program. The 83581
amount the general assembly appropriates for the program may be a 83582
factor included in the method that director establishes. 83583

(F) The county department of job and family services of the 83584
county in which an applicant for the residential state supplement 83585
program resides or the department of medicaid shall determine 83586
whether the applicant meets income and resource requirements for 83587
the program. 83588

~~(G) The department of mental health and addiction services 83589
shall maintain a waiting list of any individuals eligible for 83590
payments under this section but not receiving them because moneys 83591
appropriated to the department for the purposes of this section 83592
are insufficient to make payments to all eligible individuals. An 83593
individual may apply to be placed on the waiting list even though 83594
the individual does not reside in one of the homes or facilities 83595
specified in division (D)(1) of this section at the time of 83596
application. The director of mental health and addiction services, 83597
by rules adopted in accordance with Chapter 119. of the Revised 83598
Code, may specify procedures and requirements for placing an 83599
individual on the waiting list and priorities for the order in 83600
which individuals placed on the waiting list are to begin to 83601
receive residential state supplement payments. The rules 83602
specifying priorities may give priority to individuals placed on 83603
the waiting list on or after July 1, 2006, who receive social 83604
security payments, social security disability insurance, or 83605~~

~~supplemental security income benefits under Title XVI of the 83606
"Social Security Act," 42 U.S.C. 1381, et seq. The rules shall not 83607
affect the place on the waiting list of any person who was on the 83608
list on July 1, 2006. The rules specifying priorities may also set 83609
additional priorities based on living arrangement, such as whether 83610
an individual resides in a facility listed in division (D)(1) of 83611
this section or has been admitted to a nursing facility. 83612~~

~~(H)~~ An individual in a licensed or certified living 83613
arrangement receiving state supplementation on November 15, 1990, 83614
under former section 5101.531 of the Revised Code shall not become 83615
ineligible for payments under this section solely by reason of the 83616
individual's living arrangement as long as the individual remains 83617
in the living arrangement in which the individual resided on 83618
November 15, 1990. 83619

~~(I)~~(H) The county department of job and family services from 83620
which the person is receiving benefits or the department of 83621
medicaid shall notify each person denied approval for payments 83622
under this section of the person's right to a hearing. On request, 83623
the hearing shall be provided in accordance with ~~Chapter 119.~~ 83624
section 5101.35 of the Revised Code. 83625

Sec. 5119.44. As used in this section, "free clinic" has the 83626
same meaning as in section 2305.2341 of the Revised Code. 83627

(A) The department of mental health and addiction services 83628
may provide certain goods and services for the department of 83629
mental health and addiction services, the department of 83630
developmental disabilities, the department of rehabilitation and 83631
correction, the department of youth services, and other state, 83632
county, or municipal agencies requesting such goods and services 83633
when the department of mental health and addiction services 83634
determines that it is in the public interest, and considers it 83635
advisable, to provide these goods and services. The department of 83636

mental health and addiction services also may provide goods and 83637
services to agencies operated by the United States government and 83638
to public or private nonprofit agencies, other than free clinics, 83639
that are funded in whole or in part by the state if the public or 83640
private nonprofit agencies are designated for participation in 83641
this program by the director of mental health and addiction 83642
services for community addiction services providers and community 83643
mental health services providers, the director of developmental 83644
disabilities for community mental retardation and developmental 83645
disabilities agencies, the director of rehabilitation and 83646
correction for community rehabilitation and correction agencies, 83647
or the director of youth services for community youth services 83648
agencies. 83649

Designated community agencies or services providers shall 83650
receive goods and services through the department of mental health 83651
and addiction services only in those cases where the designating 83652
state agency certifies that providing such goods and services to 83653
the agency or services provider will conserve public resources to 83654
the benefit of the public and where the provision of such goods 83655
and services is considered feasible by the department of mental 83656
health and addiction services. 83657

(B) The department of mental health and addiction services 83658
may permit free clinics to purchase certain goods and services to 83659
the extent the purchases fall within the exemption to the 83660
Robinson-Patman Act, 15 U.S.C. 13 et seq., applicable to nonprofit 83661
institutions, in 15 U.S.C. 13c, as amended. 83662

(C) The goods and services that may be provided by the 83663
department of mental health and addiction services under divisions 83664
(A) and (B) of this section may include: 83665

(1) Procurement, storage, processing, and distribution of 83666
food and professional consultation on food operations; 83667

(2) Procurement, storage, and distribution of medical and laboratory supplies, dental supplies, medical records, forms, optical supplies, and sundries, subject to section 5120.135 of the Revised Code; 83668
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(3) Procurement, storage, repackaging, distribution, and dispensing of drugs, the provision of professional pharmacy consultation, and drug information services; 83672
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(4) Other goods and services. 83675

(D) The department of mental health and addiction services may provide the goods and services designated in division (C) of this section to its institutions and to state-operated community-based mental health or addiction services providers. 83676
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(E) After consultation with and advice from the director of developmental disabilities, the director of rehabilitation and correction, and the director of youth services, the department of mental health and addiction services may provide the goods and services designated in division (C) of this section to the department of developmental disabilities, the department of rehabilitation and correction, and the department of youth services. 83680
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(F) The cost of administration of this section shall be determined by the department of mental health and addiction services and paid by the agencies, services providers, or free clinics receiving the goods and services to the department for deposit in the state treasury to the credit of the ~~office of support~~ Ohio pharmacy services fund, which is hereby created. The fund shall be used to pay the cost of administration of this section to the department. 83688
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(G) Whenever a state agency fails to make a payment for goods and services provided under this section within thirty-one days after the date the payment was due, the office of budget and 83696
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management may transfer moneys from the state agency to the 83699
department of mental health and addiction services. The amount 83700
transferred shall not exceed the amount of overdue payments. Prior 83701
to making a transfer under this division, the office of budget and 83702
management shall apply any credits the state agency has 83703
accumulated in payments for goods and services provided under this 83704
section. 83705

(H) Purchases of goods and services under this section are 83706
not subject to section 307.86 of the Revised Code. 83707

Sec. 5119.61. (A) The department of mental health and 83708
addiction services shall collect and compile statistics and other 83709
information on the care and treatment of mentally disabled 83710
persons, and the care, treatment, and rehabilitation of 83711
alcoholics, drug dependent persons, and persons in danger of drug 83712
dependence in this state, including, without limitation, 83713
information on the number of such persons, the type of drug 83714
involved, the type of care, treatment, or rehabilitation 83715
prescribed or undertaken, and the success or failure of the care, 83716
treatment, or rehabilitation. The department shall collect 83717
information about services delivered and persons served as 83718
required for reporting and evaluation relating to state and 83719
federal funds expended for such purposes. 83720

(B) No alcohol, drug addiction, or mental health services 83721
provider shall fail to supply statistics and other information 83722
within its knowledge and with respect to its services, upon 83723
request of the department. 83724

(C) Communications by a person seeking aid in good faith for 83725
alcoholism or drug dependence are confidential, and this section 83726
does not require the collection or permit the disclosure of 83727
information which reveals or comprises the identity of any person 83728
seeking aid. 83729

(D) Based on the information collected and compiled under 83730
division (A) of this section, the department shall develop a 83731
project to assess the outcomes of persons served by community 83732
alcohol and drug addiction services providers and community mental 83733
health services providers that receive funds distributed by the 83734
department. 83735

Sec. 5119.94. (A) Upon receipt of a petition filed under 83736
section 5119.93 of the Revised Code and the payment of the 83737
appropriate filing fee, if any, the probate court shall examine 83738
the petitioner under oath as to the contents of the petition. 83739

(B) If, after reviewing the allegations contained in the 83740
petition and examining the petitioner under oath, it appears to 83741
the probate court that there is probable cause to believe the 83742
respondent may reasonably benefit from treatment, the court shall 83743
do all of the following: 83744

(1) Schedule a hearing to be held within seven days to 83745
determine if there is clear and convincing evidence that the 83746
respondent may reasonably benefit from treatment for alcohol and 83747
other drug abuse; 83748

(2) Notify the respondent, the legal guardian, if any and if 83749
known, and the spouse, parents, or nearest relative or friend of 83750
the respondent concerning the allegations and contents of the 83751
petition and of the date and purpose of the hearing; 83752

(3) Notify the respondent that the respondent may retain 83753
counsel and, if the person is unable to obtain an attorney, that 83754
the respondent may be represented by court-appointed counsel at 83755
public expense if the person is indigent. Upon the appointment of 83756
an attorney to represent an indigent respondent, the court shall 83757
notify the respondent of the name, address, and telephone number 83758
of the attorney appointed to represent the respondent. 83759

(4) Notify the respondent that the court shall cause the respondent to be examined not later than twenty-four hours before the hearing date by a physician for the purpose of a physical examination and by a qualified health professional for the purpose of a drug and alcohol addiction assessment and diagnosis. In addition, the court shall notify the respondent that the respondent may have an independent expert evaluation of the person's physical and mental condition conducted at the respondent's own expense.

(5) Cause the respondent to be examined not later than twenty-four hours before the hearing date by a physician for the purpose of a physical examination and by a qualified health professional for the purpose of a drug and alcohol addiction assessment and diagnosis;

(6) Conduct the hearing.

(C) The physician and qualified health professional who examine the respondent pursuant to division (B)(5) of this section or who are obtained by the respondent at the respondent's own expense shall certify their findings to the court within twenty-four hours of the examinations. The findings of each qualified health professional shall include a recommendation for treatment if the qualified health professional determines that treatment is necessary.

(D)(1) If upon completion of the hearing held under this section the probate court finds by clear and convincing evidence that the respondent may reasonably benefit from treatment, the court may order the treatment after considering the qualified health professionals' recommendations for treatment that have been submitted to the court under division (C) of this section. If the court orders the treatment under this division, the court shall order the treatment to be provided through a community addiction services provider ~~certified under section 5119.36 of the Revised~~

~~Code~~ or by an individual licensed or certified by the state 83792
medical board under Chapter 4731. of the Revised Code, the 83793
chemical dependency professionals board under Chapter 4758. of the 83794
Revised Code, the counselor, social worker, and marriage and 83795
family therapist board under Chapter 4757. of the Revised Code, or 83796
a similar board of another state authorized to provide substance 83797
abuse treatment. 83798

(2) Failure of a respondent to undergo and complete any 83799
treatment ordered pursuant to this division is contempt of court. 83800
Any ~~alcohol and drug~~ community addiction program services provider 83801
or person providing treatment under this division shall notify the 83802
probate court of a respondent's failure to undergo or complete the 83803
ordered treatment. 83804

(E) If, at any time after a petition is filed under section 83805
5119.93 of the Revised Code, the probate court finds that there is 83806
not probable cause to continue treatment or if the petitioner 83807
withdraws the petition, then the court shall dismiss the 83808
proceedings against the respondent. 83809

Sec. 5119.99. (A) Whoever violates section 5119.333 of the 83810
Revised Code is guilty of a misdemeanor of the first degree. 83811

(B) Whoever violates division (B) of section 5119.61 of the 83812
Revised Code is guilty of a misdemeanor of the fourth degree. 83813

(C) Whoever violates section 5119.27 or 5119.28 or division 83814
~~(G)~~(H) of section 5119.36 of the Revised Code is guilty of a 83815
felony of the fifth degree. 83816

Sec. 5120.112. (A) The division of parole and community 83817
services shall accept applications for state financial assistance 83818
for the renovation, maintenance, and operation of proposed and 83819
approved community-based correctional facilities and programs and 83820
district community-based correctional facilities and programs that 83821

are filed in accordance with section 2301.56 of the Revised Code. 83822
The division, upon receipt of an application for a particular 83823
facility and program, shall determine whether the application is 83824
in proper form, whether the applicant satisfies the standards of 83825
operation that are prescribed by the department of rehabilitation 83826
and correction under section 5120.111 of the Revised Code, whether 83827
the applicant has established the facility and program, and, if 83828
the applicant has not at that time established the facility and 83829
program, whether the proposal of the applicant sufficiently 83830
indicates that the standards will be satisfied upon the 83831
establishment of the facility and program. If the division 83832
determines that the application is in proper form and that the 83833
applicant has satisfied or will satisfy the standards of the 83834
department, the division shall notify the applicant that it is 83835
qualified to receive state financial assistance for the facility 83836
and program under this section from moneys made available to the 83837
division for purposes of providing assistance to community-based 83838
correctional facilities and programs and district community-based 83839
correctional facilities and programs. 83840

(B) The amount of state financial assistance that is awarded 83841
to a qualified applicant under this section shall be determined by 83842
the division of parole and community services in accordance with 83843
this division. In determining the amount of state financial 83844
assistance to be awarded to a qualified applicant under this 83845
section, the division shall not calculate the cost of an offender 83846
incarcerated in a community-based correctional facility and 83847
program or district community-based correctional facility program 83848
to be greater than the average yearly cost of incarceration per 83849
inmate in all state correctional institutions, as defined in 83850
section 2967.01 of the Revised Code, as determined by the 83851
department of rehabilitation and correction. 83852

The times and manner of distribution of state financial 83853

assistance to be awarded to a qualified applicant under this 83854
section shall be determined by the division of parole and 83855
community services. 83856

(C) Upon approval of a proposal for a community-based 83857
correctional facility and program or a district community-based 83858
correctional facility and program by the division of parole and 83859
community services, the facility governing board, upon the advice 83860
of the judicial advisory board, shall enter into an award 83861
agreement with the department of rehabilitation and correction 83862
that outlines terms and conditions of the agreement on an annual 83863
basis. In the award agreement, the facility governing board shall 83864
identify a fiscal agent responsible for the deposit of funds and 83865
compliance with sections 2301.55 and 2301.56 of the Revised Code. 83866

(D) No state financial assistance shall be distributed to a 83867
qualified applicant until an agreement concerning the assistance 83868
has been entered into by the director of rehabilitation and 83869
correction and the deputy director of the division of parole and 83870
community services on the part of the state, and by the 83871
chairperson of the facility governing board of the community-based 83872
correctional facility and program or district community-based 83873
correctional facility and program to receive the financial 83874
assistance, whichever is applicable. The agreement shall be 83875
effective for a period of one year from the date of the agreement 83876
and shall specify all terms and conditions that are applicable to 83877
the awarding of the assistance, including, but not limited to: 83878

(1) The total amount of assistance to be awarded for each 83879
community-based correctional facility and program or district 83880
community-based correctional facility and program, and the times 83881
and manner of the payment of the assistance; 83882

(2) How persons who will staff and operate the facility and 83883
program are to be utilized during the period for which the 83884
assistance is to be granted, including descriptions of their 83885

positions and duties, and their salaries and fringe benefits; 83886

(3) A statement that none of the persons who will staff and 83887
operate the facility and program, including those who are 83888
receiving some or all of their salaries out of funds received by 83889
the facility and program as state financial assistance, are 83890
employees or are to be considered as being employees of the 83891
department of rehabilitation and correction, and a statement that 83892
the employees who will staff and operate that facility and program 83893
are employees of the facility and program; 83894

(4) A list of the type of expenses, other than salaries of 83895
persons who will staff and operate the facility and program, for 83896
which the state financial assistance can be used, and a 83897
requirement that purchases made with funds received as state 83898
financial assistance follow established fiscal guidelines as 83899
determined by the division of parole and community services and 83900
any applicable sections of the Revised Code, including, but not 83901
limited to, sections 125.01 to 125.11 and Chapter 153. of the 83902
Revised Code; 83903

(5) The accounting procedures that are to be used by the 83904
facility and program in relation to the state financial 83905
assistance; 83906

(6) A requirement that the facility and program file reports, 83907
during the period that it receives state financial assistance, 83908
with the division of parole and community services, which reports 83909
shall be statistical in nature and shall contain that information 83910
required under a research design agreed upon by all parties to the 83911
agreement, for purposes of evaluating the facility and program; 83912

(7) A requirement that the facility and program comply with 83913
standards of operation as prescribed by the department under 83914
section 5120.111 of the Revised Code, and with all information 83915
submitted on its application; 83916

(8) A statement that the facility and program will make a reasonable effort to augment the funding received from the state.

(E)(1) No state financial assistance shall be distributed to a qualified applicant until its proposal for a community-based correctional facility and program or district community-based correctional facility and program has been approved by the division of parole and community services.

(2) State financial assistance may be denied to any applicant if it fails to comply with the terms of any agreement entered into pursuant to division (D) of this section.

(F) The division of parole and community services may expend up to one-half per cent of the annual appropriation made for community-based correctional facility programs, for goods or services that benefit those programs.

Sec. 5120.135. (A) As used in this section, "laboratory services" includes the performance of medical laboratory analysis; professional laboratory and pathologist consultation; the procurement, storage, and distribution of laboratory supplies; and the performance of phlebotomy services.

(B) The department of rehabilitation and correction may provide laboratory services to the departments of mental health and addiction services, developmental disabilities, youth services, and rehabilitation and correction. The department of rehabilitation and correction may also provide laboratory services to other state, county, or municipal agencies and to private persons that request laboratory services if the department of rehabilitation and correction determines that the provision of laboratory services is in the public interest and considers it advisable to provide such services. The department of rehabilitation and correction may also provide laboratory services to agencies operated by the United States government and to public

and private entities funded in whole or in part by the state if 83948
the director of rehabilitation and correction designates them as 83949
eligible to receive such services. 83950

The department of rehabilitation and correction shall provide 83951
laboratory services from a laboratory that complies with the 83952
standards for certification set by the United States department of 83953
health and human services under the "Clinical Laboratory 83954
Improvement Amendments of 1988," 102 Stat. 293, 42 U.S.C.A. 263a. 83955
In addition, the laboratory shall maintain accreditation or 83956
certification with an appropriate accrediting or certifying 83957
organization as considered necessary by the recipients of its 83958
laboratory services and as authorized by the director of 83959
rehabilitation and correction. 83960

~~(C) The cost of administering this section shall be 83961
determined by the department of rehabilitation and correction and 83962
shall be paid by entities that receive laboratory services to the 83963
department for deposit in the state treasury to the credit of the 83964
laboratory services fund, which is hereby created. The fund shall 83965
be used to pay the costs the department incurs in administering 83966
this section. 83967~~

~~(D) Whenever a state agency fails to make a payment for 83968
laboratory services provided to it by the department of 83969
rehabilitation and correction under this section within thirty one 83970
days after the date the payment was due, the office of budget and 83971
management may transfer moneys from that state agency to the 83972
department of rehabilitation and correction for deposit to the 83973
credit of the laboratory services fund. The amount transferred 83974
shall not exceed the amount of the overdue payments. Prior to 83975
making a transfer under this division, the office shall apply any 83976
credits the state agency has accumulated in payment for laboratory 83977
services provided under this section. 83978~~

Sec. 5120.28. (A) The department of rehabilitation and 83979
correction, ~~subject to the approval of the office of budget and~~ 83980
~~management,~~ shall fix the prices at which all labor and services 83981
performed, all agricultural products produced, and all articles 83982
manufactured in correctional and penal institutions shall be 83983
furnished to the state, the political subdivisions of the state, 83984
and the public institutions of the state and the political 83985
subdivisions, and to private persons. The prices shall be uniform 83986
to all and not higher than the usual market price for like labor, 83987
products, services, and articles. 83988

(B) Any money received by the department of rehabilitation 83989
and correction for labor and services performed shall be deposited 83990
into the institutional services fund created pursuant to division 83991
(A) of section 5120.29 of the Revised Code and shall be used and 83992
accounted for as provided in that section and division (B) of 83993
section 5145.03 of the Revised Code. 83994

(C) Any money received by the department of rehabilitation 83995
and correction for articles manufactured and agricultural products 83996
produced in penal and correctional institutions shall be deposited 83997
into the Ohio penal industries manufacturing fund created pursuant 83998
to division (B) of section 5120.29 of the Revised Code and shall 83999
be used and accounted for as provided in that section and division 84000
(B) of section 5145.03 of the Revised Code. 84001

Sec. 5120.38. Subject to the rules of the department of 84002
rehabilitation and correction, each institution under the 84003
department's jurisdiction other than an institution operated 84004
pursuant to a contract entered into under section 9.06 of the 84005
Revised Code shall be under the control of a managing officer 84006
known as a warden or other appropriate title. The managing officer 84007
shall be appointed by the director of ~~the department of~~ 84008
rehabilitation and correction and shall be in the unclassified 84009

service and serve at the pleasure of the director. Appointment to 84010
the position of managing officer shall be made from persons who 84011
have criminal justice experience. 84012

A person who is appointed to the position of managing officer 84013
from a permanent, classified position ~~in the classified service~~ 84014
within the department shall retain the right to resume the 84015
position and status that the person held in the classified service 84016
immediately prior to the person's appointment to the position in 84017
the unclassified service, regardless of the number of positions 84018
the person held in the unclassified service. ~~Upon being relieved~~ 84019
~~of the person's duties as managing officer, the person shall be~~ 84020
~~reinstated to the~~ An employee's right to resume a position in the 84021
classified service ~~that the person held immediately prior~~ may be 84022
exercised only when an appointing authority demotes the employee 84023
to a pay range lower than the employee's current pay range or 84024
revokes the employee's appointment to the position ~~of managing~~ 84025
~~officer or to another position that~~ in the unclassified service. 84026
An employee forfeits the right to resume a position in the 84027
classified service if the employee is removed from a position in 84028
the unclassified service due to incompetence, inefficiency, 84029
dishonesty, drunkenness, immoral conduct, insubordination, 84030
discourteous treatment of the public, neglect of duty, a violation 84031
of this chapter or the rules of the department or the director, 84032
~~with approval of the state department of administrative services,~~ 84033
~~certifies as being~~ any other failure of good behavior, any other 84034
acts of misfeasance, malfeasance, or nonfeasance in office, or 84035
conviction of or plea of guilty to a felony. An employee also 84036
forfeits the right to resume the prior position in the classified 84037
service upon transfer to a different agency. Reinstatement to a 84038
position in the classified service shall be to a position 84039
substantially equal to ~~that prior~~ the position in the classified 84040
service that the person previously held, as certified by the 84041
director of rehabilitation and correction and approved by the 84042

director of administrative services. If the position the person 84043
previously held in the classified service has been placed in the 84044
unclassified service or is otherwise unavailable, the person shall 84045
be appointed to a position in the classified service within the 84046
department that the director of administrative services certifies 84047
is comparable in compensation to the position the person 84048
previously held in the classified service. Service as a managing 84049
officer in a position in the unclassified service shall be counted 84050
as service in the position in the classified service held by the 84051
person immediately preceding the person's appointment as managing 84052
officer to the position in the unclassified service. A When a 84053
person who is reinstated to a position in the classified service, 84054
as provided in this section, shall be the person is entitled to 84055
all rights and emoluments benefits and any status accruing to the 84056
position in the classified service during the time of the person's 84057
service as managing officer in the position in the unclassified 84058
service. 84059

The managing officer, under the director of rehabilitation 84060
and correction, shall have entire executive charge of the 84061
institution for which the managing officer is appointed. Subject 84062
to civil service rules and regulations, the managing officer shall 84063
appoint the necessary employees and the managing officer or the 84064
director may remove such employees for cause. ~~A report of all~~ 84065
~~appointments, resignations, and discharges shall be filed with the~~ 84066
~~director at the close of each month.~~ 84067

Sec. 5120.381. Subject to the rules of the department of 84068
rehabilitation and correction, the director of rehabilitation and 84069
correction may appoint a deputy warden for each institution under 84070
the jurisdiction of the department. A deputy warden shall be in 84071
the unclassified service and serve at the pleasure of the director 84072
of rehabilitation and correction. The director of rehabilitation 84073
and correction shall make an appointment to the position of deputy 84074

warden from persons having criminal justice experience. A person 84075
who is appointed to a position as deputy warden from a permanent, 84076
classified position in the classified service within the 84077
department shall retain the right to resume the position and 84078
status that the person held in the classified service immediately 84079
prior to the person's appointment to the position in the 84080
unclassified service, regardless of the number of positions the 84081
person held in the unclassified service. ~~If the person is relieved~~ 84082
~~of the person's duties as deputy warden, the director shall~~ 84083
~~reinstate the person to the~~ An employee's right to resume a 84084
position in the classified service ~~that the person held~~ 84085
~~immediately prior to the appointment as deputy warden or to~~ 84086
~~another position that is certified by~~ may be exercised only when 84087
an appointing authority demotes the employee to a pay range lower 84088
than the employee's current pay range or revokes the employee's 84089
appointment to the unclassified service. An employee forfeits the 84090
right to resume a position in the classified service when the 84091
employee is removed from the position in the unclassified service 84092
due to incompetence, inefficiency, dishonesty, drunkenness, 84093
immoral conduct, insubordination, discourteous treatment of the 84094
public, neglect of duty, a violation of this chapter or the rules 84095
of the department or the director, with approval of the department 84096
of administrative services, ~~as being~~ any other failure of good 84097
behavior, any other acts of misfeasance, malfeasance, or 84098
nonfeasance in office, or conviction of or plea of guilty to a 84099
felony. An employee also forfeits the right to resume the prior 84100
position in the classified service upon transfer to a different 84101
agency. Reinstatement to a position in the classified service 84102
shall be to a position substantially equal to ~~that prior the~~ 84103
position in the classified service that the person previously 84104
held, as certified by the director of rehabilitation and 84105
correction and approved by the director of administrative 84106
services. If the position the person previously held in the 84107

classified service has been placed in the unclassified service or 84108
is otherwise unavailable, the person shall be appointed to a 84109
position in the classified service within the department that the 84110
director of administrative services certifies is comparable in 84111
compensation to the position the person previously held in the 84112
classified service. Service ~~as deputy warden~~ in the position in 84113
the unclassified service shall be counted as service in the 84114
position in the classified service that the person held 84115
immediately preceding the person's appointment ~~as deputy warden to~~ 84116
the position in the unclassified service. ~~A~~ When a person who is 84117
reinstated to a position in the classified service as provided in 84118
this section, the person is entitled to all rights and ~~emoluments~~ 84119
benefits and any status accruing to the position during the time 84120
of the person's service ~~as deputy warden~~ in the unclassified 84121
service. 84122

Sec. 5120.382. Except as otherwise provided in this chapter 84123
for appointments by division chiefs and managing officers, the 84124
director of rehabilitation and correction shall appoint employees 84125
who are necessary for the efficient conduct of the department of 84126
rehabilitation and correction and prescribe their titles and 84127
duties. A person who is appointed to an unclassified position from 84128
a permanent, classified position ~~in the classified service within~~ 84129
the department shall ~~serve at the pleasure of the director and~~ 84130
retain the right to resume the position and status that the person 84131
held in the classified service immediately prior to the person's 84132
appointment to the position in the unclassified service, 84133
regardless of the number of positions the person held in the 84134
unclassified service. ~~If the person is relieved of the person's~~ 84135
~~duties for the unclassified position, the director shall reinstate~~ 84136
~~the person to the~~ An employee's right to resume a position in the 84137
classified service ~~that the person held immediately prior to the~~ 84138
~~appointment or to another position that is certified by~~ may be 84139

exercised only when an appointing authority demotes the employee 84140
to a pay range lower than the employee's current pay range or 84141
revokes the employee's appointment to the unclassified service. An 84142
employee forfeits the right to resume a position in the classified 84143
service when the employee is removed from the position in the 84144
unclassified service due to incompetence, inefficiency, 84145
dishonesty, drunkenness, immoral conduct, insubordination, 84146
discourteous treatment of the public, neglect of duty, a violation 84147
of this chapter or the rules of the department or the director, 84148
with approval of the department of administrative services, as 84149
being any other failure of good behavior, any other acts of 84150
misfeasance, malfeasance, or nonfeasance in office, or conviction 84151
of or plea of guilty to a felony. An employee also forfeits the 84152
right to resume the prior position in the classified service upon 84153
transfer to a different agency. Reinstatement to a position in the 84154
classified service shall be to a position substantially equal to 84155
that prior classified the position in the classified service that 84156
the person previously held, as certified by the director of 84157
rehabilitation and correction and approved by the director of 84158
administrative services. If the position the person previously 84159
held in the classified service has been placed in the unclassified 84160
service or is otherwise unavailable, the person shall be appointed 84161
to a position in the classified service within the department that 84162
the director of administrative services certifies is comparable in 84163
compensation to the position the person previously held in the 84164
classified service. Service in the position in the unclassified 84165
service pursuant to the appointment shall be counted as service in 84166
the position in the classified service that the person held 84167
immediately preceding the person's appointment to the position in 84168
the unclassified service. A When a person who is reinstated to a 84169
position in the classified service as provided in this section, 84170
the person is entitled to all rights and emoluments benefits and 84171
any status accruing to the position in the classified service 84172

during the time of the person's service in the position in the 84173
unclassified service. 84174

Sec. 5122.31. (A) All certificates, applications, records, 84175
and reports made for the purpose of this chapter and sections 84176
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 84177
Code, other than court journal entries or court docket entries, 84178
and directly or indirectly identifying a patient or former patient 84179
or person whose hospitalization or commitment has been sought 84180
under this chapter, shall be kept confidential and shall not be 84181
disclosed by any person except: 84182

(1) If the person identified, or the person's legal guardian, 84183
if any, or if the person is a minor, the person's parent or legal 84184
guardian, consents, and if the disclosure is in the best interests 84185
of the person, as may be determined by the court for judicial 84186
records and by the chief clinical officer for medical records; 84187

(2) When disclosure is provided for in this chapter or 84188
Chapters 340. or 5119. of the Revised Code or in accordance with 84189
other provisions of state or federal law authorizing such 84190
disclosure; 84191

(3) That hospitals, boards of alcohol, drug addiction, and 84192
mental health services, and community mental health services 84193
providers may release necessary medical information to insurers 84194
and other third-party payers, including government entities 84195
responsible for processing and authorizing payment, to obtain 84196
payment for goods and services furnished to the patient; 84197

(4) Pursuant to a court order signed by a judge; 84198

(5) That a patient shall be granted access to the patient's 84199
own psychiatric and medical records, unless access specifically is 84200
restricted in a patient's treatment plan for clear treatment 84201
reasons; 84202

(6) That hospitals and other institutions and facilities 84203
within the department of mental health and addiction services may 84204
exchange psychiatric records and other pertinent information with 84205
other hospitals, institutions, and facilities of the department, 84206
and with community mental health services providers and boards of 84207
alcohol, drug addiction, and mental health services with which the 84208
department has a current agreement for patient care or services. 84209
Records and information that may be released pursuant to this 84210
division shall be limited to medication history, physical health 84211
status and history, financial status, summary of course of 84212
treatment in the hospital, summary of treatment needs, and a 84213
discharge summary, if any. 84214

(7) That hospitals within the department and other 84215
institutions and facilities within the department may exchange 84216
psychiatric records and other pertinent information with payers 84217
and other providers of treatment and health services if the 84218
purpose of the exchange is to facilitate continuity of care for a 84219
patient or for the emergency treatment of an individual; 84220

(8) That a patient's family member who is involved in the 84221
provision, planning, and monitoring of services to the patient may 84222
receive medication information, a summary of the patient's 84223
diagnosis and prognosis, and a list of the services and personnel 84224
available to assist the patient and the patient's family, if the 84225
patient's treating physician determines that the disclosure would 84226
be in the best interests of the patient. No such disclosure shall 84227
be made unless the patient is notified first and receives the 84228
information and does not object to the disclosure. 84229

(9) That community mental health services providers may 84230
exchange psychiatric records and certain other information with 84231
the board of alcohol, drug addiction, and mental health services 84232
and other services providers in order to provide services to a 84233
person involuntarily committed to a board. Release of records 84234

under this division shall be limited to medication history, 84235
physical health status and history, financial status, summary of 84236
course of treatment, summary of treatment needs, and discharge 84237
summary, if any. 84238

(10) That information may be disclosed to the executor or the 84239
administrator of an estate of a deceased patient when the 84240
information is necessary to administer the estate; 84241

(11) That records in the possession of the Ohio historical 84242
society may be released to the closest living relative of a 84243
deceased patient upon request of that relative; 84244

(12) That records pertaining to the patient's diagnosis, 84245
course of treatment, treatment needs, and prognosis shall be 84246
disclosed and released to the appropriate prosecuting attorney if 84247
the patient was committed pursuant to section 2945.38, 2945.39, 84248
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 84249
attorney designated by the board for proceedings pursuant to 84250
involuntary commitment under this chapter. 84251

(13) That the department of mental health and addiction 84252
services may exchange psychiatric hospitalization records, other 84253
mental health treatment records, and other pertinent information 84254
with the department of rehabilitation and correction and with the 84255
department of youth services to ensure continuity of care for 84256
inmates or offenders who are receiving mental health services in 84257
an institution of the department of rehabilitation and correction 84258
or the department of youth services and may exchange psychiatric 84259
hospitalization records, other mental health treatment records, 84260
and other pertinent information with boards of alcohol, drug 84261
addiction, and mental health services and community mental health 84262
services providers to ensure continuity of care for inmates or 84263
offenders who are receiving mental health services in an 84264
institution and are scheduled for release within six months. The 84265
department shall not disclose those records unless the inmate or 84266

offender is notified, receives the information, and does not 84267
object to the disclosure. The release of records under this 84268
division is limited to records regarding an inmate's or offender's 84269
medication history, physical health status and history, summary of 84270
course of treatment, summary of treatment needs, and a discharge 84271
summary, if any; 84272

(14) That records and reports relating to a person who has 84273
been deceased for fifty years or more are no longer considered 84274
confidential. 84275

(B) Before records are disclosed pursuant to divisions 84276
(A)(3), (6), and (9) of this section, the custodian of the records 84277
shall attempt to obtain the patient's consent for the disclosure. 84278
No person shall reveal the contents of a medical record of a 84279
patient except as authorized by law. 84280

(C) The managing officer of a hospital who releases necessary 84281
medical information under division (A)(3) of this section to allow 84282
an insurance carrier or other third party payor to comply with 84283
section 5121.43 of the Revised Code shall neither be subject to 84284
criminal nor civil liability. 84285

Sec. 5122.36. If the legal residence of a person suffering 84286
from mental illness is in another county of the state, the 84287
necessary expense of the person's return is a proper charge 84288
against the county of legal residence. If an adjudication and 84289
order of hospitalization by the probate court of the county of 84290
temporary residence are required, the regular probate court fees 84291
and expenses incident to the order of hospitalization under this 84292
chapter and any other expense incurred on the person's behalf 84293
shall be charged to and paid by the county of the person's legal 84294
residence upon the approval and certification of the probate judge 84295
of ~~that~~ the county of the person's legal residence. The ordering 84296
court shall send to the probate court of the person's county of 84297

legal residence a certified ~~transcript of all proceedings had in~~ 84298
copy of the commitment order from the ordering court. The 84299
receiving court shall enter and record the ~~transcript~~ commitment 84300
order. The certified ~~transcript~~ commitment order is prima facie 84301
evidence of the residence of the person. When the residence of the 84302
person cannot be established as represented by the ordering court, 84303
the matter of residence shall be referred to the department of 84304
mental health and addiction services for investigation and 84305
determination. 84306

Sec. 5123.032. (A) As used in this section, ~~"developmental:~~ 84307

(1) "Closed" or "closure" means a situation in which either 84308
of the following occurs: 84309

(a) A developmental center ceases operations; 84310

(b) Control of a developmental center is transferred from the 84311
department of developmental disabilities to another entity that is 84312
not a government entity. 84313

(2) "Developmental center" means any institution or facility 84314
of the department of developmental disabilities that, on or after 84315
January 30, 2004, is named, designated, or referred to as a 84316
developmental center. 84317

(B) Notwithstanding any other provision of law, any closure 84318
of a developmental center shall be subject to, and in accordance 84319
with, this section. 84320

(C) ~~Notwithstanding any other provision of law, at least ten~~ 84321
~~days prior to making any official, public announcement that the~~ 84322
~~governor intends to close one or more developmental centers, the~~ 84323
~~governor shall notify the general assembly in writing that the~~ 84324
~~governor intends to close one or more developmental centers. The~~ 84325
~~governor shall notify the general assembly in writing of the prior~~ 84326
~~announcement and that the governor intends to close the center~~ 84327

~~identified in the prior announcement, and the notification to the 84328
general assembly shall constitute, for purposes of this section, 84329
the governor's official, public announcement that the governor 84330
intends to close that center. 84331~~

~~The notice required by this division shall identify by name 84332
each developmental center that the governor intends to close or, 84333
if the governor has not determined any specific developmental 84334
center to close, shall state the governor's general intent to 84335
close one or more developmental centers. When the governor 84336
notifies the general assembly as required by this division, the 84337
legislative service commission promptly shall conduct an 84338
independent study of the developmental centers of the department 84339
of developmental disabilities and of the department's operation of 84340
the centers, and the study shall address relevant criteria and 84341
factors, including, but not limited to, all of the following If 84342
the governor determines that one or more developmental centers 84343
should be closed, all of the following apply: 84344~~

~~(1) For each developmental center, the governor shall notify 84345
the general assembly and the department of developmental 84346
disabilities of that determination and the rationale for it. If 84347
the rationale is expenditure reductions or budget cuts, the notice 84348
shall specify the anticipated savings to be obtained through the 84349
closure. 84350~~

~~(2) Not later than seven days after the governor provides 84351
notice under this section, the officials who are to appoint 84352
members of the commission under division (D) of this section, 84353
shall appoint the members. As soon as possible after the 84354
appointments, the commission shall meet and commence 84355
deliberations. Not later than ninety days after the governor 84356
provides the notice, the commission shall provide to the general 84357
assembly, the governor, and the department a report of its 84358
recommendation concerning the developmental center. The commission 84359~~

may recommend closure for expenditure reductions or budget cuts 84360
only if the anticipated savings to be obtained by the closure are 84361
approximately the same as the anticipated savings specified in the 84362
governor's notice. If the governor gave notice of the proposed 84363
closure of more than one developmental center, the report shall 84364
list them in order of the commission's preference for closure. 84365

(3) On receipt of a report that recommends closure of a 84366
developmental center, the governor may close the developmental 84367
center. Except as otherwise provided in this division, the 84368
governor shall not close a developmental center that is not listed 84369
in the commission's recommendation, and shall not close multiple 84370
developmental centers in any order other than the order of the 84371
commission's preference as specified in the recommendation. If the 84372
governor determines that it is not feasible to implement the 84373
recommendation because there has been a significant change in 84374
circumstances, the governor may call for a new commission 84375
regarding the developmental center. The new commission shall be 84376
created and function in accordance with this section. 84377

(D) Each developmental center closure commission shall 84378
consist of thirteen members. Three members shall be members of the 84379
house of representatives, two of whom are members of the majority 84380
political party in the house of representatives appointed by the 84381
speaker of the house of representatives and one of whom is a 84382
member of the minority political party in the house of 84383
representatives appointed by the minority leader of the house of 84384
representatives. Three members shall be members of the senate, two 84385
of whom are members of the majority political party in the senate 84386
appointed by the president of the senate and one of whom is a 84387
member of the minority political party in the senate appointed by 84388
the minority leader of the senate. One member shall be the 84389
director of budget and management. One member shall be the 84390
director of developmental disabilities. Four members shall be 84391

persons with experience in the work of the department of 84392
developmental disabilities. One of these members must be a family 84393
member of a person living in the developmental center, and because 84394
of that familial connection, shall be deemed to have met the 84395
experience requirement. Of these four members one shall be 84396
appointed by the speaker of the house of representatives, one by 84397
the minority leader of the house of representatives, one by the 84398
president of the senate, and one by the minority leader of the 84399
senate. One member shall be a representative of the employees' 84400
association representing the largest number of employees of the 84401
department, as certified by the director of developmental 84402
disabilities, with that member being appointed by the president of 84403
the association. At the commission's first meeting, the members 84404
shall organize and appoint a chairperson and vice-chairperson. The 84405
members shall serve without compensation. 84406

(E) In making its determination of whether a developmental 84407
center should close, the commission shall consider the following 84408
factors and any other factors it considers appropriate: 84409

~~(1) The manner in which the closure of developmental centers~~ 84410
~~in general would affect the safety, health, well being, and~~ 84411
~~lifestyle of the centers' residents and their family members and~~ 84412
~~would affect public safety and, if the governor's notice~~ 84413
~~identifies by name one or more developmental centers that the~~ 84414
~~governor intends to close, the manner in which the closure of each~~ 84415
~~center so identified would affect the safety, health, well being,~~ 84416
~~and lifestyle of the center's residents and their family members~~ 84417
~~and would affect public safety Whether there is a need to reduce~~ 84418
~~the number of developmental centers;~~ 84419

(2) The availability of alternate facilities; 84420

(3) The cost effectiveness of the ~~facilities identified for~~ 84421
~~closure~~ developmental center; 84422

(4) A comparison of the cost of residing at a facility	84423
identified for closure and the cost of new living arrangements <u>The</u>	84424
opportunities for, and barriers to, transitioning staff of the	84425
center to other appropriate employment;	84426
(5) The geographic factors associated with each facility <u>the</u>	84427
<u>center</u> and its proximity to other similar facilities;	84428
(6) The impact of collective bargaining on facility	84429
operations;	84430
(7) The utilization and maximization of resources;	84431
(8)(7) Continuity of the staff and ability to serve the	84432
<u>facility center's</u> population;	84433
(9)(8) Continuing costs following closure of a facility <u>the</u>	84434
<u>center</u> ;	84435
(10)(9) The impact of the closure on the local economy;	84436
(11)(10) Alternatives and opportunities for consolidation	84437
with other <u>centers or</u> facilities;	84438
(12) How the closing of a facility identified for closure	84439
relates to the department's plans for the future of developmental	84440
centers in this state;	84441
(13) The effect of the closure of developmental centers in	84442
general upon the state's fiscal resources and fiscal status and,	84443
if the governor's notice identifies by name one or more	84444
developmental centers that the governor intends to close, the	84445
effect of the closure of each center so identified upon the	84446
state's fiscal resources and fiscal status.	84447
(D) The legislative service commission shall complete the	84448
study required by division (C) of this section, and prepare a	84449
report that contains its findings, not later than sixty days after	84450
the governor makes the official, public announcement that the	84451
governor intends to close one or more developmental centers as	84452

~~described in division (C) of this section. The commission shall
provide a copy of the report to each member of the general
assembly who requests a copy of the report and for collaboration
with other state agencies and political subdivisions.~~ 84453
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(F) The commission shall meet as often as necessary to make
its determination and may take testimony and consider all relevant
information. 84457
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On providing its report, the commission shall cease to exist,
provided that another commission shall be created if the governor
calls for a new commission pursuant to division (D) of this
section or the governor provides another notice of closure under
division (C)(1) of this section. 84460
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Sec. 5123.033. The program fee fund is hereby created in the 84465
state treasury. All fees collected pursuant to sections 5123.161,
5123.164, and 5123.19 of the Revised Code shall be credited to the 84466
fund. Money credited to the fund shall be used solely for the 84467
department of developmental disabilities' duties under sections 84468
5123.16 to ~~5123.1610~~, 5123.1611 and 5123.19 of the Revised Code 84469
and to provide continuing education and professional training to 84470
providers of services to individuals with mental retardation or a 84471
developmental disability. If the money credited to the fund is 84472
inadequate to pay all of the department's costs in performing 84473
those duties and providing the continuing education and 84474
professional training, the department may use other available 84475
funds appropriated to the department to pay the remaining costs of 84476
performing those duties and providing the continuing education and 84477
professional training. 84478
84479

Sec. 5123.16. (A) As used in sections 5123.16 to ~~5123.1610~~ 84480
5123.1611 of the Revised Code: 84481

(1) "Applicant" means any of the following: 84482

(a) The chief executive officer of a business that applies under section 5123.161 of the Revised Code for a certificate to provide supported living;	84483 84484 84485
(b) The chief executive officer of a business that seeks renewal of the business's supported living certificate under section 5123.164 of the Revised Code;	84486 84487 84488
(c) An individual who applies under section 5123.161 of the Revised Code for a certificate to provide supported living as an independent provider;	84489 84490 84491
(d) An independent provider who seeks renewal of the independent provider's supported living certificate under section 5123.164 of the Revised Code.	84492 84493 84494
(2) "Business" means an association, corporation, nonprofit organization, partnership, trust, or other group of persons. "Business" does not mean an independent provider.	84495 84496 84497
(3) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	84498 84499
(4) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.	84500 84501 84502
(5) "Independent provider" means a provider who provides supported living on a self-employed basis and does not employ, directly or through contract, another person to provide the supported living.	84503 84504 84505 84506
(6) "Provider" means a person or government entity certified by the director of developmental disabilities to provide supported living. For the purpose of division (A)(8) of this section, "provider" includes a person or government entity that seeks or previously held a certificate to provide supported living.	84507 84508 84509 84510 84511
(7) "Minor drug possession offense" has the same meaning as	84512

in section 2925.01 of the Revised Code.	84513
(8) "Related party" means any of the following:	84514
(a) In the case of a provider who is an individual, any of the following:	84515 84516
(i) The spouse of the provider;	84517
(ii) A parent or stepparent of the provider or provider's spouse;	84518 84519
(iii) A child of the provider or provider's spouse;	84520
(iv) A sibling, half sibling, or stepsibling of the provider or provider's spouse;	84521 84522
(v) A grandparent of the provider or provider's spouse;	84523
(vi) A grandchild of the provider or provider's spouse.	84524
(b) In the case of a provider that is a person other than an individual, any of the following:	84525 84526
(i) Any person or government entity that directly or indirectly controls the provider's day-to-day operations (including as a general manager, business manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement and regardless of whether the person or government entity is required to file an Internal Revenue Code form W-2 for the provider;	84527 84528 84529 84530 84531 84532 84533 84534
(ii) An officer of the provider, including the chief executive officer, president, vice-president, secretary, and treasurer;	84535 84536 84537
(iii) A member of the provider's board of directors or trustees;	84538 84539
(iv) A person owning a financial interest of five per cent or more in the provider, including a direct, indirect, security, or	84540 84541

mortgage financial interest;	84542
(v) The spouse, parent, stepparent, child, sibling, half sibling, stepsibling, grandparent, or grandchild of any of the persons specified in divisions (A)(8)(b)(i) to (iv) of this section;	84543 84544 84545 84546
(vi) A person over which the provider has control of the day-to-day operation;	84547 84548
(vii) A corporation that has a subsidiary relationship with the provider.	84549 84550
(c) In the case of a provider that is a government entity, any of the following:	84551 84552
(i) Any person or government entity that directly or indirectly controls the provider's day-to-day operations (including as a general manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement;	84553 84554 84555 84556 84557 84558
(ii) An officer of the provider;	84559
(iii) A member of the provider's governing board;	84560
(iv) A person or government entity over which the provider has control of the day-to-day operation.	84561 84562
(B) No person or government entity may provide supported living without a valid supported living certificate issued by the director of developmental disabilities.	84563 84564 84565
(C) A county board of developmental disabilities may provide supported living only to the extent permitted by rules adopted under section 5123.1610 <u>5123.1611</u> of the Revised Code.	84566 84567 84568
Sec. 5123.161. A person or government entity that seeks to provide supported living shall apply to the director of	84569 84570

developmental disabilities for a supported living certificate. 84571

Except as provided in sections 5123.166 and 5123.169 of the 84572
Revised Code, the director shall issue to the person or government 84573
entity a supported living certificate if the person or government 84574
entity follows the application process established in rules 84575
adopted under section ~~5123.1610~~ 5123.1611 of the Revised Code, 84576
meets the applicable certification standards established in those 84577
rules, and pays the certification fee established in those rules. 84578

Sec. 5123.162. (A) The director of developmental disabilities 84579
may conduct surveys of persons and government entities that seek a 84580
supported living certificate to determine whether the persons and 84581
government entities meet the certification standards. The director 84582
may also conduct surveys of providers to determine whether the 84583
providers continue to meet the certification standards. The 84584
director may assign to a county board of developmental 84585
disabilities the responsibility to conduct either type of survey. 84586
Each survey shall be conducted in accordance with rules adopted 84587
under section ~~5123.1610~~ 5123.1611 of the Revised Code. 84588

(B) Following each survey of a provider, the director shall 84590
issue a report listing the date of the survey, any citations 84591
issued as a result of the survey, and the statutes or rules that 84592
purportedly have been violated and are the bases of the citations. 84593
The director shall also do both of the following: 84594

(1) Specify a date by which the provider may appeal any of 84595
the citations; 84596

(2) When appropriate, specify a timetable within which the 84597
provider must submit a plan of correction describing how the 84598
problems specified in the citations will be corrected and the date 84599
by which the provider anticipates the problems will be corrected. 84600

(C) If the director initiates a proceeding to revoke a provider's certification, the director shall include the report required by division (B) of this section with the notice of the proposed revocation the director sends to the provider. In this circumstance, the provider may not submit a plan of correction.

(D) After a plan of correction is submitted, the director shall approve or disapprove the plan. If the plan of correction is approved, a copy of the approved plan shall be provided, not later than five business days after it is approved, to any person or government entity that requests it and made available on the internet web site maintained by the department of developmental disabilities. If the plan of correction is not approved and the director initiates a proceeding to revoke the provider's certification, a copy of the survey report shall be provided to any person or government entity that requests it and shall be made available on the internet web site maintained by the department.

(E) In addition to survey reports described in this section, all other records associated with surveys conducted under this section are public records for the purpose of section 149.43 of the Revised Code and shall be made available on the request of any person or government entity.

Sec. 5123.163. A supported living certificate is valid for a period of time established in rules adopted under section ~~5123.1610~~ 5123.1611 of the Revised Code, unless any of the following occur before the end of that period of time:

(A) The director of developmental disabilities issues an order requiring that action be taken against the certificate holder under section 5123.166 of the Revised Code.

(B) The director issues an order terminating the certificate under section 5123.168 of the Revised Code.

(C) The certificate holder voluntarily surrenders the certificate to the director. 84631
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Sec. 5123.164. Except as provided in sections 5123.166 and 84633
5123.169 of the Revised Code, the director of developmental 84634
disabilities shall renew a supported living certificate if the 84635
certificate holder follows the renewal process established in 84636
rules adopted under section ~~5123.1610~~ 5123.1611 of the Revised 84637
Code, continues to meet the applicable certification standards 84638
established in those rules, and pays the renewal fee established 84639
in those rules. 84640

Sec. 5123.166. (A) If good cause exists as specified in 84641
division (B) of this section and determined in accordance with 84642
procedures established in rules adopted under section ~~5123.1610~~ 84643
5123.1611 of the Revised Code, the director of developmental 84644
disabilities may issue an adjudication order requiring that one of 84645
the following actions be taken against a person or government 84646
entity seeking or holding a supported living certificate: 84647

(1) Refusal to issue or renew a supported living certificate; 84648

(2) Revocation of a supported living certificate; 84649

(3) Suspension of a supported living certificate holder's 84650
authority to do either or both of the following: 84651

(a) Continue to provide supported living to one or more 84652
individuals from one or more counties who receive supported living 84653
from the certificate holder at the time the director takes the 84654
action; 84655

(b) Begin to provide supported living to one or more 84656
individuals from one or more counties who do not receive supported 84657
living from the certificate holder at the time the director takes 84658
the action. 84659

(B) The following constitute good cause for taking action	84660
under division (A) of this section against a person or government	84661
entity seeking or holding a supported living certificate:	84662
(1) The person or government entity's failure to meet or	84663
continue to meet the applicable certification standards	84664
established in rules adopted under section 5123.1610 <u>5123.1611</u> of	84665
the Revised Code;	84666
(2) The person or government entity violates section 5123.165	84667
of the Revised Code;	84668
(3) The person or government entity's failure to satisfy the	84669
requirements of section 5123.081 or 5123.52 of the Revised Code;	84670
(4) Misfeasance;	84671
(5) Malfeasance;	84672
(6) Nonfeasance;	84673
(7) Confirmed abuse or neglect;	84674
(8) Financial irresponsibility;	84675
(9) Other conduct the director determines is or would be	84676
injurious to individuals who receive or would receive supported	84677
living from the person or government entity.	84678
(C) Except as provided in division (D) of this section, the	84679
director shall issue an adjudication order under division (A) of	84680
this section in accordance with Chapter 119. of the Revised Code.	84681
(D)(1) The director may issue an order requiring that action	84682
specified in division (A)(3) of this section be taken before a	84683
provider is provided notice and an opportunity for a hearing if	84684
all of the following are the case:	84685
(a) The director determines such action is warranted by the	84686
provider's failure to continue to meet the applicable	84687
certification standards;	84688

(b) The director determines that the failure either 84689
represents a pattern of serious noncompliance or creates a 84690
substantial risk to the health or safety of an individual who 84691
receives or would receive supported living from the provider; 84692

(c) If the order will suspend the provider's authority to 84693
continue to provide supported living to an individual who receives 84694
supported living from the provider at the time the director issues 84695
the order, both of the following are the case: 84696

(i) The director makes the individual, or the individual's 84697
guardian, aware of the director's determination under division 84698
(D)(1)(b) of this section and the individual or guardian does not 84699
select another provider. 84700

(ii) A county board of developmental disabilities has filed a 84701
complaint with a probate court under section 5126.33 of the 84702
Revised Code that includes facts describing the nature of abuse or 84703
neglect that the individual has suffered due to the provider's 84704
actions that are the basis for the director making the 84705
determination under division (D)(1)(b) of this section and the 84706
probate court does not issue an order authorizing the county board 84707
to arrange services for the individual pursuant to an 84708
individualized service plan developed for the individual under 84709
section 5126.31 of the Revised Code. 84710

(2) If the director issues an order under division (D)(1) of 84711
this section, sections 119.091 to 119.13 of the Revised Code and 84712
all of the following apply: 84713

(a) The director shall send the provider notice of the order 84714
by registered mail, return receipt requested, not later than 84715
twenty-four hours after issuing the order and shall include in the 84716
notice the reasons for the order, the citation to the law or rule 84717
directly involved, and a statement that the provider will be 84718
afforded a hearing if the provider requests it within ten days of 84719

the time of receiving the notice. 84720

(b) If the provider requests a hearing within the required 84721
time and the provider has provided the director the provider's 84722
current address, the director shall immediately set, and notify 84723
the provider of, the date, time, and place for the hearing. 84724

(c) The date of the hearing shall be not later than thirty 84725
days after the director receives the provider's timely request for 84726
the hearing. 84727

(d) The hearing shall be conducted in accordance with section 84728
119.09 of the Revised Code, except for all of the following: 84729

(i) The hearing shall continue uninterrupted until its close, 84730
except for weekends, legal holidays, and other interruptions the 84731
provider and director agree to. 84732

(ii) If the director appoints a referee or examiner to 84733
conduct the hearing, the referee or examiner, not later than ten 84734
days after the date the referee or examiner receives a transcript 84735
of the testimony and evidence presented at the hearing or, if the 84736
referee or examiner does not receive the transcript or no such 84737
transcript is made, the date that the referee or examiner closes 84738
the record of the hearing, shall submit to the director a written 84739
report setting forth the referee or examiner's findings of fact 84740
and conclusions of law and a recommendation of the action the 84741
director should take. 84742

(iii) The provider may, not later than five days after the 84743
date the director, in accordance with section 119.09 of the 84744
Revised Code, sends the provider or the provider's attorney or 84745
other representative of record a copy of the referee or examiner's 84746
report and recommendation, file with the director written 84747
objections to the report and recommendation. 84748

(iv) The director shall approve, modify, or disapprove the 84749
referee or examiner's report and recommendation not earlier than 84750

six days, and not later than fifteen days, after the date the director, in accordance with section 119.09 of the Revised Code, sends a copy of the report and recommendation to the provider or the provider's attorney or other representative of record.

(3) The director may lift an order issued under division (D)(1) of this section even though a hearing regarding the order is occurring or pending if the director determines that the provider has taken action eliminating the good cause for issuing the order. The hearing shall proceed unless the provider withdraws the request for the hearing in a written letter to the director.

(4) The director shall lift an order issued under division (D)(1) of this section if both of the following are the case:

(a) The provider provides the director a plan of compliance the director determines is acceptable.

(b) The director determines that the provider has implemented the plan of compliance correctly.

Sec. 5123.167. If the director of developmental disabilities issues an adjudication order under section 5123.166 of the Revised Code refusing to issue a supported living certificate to a person or government entity ~~or, refusing~~ to renew a person or government entity's supported living certificate, or revoking the person or government entity's supported living certificate, neither the person or government entity nor a related party of the person or government entity may apply for another supported living certificate earlier than the date that is ~~one year~~ five years after the date the order is issued. If a person or government entity's authority to provide medicaid-funded supported living is revoked or renewal of the authority is refused pursuant to section 5123.1610 of the Revised Code, neither the person or government entity nor a related party of the person or government entity may apply for authority to provide medicaid-funded supported living

again earlier than the date this is five years after the date the 84782
authority is revoked or expired. 84783

~~If the director issues an adjudication order under that~~ 84784
~~section revoking a person or government entity's supported living~~ 84785
~~certificate, neither the person or government entity nor a related~~ 84786
~~party of the person or government entity may apply for another~~ 84787
~~supported living certificate earlier than the date that is five~~ 84788
~~years after the date the order is issued.~~ 84789

Sec. 5123.169. (A) The director of developmental disabilities 84790
shall not issue a supported living certificate to an applicant or 84791
renew an applicant's supported living certificate if either of the 84792
following applies: 84793

(1) The applicant fails to comply with division (C)(2) of 84794
this section; 84795

(2) Except as provided in rules adopted under section 84796
~~5123.1610~~ 5123.1611 of the Revised Code, the applicant is found by 84797
a criminal records check required by this section to have been 84798
convicted of, pleaded guilty to, or been found eligible for 84799
intervention in lieu of conviction for a disqualifying offense. 84800

(B) Before issuing a supported living certificate to an 84801
applicant or renewing an applicant's supported living certificate, 84802
the director shall require the applicant to submit a statement 84803
with the applicant's signature attesting that the applicant has 84804
not been convicted of, pleaded guilty to, or been found eligible 84805
for intervention in lieu of conviction for a disqualifying 84806
offense. The director also shall require the applicant to sign an 84807
agreement under which the applicant agrees to notify the director 84808
within fourteen calendar days if, while holding a supported living 84809
certificate, the applicant is formally charged with, is convicted 84810
of, pleads guilty to, or is found eligible for intervention in 84811
lieu of conviction for a disqualifying offense. The agreement 84812

shall provide that the applicant's failure to provide the 84813
notification may result in action being taken by the director 84814
against the applicant under section 5123.166 of the Revised Code. 84815

(C)(1) As a condition of receiving a supported living 84816
certificate or having a supported living certificate renewed, an 84817
applicant shall request the superintendent of the bureau of 84818
criminal identification and investigation to conduct a criminal 84819
records check of the applicant. If an applicant does not present 84820
proof to the director that the applicant has been a resident of 84821
this state for the five-year period immediately prior to the date 84822
that the applicant applies for issuance or renewal of the 84823
supported living certificate, the director shall require the 84824
applicant to request that the superintendent obtain information 84825
from the federal bureau of investigation as a part of the criminal 84826
records check. If the applicant presents proof to the director 84827
that the applicant has been a resident of this state for that 84828
five-year period, the director may require the applicant to 84829
request that the superintendent include information from the 84830
federal bureau of investigation in the criminal records check. For 84831
purposes of this division, an applicant may provide proof of 84832
residency in this state by presenting, with a notarized statement 84833
asserting that the applicant has been a resident of this state for 84834
that five-year period, a valid driver's license, notification of 84835
registration as an elector, a copy of an officially filed federal 84836
or state tax form identifying the applicant's permanent residence, 84837
or any other document the director considers acceptable. 84838

(2) Each applicant shall do all of the following: 84839

(a) Obtain a copy of the form prescribed pursuant to division 84840
(C)(1) of section 109.572 of the Revised Code and a standard 84841
impression sheet prescribed pursuant to division (C)(2) of section 84842
109.572 of the Revised Code; 84843

(b) Complete the form and provide the applicant's fingerprint 84844

impressions on the standard impression sheet; 84845

(c) Forward the completed form and standard impression sheet 84846
to the superintendent at the time the criminal records check is 84847
requested; 84848

(d) Instruct the superintendent to submit the completed 84849
report of the criminal records check directly to the director; 84850

(e) Pay to the bureau of criminal identification and 84851
investigation the fee prescribed pursuant to division (C)(3) of 84852
section 109.572 of the Revised Code for each criminal records 84853
check of the applicant requested and conducted pursuant to this 84854
section. 84855

(D) The director may request any other state or federal 84856
agency to supply the director with a written report regarding the 84857
criminal record of an applicant. The director may consider the 84858
reports when determining whether to issue a supported living 84859
certificate to the applicant or to renew an applicant's supported 84860
living certificate. 84861

(E) An applicant who seeks to be an independent provider or 84862
is an independent provider seeking renewal of the applicant's 84863
supported living certificate shall obtain the applicant's driving 84864
record from the bureau of motor vehicles and provide a copy of the 84865
record to the director if the supported living that the applicant 84866
will provide involves transporting individuals with mental 84867
retardation or developmental disabilities. The director may 84868
consider the applicant's driving record when determining whether 84869
to issue the applicant a supported living certificate or to renew 84870
the applicant's supported living certificate. 84871

(F)(1) A report obtained pursuant to this section is not a 84872
public record for purposes of section 149.43 of the Revised Code 84873
and shall not be made available to any person, other than the 84874
following: 84875

(a) The applicant who is the subject of the report or the applicant's representative;	84876 84877
(b) The director or the director's representative;	84878
(c) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	84879 84880
(i) The denial of a supported living certificate or refusal to renew a supported living certificate;	84881 84882
(ii) The denial, suspension, or revocation of a certificate under section 5123.45 of the Revised Code;	84883 84884
(iii) A civil or criminal action regarding the medicaid program.	84885 84886
(2) An applicant for whom the director has obtained reports under this section may submit a written request to the director to have copies of the reports sent to any person or state or local government entity. The applicant shall specify in the request the person or entities to which the copies are to be sent. On receiving the request, the director shall send copies of the reports to the persons or entities specified.	84887 84888 84889 84890 84891 84892 84893
(3) The director may request that a person or state or local government entity send copies to the director of any report regarding a records check or criminal records check that the person or entity possesses, if the director obtains the written consent of the individual who is the subject of the report.	84894 84895 84896 84897 84898
(4) The director shall provide each applicant with a copy of any report obtained about the applicant under this section.	84899 84900
<u>Sec. 5123.1610. (A) Both of the following apply if the department of medicaid, pursuant to section 5164.38 of the Revised Code, terminates or refuses to revalidate a provider agreement that authorizes a person or government entity to provide supported living under the medicaid program:</u>	84901 84902 84903 84904 84905

(1) In the case of a terminated provider agreement, the person or government entity's authority to provide medicaid-funded supported living under a supported living certificate is automatically revoked on the date that the provider agreement is terminated. 84906
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(2) In the case of a provider agreement that expires because the department of medicaid refuses to revalidate it, the person or government entity's authority to provide medicaid-funded supported living under a supported living certificate is automatically revoked on the date that the provider agreement expires, unless the expiration date of the provider agreement is the same as the expiration date of the supported living certificate, in which case the director of developmental disabilities shall refuse to renew the person or government entity's authority to provide medicaid-funded supported living under the certificate. 84911
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(B) The director of developmental disabilities is not required to issue an adjudication order in accordance with Chapter 119. of the Revised Code to do either of the following pursuant to this section: 84921
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(1) Revoke a person or government entity's authority to provide medicaid-funded supported living; 84925
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(2) Refuse to renew a person or government entity's authority to provide medicaid-funded supported living. 84927
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(C) This section does not affect a person or government entity's authority to provide nonmedicaid-funded supported living under a supported living certificate. 84929
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Sec. ~~5123.1610~~ 5123.1611. The director of developmental disabilities shall adopt rules under Chapter 119. of the Revised Code establishing all of the following: 84932
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(A) The extent to which a county board of developmental 84935

disabilities may provide supported living;	84936
(B) The application process for obtaining a supported living certificate under section 5123.161 of the Revised Code;	84937 84938
(C) The certification standards a person or government entity must meet to obtain a supported living certificate to provide supported living;	84939 84940 84941
(D) The certification fee for a supported living certificate, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;	84942 84943 84944
(E) The period of time a supported living certificate is valid;	84945 84946
(F) The process for renewing a supported living certificate under section 5123.164 of the Revised Code;	84947 84948
(G) The renewal fee for a supported living certificate, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;	84949 84950 84951
(H) Procedures for conducting surveys under section 5123.162 of the Revised Code;	84952 84953
(I) Procedures for determining whether there is good cause to take action under section 5123.166 of the Revised Code against a person or government entity seeking or holding a supported living certificate;	84954 84955 84956 84957
(J) Circumstances under which the director may issue a supported living certificate to an applicant or renew an applicant's supported living certificate if the applicant is found by a criminal records check required by section 5123.169 of the Revised Code to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense but meets standards in regard to rehabilitation set by the director.	84958 84959 84960 84961 84962 84963 84964 84965

Sec. 5123.19. (A) As used in sections 5123.19 to 5123.20 of the Revised Code: 84966
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(1) "Independent living arrangement" means an arrangement in which a mentally retarded or developmentally disabled person resides in an individualized setting chosen by the person or the person's guardian, which is not dedicated principally to the provision of residential services for mentally retarded or developmentally disabled persons, and for which no financial support is received for rendering such service from any governmental agency by a provider of residential services. 84968
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(2) "Licensee" means the person or government agency that has applied for a license to operate a residential facility and to which the license was issued under this section. 84976
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(3) "Political subdivision" means a municipal corporation, county, or township. 84979
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(4) "Related party" has the same meaning as in section 5123.16 of the Revised Code except that "provider" as used in the definition of "related party" means a person or government entity that held or applied for a license to operate a residential facility, rather than a person or government entity certified to provide supported living. 84981
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(5)(a) Except as provided in division (A)(5)(b) of this section, "residential facility" means a home or facility, including an ICF/IID, in which an individual with mental retardation or a developmental disability resides. 84987
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(b) "Residential facility" does not mean any of the following: 84991
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(i) The home of a relative or legal guardian in which an individual with mental retardation or a developmental disability resides; 84993
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(ii) A respite care home certified under section 5126.05 of the Revised Code; 84996
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(iii) A county home or district home operated pursuant to Chapter 5155. of the Revised Code; 84998
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(iv) A dwelling in which the only residents with mental retardation or developmental disabilities are in independent living arrangements or are being provided supported living. 85000
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(B) Every person or government agency desiring to operate a residential facility shall apply for licensure of the facility to the director of developmental disabilities unless the residential facility is subject to section 3721.02, 5103.03, 5119.33, or division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised Code. 85003
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(C) Subject to section 5123.196 of the Revised Code, the director of developmental disabilities shall license the operation of residential facilities. An initial license shall be issued for a period that does not exceed one year, unless the director denies the license under division (D) of this section. A license shall be renewed for a period that does not exceed three years, unless the director refuses to renew the license under division (D) of this section. The director, when issuing or renewing a license, shall specify the period for which the license is being issued or renewed. A license remains valid for the length of the licensing period specified by the director, unless the license is terminated, revoked, or voluntarily surrendered. 85009
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(D) If it is determined that an applicant or licensee is not in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, the director may deny issuance of a license, refuse to renew a license, terminate a license, revoke a license, issue an order for the suspension of admissions to a facility, issue an 85021
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order for the placement of a monitor at a facility, issue an order 85027
for the immediate removal of residents, or take any other action 85028
the director considers necessary consistent with the director's 85029
authority under this chapter regarding residential facilities. In 85030
the director's selection and administration of the sanction to be 85031
imposed, all of the following apply: 85032

(1) The director may deny, refuse to renew, or revoke a 85033
license, if the director determines that the applicant or licensee 85034
has demonstrated a pattern of serious noncompliance or that a 85035
violation creates a substantial risk to the health and safety of 85036
residents of a residential facility. 85037

(2) The director may terminate a license if more than twelve 85038
consecutive months have elapsed since the residential facility was 85039
last occupied by a resident or a notice required by division 85040
~~(K)~~(J) of this section is not given. 85041

(3) The director may issue an order for the suspension of 85042
admissions to a facility for any violation that may result in 85043
sanctions under division (D)(1) of this section and for any other 85044
violation specified in rules adopted under division ~~(H)~~(G)(2) of 85045
this section. If the suspension of admissions is imposed for a 85046
violation that may result in sanctions under division (D)(1) of 85047
this section, the director may impose the suspension before 85048
providing an opportunity for an adjudication under Chapter 119. of 85049
the Revised Code. The director shall lift an order for the 85050
suspension of admissions when the director determines that the 85051
violation that formed the basis for the order has been corrected. 85052

(4) The director may order the placement of a monitor at a 85053
residential facility for any violation specified in rules adopted 85054
under division ~~(H)~~(G)(2) of this section. The director shall lift 85055
the order when the director determines that the violation that 85056
formed the basis for the order has been corrected. 85057

~~(5) If the director determines that two or more residential facilities owned or operated by the same person or government entity are not being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, and the director's findings are based on the same or a substantially similar action, practice, circumstance, or incident that creates a substantial risk to the health and safety of the residents, the director shall conduct a survey as soon as practicable at each residential facility owned or operated by that person or government entity. The director may take any action authorized by this section with respect to any facility found to be operating in violation of a provision of this chapter that applies to residential facilities or the rules adopted under such a provision.~~

~~(6)~~ When the director initiates license revocation proceedings, no opportunity for submitting a plan of correction shall be given. The director shall notify the licensee by letter of the initiation of the proceedings. The letter shall list the deficiencies of the residential facility and inform the licensee that no plan of correction will be accepted. The director shall also send a copy of the letter to the county board of developmental disabilities. The Except in the case of a licensee that is an ICF/IID, the county board shall send a copy of the letter to each of the following:

- (a) Each resident who receives services from the licensee;
- (b) The guardian of each resident who receives services from the licensee if the resident has a guardian;
- (c) The parent or guardian of each resident who receives services from the licensee if the resident is a minor.

~~(7)~~(6) Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may order the

immediate removal of residents from a residential facility 85089
whenever conditions at the facility present an immediate danger of 85090
physical or psychological harm to the residents. 85091

~~(8)~~(7) In determining whether a residential facility is being 85092
operated in compliance with a provision of this chapter that 85093
applies to residential facilities or the rules adopted under such 85094
a provision, or whether conditions at a residential facility 85095
present an immediate danger of physical or psychological harm to 85096
the residents, the director may rely on information obtained by a 85097
county board of developmental disabilities or other governmental 85098
agencies. 85099

~~(9)~~(8) In proceedings initiated to deny, refuse to renew, or 85100
revoke licenses, the director may deny, refuse to renew, or revoke 85101
a license regardless of whether some or all of the deficiencies 85102
that prompted the proceedings have been corrected at the time of 85103
the hearing. 85104

~~(E) The director shall establish a program under which public 85105
notification may be made when the director has initiated license 85106
revocation proceedings or has issued an order for the suspension 85107
of admissions, placement of a monitor, or removal of residents. 85108
The director shall adopt rules in accordance with Chapter 119. of 85109
the Revised Code to implement this division. The rules shall 85110
establish the procedures by which the public notification will be 85111
made and specify the circumstances for which the notification must 85112
be made. The rules shall require that public notification be made 85113
if the director has taken action against the facility in the 85114
eighteen-month period immediately preceding the director's latest 85115
action against the facility and the latest action is being taken 85116
for the same or a substantially similar violation of a provision 85117
of this chapter that applies to residential facilities or the 85118
rules adopted under such a provision. The rules shall specify a 85119
method for removing or amending the public notification if the 85120~~

~~director's action is found to have been unjustified or the~~ 85121
~~violation at the residential facility has been corrected.~~ 85122

~~(F)~~(1) Except as provided in division ~~(F)~~(E)(2) of this 85123
section, appeals from proceedings initiated to impose a sanction 85124
under division (D) of this section shall be conducted in 85125
accordance with Chapter 119. of the Revised Code. 85126

(2) Appeals from proceedings initiated to order the 85127
suspension of admissions to a facility shall be conducted in 85128
accordance with Chapter 119. of the Revised Code, unless the order 85129
was issued before providing an opportunity for an adjudication, in 85130
which case all of the following apply: 85131

(a) The licensee may request a hearing not later than ten 85132
days after receiving the notice specified in section 119.07 of the 85133
Revised Code. 85134

(b) If a timely request for a hearing that includes the 85135
licensee's current address is made, the hearing shall commence not 85136
later than thirty days after the department receives the request. 85137

(c) After commencing, the hearing shall continue 85138
uninterrupted, except for Saturdays, Sundays, and legal holidays, 85139
unless other interruptions are agreed to by the licensee and the 85140
director. 85141

(d) If the hearing is conducted by a hearing examiner, the 85142
hearing examiner shall file a report and recommendations not later 85143
than ten days after the last of the following: 85144

(i) The close of the hearing; 85145

(ii) If a transcript of the proceedings is ordered, the 85146
hearing examiner receives the transcript; 85147

(iii) If post-hearing briefs are timely filed, the hearing 85148
examiner receives the briefs. 85149

(e) A copy of the written report and recommendation of the 85150

hearing examiner shall be sent, by certified mail, to the licensee 85151
and the licensee's attorney, if applicable, not later than five 85152
days after the report is filed. 85153

(f) Not later than five days after the hearing examiner files 85154
the report and recommendations, the licensee may file objections 85155
to the report and recommendations. 85156

(g) Not later than fifteen days after the hearing examiner 85157
files the report and recommendations, the director shall issue an 85158
order approving, modifying, or disapproving the report and 85159
recommendations. 85160

(h) Notwithstanding the pendency of the hearing, the director 85161
shall lift the order for the suspension of admissions when the 85162
director determines that the violation that formed the basis for 85163
the order has been corrected. 85164

~~(G)~~(F) Neither a person or government agency whose 85165
application for a license to operate a residential facility is 85166
denied nor a related party of the person or government agency may 85167
apply for a license to operate a residential facility before the 85168
date that is ~~one year~~ five years after the date of the denial. 85169
Neither a licensee whose residential facility license is revoked 85170
nor a related party of the licensee may apply for a residential 85171
facility license before the date that is five years after the date 85172
of the revocation. 85173

~~(H)~~(G) In accordance with Chapter 119. of the Revised Code, 85174
the director shall adopt and may amend and rescind rules for 85175
licensing and regulating the operation of residential facilities. 85176
The rules for residential facilities that are ICFs/IID may differ 85177
from those for other residential facilities. The rules shall 85178
establish and specify the following: 85179

(1) Procedures and criteria for issuing and renewing 85180
licenses, including procedures and criteria for determining the 85181

length of the licensing period that the director must specify for 85182
each license when it is issued or renewed; 85183

(2) Procedures and criteria for denying, refusing to renew, 85184
terminating, and revoking licenses and for ordering the suspension 85185
of admissions to a facility, placement of a monitor at a facility, 85186
and the immediate removal of residents from a facility; 85187

(3) Fees for issuing and renewing licenses, which shall be 85188
deposited into the program fee fund created under section 5123.033 85189
of the Revised Code; 85190

(4) Procedures for surveying residential facilities; 85191

~~(5) Requirements for the training of residential facility 85192
personnel; 85193~~

~~(6) Classifications for the various types of residential 85194
facilities; 85195~~

~~(7) Certification procedures for licensees and management 85196
contractors that the director determines are necessary to ensure 85197
that they have the skills and qualifications to properly operate 85198
or manage residential facilities; 85199~~

~~(8)~~(6) The maximum number of persons who may be served in a 85200
particular type of residential facility; 85201

~~(9)~~(7) Uniform procedures for admission of persons to and 85202
transfers and discharges of persons from residential facilities; 85203

~~(10)~~(8) Other standards for the operation of residential 85204
facilities and the services provided at residential facilities; 85205

~~(11)~~(9) Procedures for waiving any provision of any rule 85206
adopted under this section. 85207

~~(I)~~(H)(1) Before issuing a license, the director shall 85208
conduct a survey of the residential facility for which application 85209
is made. The director shall conduct a survey of each licensed 85210
residential facility at least once during the period the license 85211

is valid and may conduct additional inspections as needed. A 85212
survey includes but is not limited to an on-site examination and 85213
evaluation of the residential facility, its personnel, and the 85214
services provided there. The director may assign to a county board 85215
of developmental disabilities or the department of health the 85216
responsibility to conduct any survey or inspection under this 85217
section. 85218

(2) In conducting surveys, the director shall be given access 85219
to the residential facility; all records, accounts, and any other 85220
documents related to the operation of the facility; the licensee; 85221
the residents of the facility; and all persons acting on behalf 85222
of, under the control of, or in connection with the licensee. The 85223
licensee and all persons on behalf of, under the control of, or in 85224
connection with the licensee shall cooperate with the director in 85225
conducting the survey. 85226

(3) Following each survey, the director shall provide the 85227
licensee with a report listing the date of the survey, any 85228
citations issued as a result of the survey, and the statutes or 85229
rules that purportedly have been violated and are the bases of the 85230
citations. The director shall also do both of the following: 85231

(a) Specify a date by which the licensee may appeal any of 85232
the citations; 85233

(b) When appropriate, specify a timetable within which the 85234
licensee must submit a plan of correction describing how the 85235
problems specified in the citations will be corrected and, the 85236
date by which the licensee anticipates the problems will be 85237
corrected. 85238

(4) If the director initiates a proceeding to revoke a 85239
license, the director shall include the report required by 85240
division ~~(I)~~(H)(3) of this section with the notice of the proposed 85241
revocation the director sends to the licensee. In this 85242

circumstance, the licensee may not submit a plan of correction. 85243

(5) After a plan of correction is submitted, the director 85244
shall approve or disapprove the plan. If the plan of correction is 85245
approved, a copy of the approved plan shall be provided, not later 85246
than five business days after it is approved, to any person or 85247
government entity who requests it and made available on the 85248
internet web site maintained by the department of developmental 85249
disabilities. If the plan of correction is not approved and the 85250
director initiates a proceeding to revoke the license, a copy of 85251
the survey report shall be provided to any person or government 85252
entity that requests it and shall be made available on the 85253
internet web site maintained by the department. 85254

(6) The director shall initiate disciplinary action against 85255
any department employee who notifies or causes the notification to 85256
any unauthorized person of an unannounced survey of a residential 85257
facility by an authorized representative of the department. 85258

~~(J)~~(I) In addition to any other information which may be 85259
required of applicants for a license pursuant to this section, the 85260
director shall require each applicant to provide a copy of an 85261
approved plan for a proposed residential facility pursuant to 85262
section 5123.042 of the Revised Code. This division does not apply 85263
to renewal of a license or to an applicant for an initial or 85264
modified license who meets the requirements of section 5123.197 of 85265
the Revised Code. 85266

~~(K)~~(J)(1) A licensee shall notify the owner of the building 85267
in which the licensee's residential facility is located of any 85268
significant change in the identity of the licensee or management 85269
contractor before the effective date of the change if the licensee 85270
is not the owner of the building. 85271

(2) Pursuant to rules, which shall be adopted in accordance 85272
with Chapter 119. of the Revised Code, the director may require 85273

notification to the department of any significant change in the 85274
ownership of a residential facility or in the identity of the 85275
licensee or management contractor. If the director determines that 85276
a significant change of ownership is proposed, the director shall 85277
consider the proposed change to be an application for development 85278
by a new operator pursuant to section 5123.042 of the Revised Code 85279
and shall advise the applicant within sixty days of the 85280
notification that the current license shall continue in effect or 85281
a new license will be required pursuant to this section. If the 85282
director requires a new license, the director shall permit the 85283
facility to continue to operate under the current license until 85284
the new license is issued, unless the current license is revoked, 85285
refused to be renewed, or terminated in accordance with Chapter 85286
119. of the Revised Code. 85287

(3) A licensee shall transfer to the new licensee or 85288
management contractor all records related to the residents of the 85289
facility following any significant change in the identity of the 85290
licensee or management contractor. 85291

~~(L)~~(K) A county board of developmental disabilities and any 85292
interested person may file complaints alleging violations of 85293
statute or department rule relating to residential facilities with 85294
the department. All complaints shall ~~be in writing and shall~~ state 85295
the facts constituting the basis of the allegation. The department 85296
shall not reveal the source of any complaint unless the 85297
complainant agrees in writing to waive the right to 85298
confidentiality or until so ordered by a court of competent 85299
jurisdiction. 85300

The department shall adopt rules in accordance with Chapter 85301
119. of the Revised Code establishing procedures for the receipt, 85302
referral, investigation, and disposition of complaints filed with 85303
the department under this division. 85304

~~(M) The department shall establish procedures for the 85305~~

~~notification of interested parties of the transfer or interim care 85306
of residents from residential facilities that are closing or are 85307
losing their license. 85308~~

~~(N)(L)~~ Before issuing a license under this section to a 85309
residential facility that will accommodate at any time more than 85310
one mentally retarded or developmentally disabled individual, the 85311
director shall, by first class mail, notify the following: 85312

(1) If the facility will be located in a municipal 85313
corporation, the clerk of the legislative authority of the 85314
municipal corporation; 85315

(2) If the facility will be located in unincorporated 85316
territory, the clerk of the appropriate board of county 85317
commissioners and the fiscal officer of the appropriate board of 85318
township trustees. 85319

The director shall not issue the license for ten days after 85320
mailing the notice, excluding Saturdays, Sundays, and legal 85321
holidays, in order to give the notified local officials time in 85322
which to comment on the proposed issuance. 85323

Any legislative authority of a municipal corporation, board 85324
of county commissioners, or board of township trustees that 85325
receives notice under this division of the proposed issuance of a 85326
license for a residential facility may comment on it in writing to 85327
the director within ten days after the director mailed the notice, 85328
excluding Saturdays, Sundays, and legal holidays. If the director 85329
receives written comments from any notified officials within the 85330
specified time, the director shall make written findings 85331
concerning the comments and the director's decision on the 85332
issuance of the license. If the director does not receive written 85333
comments from any notified local officials within the specified 85334
time, the director shall continue the process for issuance of the 85335
license. 85336

~~(O)~~(M) Any person may operate a licensed residential facility 85337
that provides room and board, personal care, habilitation 85338
services, and supervision in a family setting for at least six but 85339
not more than eight persons with mental retardation or a 85340
developmental disability as a permitted use in any residential 85341
district or zone, including any single-family residential district 85342
or zone, of any political subdivision. These residential 85343
facilities may be required to comply with area, height, yard, and 85344
architectural compatibility requirements that are uniformly 85345
imposed upon all single-family residences within the district or 85346
zone. 85347

~~(P)~~(N) Any person may operate a licensed residential facility 85348
that provides room and board, personal care, habilitation 85349
services, and supervision in a family setting for at least nine 85350
but not more than sixteen persons with mental retardation or a 85351
developmental disability as a permitted use in any multiple-family 85352
residential district or zone of any political subdivision, except 85353
that a political subdivision that has enacted a zoning ordinance 85354
or resolution establishing planned unit development districts may 85355
exclude these residential facilities from those districts, and a 85356
political subdivision that has enacted a zoning ordinance or 85357
resolution may regulate these residential facilities in 85358
multiple-family residential districts or zones as a conditionally 85359
permitted use or special exception, in either case, under 85360
reasonable and specific standards and conditions set out in the 85361
zoning ordinance or resolution to: 85362

(1) Require the architectural design and site layout of the 85363
residential facility and the location, nature, and height of any 85364
walls, screens, and fences to be compatible with adjoining land 85365
uses and the residential character of the neighborhood; 85366

(2) Require compliance with yard, parking, and sign 85367
regulation; 85368

(3) Limit excessive concentration of these residential facilities. 85369
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~~(Q)~~(O) This section does not prohibit a political subdivision from applying to residential facilities nondiscriminatory regulations requiring compliance with health, fire, and safety regulations and building standards and regulations. 85371
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~~(R)~~(P) Divisions ~~(O)~~ and ~~(P)~~(M) and (N) of this section are not applicable to municipal corporations that had in effect on June 15, 1977, an ordinance specifically permitting in residential zones licensed residential facilities by means of permitted uses, conditional uses, or special exception, so long as such ordinance remains in effect without any substantive modification. 85375
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~~(S)~~(O)(1) The director may issue an interim license to operate a residential facility to an applicant for a license under this section if either of the following is the case: 85381
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(a) The director determines that an emergency exists requiring immediate placement of persons in a residential facility, that insufficient licensed beds are available, and that the residential facility is likely to receive a permanent license under this section within thirty days after issuance of the interim license. 85384
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(b) The director determines that the issuance of an interim license is necessary to meet a temporary need for a residential facility. 85390
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(2) To be eligible to receive an interim license, an applicant must meet the same criteria that must be met to receive a permanent license under this section, except for any differing procedures and time frames that may apply to issuance of a permanent license. 85393
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(3) An interim license shall be valid for thirty days and may be renewed by the director for a period not to exceed one hundred 85398
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~~fifty~~ eighty days. 85400

(4) The director shall adopt rules in accordance with Chapter 85401
119. of the Revised Code as the director considers necessary to 85402
administer the issuance of interim licenses. 85403

~~(T)~~(R) Notwithstanding rules adopted pursuant to this section 85404
establishing the maximum number of persons who may be served in a 85405
particular type of residential facility, a residential facility 85406
shall be permitted to serve the same number of persons being 85407
served by the facility on the effective date of the rules or the 85408
number of persons for which the facility is authorized pursuant to 85409
a current application for a certificate of need with a letter of 85410
support from the department of developmental disabilities and 85411
which is in the review process prior to April 4, 1986. 85412

This division does not preclude the department from 85413
suspending new admissions to a residential facility pursuant to a 85414
written order issued under section 5124.70 of the Revised Code. 85415

~~(U)~~(S) The director may enter at any time, for purposes of 85416
investigation, any home, facility, or other structure that has 85417
been reported to the director or that the director has reasonable 85418
cause to believe is being operated as a residential facility 85419
without a license issued under this section. 85420

The director may petition the court of common pleas of the 85421
county in which an unlicensed residential facility is located for 85422
an order enjoining the person or governmental agency operating the 85423
facility from continuing to operate without a license. The court 85424
may grant the injunction on a showing that the person or 85425
governmental agency named in the petition is operating a 85426
residential facility without a license. The court may grant the 85427
injunction, regardless of whether the residential facility meets 85428
the requirements for receiving a license under this section. 85429

Sec. 5123.196. (A) Except as provided in division (E) of this 85430
section, the director of developmental disabilities shall not 85431
issue a license under section 5123.19 of the Revised Code on or 85432
after July 1, 2003, if issuance will result in there being more 85433
beds in all residential facilities licensed under that section 85434
than is permitted under division (B) of this section. 85435

(B) The maximum number of beds for the purpose of division 85436
(A) of this section shall not exceed ten thousand eight hundred 85437
thirty-eight minus, except as provided in division (C) of this 85438
section, both of the following: 85439

(1) The number of such beds that cease to be residential 85440
facility beds on or after July 1, 2003, because a residential 85441
facility license is revoked, terminated, or not renewed for any 85442
reason or is surrendered in accordance with section 5123.19 of the 85443
Revised Code; 85444

(2) The number of such beds for which a licensee voluntarily 85445
converts to use for supported living on or after July 1, 2003. 85446

(C) The director is not required to reduce the maximum number 85447
of beds pursuant to division (B) of this section by a bed that 85448
ceases to be a residential facility bed if the director determines 85449
that the bed is needed to provide services to an individual with 85450
mental retardation or a developmental disability who resided in 85451
the residential facility in which the bed was located. 85452

(D) The director shall maintain an up-to-date written record 85453
of the maximum number of residential facility beds provided for by 85454
division (B) of this section. 85455

(E) The director may issue an interim license under division 85456
~~(S)~~(Q) of section 5123.19 of the Revised Code and issue, pursuant 85457
to rules adopted under division ~~(H)~~~~(11)~~(G)(9) of that section, a 85458
waiver allowing a residential facility to admit more residents 85459

than the facility is licensed to admit regardless of whether the 85460
interim license or waiver will result in there being more beds in 85461
all residential facilities licensed under that section than is 85462
permitted under division (B) of this section. 85463

Sec. 5123.198. (A) As used in this section, "date of the 85464
commitment" means the date that an individual specified in 85465
division (B) of this section begins to reside in a state-operated 85466
ICF/IID after being committed to the ICF/IID pursuant to sections 85467
5123.71 to 5123.76 of the Revised Code. 85468

(B) Except as provided in division (C) of this section, 85469
whenever a resident of a residential facility is committed to a 85470
state-operated ICF/IID pursuant to sections 5123.71 to 5123.76 of 85471
the Revised Code, the department of developmental disabilities, 85472
pursuant to an adjudication order issued in accordance with 85473
Chapter 119. of the Revised Code, shall reduce by one the number 85474
of residents for which the residential facility in which the 85475
resident resided is licensed. 85476

(C) The department shall not reduce under division (B) of 85477
this section the number of residents for which a residential 85478
facility is licensed if any of the following are the case: 85479

(1) The resident of the residential facility who is committed 85480
to a state-operated ICF/IID resided in the residential facility 85481
because of the closure, on or after June 26, 2003, of another 85482
state-operated ICF/IID; 85483

(2) The residential facility admits within ninety days of the 85484
date of the commitment an individual who resides on the date of 85485
the commitment in a state-operated ICF/IID or another residential 85486
facility; 85487

(3) The department fails to do either of the following within 85488
ninety days of the date of the commitment: 85489

(a) Identify an individual to whom all of the following	85490
applies:	85491
(i) Resides on the date of the commitment in a state-operated	85492
ICF/IID or another residential facility;	85493
(ii) Has indicated to the department an interest in	85494
relocating to the residential facility or has a parent or guardian	85495
who has indicated to the department an interest for the individual	85496
to relocate to the residential facility;	85497
(iii) The department determines the individual has needs that	85498
the residential facility can meet.	85499
(b) Provide the residential facility with information about	85500
the individual identified under division (C)(2)(a) of this section	85501
that the residential facility needs in order to determine whether	85502
the facility can meet the individual's needs.	85503
(4) If the department completes the actions specified in	85504
divisions (C)(3)(a) and (b) of this section not later than ninety	85505
days after the date of the commitment and except as provided in	85506
division (D) of this section, the residential facility does all of	85507
the following not later than ninety days after the date of the	85508
commitment:	85509
(a) Evaluates the information provided by the department;	85510
(b) Assesses the identified individual's needs;	85511
(c) Determines that the residential facility cannot meet the	85512
identified individual's needs.	85513
(5) If the department completes the actions specified in	85514
divisions (C)(3)(a) and (b) of this section not later than ninety	85515
days after the date of the commitment and the residential facility	85516
determines that the residential facility can meet the identified	85517
individual's needs, the individual, or a parent or guardian of the	85518
individual, refuses placement in the residential facility.	85519

(D) The department may reduce under division (B) of this section the number of residents for which a residential facility is licensed even though the residential facility completes the actions specified in division (C)(4) of this section not later than ninety days after the date of the commitment if all of the following are the case:

(1) The department disagrees with the residential facility's determination that the residential facility cannot meet the identified individual's needs.

(2) The department issues a written decision pursuant to the uniform procedures for admissions, transfers, and discharges established by rules adopted under division ~~(H)(9)~~(G)(7) of section 5123.19 of the Revised Code that the residential facility should admit the identified individual.

(3) After the department issues the written decision specified in division (D)(2) of this section, the residential facility refuses to admit the identified individual.

(E) A residential facility that admits, refuses to admit, transfers, or discharges a resident under this section shall comply with the uniform procedures for admissions, transfers, and discharges established by rules adopted under division ~~(H)(9)~~(G)(7) of section 5123.19 of the Revised Code.

Sec. 5123.376. (A) As used in this section:

(1) "Medicaid-certified capacity" has the same meaning as in section 5124.01 of the Revised Code.

(2) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.

(B)(1) The director of developmental disabilities may change the terms of an agreement entered into with a county board of developmental disabilities or private, nonprofit agency pursuant

to section 5123.36 of the Revised Code or other statutory 85550
authority in effect before July 1, 1980, regarding the 85551
construction, acquisition, or renovation of a residential facility 85552
if all of the following apply: 85553

(a) The agreement was entered into during the period 85554
beginning January 1, 1975, and ending December 31, 1984. 85555

(b) The agreement requires the county board or private, 85556
nonprofit agency to use the residential facility as a residential 85557
facility for at least forty years. 85558

(c) The residential facility is an ICF/IID and, before the 85559
conversion specified in division (B)(1)(d) of this section, the 85560
ICF/IID had a medicaid-certified capacity of at least sixteen. 85561

(d) The residential facility's operator converted at least 85562
fifty per cent of its medicaid-certified beds from providing 85563
ICF/IID services to providing home and community-based services in 85564
accordance with section 5124.60 or 5124.61 of the Revised Code. 85565

(e) The county board or private, nonprofit agency applies to 85566
the director for the change in the agreement's terms. 85567

(2) The terms of an agreement that may be changed pursuant to 85568
division (B)(1) of this section include terms regarding the length 85569
of time the residential facility must be used as a residential 85570
facility. 85571

(C) The director may authorize a county board or nonprofit, 85572
private agency not to repay the amount of an outstanding balance 85573
otherwise owed pursuant to an agreement entered into pursuant to 85574
section 5123.36 of the Revised Code or other statutory authority 85575
in effect before July 1, 1980, regarding the construction, 85576
acquisition, or renovation of a residential facility if all of the 85577
following apply: 85578

(1) The agreement was entered into during the period 85579

beginning January 1, 1975, and ending December 31, 1984. 85580

(2) The agreement requires the county board or private, nonprofit agency to use the residential facility as a residential facility for at least forty years. 85581
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(3) Before the conversion specified in division (C)(4) of this section, the residential facility was an ICF/IID with a medicaid-certified capacity of at least sixteen. 85584
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(4) The residential facility's operator converted all of its medicaid-certified beds from providing ICF/IID services to providing home and community-based services in accordance with section 5124.60 or 5124.61 of the Revised Code. 85587
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(5) The county board or private, nonprofit agency applies to the director for forgiveness of the outstanding balance. 85591
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Sec. 5123.621. It is the intent of the general assembly that all individuals being served on the effective date of this section through the array of adult day services that exists on that date, including services delivered in a sheltered workshop, be fully informed of any new home and community-based services and their option to receive those services. It is also the intent of the general assembly that those individuals be permitted to continue receiving services in a variety of settings as long as those settings offer opportunities for community integration as described in their individual service plans. 85593
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Sec. 5123.86. (A) Except as provided in divisions (C), (D), and (E), and (F) of this section, the chief medical officer shall provide all information, including expected physical and medical consequences, necessary to enable any resident of an institution for the mentally retarded to give a fully informed, intelligent, and knowing consent if any of the following procedures are proposed: 85603
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(1) Surgery; 85610

(2) ~~Convulsive therapy;~~ 85611

~~(3) Major aversive interventions;~~ 85612

~~(4) Sterilization;~~ 85613

~~(5)(3) Experimental procedures;~~ 85614

~~(6) Any unusual or hazardous treatment procedures.~~ 85615

(B) No resident shall be subjected to ~~any of the procedures~~ 85616
~~listed in division (A)(4), (5), or (6) of this section~~ 85617
sterilization without the resident's informed consent. 85618

(C) If a resident is physically or mentally unable to receive 85619
the information required for surgery or an experimental procedure 85620
under division (A)~~(1)~~ of this section, or has been adjudicated 85621
incompetent, the information may be provided to the resident's 85622
natural or court-appointed guardian, including an agency providing 85623
guardianship services under contract with the department of 85624
developmental disabilities under sections 5123.55 to 5123.59 of 85625
the Revised Code, ~~who~~. The guardian may give the informed, 85626
intelligent, and knowing written consent for surgery or the 85627
experimental procedure. ~~Consent for surgery shall not be provided~~ 85628
~~by a guardian who is an officer or employee of the department of~~ 85629
~~mental health and addiction services or the department of~~ 85630
~~developmental disabilities.~~ 85631

If a resident is physically or mentally unable to receive the 85632
information required for surgery or an experimental procedure 85633
under division (A)~~(1)~~ of this section and has no guardian, then 85634
the information, the recommendation of the chief medical officer, 85635
and the concurring judgment of a licensed physician who is not a 85636
full-time employee of the state may be provided to the court in 85637
the county in which the institution is located, ~~which~~. The court 85638
may approve the surgery or experimental procedure. Before 85639

approving the surgery or experimental procedure, the court shall 85640
notify the Ohio protection and advocacy system created by section 85641
5123.60 of the Revised Code, and shall notify the resident of the 85642
resident's rights to consult with counsel, to have counsel 85643
appointed by the court if the resident is indigent, and to contest 85644
the recommendation of the chief medical officer. 85645

(D) If, in the judgment of two licensed physicians, delay in 85646
obtaining consent for surgery would create a grave danger to the 85647
health of a resident, emergency surgery may be performed without 85648
the consent of the resident if the necessary information is 85649
provided to the resident's guardian, including an agency providing 85650
guardianship services under contract with the department of 85651
developmental disabilities under sections 5123.55 to 5123.59 of 85652
the Revised Code, or to the resident's spouse or next of kin to 85653
enable that person or agency to give an informed, intelligent, and 85654
knowing written consent. 85655

If the guardian, spouse, or next of kin cannot be contacted 85656
through exercise of reasonable diligence, or if the guardian, 85657
spouse, or next of kin is contacted, but refuses to consent, then 85658
the emergency surgery may be performed upon the written 85659
authorization of the chief medical officer and after court 85660
approval has been obtained. However, if delay in obtaining court 85661
approval would create a grave danger to the life of the resident, 85662
the chief medical officer may authorize surgery, in writing, 85663
without court approval. If the surgery is authorized without court 85664
approval, the chief medical officer who made the authorization and 85665
the physician who performed the surgery shall each execute an 85666
affidavit describing the circumstances constituting the emergency 85667
and warranting the surgery and the circumstances warranting their 85668
not obtaining prior court approval. The affidavit shall be filed 85669
with the court with which the request for prior approval would 85670
have been filed within five court days after the surgery, and a 85671

copy of the affidavit shall be placed in the resident's file and 85672
shall be given to the guardian, spouse, or next of kin of the 85673
resident, to the hospital at which the surgery was performed, and 85674
to the Ohio protection and advocacy system created by section 85675
5123.60 of the Revised Code. 85676

~~(E)(1) If it is the judgment of two licensed physicians, as 85677
described in division (E)(2) of this section, that a medical 85678
emergency exists and delay in obtaining convulsive therapy creates 85679
a grave danger to the life of a resident who is both mentally 85680
retarded and mentally ill, convulsive therapy may be administered 85681
without the consent of the resident if the resident is physically 85682
or mentally unable to receive the information required for 85683
convulsive therapy and if the necessary information is provided to 85684
the resident's natural or court appointed guardian, including an 85685
agency providing guardianship services under contract with the 85686
department of developmental disabilities under sections 5123.55 to 85687
5123.59 of the Revised Code, or to the resident's spouse or next 85688
of kin to enable that person or agency to give an informed, 85689
intelligent, and knowing written consent. If neither the 85690
resident's guardian, spouse, nor next of kin can be contacted 85691
through exercise of reasonable diligence, or if the guardian, 85692
spouse, or next of kin is contacted, but refuses to consent, then 85693
convulsive therapy may be performed upon the written authorization 85694
of the chief medical officer and after court approval has been 85695
obtained. 85696~~

~~(2) The two licensed physicians referred to in division 85697
(E)(1) of this section shall not be associated with each other in 85698
the practice of medicine or surgery by means of a partnership or 85699
corporate arrangement, other business arrangement, or employment. 85700
At least one of the physicians shall be a psychiatrist as defined 85701
in division (E) of section 5122.01 of the Revised Code. 85702~~

~~(F) Major aversive interventions shall not be used unless a 85703~~

~~resident continues to engage in behavior destructive to self or 85704
others after other forms of therapy have been attempted. Major 85705
aversive interventions shall not be applied to a voluntary 85706
resident without the informed, intelligent, and knowing written 85707
consent of the resident or the resident's guardian, including an 85708
agency providing guardianship services under contract with the 85709
department of developmental disabilities under sections 5123.55 to 85710
5123.59 of the Revised Code. 85711~~

~~(G)(1) This chapter does not authorize any form of compulsory 85712
medical or psychiatric treatment of any resident who is being 85713
treated by spiritual means through prayer alone in accordance with 85714
a recognized religious method of healing. 85715~~

~~(2) For purposes of this section, "convulsive therapy" does 85716
not include defibrillation. 85717~~

Sec. 5124.101. (A) The provider of an ICF/IID in peer group 1 85718
or peer group 2 that becomes a downsized ICF/IID or partially 85719
converted ICF/IID on or after July 1, 2013, or becomes a new 85720
ICF/IID on or after that date, may file with the department of 85721
developmental disabilities a cost report covering the period 85722
specified in division (B) of this section if the following applies 85723
to the ICF/IID: 85724

(1) In the case of an ICF/IID that becomes a downsized 85725
ICF/IID or partially converted ICF/IID, the ICF/IID has either of 85726
the following on the day it becomes a downsized ICF/IID or 85727
partially converted ICF/IID: 85728

(a) A medicaid-certified capacity that is at least ten per 85729
cent less than its medicaid-certified capacity on the day 85730
immediately preceding the day it becomes a downsized ICF/IID or 85731
partially converted ICF/IID; 85732

(b) At least five fewer beds certified as ICF/IID beds than 85733

it has on the day immediately preceding the day it becomes a downsized ICF/IID or partially converted ICF/IID.

(2) In the case of a new ICF/IID, the ICF/IID's beds are from a downsized ICF/IID and the downsized ICF/IID has either of the following on the day it becomes a downsized ICF/IID:

(a) A medicaid-certified capacity that is at least ten per cent less than its medicaid-certified capacity on the day immediately preceding the day it becomes a downsized ICF/IID;

(b) At least five fewer beds certified as ICF/IID beds than it has on the day immediately preceding the day it becomes a downsized ICF/IID.

(B) A cost report filed under division (A) of this section shall cover the period that begins and ends as follows:

(1) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID:

(a) The period begins with the day that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID.

(b) The period ends on the last day of the last month of the first three full months of operation as a downsized ICF/IID or partially converted ICF/IID.

(2) In the case of a new ICF/IID:

(a) The period begins with the day that the provider agreement for the ICF/IID takes effect.

(b) The period ends on the last day of the last month of the first three full months that the provider agreement is in effect.

(C) The department shall refuse to accept a cost report filed under division (A) of this section if either of the following apply:

(1) Except as provided in division (E) of section 5124.10 of

the Revised Code, the provider fails to file the cost report with 85763
the department not later than ninety days after the last day of 85764
the period the cost report covers; 85765

(2) The cost report is incomplete or inadequate. 85766

(D) If the department accepts a cost report filed under 85767
division (A) of this section, the department shall use that cost 85768
report, rather than the cost report that otherwise would be used 85769
pursuant to section 5124.17, 5124.19, 5124.21, or 5124.23 of the 85770
Revised Code, to determine the ICF/IID's medicaid payment rate in 85771
accordance with this chapter for ICF/IID services the ICF/IID 85772
provides during the period that begins and ends as follows: 85773

(1) The period begins on the following: 85774

(a) In the case of an ICF/IID that becomes a downsized 85775
ICF/IID or partially converted ICF/IID: 85776

(i) The day that the ICF/IID becomes a downsized ICF/IID or 85777
partially converted ICF/IID if that day is the first day of a 85778
month; 85779

(ii) The first day of the month immediately following the 85780
month that the ICF/IID becomes a downsized ICF/IID or partially 85781
converted ICF/IID if division (D)(1)(a)(i) of this section does 85782
not apply. 85783

(b) In the case of a new ICF/IID, the day that the ICF/IID's 85784
provider agreement takes effect. 85785

(2) The period ends on the last day of the fiscal year that 85786
immediately precedes the fiscal year for which the ICF/IID begins 85787
to be paid a rate determined using a cost report that division (E) 85788
of this section requires be filed in accordance with division (A) 85789
of section 5124.10 of the Revised Code. 85790

(E)(1) If the department accepts a cost report filed under 85791
division (A) of this section for an ICF/IID that becomes a 85792

downsized ICF/IID or partially converted ICF/IID on or before the 85793
first day of October of a calendar year, or for a new ICF/IID that 85794
has a provider agreement that takes effect on or before that date, 85795
the provider also shall file a cost report for the ICF/IID in 85796
accordance with division (A) of section 5124.10 of the Revised 85797
Code for the portion of that calendar year that the ICF/IID 85798
operated as a downsized ICF/IID or partially converted ICF/IID or, 85799
in the case of a new ICF/IID, for the portion that the provider 85800
agreement was in effect. 85801

(2) If the department accepts a cost report filed under 85802
division (A) of this section for an ICF/IID that becomes a 85803
downsized ICF/IID or partially converted ICF/IID after the first 85804
day of October of a calendar year, or for a new ICF/IID that has a 85805
provider agreement that takes effect ~~on or~~ after that date, the 85806
provider is not required to file a cost report for that calendar 85807
year in accordance with division (A) of section 5124.10 of the 85808
Revised Code. The provider shall file a cost report for the 85809
ICF/IID in accordance with division (A) of section 5124.10 of the 85810
Revised Code for the immediately following calendar year. 85811

(F) If the department accepts a cost report filed under 85812
division (A) of this section, the following modifications shall be 85813
made for the purpose of determining the medicaid payment rate for 85814
ICF/IID services the ICF/IID provides during the period specified 85815
in division (D) of this section: 85816

(1) In place of the annual average case mix score otherwise 85817
used in determining the ICF/IID's per medicaid day payment rate 85818
for direct care costs under division (A) of section 5124.19 of the 85819
Revised Code, the ICF/IID's case mix score in effect on the last 85820
day of the calendar quarter that ends during the period the cost 85821
report covers (or, if more than one calendar quarter ends during 85822
that period, the last of those calendar quarters) shall be used to 85823
determine the ICF/IID's per medicaid day payment rate for direct 85824

<u>care costs.</u>	85825
<u>(2) If the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID:</u>	85826
<u>(a) The ICF/IID shall not be subject to the limit on the costs of ownership per diem payment rate specified in divisions (B) and (C) of section 5124.17 of the Revised Code.</u>	85828
<u>(b) The ICF/IID shall not be subject to the limit on the payment rate for per diem capitalized costs of nonextensive renovations specified in division (E)(1) of section 5124.17 of the Revised Code.</u>	85829
<u>(c) The ICF/IID shall be subject to the limit on the total payment rate for costs of ownership, capitalized costs of nonextensive renovations, and the efficiency incentive specified in division (H) of section 5124.17 of the Revised Code regardless of whether the ICF/IID is in peer group 1 or peer group 2.</u>	85830
<u>Sec. 5124.15. (A) Except as otherwise provided by section 5124.101 of the Revised Code, sections 5124.151 to 5124.154 5124.155 of the Revised Code, and divisions (B) and (C) of this section, the total per medicaid day payment rate that the department of developmental disabilities shall pay to an ICF/IID provider for ICF/IID services the provider's ICF/IID provides during a fiscal year shall equal the sum of all of the following:</u>	85831
<u>(1) The per medicaid day payment rate for capital costs determined for the ICF/IID under section 5124.17 of the Revised Code;</u>	85832
<u>(2) The per medicaid day payment rate for direct care costs determined for the ICF/IID under section 5124.19 of the Revised Code;</u>	85833
<u>(3) The per medicaid day payment rate for indirect care costs determined for the ICF/IID under section 5124.21 of the Revised</u>	85834
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Code; 85855

(4) The per medicaid day payment rate for other protected 85856
costs determined for the ICF/IID under section 5124.23 of the 85857
Revised Code. 85858

(B) The total per medicaid day payment rate for an ICF/IID in 85859
peer group 3 shall not exceed the average total per medicaid day 85860
payment rate in effect on July 1, 2013, for developmental centers. 85861

(C) The department shall adjust the total rate otherwise 85862
determined under division (A) of this section as directed by the 85863
general assembly through the enactment of law governing medicaid 85864
payments to ICF/IID providers. 85865

(D) In addition to paying an ICF/IID provider the total rate 85866
determined for the provider's ICF/IID under divisions (A), (B), 85867
and (C) of this section for a fiscal year, the department, in 85868
accordance with section 5124.25 of the Revised Code, may pay the 85869
provider a rate add-on for pediatric ventilator-dependent outlier 85870
ICF/IID services if the rate add-on is to be paid under that 85871
section and the department approves the provider's application for 85872
the rate add-on. The rate add-on is not to be part of the 85873
ICF/IID's total rate. 85874

Sec. 5124.155. The total per medicaid day payment rate for 85875
ICF/IID services an ICF/IID in peer group 1 provides to a medicaid 85876
recipient who is admitted as a resident to the ICF/IID on or after 85877
July 1, 2015, and is placed in the chronic behaviors and typical 85878
adaptive needs classification or the typical adaptive needs and 85879
non-significant behaviors classification established for the 85880
grouper methodology prescribed in rules authorized by section 85881
5124.192 of the Revised Code shall be the lesser of the following: 85882

(A) The rate determined for the ICF/IID under section 5124.15 85883
of the Revised Code; 85884

(B) The following rate: 85885

(1) \$206.90 for ICF/IID services the ICF/IID provides to a
medicaid recipient in the chronic behaviors and typical adaptive
needs classification; 85886
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(2) \$174.88 for ICF/IID services the ICF/IID provides to a
medicaid recipient in the typical adaptive needs and
non-significant behaviors classification. 85889
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Sec. 5124.33. No medicaid payment shall be made to an ICF/IID 85892
provider for the day a medicaid recipient is discharged from the 85893
ICF/IID, unless the recipient is discharged from the ICF/IID 85894
because all of the beds in the ICF/IID are converted from 85895
providing ICF/IID services to providing home and community-based 85896
services pursuant to section 5124.60 or 5124.61 of the Revised 85897
Code. 85898

Sec. 5124.60. (A) For the purpose of increasing the number of 85899
slots available for home and community-based services, the 85900
operator of an ICF/IID may convert some or all of the beds in the 85901
ICF/IID from providing ICF/IID services to providing home and 85902
community-based services if all of the following requirements are 85903
met: 85904

(1) The operator provides the directors of health and 85905
developmental disabilities at least ninety days' notice of the 85906
operator's intent to make the conversion. 85907

(2) The operator complies with the requirements of sections 85908
5124.50 to 5124.53 of the Revised Code regarding a voluntary 85909
termination if those requirements are applicable. 85910

(3) If the operator intends to convert all of the ICF/IID's 85911
beds, the operator notifies each of the ICF/IID's residents that 85912
the ICF/IID is to cease providing ICF/IID services and inform each 85913
resident that the resident may do either of the following: 85914

(a) Continue to receive ICF/IID services by transferring to 85915
another ICF/IID that is willing and able to accept the resident if 85916
the resident continues to qualify for ICF/IID services; 85917

(b) Begin to receive home and community-based services 85918
instead of ICF/IID services from any provider of home and 85919
community-based services that is willing and able to provide the 85920
services to the resident if the resident is eligible for the 85921
services and a slot for the services is available to the resident. 85922

(4) If the operator intends to convert some but not all of 85923
the ICF/IID's beds, the operator notifies each of the ICF/IID's 85924
residents that the ICF/IID is to convert some of its beds from 85925
providing ICF/IID services to providing home and community-based 85926
services and inform each resident that the resident may do either 85927
of the following: 85928

(a) Continue to receive ICF/IID services from any ICF/IID 85929
that is willing and able to provide the services to the resident 85930
if the resident continues to qualify for ICF/IID services; 85931

(b) Begin to receive home and community-based services 85932
instead of ICF/IID services from any provider of home and 85933
community-based services that is willing and able to provide the 85934
services to the resident if the resident is eligible for the 85935
services and a slot for the services is available to the resident. 85936

(5) The operator meets the requirements for providing home 85937
and community-based services, including the following: 85938

(a) Such requirements applicable to a residential facility if 85939
the operator maintains the facility's license as a residential 85940
facility; 85941

(b) Such requirements applicable to a facility that is not 85942
licensed as a residential facility if the operator surrenders the 85943
facility's license as a residential facility under section 5123.19 85944
of the Revised Code. 85945

(6) The director of developmental disabilities approves the conversion. 85946
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(B) A decision by the director of developmental disabilities to approve or refuse to approve a proposed conversion of beds is final. In making a decision, the director shall consider all of the following: 85948
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(1) The fiscal impact on the ICF/IID if some but not all of the beds are converted; 85952
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(2) The fiscal impact on the medicaid program; 85954

(3) The availability of home and community-based services. 85955

(C) The notice provided to the directors under division (A)(1) of this section shall specify whether some or all of the ICF/IID's beds are to be converted. If some but not all of the beds are to be converted, the notice shall specify how many of the ICF/IID's beds are to be converted and how many of the beds are to continue to provide ICF/IID services. The notice to the director of developmental disabilities shall specify whether the operator wishes to surrender the ICF/IID's license as a residential facility under section 5123.19 of the Revised Code. 85956
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(D)(1) If the director of developmental disabilities approves a conversion under division (B) of this section, the director of health shall do the following: 85965
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(a) Terminate the ICF/IID's medicaid certification if the notice specifies that all of the ICF/IID's beds are to be converted; 85968
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(b) Reduce the ICF/IID's medicaid-certified capacity by the number of beds being converted if the notice specifies that some but not all of the beds are to be converted. 85971
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(2) The director of health shall notify the medicaid director of the termination or reduction. On receipt of the notice, the 85974
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medicaid director shall do the following: 85976

(a) Terminate the operator's medicaid provider agreement that 85977
authorizes the operator to provide ICF/IID services at the ICF/IID 85978
if the ICF/IID's certification was terminated; 85979

(b) Amend the operator's medicaid provider agreement to 85980
reflect the ICF/IID's reduced medicaid-certified capacity if the 85981
ICF/IID's medicaid-certified capacity is reduced. 85982

~~(3) In the case of action taken under division (D)(2)(a) of~~ 85983
~~this section, the operator~~ The medicaid director is not entitled 85984
~~to notice or a hearing under~~ required to conduct an adjudication 85985
in accordance with Chapter 119. of the Revised Code ~~before the~~ 85986
~~medicaid director terminates the medicaid provider agreement~~ when 85987
taking action under division (D)(2) of this section. 85988

Sec. 5124.61. (A) For the purpose of increasing the number of 85989
slots available for home and community-based services, a person 85990
who acquires, through a request for proposals issued by the 85991
director of developmental disabilities, an ICF/IID for which a 85992
residential facility license was previously surrendered or revoked 85993
may convert some or all of the ICF/IID's beds from providing 85994
ICF/IID services to providing home and community-based services if 85995
all of the following requirements are met: 85996

(1) The person provides the directors of health and 85997
developmental disabilities and medicaid director at least ninety 85998
days' notice of the person's intent to make the conversion. 85999

(2) The person complies with the requirements of sections 86000
5124.50 to 5124.53 of the Revised Code regarding a voluntary 86001
termination if those requirements are applicable. 86002

(3) If the person intends to convert all of the ICF/IID's 86003
beds, the person notifies each of the ICF/IID's residents that the 86004
ICF/IID is to cease providing ICF/IID services and informs each 86005

resident that the resident may do either of the following: 86006

(a) Continue to receive ICF/IID services by transferring to 86007
another ICF/IID willing and able to accept the resident if the 86008
resident continues to qualify for ICF/IID services; 86009

(b) Begin to receive home and community-based services 86010
instead of ICF/IID services from any provider of home and 86011
community-based services that is willing and able to provide the 86012
services to the resident if the resident is eligible for the 86013
services and a slot for the services is available to the resident. 86014

(4) If the person intends to convert some but not all of the 86015
ICF/IID's beds, the person notifies each of the ICF/IID's 86016
residents that the ICF/IID is to convert some of its beds from 86017
providing ICF/IID services to providing home and community-based 86018
services and inform each resident that the resident may do either 86019
of the following: 86020

(a) Continue to receive ICF/IID services from any that is 86021
willing and able to provide the services to the resident if the 86022
resident continues to qualify for ICF/IID services; 86023

(b) Begin to receive home and community-based services 86024
instead of ICF/IID services from any provider of home and 86025
community-based services that is willing and able to provide the 86026
services to the resident if the resident is eligible for the 86027
services and a slot for the services is available to the resident. 86028

(5) The person meets the requirements for providing home and 86029
community-based services at a residential facility. 86030

(B) The notice provided to the directors under division 86031
(A)(1) of this section shall specify whether some or all of the 86032
ICF/IID's beds are to be converted. If some but not all of the 86033
beds are to be converted, the notice shall specify how many of the 86034
ICF/IID's beds are to be converted and how many of the beds are to 86035
continue to provide ICF/IID services. 86036

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

(1) Terminate the ICF/IID's medicaid certification if the notice specifies that all of the facility's beds are to be converted;

(2) Reduce the ICF/IID's medicaid-certified capacity by the number of beds being converted if the notice specifies that some but not all of the beds are to be converted.

(D) The director of health shall notify the medicaid director of the termination or reduction under division (C) of this section. On receipt of the director of health's notice, the medicaid director shall do the following:

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

(2) Amend the person's medicaid provider agreement to reflect the ICF/IID's reduced medicaid-certified capacity if the ICF/IID's medicaid-certified capacity is reduced.

~~The person medicaid director is not entitled required to notice or a hearing under conduct an adjudication in accordance with Chapter 119. of the Revised Code before the medicaid director terminates or amends the medicaid provider agreement when taking action under division (D)(1) or (2) of this section.~~

Sec. 5124.67. (A)(1) The department of developmental disabilities shall strive to achieve, not later than July 1, 2018, the following statewide reductions in ICF/IID beds:

(a) At least five hundred beds in ICFs/IID that, before becoming downsized ICFs/IID, have sixteen or more beds;

(b) At least five hundred beds in ICFs/IID with any number of beds that convert some or all of their beds from providing ICF/IID

services to providing home and community-based services pursuant 86067
to section 5124.60 or 5124.61 of the Revised Code. 86068

(2) The department shall strive to achieve a reduction of at 86069
least one thousand two hundred ICF/IID beds through a combination 86070
of the methods specified in divisions (A)(1)(a) and (b) of this 86071
section. 86072

(3) The department shall strive to achieve the reductions 86073
specified in division (A)(1)(b) of this section in accordance with 86074
the following interim time frames: 86075

(a) At least two hundred twenty-five ICF/IID beds converted 86076
by June 30, 2016; 86077

(b) At least one hundred twenty-five additional ICF/IID beds 86078
converted by June 30, 2017, for a total of at least three hundred 86079
fifty beds converted by that date. 86080

(B) In its efforts to achieve the reductions under division 86081
(A) of this section, the department shall collaborate with the 86082
Ohio association of county boards serving people with 86083
developmental disabilities, the Ohio provider resource 86084
association, the Ohio centers for intellectual disabilities formed 86085
by the Ohio health care association, and the values and faith 86086
alliance. The collaboration efforts may include the following: 86087

(1) Identifying ICFs/IID that may reduce the number of their 86088
beds to help achieve the reductions under division (A) of this 86089
section; 86090

(2) Encouraging ICF/IID providers to reduce the number of 86091
their ICFs/IID's beds; 86092

~~(3) Establishing interim time frames for making progress in 86093~~
~~achieving the reductions; 86094~~

~~(4) Creating incentives for, and removing impediments to, the 86095~~
~~reductions; 86096~~

~~(5)~~(4) In the case of ICF/IID beds that are converted to providing home and community-based services, developing a mechanism to compensate providers for beds that permanently cease to provide ICF/IID services.

(C) The department shall meet not less than twice each year with the organizations specified in division (B) of this section to do all of the following:

(1) Review the progress being made in achieving the reductions under division (A) of this section;

(2) Prepare written reports on the progress;

(3) Identify additional measures needed to achieve the reductions.

Sec. 5124.68. (A)(1) Except as provided in division (D) of this section, an ICF/IID in peer group 1 shall not admit an individual as a resident unless all of the following apply:

(a) The provider of the ICF/IID provides written notice about the individual's potential admission, and all information about the individual in the provider's possession, to the county board of developmental disabilities serving the county in which the individual resides at the time the notice is provided.

(b) The county board has provided to the individual and department of developmental disabilities a copy of the findings the county board makes pursuant to division (B) of this section;

(c) Not later than seven business days after the provider provides the county board the notice required by division (A)(1)(a) of this section, the department determines that the individual chooses to receive ICF/IID services from the ICF/IID after being fully informed of all available alternatives.

(2) For the purpose of division (A)(1)(a) of this section, the provider of an ICF/IID in peer group 1 may provide a county

board written notices about multiple individuals' potential admissions to the ICF/IID at the same time. 86127
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(B) Not later than five business days after a county board receives notice from the provider of an ICF/IID in peer group 1 about an individual seeking admission to the ICF/IID, the county board shall do both of the following: 86129
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(1) Using the information included in the notification and the additional information, if any, the department specifies pursuant to division (C) of this section, evaluate the individual and counsel the individual about both of the following: 86133
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(a) The nature, extent, and timing of the services that the individual needs; 86137
86138

(b) The least restrictive environment in which the individual could receive the needed services. 86139
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(2) Using the form prescribed under division (C) of this section, make findings about the individual based on the evaluation and counseling and provide a copy of the findings to the individual and the department. 86141
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(C) The department shall prescribe the form to be used for the purpose of making findings pursuant to division (B)(2) of this section. The department may specify additional information that a county board is to use when evaluating and counseling individuals under division (B)(1) of this section. 86145
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(D) Division (A) of this section does not apply to an individual seeking admission to an ICF/IID in peer group 1 if any of the following is the case: 86150
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(1) The individual is a medicaid recipient receiving ICF/IID services on the date immediately preceding the date the individual is admitted to the ICF/IID. 86153
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(2) The individual is a medicaid recipient returning to the 86156

ICF/IID following a temporary absence for which the ICF/IID is 86157
paid to reserve a bed for the individual pursuant to section 86158
5124.34 of the Revised Code or during which the individual 86159
received rehabilitation services in another health care setting. 86160

(3) The requirements of divisions (A)(1)(a) and (b) of this 86161
section are satisfied but the department fails to make the 86162
determination required by division (A)(1)(c) of this section 86163
before the deadline specified in that division. 86164

Sec. 5124.69. (A) The department of developmental 86165
disabilities shall develop and make available to all ICFs/IID a 86166
written pamphlet that describes all of the items and services 86167
covered by medicaid as ICF/IID services and as home and 86168
community-based services. The department shall develop the 86169
pamphlet in consultation with persons and organizations interested 86170
in matters pertaining to individuals eligible for ICF/IID services 86171
and home and community-based services. 86172

(B) Each ICF/IID provider shall provide the pamphlet to the 86173
residents of the ICF/IID who receive ICF/IID services, and the 86174
guardians of such residents, and shall discuss the items and 86175
services described in the pamphlet with those residents and their 86176
guardians, as follows: 86177

(1) At least annually; 86178

(2) Any time such a resident, or resident's guardian, 86179
requests to receive the pamphlet and to discuss the items and 86180
services described in the pamphlet; 86181

(3) Any time such a resident, or resident's guardian, 86182
expresses to the provider an interest in home and community-based 86183
services. 86184

(C) If a resident of an ICF/IID who receives ICF/IID 86185
services, or the resident's guardian, indicates to the ICF/IID 86186

provider an interest in enrolling the resident in a medicaid waiver component providing home and community-based services, the provider shall refer the resident or guardian to the county board of developmental disabilities serving the county in which the resident would reside while enrolled in a medicaid waiver component. 86187
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(D) Not later than thirty days after a county board is contacted by an ICF/IID resident or resident's guardian who was referred to the county board pursuant to division (C) of this section, the county board, notwithstanding a waiting list for the component established pursuant to section 5126.042 of the Revised Code, shall enroll the resident in the component if all of the following apply: 86193
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(1) The resident is eligible and chooses to enroll in the component. 86200
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(2) The component has an available slot. 86202

(3) The director of developmental disabilities determines that the department has the funds necessary to pay the nonfederal share of the medicaid expenditures for the home and community-based services provided to the resident under the component. 86203
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Sec. 5124.70. (A) This section does not apply to either of the following: 86208
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(1) An ICF/IID to which both of the following apply: 86210

(a) On or before January 1, 2015, the ICF/IID became a downsized ICF/IID or partially converted ICF/IID. 86211
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(b) On January 1, 2015, the ICF/IID's medicaid-certified capacity was at least twenty per cent less than the greatest medicaid-certified capacity it had before it became a downsized ICF/IID or partially converted ICF/IID. 86213
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<u>(2) An ICF/IID's sleeping room in which more than two residents reside if both of the following apply:</u>	86217
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<u>(a) All of the residents of the sleeping room are under twenty-one years of age.</u>	86219
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<u>(b) The parents or guardians of all of the residents of the sleeping room consent to the residents residing in a sleeping room with more than two residents.</u>	86221
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<u>(B) Except as provided in divisions (G) and (H) of this section, an ICF/IID provider shall not permit more than two residents to reside in the same sleeping room.</u>	86224
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<u>(C)(1) If, on the effective date of this section, more than two residents of an ICF/IID reside in the same sleeping room, the ICF/IID provider shall submit to the department of developmental disabilities for its review a plan to come into compliance with division (B) of this section. The provider shall submit the plan not later than December 31, 2015.</u>	86227
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<u>(2) The plan shall include all of the following:</u>	86233
<u>(a) The date by which not more than two residents will reside in the same sleeping room, which shall be not later than June 30, 2025;</u>	86234
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<u>(b) Detailed descriptions of the actions the ICF/IID provider will take to come into compliance with division (B) of this section, which shall include becoming either a downsized ICF/IID or a partially converted ICF/IID;</u>	86237
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<u>(c) The ICF/IID's projected medicaid-certified capacity for each year covered by the plan, which must demonstrate that the provider will make regular progress toward coming into compliance with division (B) of this section;</u>	86241
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<u>(d) A discharge planning process that includes providing information to residents regarding home and community-based</u>	86245
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services; 86247

(e) Additional interim steps the provider will take to demonstrate that the provider is making regular progress toward coming into compliance with division (B) of this section. 86248
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(3) The plan shall not include the creation of a new ICF/IID that has a medicaid-certified capacity that is greater than six unless the department determines that a new ICF/IID would need a larger medicaid-certified capacity to be financially viable. If the department determines that a new ICF/IID would need a larger medicaid-certified capacity to be financially viable, the plan may include the creation of a new ICF/IID that has a medicaid-certified capacity that is greater than six but not greater than eight. 86251
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(D) The department shall review each plan submitted under division (C) of this section and decide whether to approve the plan. In making this decision, the department shall consider both of the following: 86260
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(1) Whether the plan conforms to the requirements of division (C) of this section; 86264
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(2) The feasibility of completing the implementation as described in the plan. 86266
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(E) If the department approves an ICF/IID provider's plan under division (D) of this section, the provider shall submit to the department annual reports regarding the plan's implementation. 86268
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(F) The department may issue a written order to an ICF/IID provider that suspends new admissions to the ICF/IID if both of the following apply: 86271
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(1) The department has approved the provider's plan under division (D) of this section. 86274
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(2) The provider fails to do either of the following: 86276

<u>(a) Submit to the department an annual report required by</u>	86277
<u>division (E) of this section;</u>	86278
<u>(b) Meet, to the department's satisfaction, the projected</u>	86279
<u>medicaid-certified capacity for the ICF/IID for a year as</u>	86280
<u>specified in the plan and the failure is due to factors within the</u>	86281
<u>provider's control.</u>	86282
<u>(G)(1) Before January 1, 2016, an ICF/IID provider may permit</u>	86283
<u>more than two residents to reside in the same sleeping room if</u>	86284
<u>more than two residents resided in the same sleeping room on the</u>	86285
<u>effective date of this section.</u>	86286
<u>(2) On and after January 1, 2016, an ICF/IID provider may</u>	86287
<u>permit more than two residents to reside in the same sleeping room</u>	86288
<u>only if all of the following apply:</u>	86289
<u>(a) More than two residents resided in the same sleeping room</u>	86290
<u>on the effective date of this section.</u>	86291
<u>(b) The provider has submitted a plan in accordance with</u>	86292
<u>division (C) of this section.</u>	86293
<u>(c) Either of the following applies:</u>	86294
<u>(i) The department has approved and the provider complies</u>	86295
<u>with the plan.</u>	86296
<u>(ii) The department has not decided whether to approve the</u>	86297
<u>plan.</u>	86298
<u>(H) The department shall waive application of division (B) of</u>	86299
<u>this section for an ICF/IID's sleeping room in which more than two</u>	86300
<u>residents reside on June 30, 2025, if both of the following apply:</u>	86301
<u>(1) The same residents have continuously resided in the</u>	86302
<u>sleeping room since the effective date of this section;</u>	86303
<u>(2) The department determines that at least three of these</u>	86304
<u>residents want to continue to reside together in the sleeping</u>	86305
<u>room.</u>	86306

Sec. 5126.042. (A) As used in this section, "emergency status" means a status that an individual with mental retardation or developmental disabilities has when the individual is at risk of substantial self-harm or substantial harm to others if action is not taken within thirty days. An "emergency status" may include a status resulting from one or more of the following situations:

(1) Loss of present residence for any reason, including legal action;

(2) Loss of present caretaker for any reason, including serious illness of the caretaker, change in the caretaker's status, or inability of the caretaker to perform effectively for the individual;

(3) Abuse, neglect, or exploitation of the individual;

(4) Health and safety conditions that pose a serious risk to the individual or others of immediate harm or death;

(5) Change in the emotional or physical condition of the individual that necessitates substantial accommodation that cannot be reasonably provided by the individual's existing caretaker.

(B) If a county board of developmental disabilities determines that available resources are not sufficient to meet the needs of all individuals who request non-medicaid programs or services, it shall establish one or more waiting lists for the non-medicaid programs or services in accordance with its plan developed under section 5126.04 of the Revised Code. The board may establish priorities for making placements on its waiting lists established under this division. Any such priorities shall be consistent with the board's plan and applicable law.

(C) If a county board determines that available resources are insufficient to meet the needs of all individuals who request home and community-based services, it shall establish a waiting

list for the services. An individual's date of placement on the 86337
waiting list shall be the date a request is made to the board for 86338
the individual to receive the home and community-based services. 86339
The board shall provide for an individual who has an emergency 86340
status to receive priority status on the waiting list. The board 86341
shall also provide for an individual to whom any of the following 86342
apply to receive priority status on the waiting list in accordance 86343
with rules adopted under division (E) of this section: 86344

(1) The individual is receiving supported living, family 86345
support services, or adult services for which no federal financial 86346
participation is received under the medicaid program; 86347

(2) The individual's primary caregiver is at least sixty 86348
years of age; 86349

(3) The individual has intensive needs as determined in 86350
accordance with rules adopted under division (E) of this section; 86351

(4) The individual resides in an ICF/IID, as defined in 86352
section 5124.01 of the Revised Code; 86353

(5) The individual resides in a nursing facility, as defined 86354
in section 5165.01 of the Revised Code. 86355

(D) If two or more individuals on a waiting list established 86356
under division (C) of this section ~~for home and community based~~ 86357
~~services~~ have priority for the services pursuant to that division 86358
~~(C)(1), (2), or (3) of this section~~, a county board shall use 86359
criteria specified in rules adopted under division (E) of this 86360
section in determining the order in which the individuals with 86361
priority will be offered the services. An individual who has 86362
priority for home and community-based services because the 86363
individual has an emergency status has priority for the services 86364
over all other individuals on the waiting list who do not have 86365
emergency status. 86366

(E) The department of developmental disabilities shall adopt 86367

rules in accordance with Chapter 119. of the Revised Code 86368
governing waiting lists established under division (C) of this 86369
section. The rules shall include procedures to be followed to 86370
ensure that the due process rights of individuals placed on 86371
waiting lists are not violated. As part of the rules adopted under 86372
this division, the department shall adopt rules establishing 86373
criteria a county board shall use under division (D) of this 86374
section in determining the order in which individuals with 86375
priority for home and community-based services pursuant to 86376
division (C)~~(1), (2), or (3)~~ of this section will be offered the 86377
services. 86378

(F) The following shall take precedence over the applicable 86379
provisions of this section: 86380

(1) Medicaid rules and regulations; 86381

(2) Any specific requirements that may be contained within a 86382
medicaid state plan amendment or waiver program that a county 86383
board has authority to administer or with respect to which it has 86384
authority to provide services, programs, or supports. 86385

Sec. 5126.055. (A) Except as provided in section 5126.056 of 86386
the Revised Code, a county board of developmental disabilities has 86387
medicaid local administrative authority to, and shall, do all of 86388
the following for an individual with mental retardation or other 86389
developmental disability who resides in the county that the county 86390
board serves and seeks or receives home and community-based 86391
services: 86392

(1) Perform assessments and evaluations of the individual. As 86393
part of the assessment and evaluation process, the county board 86394
shall do all of the following: 86395

(a) Make a recommendation to the department of developmental 86396
disabilities on whether the department should approve or deny the 86397

individual's application for the services, including on the basis 86398
of whether the individual needs the level of care an ICF/IID 86399
provides; 86400

(b) If the individual's application is denied because of the 86401
county board's recommendation and the individual appeals pursuant 86402
to section 5160.31 of the Revised Code, present, with the 86403
department of developmental disabilities or department of 86404
medicaid, whichever denies the application, the reasons for the 86405
recommendation and denial at the hearing; 86406

(c) If the individual's application is approved and subject 86407
to division (G) of this section, recommend to the departments of 86408
developmental disabilities and medicaid the services that should 86409
be included in the individual's individualized service plan and, 86410
if either department approves, reduces, denies, or terminates a 86411
service included in the individual's individualized service plan 86412
under section 5166.20 of the Revised Code because of the county 86413
board's recommendation, present, with the department that made the 86414
approval, reduction, denial, or termination, the reasons for the 86415
recommendation and approval, reduction, denial, or termination at 86416
a hearing held pursuant to an appeal made under section 5160.31 of 86417
the Revised Code. 86418

(2) Perform any duties assigned to the county board in rules 86419
adopted under section 5126.046 of the Revised Code regarding the 86420
individual's right to choose a qualified and willing provider of 86421
the services and, at a hearing held pursuant to an appeal made 86422
under section 5160.31 of the Revised Code, present evidence of the 86423
process for appropriate assistance in choosing providers; 86424

(3) If the county board is certified under section 5123.161 86425
of the Revised Code to provide the services and agrees to provide 86426
the services to the individual and the individual chooses the 86427
county board to provide the services, furnish, in accordance with 86428
the county board's medicaid provider agreement and for the 86429

authorized reimbursement rate, the services the individual 86430
requires; 86431

(4) Monitor the services provided to the individual and 86432
ensure the individual's health, safety, and welfare. The 86433
monitoring shall include quality assurance activities. If the 86434
county board provides the services, the department of 86435
developmental disabilities shall also monitor the services. 86436

(5) Develop, with the individual and the provider of the 86437
individual's services, an effective individualized service plan 86438
that includes coordination of services, recommend that the 86439
departments of developmental disabilities and medicaid approve the 86440
plan, and implement the plan unless either department disapproves 86441
it. The individualized service plan shall include a summary page, 86442
agreed to by the county board, provider, and individual receiving 86443
services, that clearly outlines the amount, duration, and scope of 86444
services to be provided under the plan. 86445

(6) Have an investigative agent conduct investigations under 86446
section 5126.313 of the Revised Code that concern the individual; 86447

(7) Have a service and support administrator perform the 86448
duties under division (B)(9) of section 5126.15 of the Revised 86449
Code that concern the individual. 86450

(B) A county board shall perform its medicaid local 86451
administrative authority under this section in accordance with all 86452
of the following: 86453

(1) The county board's plan that the department of 86454
developmental disabilities approves under section 5123.046 of the 86455
Revised Code; 86456

(2) All applicable federal and state laws; 86457

(3) All applicable policies of the departments of 86458
developmental disabilities and medicaid and the United States 86459

department of health and human services; 86460

(4) The department of medicaid's supervision under its 86461
authority as the single state medicaid agency; 86462

(5) The department of developmental disabilities' oversight. 86463

(C) The departments of developmental disabilities and 86464
medicaid shall communicate with and provide training to county 86465
boards regarding medicaid local administrative authority granted 86466
by this section. The communication and training shall include 86467
issues regarding audit protocols and other standards established 86468
by the United States department of health and human services that 86469
the departments determine appropriate for communication and 86470
training. County boards shall participate in the training. The 86471
departments shall assess the county board's compliance against 86472
uniform standards that the departments shall establish. 86473

(D) A county board may not delegate its medicaid local 86474
administrative authority granted under this section but may 86475
contract with a person or government entity, including a council 86476
of governments, for assistance with its medicaid local 86477
administrative authority. A county board that enters into such a 86478
contract shall notify the director of developmental disabilities. 86479
The notice shall include the tasks and responsibilities that the 86480
contract gives to the person or government entity. The person or 86481
government entity shall comply in full with all requirements to 86482
which the county board is subject regarding the person or 86483
government entity's tasks and responsibilities under the contract. 86484
The county board remains ultimately responsible for the tasks and 86485
responsibilities. 86486

(E) A county board that has medicaid local administrative 86487
authority under this section shall, through the departments of 86488
developmental disabilities and medicaid, reply to, and cooperate 86489
in arranging compliance with, a program or fiscal audit or program 86490

violation exception that a state or federal audit or review 86491
discovers. The department of medicaid shall timely notify the 86492
department of developmental disabilities and the county board of 86493
any adverse findings. After receiving the notice, the county 86494
board, in conjunction with the department of developmental 86495
disabilities, shall cooperate fully with the department of 86496
medicaid and timely prepare and send to the department a written 86497
plan of correction or response to the adverse findings. The county 86498
board is liable for any adverse findings that result from an 86499
action it takes or fails to take in its implementation of medicaid 86500
local administrative authority. 86501

(F) If the department of developmental disabilities or 86502
department of medicaid determines that a county board's 86503
implementation of its medicaid local administrative authority 86504
under this section is deficient, the department that makes the 86505
determination shall require that county board do the following: 86506

(1) If the deficiency affects the health, safety, or welfare 86507
of an individual with mental retardation or other developmental 86508
disability, correct the deficiency within twenty-four hours; 86509

(2) If the deficiency does not affect the health, safety, or 86510
welfare of an individual with mental retardation or other 86511
developmental disability, receive technical assistance from the 86512
department or submit a plan of correction to the department that 86513
is acceptable to the department within sixty days and correct the 86514
deficiency within the time required by the plan of correction. 86515

(G) A county board may not recommend to the departments of 86516
developmental disabilities and medicaid that a service included in 86517
an individualized service plan be reduced or terminated if the 86518
individual's eligibility and need for the service has been upheld 86519
at least twice through appeals authorized by section 5160.31 of 86520
the Revised Code. 86521

Sec. 5126.0510. (A) Except as otherwise provided in an 86522
agreement entered into under section 5123.048 of the Revised Code 86523
and subject to divisions (B), (C), ~~and (D)~~, and (E) of this 86524
section, a county board of developmental disabilities shall pay 86525
the nonfederal share of medicaid expenditures for the following 86526
home and community-based services provided to an individual with 86527
mental retardation or other developmental disability who the 86528
county board determines under section 5126.041 of the Revised Code 86529
is eligible for county board services: 86530

(1) Home and community-based services provided by the county 86531
board to such an individual; 86532

(2) Home and community-based services provided by a provider 86533
other than the county board to such an individual who is enrolled 86534
as of June 30, 2007, in the medicaid waiver component under which 86535
the services are provided; 86536

(3) Home and community-based services provided by a provider 86537
other than the county board to such an individual who, pursuant to 86538
a request the county board makes, enrolls in the medicaid waiver 86539
component under which the services are provided after June 30, 86540
2007; 86541

(4) Home and community-based services provided by a provider 86542
other than the county board to such an individual for whom there 86543
is in effect an agreement entered into under division ~~(E)~~(F) of 86544
this section between the county board and director of 86545
developmental disabilities. 86546

(B) In the case of medicaid expenditures for home and 86547
community-based services for which division (A)(2) of this section 86548
requires a county board to pay the nonfederal share, the following 86549
shall apply to such services provided during fiscal year 2008 86550
under the individual options medicaid waiver component: 86551

(1) The county board shall pay no less than the total amount 86552
the county board paid as the nonfederal share for home and 86553
community-based services provided in fiscal year 2007 under the 86554
individual options medicaid waiver component; 86555

(2) The county board shall pay no more than the sum of the 86556
following: 86557

(a) The total amount the county board paid as the nonfederal 86558
share for home and community-based services provided in fiscal 86559
year 2007 under the individual options medicaid waiver component; 86560

(b) An amount equal to one per cent of the total amount the 86561
department of developmental disabilities and county board paid as 86562
the nonfederal share for home and community-based services 86563
provided in fiscal year 2007 under the individual options medicaid 86564
waiver component to individuals the county board determined under 86565
section 5126.041 of the Revised Code are eligible for county board 86566
services. 86567

(C) A county board is not required to pay the nonfederal 86568
share of home and community-based services provided after June 30, 86569
2008, that the county board is otherwise required by division 86570
(A)(2) of this section to pay if the department of developmental 86571
disabilities fails to comply with division (A) of section 86572
5123.0416 of the Revised Code. 86573

(D) A county board is not required to pay the nonfederal 86574
share of home and community-based services that the county board 86575
is otherwise required by division (A)(3) of this section to pay if 86576
both of the following apply: 86577

(1) The services are provided to an individual who enrolls in 86578
the medicaid waiver component under which the services are 86579
provided as the result of an order issued following ~~a state~~ 86580
~~hearing, administrative an appeal, made under section 5160.31 of~~ 86581
the Revised Code or an appeal of the order to a court of common 86582

~~pleas made under section 5101.35 of the Revised Code;~~ 86583

(2) There are more individuals who are eligible for services 86584
from the county board enrolled in home and community-based 86585
services than is required by section 5126.0512 of the Revised 86586
Code. 86587

(E) A county board is not required to pay the nonfederal 86588
share of home and community-based services that the county board 86589
is otherwise required by division (A) of this section to pay if 86590
the services are provided to an individual who enrolls, pursuant 86591
to division (D) of section 5124.69 of the Revised Code, in the 86592
medicaid waiver component under which the services are provided. 86593

(F) A county board may enter into an agreement with the 86594
director of developmental disabilities under which the county 86595
board agrees to pay the nonfederal share of medicaid expenditures 86596
for one or more home and community-based services that the county 86597
board is not otherwise required by division (A)(1), (2), or (3) of 86598
this section to pay and that are provided to an individual the 86599
county board determines under section 5126.041 of the Revised Code 86600
is eligible for county board services. The agreement shall specify 86601
which home and community-based services the agreement covers. The 86602
county board shall pay the nonfederal share of medicaid 86603
expenditures for the home and community-based services that the 86604
agreement covers as long as the agreement is in effect. 86605

Sec. 5126.15. (A) A county board of developmental 86606
disabilities shall provide service and support administration to 86607
each individual three years of age or older who is eligible for 86608
service and support administration if the individual requests, or 86609
a person on the individual's behalf requests, service and support 86610
administration. A board shall provide service and support 86611
administration to each individual receiving home and 86612
community-based services. A board may provide, in accordance with 86613

the service coordination requirements of 34 C.F.R. 303.23, service 86614
and support administration to an individual under three years of 86615
age eligible for early intervention services under 34 C.F.R. part 86616
303. A board may provide service and support administration to an 86617
individual who is not eligible for other services of the board. 86618
Service and support administration shall be provided in accordance 86619
with rules adopted under section 5126.08 of the Revised Code. 86620

A board may provide service and support administration by 86621
directly employing service and support administrators or by 86622
contracting with entities for the performance of service and 86623
support administration. Individuals employed or under contract as 86624
service and support administrators shall not be in the same 86625
collective bargaining unit as employees who perform duties that 86626
are not administrative. 86627

~~Individuals employed by a board as service~~ A service and 86628
~~support administrators~~ administrator shall ~~not be assigned~~ 86629
~~responsibilities for implementing other services for individuals~~ 86630
~~and perform only the duties specified in division (B) of this~~ 86631
~~section. While employed by or under contract with a board, a~~ 86632
~~service and support administrator~~ shall ~~not~~ neither be employed by 86633
or serve in a decision-making or policy-making capacity for any 86634
other entity that provides programs or services to individuals 86635
with mental retardation or developmental disabilities nor provide 86636
programs or services to individuals with mental retardation or 86637
developmental disabilities through self-employment. ~~An individual~~ 86638
~~employed as a conditional status service and support administrator~~ 86639
~~shall perform the duties of service and support administration~~ 86640
~~only under the supervision of a management employee who is a~~ 86641
~~service and support administration supervisor.~~ 86642

(B) ~~The individuals employed by or under contract with a~~ 86643
~~board to provide service and support administration~~ A service and 86644
support administrator shall do all of the following: 86645

(1) Establish an individual's eligibility for the services of the county board of developmental disabilities;	86646 86647
(2) Assess individual needs for services;	86648
(3) Develop individual service plans with the active participation of the individual to be served, other persons selected by the individual, and, when applicable, the provider selected by the individual, and recommend the plans for approval by the department of developmental disabilities when services included in the plans are funded through medicaid;	86649 86650 86651 86652 86653 86654
(4) Establish budgets for services based on the individual's assessed needs and preferred ways of meeting those needs;	86655 86656
(5) Assist individuals in making selections from among the providers they have chosen;	86657 86658
(6) Ensure that services are effectively coordinated and provided by appropriate providers;	86659 86660
(7) Establish and implement an ongoing system of monitoring the implementation of individual service plans to achieve consistent implementation and the desired outcomes for the individual;	86661 86662 86663 86664
(8) Perform quality assurance reviews as a distinct function of service and support administration;	86665 86666
(9) Incorporate the results of quality assurance reviews and identified trends and patterns of unusual incidents and major unusual incidents into amendments of an individual's service plan for the purpose of improving and enhancing the quality and appropriateness of services rendered to the individual.	86667 86668 86669 86670 86671
Sec. 5126.201. (A) A person may be employed by <u>or under contract with</u> a county board of developmental disabilities as a conditional status service and support administrator only if either of the following is true:	86672 86673 86674 86675

~~(A)~~(1) The person has at least an appropriate associate degree; 86676
86677

~~(B)~~(2) The person meets both of the following requirements: 86678

~~(1)~~(a) The person was employed by the county board and performed service and support administration duties on June 30, 2005; 86679
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86681

~~(2)~~(b) The person holds a high school diploma or a general educational development certificate of high school equivalence. 86682
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(B) A conditional status service and support administrator shall perform the duties of service and support administration, as specified in division (B) of section 5126.15 of the Revised Code, only under the supervision of a management employee who is a service and support administration supervisor. 86684
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Sec. 5139.03. (A) The department of youth services shall control and manage all state institutions or facilities established or created for the training or rehabilitation of delinquent children committed to the department, except where the control and management of an institution or facility is vested by law in another agency. The department shall employ, in addition to other personnel authorized under Chapter 5139. of the Revised Code, sufficient personnel to maintain food service and buildings and grounds operations. 86689
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(B) The department of youth services shall, insofar as practicable, purchase foods and other commodities incident to food service operations from the department of mental health and addiction services. The department of youth services may enter into agreements with the department of mental health and addiction services providing for assistance and consultation in the construction of, or major modifications to, capital facilities of the department of youth services. 86698
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(C) The directors of mental health and addiction services and 86706
of youth services shall enter into written agreements to implement 86707
this section. Such directors may, from time to time, amend any 86708
agreements entered into under this section for the purposes of 86709
making more efficient use of personnel, taking advantage of 86710
economies in quantity purchasing, or for any other purpose which 86711
is mutually advantageous to both the department of youth services 86712
and the department of mental health and addiction services. 86713

~~The department of youth services may transfer any of its 86714
excess or surplus supplies to a community corrections facility. 86715
These supplies shall remain the property of the department for a 86716
period of five years from the date of the transfer. After the 86717
five year period, the supplies shall become the property of the 86718
facility. 86719~~

Sec. 5139.50. (A) The release authority of the department of 86720
youth services is hereby created as a bureau in the department. 86721
The release authority shall consist of a minimum of three, but not 86722
more than five, members who are appointed by the director of youth 86723
services and who have the qualifications specified in division (B) 86724
of this section. The members of the release authority shall devote 86725
their full time to the duties of the release authority and shall 86726
neither seek nor hold other public office. The members shall be in 86727
the unclassified civil service. 86728

(B) A person appointed as a member of the release authority 86729
shall have a bachelor's degree from an accredited college or 86730
university or equivalent relevant experience and shall have the 86731
skills, training, or experience necessary to analyze issues of 86732
law, administration, and public policy. The membership of the 86733
release authority shall represent, insofar as practicable, the 86734
diversity found in the children in the legal custody of the 86735
department of youth services. 86736

In appointing the ~~five~~ members, the director shall ensure 86737
that the appointments include all of the following: 86738

(1) At least ~~four members~~ one member who ~~have~~ has five or 86739
more years of experience in criminal justice, juvenile justice, or 86740
an equivalent relevant profession; 86741

(2) At least one member who has experience in victim services 86742
or advocacy or who has been a victim of a crime or is a family 86743
member of a victim; 86744

(3) At least one member who has experience in direct care 86745
services to delinquent children. 86746

(C) ~~The initial appointments of members of the release~~ 86747
~~authority shall be for a term of six years for the chairperson and~~ 86748
~~one member, a term of four years for two members, and a term of~~ 86749
~~two years for one member. Thereafter, members shall be appointed~~ 86750
~~for six year terms until the effective date of this amendment,~~ 86751
~~after which members~~ Members shall be appointed for four-year 86752
terms. At the conclusion of a term, a member shall hold office 86753
until the appointment and qualification of the member's successor. 86754
The director shall fill a vacancy occurring before the expiration 86755
of a term for the remainder of that term and, if a member is on 86756
extended leave or disability status for more than thirty work 86757
days, may appoint an interim member to fulfill the duties of that 86758
member. A member may be reappointed. A member may be removed for 86759
good cause by the director. 86760

(D) The director of youth services shall designate as 86761
chairperson of the release authority one of the members who has 86762
experience in criminal justice, juvenile justice, or an equivalent 86763
relevant profession. The chairperson shall be a managing officer 86764
of the department, shall supervise the members of the board and 86765
the other staff in the bureau, and shall perform all duties and 86766
functions necessary to ensure that the release authority 86767

discharges its responsibilities. The chairperson shall serve as 86768
the official spokesperson for the release authority. 86769

(E) The release authority shall do all of the following: 86770

(1) Serve as the final and sole authority for making 86771
decisions, in the interests of public safety and the children 86772
involved, regarding the release and discharge of all children 86773
committed to the legal custody of the department of youth 86774
services, except children placed by a juvenile court on judicial 86775
release to court supervision or on judicial release to department 86776
of youth services supervision, children who have not completed a 86777
prescribed minimum period of time or prescribed period of time in 86778
a secure facility, or children who are required to remain in a 86779
secure facility until they attain twenty-one years of age; 86780

(2) Establish written policies and procedures for conducting 86781
reviews of the status for all youth in the custody of the 86782
department, setting or modifying dates of release and discharge, 86783
specifying the duration, terms, and conditions of release to be 86784
carried out in supervised release subject to the addition of 86785
additional consistent terms and conditions by a court in 86786
accordance with section 5139.51 of the Revised Code, and giving a 86787
child notice of all reviews; 86788

(3) Maintain records of its official actions, decisions, 86789
orders, and hearing summaries and make the records accessible in 86790
accordance with division (D) of section 5139.05 of the Revised 86791
Code; 86792

(4) Cooperate with public and private agencies, communities, 86793
private groups, and individuals for the development and 86794
improvement of its services; 86795

(5) Collect, develop, and maintain statistical information 86796
regarding its services and decisions; 86797

(6) Submit to the director an annual report that includes a 86798

description of the operations of the release authority, an 86799
evaluation of its effectiveness, recommendations for statutory, 86800
budgetary, or other changes necessary to improve its 86801
effectiveness, and any other information required by the director. 86802

(F) The release authority may do any of the following: 86803

(1) Conduct inquiries, investigations, and reviews and hold 86804
hearings and other proceedings necessary to properly discharge its 86805
responsibilities; 86806

(2) Issue subpoenas, enforceable in a court of law, to compel 86807
a person to appear, give testimony, or produce documentary 86808
information or other tangible items relating to a matter under 86809
inquiry, investigation, review, or hearing; 86810

(3) Administer oaths and receive testimony of persons under 86811
oath; 86812

(4) Request assistance, services, and information from a 86813
public agency to enable the authority to discharge its 86814
responsibilities and receive the assistance, services, and 86815
information from the public agency in a reasonable period of time; 86816

(5) Request from a public agency or any other entity that 86817
provides or has provided services to a child committed to the 86818
department's legal custody information to enable the release 86819
authority to properly discharge its responsibilities with respect 86820
to that child and receive the information from the public agency 86821
or other entity in a reasonable period of time. 86822

(G) The release authority may delegate responsibilities to 86823
hearing officers or other designated staff under the release 86824
authority's auspices. However, the release authority shall not 86825
delegate its authority to make final decisions regarding policy or 86826
the release of a child. 86827

The release authority shall adopt a written policy and 86828

procedures governing appeals of its release and discharge 86829
decisions. 86830

(H) The legal staff of the department of youth services shall 86831
provide assistance to the release authority in the formulation of 86832
policy and in its handling of individual cases. 86833

Sec. 5147.07. No articles or supplies manufactured under 86834
~~sections 5147.01~~ this section or sections 5147.12 to 5147.26 86835
5147.22 of the Revised Code by the labor of convicts of state 86836
correctional institutions shall be purchased from any other source 86837
for the state or its institutions unless the department of 86838
administrative services, in consultation with the department of 86839
rehabilitation and correction ~~first certifies, on requisition~~ 86840
~~made, determines~~ that the articles or supplies cannot be furnished 86841
and issues a waiver under section 125.035 of the Revised Code. 86842

Sec. 5160.37. (A) A medical assistance recipient's enrollment 86843
in a medical assistance program gives an automatic right of 86844
recovery to the department of medicaid and a county department of 86845
job and family services against the liability of a third party for 86846
the cost of medical assistance paid on behalf of the recipient. 86847
When an action or claim is brought against a third party by a 86848
medical assistance recipient, any payment, settlement or 86849
compromise of the action or claim, or any court award or judgment, 86850
is subject to the recovery right of the department of medicaid or 86851
county department. Except in the case of a medical assistance 86852
recipient who receives medical assistance through a medicaid 86853
managed care organization, the department's or county department's 86854
claim shall not exceed the amount of medical assistance paid by 86855
the department or county department on behalf of the recipient. A 86856
payment, settlement, compromise, judgment, or award that excludes 86857
the cost of medical assistance paid for by the department or 86858
county department shall not preclude a department from enforcing 86859

its rights under this section. 86860

(B) In the case of a medical assistance recipient who 86861
receives medical assistance through a medicaid managed care 86862
organization, the amount of the department's or county 86863
department's claim shall be the amount the medicaid managed care 86864
organization pays for medical assistance rendered to the 86865
recipient, even if that amount is more than the amount the 86866
department or county department pays to the medicaid managed care 86867
organization for the recipient's medical assistance. 86868

(C) A medical assistance recipient, and the recipient's 86869
attorney, if any, shall cooperate with the departments. In 86870
furtherance of this requirement, the medical assistance recipient, 86871
or the recipient's attorney, if any, shall, not later than thirty 86872
days after initiating informal recovery activity or filing a legal 86873
recovery action against a third party, provide written notice of 86874
the activity or action to the department of medicaid or county 86875
department if it has paid for medical assistance under a medical 86876
assistance program. 86877

(D) The written notice that must be given under division (C) 86878
of this section shall disclose the identity and address of any 86879
third party against whom the medical assistance recipient has or 86880
may have a right of recovery. 86881

(E) No settlement, compromise, judgment, or award or any 86882
recovery in any action or claim by a medical assistance recipient 86883
where the department or county department has a right of recovery 86884
shall be made final without first giving the department or county 86885
department written notice as described in division (C) of this 86886
section and a reasonable opportunity to perfect its rights of 86887
recovery. If the department or county department is not given the 86888
appropriate written notice, the medical assistance recipient and, 86889
if there is one, the recipient's attorney, are liable to reimburse 86890
the department or county department for the recovery received to 86891

the extent of medical assistance payments made by the department 86892
or county department. 86893

(F) The department or county department shall be permitted to 86894
enforce its recovery rights against the third party even though it 86895
accepted prior payments in discharge of its rights under this 86896
section if, at the time the department or county department 86897
received such payments, it was not aware that additional medical 86898
expenses had been incurred but had not yet been paid by the 86899
department or county department. The third party becomes liable to 86900
the department or county department as soon as the third party is 86901
notified in writing of the valid claims for recovery under this 86902
section. 86903

(G)(1) Subject to division (G)(2) of this section, the right 86904
of recovery of the department or county department does not apply 86905
to that portion of any judgment, award, settlement, or compromise 86906
of a claim, to the extent of attorneys' fees, costs, or other 86907
expenses incurred by a medical assistance recipient in securing 86908
the judgment, award, settlement, or compromise, or to the extent 86909
of medical, surgical, and hospital expenses paid by such recipient 86910
from the recipient's own resources. 86911

(2) Reasonable attorneys' fees, not to exceed one-third of 86912
the total judgment, award, settlement, or compromise, plus costs 86913
and other expenses incurred by the medical assistance recipient in 86914
securing the judgment, award, settlement, or compromise, shall 86915
first be deducted from the total judgment, award, settlement, or 86916
compromise. After fees, costs, and other expenses are deducted 86917
from the total judgment, award, settlement, or compromise, there 86918
shall be a rebuttable presumption that the department of medicaid 86919
or county department shall receive no less than one-half of the 86920
remaining amount, or the actual amount of medical assistance paid, 86921
whichever is less. A party may rebut the presumption in accordance 86922
with division (L)(1) or (2) of this section, as applicable. 86923

(H) A right of recovery created by this section may be 86924
enforced separately or jointly by the department of medicaid or 86925
county department. To enforce its recovery rights, the department 86926
or county department may do any of the following: 86927

(1) Intervene or join in any action or proceeding brought by 86928
the medical assistance recipient or on the recipient's behalf 86929
against any third party who may be liable for the cost of medical 86930
assistance paid; 86931

(2) Institute and pursue legal proceedings against any third 86932
party who may be liable for the cost of medical assistance paid; 86933

(3) Initiate legal proceedings in conjunction with any 86934
injured, diseased, or disabled medical assistance recipient or the 86935
recipient's attorney or representative. 86936

(I) A medical assistance recipient shall not assess attorney 86937
fees, costs, or other expenses against the department of medicaid 86938
or a county department when the department or county department 86939
enforces its right of recovery created by this section. 86940

(J) The right of recovery given to the department under this 86941
section includes payments made by a third party under contract 86942
with a person having a duty to support. 86943

(K) The department of medicaid may assign to a medical 86944
assistance provider the right of recovery given to the department 86945
under this section with respect to any claim for which the 86946
department has notified the provider that the department intends 86947
to recoup the department's prior payment for the claim. 86948

(L)(1) Prior to any payment to the department or a county 86949
department pursuant to the department's or county department's 86950
right of recovery under this section, a party that desires to 86951
rebut the presumption in division (G) of this section shall submit 86952
to the department or county department a request for a hearing in 86953
accordance with the procedure the department establishes in rules 86954

required by division (O) of this section. The amount sought by the 86955
department or county department shall be held in escrow or in an 86956
interest on lawyers' trust account until the hearing examiner 86957
renders a decision or the case is otherwise concluded. A party 86958
successfully rebuts the presumption by a showing of clear and 86959
convincing evidence that a different allocation is warranted. 86960

(2) A medical assistance recipient who has repaid money, on 86961
or after September 29, 2007, to the department or a county 86962
department pursuant to the department's or county department's 86963
right of recovery under this section, section 5160.38 of the 86964
Revised Code, or former section 5101.58 or 5101.59 of the Revised 86965
Code may request a hearing to rebut the presumption in division 86966
(G) of this section. The request shall be made in accordance with 86967
the procedure the department establishes for this purpose in rules 86968
required by division (O) of this section. It must be made not 86969
later than one hundred eighty days after the effective date of 86970
this amendment or ninety days after the payment is made, whichever 86971
is later. A party successfully rebuts the presumption by a showing 86972
of clear and convincing evidence that a different allocation is 86973
warranted. 86974

(3) With respect to a hearing requested under division (L)(1) 86975
or (2) of this section, all of the following are the case: 86976

(a) The hearing examiner may consider, but is not bound by 86977
the allocation of, medical expenses specified in a settlement 86978
agreement between the medical assistance recipient and the 86979
relevant third party; 86980

(b) The department or county department may raise affirmative 86981
defenses during the hearing, including the existence of a prior 86982
settlement with the medical assistance recipient, the doctrine of 86983
accord and satisfaction, or the common law principle of res 86984
judicata; 86985

(c) If the parties agree, live testimony shall not be presented at the hearing; 86986
86987

(d) The hearing may be governed by rules adopted under section 5160.02 of the Revised Code. If such rules are adopted, Chapter 119. of the Revised Code applies to the hearing only to the extent specified in those rules; 86988
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(e) The hearing examiner's decision is binding on the department or county department and the medical assistance recipient unless the decision is reversed or modified on appeal to the medicaid director as described in division (M) of this section. 86992
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(M)(1) A medical assistance recipient who disagrees with a hearing examiner's decision under division (L) of this section may file an administrative appeal with the medicaid director in accordance with the procedure the department establishes for this purpose in rules required by division (O) of this section. A hearing is not required during the administrative appeal, but the director or the director's designee shall review the hearing examiner's decision and any prior relevant administrative action. After the review, the director or the director's designee shall affirm, modify, remand, or reverse the hearing decision. A decision made under this division is final and binding on the department or county department and the medical assistance recipient unless it is reversed or modified on appeal to a court of common pleas as described in division (N) of this section. 86997
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(2) An administrative appeal may be governed by rules adopted under section 5160.02 of the Revised Code. If such rules are adopted, Chapter 119. of the Revised Code applies to an administrative appeal only to the extent specified in those rules. 87011
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(N) A party to an administrative appeal described in division (M) of this section may file an appeal with a court of common 87015
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pleas in accordance with section 119.12 of the Revised Code. 87017

(O) The medicaid director shall adopt rules under section 87018
5160.02 of the Revised Code as necessary to implement this 87019
section, including rules establishing procedures a party may use 87020
to request a hearing under division (L)(1) or (2) of this section 87021
or an administrative appeal under division (M)(1) of this section. 87022
The rules shall be adopted in accordance with Chapter 119. of the 87023
Revised Code. 87024

(P) Divisions (L) to (N) of this section are remedial in 87025
nature and shall be liberally construed by the courts of this 87026
state in accordance with section 1.11 of the Revised Code. Those 87027
divisions specify the sole remedy available to a party who claims 87028
the department or a county department has received or is to 87029
receive more money than entitled to receive under this section, 87030
section 5160.38 of the Revised Code, or former section 5101.58 or 87031
5101.59 of the Revised Code. 87032

Sec. 5160.401. (A) A payment made by a third party under 87033
division (A)(4) of section 5160.40 of the Revised Code on a claim 87034
for payment of a medical item or service provided to a medical 87035
assistance recipient is final on the date that is two years after 87036
the payment was made to the department of medicaid or the 87037
applicable medicaid managed care organization. After a claim is 87038
final, the claim is subject to adjustment only if an action for 87039
recovery of an overpayment was commenced under division (B) of 87040
this section before the date the claim became final and the 87041
recovery is agreed to by the department or medicaid managed care 87042
organization under division (C) of this section. 87043

(B) If a third party determines that it overpaid a claim for 87044
payment, the third party may seek to recover all or part of the 87045
overpayment by filing a notice of its intent to seek recovery with 87046
the department or medicaid managed care organization, as 87047

applicable. The notice of recovery must be filed in writing before 87048
the date the payment is final. The notice must specify all of the 87049
following: 87050

(1) The full name of the medical assistance recipient who 87051
received the medical item or service that is the subject of the 87052
claim; 87053

(2) The date or dates on which the medical item or service 87054
was provided; 87055

(3) The amount allegedly overpaid and the amount the third 87056
party seeks to recover; 87057

(4) The claim number and any other number the department or 87058
medicaid managed care organization has assigned to the claim; 87059

(5) The third party's rationale for seeking recovery; 87060

(6) The date the third party made the payment and the method 87061
of payment used; 87062

(7) If payment was made by check, the check number; 87063

(8) Whether the third party would prefer to receive the 87064
amount being sought by obtaining a payment from the department or 87065
medicaid managed care organization, either by check or electronic 87066
means, or by offsetting the amount from a future payment to be 87067
made to the department or medicaid managed care organization. 87068

(C) If the department or appropriate medicaid managed care 87069
organization determines that a notice of recovery was filed before 87070
the claim for payment is final and agrees to the amount sought by 87071
the third party, the department or medicaid managed care 87072
organization, as applicable, shall notify the third party in 87073
writing of its determination and agreement. Recovery of the amount 87074
shall proceed in accordance with the method specified by the third 87075
party pursuant to division (B)(8) of this section. 87076

Sec. 5162.01. (A) As used in the Revised Code: 87077

(1) "Medicaid" and "medicaid program" mean the program of 87078
medical assistance established by Title XIX of the "Social 87079
Security Act," 42 U.S.C. 1396 et seq., including any medical 87080
assistance provided under the medicaid state plan or a federal 87081
medicaid waiver granted by the United States secretary of health 87082
and human services. 87083

(2) "Medicare" and "medicare program" mean the federal health 87084
insurance program established by Title XVIII of the "Social 87085
Security Act," 42 U.S.C. 1395 et seq. 87086

(B) As used in this chapter: 87087

(1) "Dual eligible individual" has the same meaning as in 87088
section 5160.01 of the Revised Code. 87089

(2) "Exchange" has the same meaning as in 45 C.F.R. 155.20. 87090

(3) "Federal financial participation" has the same meaning as 87091
in section 5160.01 of the Revised Code. 87092

(4) "Federal poverty line" means the official poverty line 87093
defined by the United States office of management and budget based 87094
on the most recent data available from the United States bureau of 87095
the census and revised by the United States secretary of health 87096
and human services pursuant to the "Omnibus Budget Reconciliation 87097
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 87098

(5) "Healthy start component" means the component of the 87099
medicaid program that covers pregnant women and children and is 87100
identified in rules adopted under section 5162.02 of the Revised 87101
Code as the healthy start component. 87102

(6) "Home and community-based services" means services 87103
provided under a home and community-based services medicaid waiver 87104
component. 87105

(7) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.	87106 87107 87108
(8) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.	87109 87110
(9) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	87111 87112
(10) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.	87113 87114
(11) "Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.	87115 87116
(12) <u>"Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code;</u>	87117 87118
<u>(13)</u> "Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.	87119 87120
(13) <u>(14)</u> "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities only in a geographical area smaller than that of the state.	87121 87122 87123 87124
(14) <u>(15)</u> "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code.	87125 87126
(15) <u>(16)</u> "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.	87127 87128
(16) <u>(17)</u> "Qualified medicaid school provider" means the board of education of a city, local, or exempted village school district, the governing authority of a community school established under Chapter 3314. of the Revised Code, the state school for the deaf, and the state school for the blind to which both of the following apply:	87129 87130 87131 87132 87133 87134
(a) It holds a valid provider agreement.	87135

(b) It meets all other conditions for participation in the 87136
medicaid school component of the medicaid program established in 87137
rules authorized by section 5162.364 of the Revised Code. 87138

~~(17)~~(18) "State agency" means every organized body, office, 87139
or agency, other than the department of medicaid, established by 87140
the laws of the state for the exercise of any function of state 87141
government. 87142

~~(18)~~(19) "Vendor offset" means a reduction of a medicaid 87143
payment to a medicaid provider to correct a previous, incorrect 87144
medicaid payment to that provider. 87145

Sec. 5162.11. (A) The department of medicaid shall enter into 87146
an agreement with the department of administrative services for 87147
the department of administrative services to contract through 87148
competitive selection pursuant to section 125.07 of the Revised 87149
Code with a vendor to perform an assessment of the data collection 87150
and data warehouse functions of the medicaid data warehouse 87151
system, including the ability to link the data sets of all 87152
agencies serving medicaid recipients. 87153

The assessment of the data system shall include functions 87154
related to fraud and abuse detection, program management and 87155
budgeting, and performance measurement capabilities of all 87156
agencies serving medicaid recipients, including the departments of 87157
aging, health, job and family services, medicaid, mental health 87158
and addiction services, and developmental disabilities. 87159

A qualified vendor with whom the department of administrative 87160
services contracts to assess the data system shall also assist the 87161
medicaid agencies in the definition of the requirements for an 87162
enhanced data system or a new data system and assist the 87163
department of administrative services in the preparation of a 87164
request for proposals to enhance or develop a data system. 87165

(B) Based on the assessment performed pursuant to division 87166
(A) of this section, the department of administrative services 87167
shall seek a qualified vendor through competitive selection 87168
pursuant to ~~section 125.07~~ Chapter 125. of the Revised Code to 87169
develop or enhance a data collection and data warehouse system for 87170
the department of medicaid and all agencies serving medicaid 87171
recipients. 87172

The department of medicaid shall seek enhanced federal 87173
financial participation for ninety per cent of the funds required 87174
to establish or enhance the data system. The department of 87175
administrative services shall not award a contract for 87176
establishing or enhancing the data system until the department of 87177
medicaid receives approval from the United States secretary of 87178
health and human services for the ninety per cent federal 87179
financial participation. 87180

Sec. 5162.12. (A) The medicaid director ~~may~~ shall enter into 87181
a contract with one or more persons to receive and process, on the 87182
director's behalf, requests for medicaid recipient or claims 87183
payment data, data from reports of audits conducted under section 87184
5165.109 of the Revised Code, or extracts or analyses of any of 87185
the foregoing data made by persons who intend to use the items 87186
prepared pursuant to the requests for commercial or academic 87187
purposes. 87188

(B) At a minimum, a contract entered into under this section 87189
shall do both of the following: 87190

(1) Authorize the contracting person to engage in the 87191
activities described in division (A) of this section for 87192
compensation, which must be stated as a percentage of the fees 87193
paid by persons who are provided the items; 87194

(2) ~~Specify the schedule of fees~~ Require the contracting 87195
person ~~is~~ to charge for ~~the items~~ an item prepared pursuant to a 87196

request a fee in an amount equal to one hundred two per cent of 87197
the cost the department of medicaid incurs in making the data used 87198
to prepare the item available to the contracting person. 87199

(C) Except as required by federal or state law and subject to 87200
division (E) of this section, both of the following conditions 87201
apply with respect to a request for data described in division (A) 87202
of this section: 87203

(1) The request shall be made through a person who has 87204
entered into a contract with the medicaid director under this 87205
section. 87206

(2) An item prepared pursuant to the request may be provided 87207
to the department of medicaid and is confidential and not subject 87208
to disclosure under section 149.43 or 1347.08 of the Revised Code. 87209

(D) The medicaid director shall use fees the director 87210
receives pursuant to a contract entered into under this section to 87211
pay obligations specified in contracts entered under this section. 87212
Any money remaining after the obligations are paid shall be 87213
deposited in the health care services administration fund created 87214
under section 5162.54 of the Revised Code. 87215

(E) This section does not apply to requests for medicaid 87216
recipient or claims payment data, data from reports of audits 87217
conducted under section 5165.109 of the Revised Code, or extracts 87218
or analyses of any of the foregoing data that are for any of the 87219
following purposes: 87220

(1) Treatment of medicaid recipients; 87221

(2) Payment of medicaid claims; 87222

(3) Establishment or management of medicaid third party 87223
liability pursuant to sections 5160.35 to 5160.43 of the Revised 87224
Code; 87225

(4) Compliance with the terms of an agreement the medicaid 87226

director enters into for purposes of administering the medicaid 87227
program; 87228

(5) Compliance with an operating protocol the executive 87229
director of the office of health transformation or the executive 87230
director's designee adopts under division (D) of section 191.06 of 87231
the Revised Code. 87232

Sec. 5162.36. ~~(A) (B)~~ The medicaid director shall create, in 87233
accordance with sections 5162.36 to ~~5162.364~~ 5162.365 of the 87234
Revised Code, the medicaid school component of the medicaid 87235
program. 87236

Sec. 5162.361. A qualified medicaid school provider 87237
participating in the medicaid school component of the medicaid 87238
program may submit a claim to the department of medicaid for 87239
federal financial participation for providing, in schools, 87240
services covered by the medicaid school component to medicaid 87241
recipients who are eligible for the services. No qualified 87242
medicaid school provider may submit such a claim before the 87243
provider incurs the cost of providing the service. 87244

The claim shall include certification of the qualified 87245
medicaid school provider's expenditures for the service. The 87246
certification shall show that the money the qualified medicaid 87247
school provider used for the expenditures was nonfederal money the 87248
provider may legally use for providing the service and that the 87249
amount of the expenditures was sufficient to pay the full cost of 87250
the service. 87251

Except as otherwise provided in sections 5162.36 to ~~5162.364~~ 87252
5162.365 of the Revised Code ~~and rules authorized by sections~~ 87253
~~5162.363 and 5162.364 of the Revised Code~~, a qualified medicaid 87254
school provider is subject to all conditions of participation in 87255
the medicaid program that generally apply to providers of goods 87256

and services under the medicaid program, including conditions 87257
regarding claims, audits, and recovery of overpayments. 87258

Sec. 5162.363. The department of medicaid shall enter into an 87259
interagency agreement with the department of education under 87260
section 5162.35 of the Revised Code that provides for the 87261
department of education to administer the medicaid school 87262
component of the medicaid program other than the aspects of the 87263
component that sections 5162.36 to ~~5162.364~~ 5162.365 of the 87264
Revised Code require the department of medicaid to administer. The 87265
interagency agreement may include a provision that provides for 87266
the department of education to pay to the department of medicaid 87267
the nonfederal share of a portion of the administrative expenses 87268
the department of medicaid incurs in administering the aspects of 87269
the component that the department of medicaid administers. 87270

To the extent authorized by rules authorized by section 87271
5162.021 of the Revised Code, the department of education shall 87272
~~establish, in~~ adopt rules ~~adopted under section 5162.02 of the~~ 87273
~~Revised Code,~~ establishing a process by which qualified medicaid 87274
school providers participating in the medicaid school component 87275
pay to the department of education the nonfederal share of the 87276
department's expenses incurred in administering the component. The 87277
rules shall be adopted in accordance with Chapter 119. of the 87278
Revised Code. 87279

Sec. 5162.365. (A) A qualified medicaid school provider is 87280
solely responsible for timely repaying any overpayment that the 87281
provider receives under the medicaid school component of the 87282
medicaid program and that is discovered by a federal or state 87283
audit. This is the case regardless of whether the audit's finding 87284
identifies the provider, department of medicaid, or department of 87285
education as being responsible for the overpayment. 87286

(B) The department of medicaid shall not do any of the following regarding an overpayment for which a qualified medicaid school provider is responsible for repaying: 87287
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(1) Make a payment to the federal government to meet or delay the provider's repayment obligation; 87290
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(2) Assume the provider's repayment obligation; 87292

(3) Forgive the provider's repayment obligation. 87293

(C) Each qualified medicaid school provider shall indemnify and hold harmless the department of medicaid for any cost or penalty resulting from a federal or state audit finding that a claim submitted by the provider under section 5162.361 of the Revised Code did not comply with a federal or state requirement applicable to the claim, including a requirement of a medicaid waiver component. 87294
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Sec. 5163.03. (A) Subject to section 5163.05 of the Revised Code, the medicaid program shall cover all mandatory eligibility groups. 87301
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(B) The medicaid program shall cover all of the optional eligibility groups that state statutes require the medicaid program to cover. 87304
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(C) The medicaid program may cover any of the optional eligibility groups to which either of the following applies: 87307
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(1) State statutes expressly permit the medicaid program to cover the optional eligibility group. 87309
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(2) ~~State statutes do not address whether~~ Except as provided in division (D)(1) of this section, the medicaid program ~~may cover~~ covers the optional eligibility group on the effective date of this amendment. 87311
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(D) The medicaid program shall not cover any optional 87315

eligibility group ~~that state~~ to which either of the following 87316
applies: 87317

(1) State statutes expressly prohibit the medicaid program 87318
from covering the optional eligibility group. 87319

(2) State statutes do not address whether the medicaid 87320
program may cover the optional eligibility group. 87321

Sec. 5163.04. The income eligibility threshold for an 87322
optional eligibility group shall be the following: 87323

(A) The percentage of the federal poverty line specified in 87324
state statute for the group; 87325

(B) If the income eligibility threshold for the group is not 87326
specified in state statute, a percentage of the federal poverty 87327
line not exceeding the percentage of the federal poverty line 87328
that, on the effective date of this section, is the group's income 87329
eligibility threshold. 87330

Sec. 5163.06. The medicaid program shall cover all of the 87331
following optional eligibility groups: 87332

(A) The group consisting of children placed with adoptive 87333
parents who are specified in the "Social Security Act," section 87334
1902(a)(10)(A)(ii)(VIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(VIII); 87335

(B) Subject to section 5163.061 of the Revised Code, the 87336
group consisting of women during pregnancy and the sixty-day 87337
period beginning on the last day of the pregnancy, infants, and 87338
children who are specified in the "Social Security Act," section 87339
1902(a)(10)(A)(ii)(IX), 42 U.S.C. 1396a(a)(10)(A)(ii)(IX); 87340

(C) Subject to sections 5163.09 to 5163.098 of the Revised 87341
Code, the group consisting of employed individuals with 87342
disabilities who are specified in the "Social Security Act," 87343
section 1902(a)(10)(A)(ii)(XV), 42 U.S.C. 1396a(a)(10)(A)(ii)(XV); 87344

(D) Subject to sections 5163.09 to 5163.098 of the Revised Code, the group consisting of employed individuals with medically improved disabilities who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVI), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVI);

(E) The group consisting of independent foster care adolescents who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVII), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVII);

(F) The group consisting of women in need of treatment for breast or cervical cancer who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVIII);

~~(G) The group consisting of nonpregnant individuals who may receive family planning services and supplies and are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XXI), 42 U.S.C. 1396a(a)(10)(A)(ii)(XXI).~~

Sec. 5163.21. (A)(1) This section applies only to either of the following:

(a) Initial eligibility determinations for the medicaid program;

(b) An appeal from an initial eligibility determination pursuant to section 5160.31 of the Revised Code.

(2)(a) Except as provided in division (A)(2)(b) of this section, this section shall not be used by a court to determine the effect of a trust on an individual's initial eligibility for the medicaid program.

(b) The prohibition in division (A)(2)(a) of this section does not apply to an appeal described in division (A)(1)(b) of this section.

- (B) As used in this section: 87375
- (1) "Trust" means any arrangement in which a grantor 87376
transfers real or personal property to a trust with the intention 87377
that it be held, managed, or administered by at least one trustee 87378
for the benefit of the grantor or beneficiaries. "Trust" includes 87379
any legal instrument or device similar to a trust. 87380
- (2) "Legal instrument or device similar to a trust" includes, 87381
but is not limited to, escrow accounts, investment accounts, 87382
partnerships, contracts, and other similar arrangements that are 87383
not called trusts under state law but are similar to a trust and 87384
to which all of the following apply: 87385
- (a) The property in the trust is held, managed, retained, or 87386
administered by a trustee. 87387
- (b) The trustee has an equitable, legal, or fiduciary duty to 87388
hold, manage, retain, or administer the property for the benefit 87389
of the beneficiary. 87390
- (c) The trustee holds identifiable property for the 87391
beneficiary. 87392
- (3) "Grantor" is a person who creates a trust, including all 87393
of the following: 87394
- (a) An individual; 87395
- (b) An individual's spouse; 87396
- (c) A person, including a court or administrative body, with 87397
legal authority to act in place of or on behalf of an individual 87398
or an individual's spouse; 87399
- (d) A person, including a court or administrative body, that 87400
acts at the direction or on request of an individual or the 87401
individual's spouse. 87402
- (4) "Beneficiary" is a person or persons, including a 87403
grantor, who benefits in some way from a trust. 87404

- (5) "Trustee" is a person who manages a trust's principal and income for the benefit of the beneficiaries. 87405
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- (6) "Person" has the same meaning as in section 1.59 of the Revised Code and includes an individual, corporation, business trust, estate, trust, partnership, and association. 87407
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- (7) "Applicant" is an individual who applies for medicaid or the individual's spouse. 87410
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- (8) "Recipient" is an individual who receives medicaid or the individual's spouse. 87412
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- (9) "Revocable trust" is a trust that can be revoked by the grantor or the beneficiary, including all of the following, even if the terms of the trust state that it is irrevocable: 87414
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87416
- (a) A trust that provides that the trust can be terminated only by a court; 87417
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- (b) A trust that terminates on the happening of an event, but only if the event occurs at the direction or control of the grantor, beneficiary, or trustee. 87419
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- (10) "Irrevocable trust" is a trust that cannot be revoked by the grantor or terminated by a court and that terminates only on the occurrence of an event outside of the control or direction of the beneficiary or grantor. 87422
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- (11) "Payment" is any disbursement from the principal or income of the trust, including actual cash, noncash or property disbursements, or the right to use and occupy real property. 87426
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- (12) "Payments to or for the benefit of the applicant or recipient" is a payment to any person resulting in a direct or indirect benefit to the applicant or recipient. 87429
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- (13) "Testamentary trust" is a trust that is established by a will and does not take effect until after the death of the person who created the trust. 87432
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(14) "Home" means a home described in section 1613(a)(1) of 87435
the "Social Security Act," 42 U.S.C. 1382b(a)(1). 87436

(C)(1) If an applicant or recipient is a beneficiary of a 87437
trust, the applicant or recipient shall submit a complete copy of 87438
the trust instrument to the county department of job and family 87439
services and the department of medicaid. A copy shall be 87440
considered complete if it contains all pages of the trust 87441
instrument and all schedules, attachments, and accounting 87442
statements referenced in or associated with the trust. The copy is 87443
confidential and is not subject to disclosure under section 149.43 87444
of the Revised Code. 87445

(2) On receipt of a copy of a trust instrument or otherwise 87446
determining that an applicant or recipient is a beneficiary of a 87447
trust, the county department of job and family services shall 87448
determine what type of trust it is and shall treat the trust in 87449
accordance with the appropriate provisions of this section and 87450
rules adopted under section 5163.02 of the Revised Code governing 87451
trusts. The county department of job and family services may 87452
determine that any of the following is the case regarding the 87453
trust or portion of the trust: 87454

(a) It is a resource available to the applicant or recipient; 87455

(b) It contains income available to the applicant or 87456
recipient; 87457

(c) Divisions (C)(2)(a) and (b) of this section are both 87458
applicable; 87459

(d) Neither division (C)(2)(a) nor (b) of this section is 87460
applicable. 87461

(3) Except as provided in division (F) of this section, a 87462
trust or portion of a trust that is a resource available to the 87463
applicant or recipient or contains income available to the 87464
applicant or recipient shall be counted for purposes of 87465

determining medicaid eligibility.	87466
(D)(1) A trust or legal instrument or device similar to a	87467
trust shall be considered a medicaid qualifying trust if all of	87468
the following apply:	87469
(a) The trust was established on or prior to August 10, 1993.	87470
(b) The trust was not established by a will.	87471
(c) The trust was established by an applicant or recipient.	87472
(d) The applicant or recipient is or may become the	87473
beneficiary of all or part of the trust.	87474
(e) Payment from the trust is determined by one or more	87475
trustees who are permitted to exercise any discretion with respect	87476
to the distribution to the applicant or recipient.	87477
(2) If a trust meets the requirement of division (D)(1) of	87478
this section, the amount of the trust that is considered by the	87479
county department of job and family services to be a resource	87480
available to the applicant or recipient shall be the maximum	87481
amount of payments permitted under the terms of the trust to be	87482
distributed to the applicant or recipient, assuming the full	87483
exercise of discretion by the trustee or trustees. The maximum	87484
amount shall include only amounts that are permitted to be	87485
distributed but are not distributed from either the income or	87486
principal of the trust.	87487
(3) Amounts that are actually distributed from a medicaid	87488
qualifying trust to a beneficiary for any purpose shall be treated	87489
in accordance with rules adopted under section 5163.02 of the	87490
Revised Code governing income.	87491
(4) Availability of a medicaid qualifying trust shall be	87492
considered without regard to any of the following:	87493
(a) Whether or not the trust is irrevocable or was	87494
established for purposes other than to enable a grantor to qualify	87495

for medicaid; 87496

(b) Whether or not the trustee actually exercises discretion. 87497

(5) If any real or personal property is transferred to a 87498
medicaid qualifying trust that is not distributable to the 87499
applicant or recipient, the transfer shall be considered an 87500
improper disposition of assets and shall be subject to section 87501
5163.30 of the Revised Code and rules to implement that section 87502
adopted under section 5163.02 of the Revised Code. 87503

(6) The baseline date for the look-back period for 87504
disposition of assets involving a medicaid qualifying trust shall 87505
be the date on which the applicant or recipient is both 87506
institutionalized and first applies for medicaid. 87507

(E)(1) A trust or legal instrument or device similar to a 87508
trust shall be considered a self-settled trust if all of the 87509
following apply: 87510

(a) The trust was established on or after August 11, 1993. 87511

(b) The trust was not established by a will. 87512

(c) The trust was established by an applicant or recipient, 87513
spouse of an applicant or recipient, or a person, including a 87514
court or administrative body, with legal authority to act in place 87515
of or on behalf of an applicant, recipient, or spouse, or acting 87516
at the direction or on request of an applicant, recipient, or 87517
spouse. 87518

(2) ~~A trust that meets the requirements of division (E)(1) of~~ 87519
~~this section and is~~ (a) Except as provided in division (E)(2)(b) 87520
of this section, a revocable self-settled trust shall be treated 87521
by the county department of job and family services as follows: 87522

~~(a)~~(i) The corpus of the trust shall be considered a resource 87523
available to the applicant or recipient. 87524

~~(b)~~(ii) Payments from the trust to or for the benefit of the 87525

applicant or recipient shall be considered unearned income of the 87526
applicant or recipient. 87527

~~(e)(iii)~~ Any other payments from the trust shall be 87528
considered an improper disposition of assets and shall be subject 87529
to section 5163.30 of the Revised Code and rules to implement that 87530
section adopted under section 5163.02 of the Revised Code. 87531

(b) The home of an applicant or recipient held in a revocable 87532
self-settled trust is not subject to division (E)(2)(a) of this 87533
section, is not a resource available to the applicant or recipient 87534
as described in division (C)(2)(a) of this section, and shall be 87535
excluded from the computation of spousal share determined pursuant 87536
to section 1924(c) of the "Social Security Act," 42 U.S.C. 87537
1396r-5(c). 87538

(c) A transfer of an applicant's or recipient's home from a 87539
revocable self-settled trust to the applicant or recipient or that 87540
individual's spouse shall not be considered an improper 87541
disposition of assets or a disposal of assets for less than fair 87542
market value for which a period of medicaid ineligibility may be 87543
imposed under section 5163.30 of the Revised Code. 87544

~~(3) A trust that meets the requirements of division (E)(1) of 87545
this section and is an An irrevocable self-settled trust shall be 87546
treated by the county department of job and family services as 87547
follows: 87548~~

(a) If there are any circumstances under which payment from 87549
the trust could be made to or for the benefit of the applicant or 87550
recipient, including a payment that can be made only in the 87551
future, the portion from which payments could be made shall be 87552
considered a resource available to the applicant or recipient. The 87553
county department of job and family services shall not take into 87554
account when payments can be made. 87555

(b) Any payment that is actually made to or for the benefit 87556

of the applicant or recipient from either the corpus or income 87557
shall be considered unearned income. 87558

(c) If a payment is made to someone other than to the 87559
applicant or recipient and the payment is not for the benefit of 87560
the applicant or recipient, the payment shall be considered an 87561
improper disposition of assets and shall be subject to section 87562
5163.30 of the Revised Code and rules to implement that section 87563
adopted under section 5163.02 of the Revised Code. 87564

(d) The date of the disposition shall be the later of the 87565
date of establishment of the trust or the date of the occurrence 87566
of the event. 87567

(e) When determining the value of the disposed asset under 87568
this provision, the value of the trust shall be its value on the 87569
date payment to the applicant or recipient was foreclosed. 87570

(f) Any income earned or other resources added subsequent to 87571
the foreclosure date shall be added to the total value of the 87572
trust. 87573

(g) Any payments to or for the benefit of the applicant or 87574
recipient after the foreclosure date but prior to the application 87575
date shall be subtracted from the total value. Any other payments 87576
shall not be subtracted from the value. 87577

(h) Any addition of assets after the foreclosure date shall 87578
be considered a separate disposition. 87579

(4) If a trust is funded with assets of another person or 87580
persons in addition to assets of the applicant or recipient, the 87581
applicable provisions of this section and rules adopted under 87582
section 5163.02 of the Revised Code governing trusts shall apply 87583
only to the portion of the trust attributable to the applicant or 87584
recipient. 87585

(5) The availability of a self-settled trust shall be 87586

considered without regard to any of the following:	87587
(a) The purpose for which the trust is established;	87588
(b) Whether the trustees have exercised or may exercise discretion under the trust;	87589 87590
(c) Any restrictions on when or whether distributions may be made from the trust;	87591 87592
(d) Any restrictions on the use of distributions from the trust.	87593 87594
(6) The baseline date for the look-back period for dispositions of assets involving a self-settled trust shall be the date on which the applicant or recipient is both institutionalized and first applies for medicaid.	87595 87596 87597 87598
(F) The principal or income from any of the following shall not be a resource available to the applicant or recipient:	87599 87600
(1)(a) A special needs trust that meets all of the following requirements:	87601 87602
(i) The trust contains assets of an applicant or recipient under sixty-five years of age and may contain the assets of other individuals.	87603 87604 87605
(ii) The applicant or recipient is disabled as defined in rules adopted under section 5163.02 of the Revised Code.	87606 87607
(iii) The trust is established for the benefit of the applicant or recipient by a parent, grandparent, legal guardian, or a court.	87608 87609 87610
(iv) The trust requires that on the death of the applicant or recipient the state will receive all amounts remaining in the trust up to an amount equal to the total amount of medicaid payments made on behalf of the applicant or recipient.	87611 87612 87613 87614
(b) If a special needs trust meets the requirements of	87615

division (F)(1)(a) of this section and has been established for a 87616
disabled applicant or recipient under sixty-five years of age, the 87617
exemption for the trust granted pursuant to division (F) of this 87618
section shall continue after the disabled applicant or recipient 87619
becomes sixty-five years of age if the applicant or recipient 87620
continues to be disabled as defined in rules adopted under section 87621
5163.02 of the Revised Code. Except for income earned by the 87622
trust, the grantor shall not add to or otherwise augment the trust 87623
after the applicant or recipient attains sixty-five years of age. 87624
An addition or augmentation of the trust by the applicant or 87625
recipient with the applicant's own assets after the applicant or 87626
recipient attains sixty-five years of age shall be treated as an 87627
improper disposition of assets. 87628

(c) Cash distributions to the applicant or recipient shall be 87629
counted as unearned income. All other distributions from the trust 87630
shall be treated as provided in rules adopted under section 87631
5163.02 of the Revised Code governing in-kind income. 87632

(d) Transfers of assets to a special needs trust shall not be 87633
treated as an improper transfer of resources. An asset held prior 87634
to the transfer to the trust shall be considered as a resource 87635
available to the applicant or recipient, income available to the 87636
applicant or recipient, or both a resource and income available to 87637
the individual. 87638

(2)(a) A qualifying income trust that meets all of the 87639
following requirements: 87640

(i) The trust is composed only of pension, social security, 87641
and other income to the applicant or recipient, including 87642
accumulated interest in the trust. 87643

(ii) The income is received by the individual and the right 87644
to receive the income is not assigned or transferred to the trust. 87645

(iii) The trust requires that on the death of the applicant 87646

or recipient the state will receive all amounts remaining in the trust up to an amount equal to the total amount of medicaid payments made on behalf of the applicant or recipient.

(b) No resources shall be used to establish or augment the trust.

(c) If an applicant or recipient has irrevocably transferred or assigned the applicant's or recipient's right to receive income to the trust, the trust shall not be considered a qualifying income trust by the county department of job and family services.

(d) Income placed in a qualifying income trust shall not be counted in determining an applicant's or recipient's eligibility for medicaid. The recipient of the funds may place any income directly into a qualifying income trust without those funds adversely affecting the applicant's or recipient's eligibility for medicaid. Income generated by the trust that remains in the trust shall not be considered as income to the applicant or recipient.

(e) All income placed in a qualifying income trust shall be combined with any income available to the individual that is not placed in the trust to arrive at a base income figure to be used for spend down calculations.

(f) The base income figure shall be used for post-eligibility deductions, including personal needs allowance, monthly income allowance, family allowance, and medical expenses not subject to third party payment. Any income remaining shall be used toward payment of patient liability. Payments made from a qualifying income trust shall not be combined with the base income figure for post-eligibility calculations.

(g) The base income figure shall be used when determining the spend down budget for the applicant or recipient. Any income remaining after allowable deductions are permitted as provided under rules adopted under section 5163.02 of the Revised Code

shall be considered the applicant's or recipient's spend down liability. 87678
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(3)(a) A pooled trust that meets all of the following requirements: 87680
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(i) The trust contains the assets of the applicant or recipient of any age who is disabled as defined in rules adopted under section 5163.02 of the Revised Code. 87682
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(ii) The trust is established and managed by a nonprofit organization. 87685
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(iii) A separate account is maintained for each beneficiary of the trust but, for purposes of investment and management of funds, the trust pools the funds in these accounts. 87687
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(iv) Accounts in the trust are established by the applicant or recipient, the applicant's or recipient's parent, grandparent, or legal guardian, or a court solely for the benefit of individuals who are disabled. 87690
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(v) The trust requires that, to the extent that any amounts remaining in the beneficiary's account on the death of the beneficiary are not retained by the trust, the trust pay to the state the amounts remaining in the trust up to an amount equal to the total amount of medicaid payments made on behalf of the beneficiary. 87694
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(b) Cash distributions to the applicant or recipient shall be counted as unearned income. All other distributions from the trust shall be treated as provided in rules adopted under section 5163.02 of the Revised Code governing in-kind income. 87700
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(c) Transfers of assets to a pooled trust shall not be treated as an improper disposition of assets. An asset held prior to the transfer to the trust shall be considered as a resource available to the applicant or recipient, income available to the 87704
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applicant or recipient, or both a resource and income available to 87708
the applicant or recipient. 87709

(4) A supplemental services trust that meets the requirements 87710
of section 5815.28 of the Revised Code and to which all of the 87711
following apply: 87712

(a) A person may establish a supplemental services trust 87713
pursuant to section 5815.28 of the Revised Code only for another 87714
person who is eligible to receive services through one of the 87715
following agencies: 87716

(i) The department of developmental disabilities; 87717

(ii) A county board of developmental disabilities; 87718

(iii) The department of mental health and addiction services; 87719

(iv) A board of alcohol, drug addiction, and mental health 87720
services. 87721

(b) A county department of job and family services shall not 87722
determine eligibility for another agency's program. An applicant 87723
or recipient shall do one of the following: 87724

(i) Provide documentation from one of the agencies listed in 87725
division (F)(4)(a) of this section that establishes that the 87726
applicant or recipient was determined to be eligible for services 87727
from the agency at the time of the creation of the trust; 87728

(ii) Provide an order from a court of competent jurisdiction 87729
that states that the applicant or recipient was eligible for 87730
services from one of the agencies listed in division (F)(4)(a) of 87731
this section at the time of the creation of the trust. 87732

(c) At the time the trust is created, the trust principal 87733
does not exceed the maximum amount permitted. The maximum amount 87734
permitted in calendar year 2006 is two hundred twenty-two thousand 87735
dollars. Each year thereafter, the maximum amount permitted is the 87736
prior year's amount plus two thousand dollars. 87737

(d) A county department of job and family services shall 87738
review the trust to determine whether it complies with the 87739
provisions of section 5815.28 of the Revised Code. 87740

(e) Payments from supplemental services trusts shall be 87741
exempt as long as the payments are for supplemental services as 87742
defined in rules adopted under section 5163.02 of the Revised 87743
Code. All supplemental services shall be purchased by the trustee 87744
and shall not be purchased through direct cash payments to the 87745
beneficiary. 87746

(f) If a trust is represented as a supplemental services 87747
trust and a county department of job and family services 87748
determines that the trust does not meet the requirements provided 87749
in division (F)(4) of this section and section 5815.28 of the 87750
Revised Code, the county department of job and family services 87751
shall not consider it an exempt trust. 87752

(G)(1) A trust or legal instrument or device similar to a 87753
trust shall be considered a trust established by an individual for 87754
the benefit of the applicant or recipient if all of the following 87755
apply: 87756

(a) The trust is created by a person other than the applicant 87757
or recipient. 87758

(b) The trust names the applicant or recipient as a 87759
beneficiary. 87760

(c) The trust is funded with assets or property in which the 87761
applicant or recipient has never held an ownership interest prior 87762
to the establishment of the trust. 87763

(2) Any portion of a trust that meets the requirements of 87764
division (G)(1) of this section shall be a resource available to 87765
the applicant or recipient only if the trust permits the trustee 87766
to expend principal, corpus, or assets of the trust for the 87767
applicant's or recipient's medical care, care, comfort, 87768

maintenance, health, welfare, general well being, or any 87769
combination of these purposes. 87770

(3) A trust that meets the requirements of division (G)(1) of 87771
this section shall be considered a resource available to the 87772
applicant or recipient even if the trust contains any of the 87773
following types of provisions: 87774

(a) A provision that prohibits the trustee from making 87775
payments that would supplant or replace medicaid or other public 87776
assistance; 87777

(b) A provision that prohibits the trustee from making 87778
payments that would impact or have an effect on the applicant's or 87779
recipient's right, ability, or opportunity to receive medicaid or 87780
other public assistance; 87781

(c) A provision that attempts to prevent the trust or its 87782
corpus or principal from being a resource available to the 87783
applicant or recipient. 87784

(4) A trust that meets the requirements of division (G)(1) of 87785
this section shall not be counted as a resource available to the 87786
applicant or recipient if at least one of the following 87787
circumstances applies: 87788

(a) If a trust contains a clear statement requiring the 87789
trustee to preserve a portion of the trust for another beneficiary 87790
or remainderman, that portion of the trust shall not be counted as 87791
a resource available to the applicant or recipient. Terms of a 87792
trust that grant discretion to preserve a portion of the trust 87793
shall not qualify as a clear statement requiring the trustee to 87794
preserve a portion of the trust. 87795

(b) If a trust contains a clear statement requiring the 87796
trustee to use a portion of the trust for a purpose other than 87797
medical care, care, comfort, maintenance, welfare, or general well 87798
being of the applicant or recipient, that portion of the trust 87799

shall not be counted as a resource available to the applicant or 87800
recipient. Terms of a trust that grant discretion to limit the use 87801
of a portion of the trust shall not qualify as a clear statement 87802
requiring the trustee to use a portion of the trust for a 87803
particular purpose. 87804

(c) If a trust contains a clear statement limiting the 87805
trustee to making fixed periodic payments, the trust shall not be 87806
counted as a resource available to the applicant or recipient and 87807
payments shall be treated in accordance with rules adopted under 87808
section 5163.02 of the Revised Code governing income. Terms of a 87809
trust that grant discretion to limit payments shall not qualify as 87810
a clear statement requiring the trustee to make fixed periodic 87811
payments. 87812

(d) If a trust contains a clear statement that requires the 87813
trustee to terminate the trust if it is counted as a resource 87814
available to the applicant or recipient, the trust shall not be 87815
counted as such. Terms of a trust that grant discretion to 87816
terminate the trust do not qualify as a clear statement requiring 87817
the trustee to terminate the trust. 87818

(e) If a person obtains a judgment from a court of competent 87819
jurisdiction that expressly prevents the trustee from using part 87820
or all of the trust for the medical care, care, comfort, 87821
maintenance, welfare, or general well being of the applicant or 87822
recipient, the trust or that portion of the trust subject to the 87823
court order shall not be counted as a resource available to the 87824
applicant or recipient. 87825

(f) If a trust is specifically exempt from being counted as a 87826
resource available to the applicant or recipient by a provision of 87827
the Revised Code, rules, or federal law, the trust shall not be 87828
counted as such. 87829

(g) If an applicant or recipient presents a final judgment 87830

from a court demonstrating that the applicant or recipient was 87831
unsuccessful in a civil action against the trustee to compel 87832
payments from the trust, the trust shall not be counted as a 87833
resource available to the applicant or recipient. 87834

(h) If an applicant or recipient presents a final judgment 87835
from a court demonstrating that in a civil action against the 87836
trustee the applicant or recipient was only able to compel limited 87837
or periodic payments, the trust shall not be counted as a resource 87838
available to the applicant or recipient and payments shall be 87839
treated in accordance with rules adopted under section 5163.02 of 87840
the Revised Code governing income. 87841

(i) If an applicant or recipient provides written 87842
documentation showing that the cost of a civil action brought to 87843
compel payments from the trust would be cost prohibitive, the 87844
trust shall not be counted as a resource available to the 87845
applicant or recipient. 87846

(5) Any actual payments to the applicant or recipient from a 87847
trust that meet the requirements of division (G)(1) of this 87848
section, including trusts that are not counted as a resource 87849
available to the applicant or recipient, shall be treated as 87850
provided in rules adopted under section 5163.02 of the Revised 87851
Code governing income. Payments to any person other than the 87852
applicant or recipient shall not be considered income to the 87853
applicant or recipient. Payments from the trust to a person other 87854
than the applicant or recipient shall not be considered an 87855
improper disposition of assets. 87856

Sec. 5163.30. (A) As used in this section: 87857

(1) "Assets" include all of an individual's income and 87858
resources and those of the individual's spouse, including any 87859
income or resources the individual or spouse is entitled to but 87860
does not receive because of action by any of the following: 87861

(a) The individual or spouse;	87862
(b) A person or government entity, including a court or administrative agency, with legal authority to act in place of or on behalf of the individual or spouse;	87863 87864 87865
(c) A person or government entity, including a court or administrative agency, acting at the direction or on the request of the individual or spouse.	87866 87867 87868
(2) "Home and community-based services" means home and community-based services furnished under a medicaid waiver granted by the United States secretary of health and human services under the "Social Security Act," section 1915(c) or (d), 42 U.S.C. 1396n(c) or (d).	87869 87870 87871 87872 87873
(3) "Institutionalized individual" means a resident of a nursing facility, an inpatient in a medical institution for whom a payment is made based on a level of care provided in a nursing facility, or an individual described in the "Social Security Act," section 1902(a)(10)(A)(ii)(VI), 42 U.S.C. 1396a(a)(10)(A)(ii)(VI).	87874 87875 87876 87877 87878
(4) "Look-back date" means the date that is a number of months specified in rules adopted under section 5163.02 of the Revised Code immediately before either of the following:	87879 87880 87881
(a) The date an individual becomes an institutionalized individual if the individual is eligible for medicaid on that date;	87882 87883 87884
(b) The date an individual applies for medicaid while an institutionalized individual.	87885 87886
(5) "Nursing facility equivalent services" means services that are covered by the medicaid program, equivalent to nursing facility services, provided by an institution that provides the same level of care as a nursing facility, and provided to an inpatient of the institution who is a medicaid recipient eligible	87887 87888 87889 87890 87891

for medicaid-covered nursing facility equivalent services. 87892

(6) "Undue hardship" means being deprived of either of the 87893
following: 87894

(a) Medical care such that an individual's health or life is 87895
endangered; 87896

(b) Food, clothing, shelter, or other necessities of life. 87897

(B) Except as provided in division (C) of this section and 87898
rules adopted under section 5163.02 of the Revised Code, an 87899
institutionalized individual is ineligible for nursing facility 87900
services, nursing facility equivalent services, and home and 87901
community-based services if the individual or individual's spouse 87902
disposes of assets for less than fair market value on or after the 87903
look-back date. The institutionalized individual's ineligibility 87904
shall begin on a date determined in accordance with rules adopted 87905
under section 5163.02 of the Revised Code and shall continue for a 87906
number of months determined in accordance with such rules. 87907

(C)(1) An institutionalized individual may be granted a 87908
waiver of all or a portion of the period of ineligibility to which 87909
the individual would otherwise be subjected under division (B) of 87910
this section if the ineligibility would cause an undue hardship 87911
for the individual. ~~An~~ 87912

(2) An institutionalized individual shall be granted a waiver 87913
of all or a portion of the period of ineligibility if the 87914
administrator of the nursing facility in which the individual 87915
resides has notified the individual of a proposed transfer or 87916
discharge under section 3721.16 of the Revised Code due to failure 87917
to pay for the care the nursing facility has provided to the 87918
individual, the individual or the individual's sponsor requests a 87919
hearing on the proposed transfer or discharge in accordance with 87920
section 3721.161 of the Revised Code, and the transfer or 87921
discharge is upheld by a final determination that is not subject 87922

to further appeal. ~~Waivers~~ 87923

(3) An institutionalized individual may be granted a waiver 87924
of all of the period of ineligibility if all of the assets that 87925
were disposed of for less than fair market value are returned to 87926
the individual or individual's spouse or if the individual or 87927
individual's spouse receives cash or other personal or real 87928
property that equals the difference between what the individual or 87929
individual's spouse received for the assets and the fair market 87930
value of the assets. Except as provided in division (C)(1) or (2) 87931
of this section, no waiver of any part of the period of 87932
ineligibility shall be granted if the amount the individual or 87933
individual's spouse receives is less than the difference between 87934
what the individual or individual's spouse received for the assets 87935
and the fair market value of the assets. 87936

(4) Waivers shall be granted in accordance with rules adopted 87937
under section 5163.02 of the Revised Code. 87938

(D) To secure compliance with this section, the medicaid 87939
director may require an individual, as a condition of initial or 87940
continued eligibility for medicaid, to provide documentation of 87941
the individual's assets up to five years before the date the 87942
individual becomes an institutionalized individual if the 87943
individual is eligible for medicaid on that date or the date the 87944
individual applies for medicaid while an institutionalized 87945
individual. Documentation may include tax returns, records from 87946
financial institutions, and real property records. 87947

Sec. 5163.33. (A) In determining the amount of income that a 87948
medicaid recipient must apply monthly toward payment of the cost 87949
of care in a nursing facility or ICF/IID, a county department of 87950
job and family services shall deduct from the recipient's monthly 87951
income a monthly personal needs allowance in accordance with the 87952
"Social Security Act," section 1902(q), 42 U.S.C. 1396a(q). 87953

(B) In the case of a resident of a nursing facility, the 87954
monthly personal needs allowance shall be ~~as follows:~~ 87955

~~(1) Prior to January 1, 2014, not less than forty dollars for 87956
an individual resident and not less than eighty dollars for a 87957
married couple if both spouses are residents of a nursing facility 87958
and their incomes are considered available to each other in 87959
determining eligibility; 87960~~

~~(2) For calendar year 2014, not less than forty five dollars 87961
for an individual resident and not less than ninety dollars for a 87962
married couple if both spouses are residents of a nursing facility 87963
and their incomes are considered available to each other in 87964
determining eligibility; 87965~~

~~(3) For calendar year 2015 and each calendar year thereafter, 87966
not less than fifty dollars for an individual resident and not 87967
less than one hundred dollars for a married couple if both spouses 87968
are residents of a nursing facility and their incomes are 87969
considered available to each other in determining eligibility. 87970~~

(C) In the case of a resident of an ICF/IID, the monthly 87971
personal needs allowance shall be as follows: 87972

(1) Prior to January 1, 2016, forty dollars unless the 87973
resident has earned income, in which case the monthly personal 87974
needs allowance shall be determined by the department of medicaid, 87975
or the department's designee, but shall not exceed one hundred 87976
five dollars; 87977

(2) For calendar year 2016 and each calendar year thereafter, 87978
not less than fifty dollars for an individual resident and not 87979
less than one hundred dollars for a married couple if both spouses 87980
are residents of an ICF/IID and their incomes are considered 87981
available to each other in determining eligibility. 87982

Sec. 5164.01. As used in this chapter: 87983

(A) <u>"Adjudication"</u> has the same meaning as in section 119.01 of the Revised Code.	87984 87985
<u>(B)</u> "Early and periodic screening, diagnostic, and treatment services" has the same meaning as in the "Social Security Act," section 1905(r), 42 U.S.C. 1396d(r).	87986 87987 87988
(B) <u>(C)</u> "Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code.	87989 87990
(C) <u>(D)</u> "Healthcheck" means the component of the medicaid program that provides early and periodic screening, diagnostic, and treatment services.	87991 87992 87993
(D) <u>(E)</u> "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.	87994 87995 87996
(E) <u>(F)</u> "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	87997 87998
(F) <u>(G)</u> "ICDS participant" means a dual eligible individual who participates in the integrated care delivery system.	87999 88000
(G) <u>(H)</u> "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.	88001 88002
(H) <u>(I)</u> "Integrated care delivery system" and "ICDS" mean the demonstration project authorized by section 5164.91 of the Revised Code.	88003 88004 88005
(I) <u>(J)</u> "Mandatory services" means the health care services and items that must be covered by the medicaid state plan as a condition of the state receiving federal financial participation for the medicaid program.	88006 88007 88008 88009
(J) <u>(K)</u> "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	88010 88011
(K) <u>(L)</u> "Medicaid provider" means a person or government entity with a valid provider agreement to provide medicaid	88012 88013

services to medicaid recipients. To the extent appropriate in the 88014
context, "medicaid provider" includes a person or government 88015
entity applying for a provider agreement, a former medicaid 88016
provider, or both. 88017

~~(L)~~(M) "Medicaid services" means either or both of the 88018
following: 88019

(1) Mandatory services; 88020

(2) Optional services that the medicaid program covers. 88021

~~(M)~~ (N) "Nursing facility" has the same meaning as in section 88022
5165.01 of the Revised Code. 88023

~~(N)~~(O) "Optional services" means the health care services and 88024
items that may be covered by the medicaid state plan or a federal 88025
medicaid waiver and for which the medicaid program receives 88026
federal financial participation. 88027

~~(O)~~(P) "Prescribed drug" has the same meaning as in 42 C.F.R. 88028
440.120. 88029

~~(P)~~(Q) "Provider agreement" means an agreement to which all 88030
of the following apply: 88031

(1) It is between a medicaid provider and the department of 88032
medicaid; 88033

(2) It provides for the medicaid provider to provide medicaid 88034
services to medicaid recipients; 88035

(3) It complies with 42 C.F.R. 431.107(b). 88036

~~(Q)~~(R) "Terminal distributor of dangerous drugs" has the same 88037
meaning as in section 4729.01 of the Revised Code. 88038

Sec. 5164.38. (A) As used in this section: 88039

(1) ~~"Adjudication" has the same meaning as in division (D) of~~ 88040
~~section 119.01 of the Revised Code.~~ 88041

~~(2)~~ "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code. 88042
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~~(3)~~(2) "Revalidate" means to approve a medicaid provider's continued enrollment as a medicaid provider in accordance with the revalidation process established in rules authorized by section 5164.32 of the Revised Code. 88044
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(B) This section does not apply to either of the following: 88048

(1) Any action taken or decision made by the department of medicaid with respect to entering into or refusing to enter into a contract with a managed care organization pursuant to section 5167.10 of the Revised Code; 88049
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(2) Any action taken by the department under division (D)(2) of section 5124.60, division (D)(1) or (2) of section 5124.61, or sections 5165.60 to 5165.89 of the Revised Code. 88053
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(C) Except as provided in division (E) of this section and section 5164.58 of the Revised Code, the department shall do any of the following by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code: 88056
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(1) Refuse to enter into a provider agreement with a medicaid provider; 88060
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(2) Refuse to revalidate a medicaid provider's provider agreement; 88062
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(3) Suspend or terminate a medicaid provider's provider agreement; 88064
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(4) Take any action based upon a final fiscal audit of a medicaid provider. 88066
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(D) Any party who is adversely affected by the issuance of an adjudication order under division (C) of this section may appeal to the court of common pleas of Franklin county in accordance with section 119.12 of the Revised Code. 88068
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(E) The department is not required to comply with division 88072
(C)(1), (2), or (3) of this section whenever any of the following 88073
occur: 88074

(1) The terms of a provider agreement require the medicaid 88075
provider to hold a license, permit, or certificate or maintain a 88076
certification issued by an official, board, commission, 88077
department, division, bureau, or other agency of state or federal 88078
government other than the department of medicaid, and the license, 88079
permit, certificate, or certification has been denied, revoked, 88080
not renewed, suspended, or otherwise limited. 88081

(2) The terms of a provider agreement require the medicaid 88082
provider to hold a license, permit, or certificate or maintain 88083
certification issued by an official, board, commission, 88084
department, division, bureau, or other agency of state or federal 88085
government other than the department of medicaid, and the provider 88086
has not obtained the license, permit, certificate, or 88087
certification. 88088

(3) The medicaid provider's application for a provider 88089
agreement is denied, or the provider's provider agreement is 88090
terminated or not revalidated, because of or pursuant to any of 88091
the following: 88092

(a) The termination, refusal to renew, or denial of a 88093
license, permit, certificate, or certification by an official, 88094
board, commission, department, division, bureau, or other agency 88095
of this state other than the department of medicaid, 88096
notwithstanding the fact that the provider may hold a license, 88097
permit, certificate, or certification from an official, board, 88098
commission, department, division, bureau, or other agency of 88099
another state; 88100

(b) Division (D) or (E) of section 5164.35 of the Revised 88101
Code; 88102

(c) The provider's termination, suspension, or exclusion from the medicare program or from another state's medicaid program and, in either case, the termination, suspension, or exclusion is binding on the provider's participation in the medicaid program in this state;

(d) The provider's pleading guilty to or being convicted of a criminal activity materially related to either the medicare or medicaid program;

(e) The provider or its owner, officer, authorized agent, associate, manager, or employee having been convicted of one of the offenses that caused the provider's provider agreement to be suspended pursuant to section 5164.36 of the Revised Code;

(f) The provider's failure to provide the department the national provider identifier assigned the provider by the national provider system pursuant to 45 C.F.R. 162.408.

(4) The medicaid provider's application for a provider agreement is denied, or the provider's provider agreement is terminated or suspended, as a result of action by the United States department of health and human services and that action is binding on the provider's medicaid participation.

(5) Pursuant to either section 5164.36 or 5164.37 of the Revised Code, the medicaid provider's provider agreement is suspended and payments to the provider are suspended pending indictment of the provider.

(6) The medicaid provider's application for a provider agreement is denied because the provider's application was not complete;

(7) The medicaid provider's provider agreement is converted under section 5164.32 of the Revised Code from a provider agreement that is not time-limited to a provider agreement that is time-limited.

(8) Unless the medicaid provider is a nursing facility or ICF/IID, the provider's provider agreement is not revalidated pursuant to division (B)(1) of section 5164.32 of the Revised Code.

(9) The medicaid provider's provider agreement is suspended, terminated, or not revalidated because of either of the following:

(a) Any reason authorized or required by one or more of the following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 455.450;

(b) The provider has not billed or otherwise submitted a medicaid claim for two years or longer.

(F) In the case of a medicaid provider described in division (E)(3)(f), (6), (7), or (9)(b) of this section, the department may take its action by sending a notice explaining the action to the provider. The notice shall be sent to the medicaid provider's address on record with the department. The notice may be sent by regular mail.

(G) The department may withhold payments for medicaid services rendered by a medicaid provider during the pendency of proceedings initiated under division (C)(1), (2), or (3) of this section. If the proceedings are initiated under division (C)(4) of this section, the department may withhold payments only to the extent that they equal amounts determined in a final fiscal audit as being due the state. This division does not apply if the department fails to comply with section 119.07 of the Revised Code, requests a continuance of the hearing, or does not issue a decision within thirty days after the hearing is completed. This division does not apply to nursing facilities and ICFs/IID.

~~Sec. 5164.57. (A) As used in this section, "adjudication" has the same meaning as in section 119.01 of the Revised Code.~~

~~(B)~~(1) Except as provided in division ~~(B)~~(A)(2) of this 88164
section, the department of medicaid may recover a medicaid payment 88165
or portion of a payment made to a medicaid provider to which the 88166
provider is not entitled if the department notifies the provider 88167
of the overpayment during the five-year period immediately 88168
following the end of the state fiscal year in which the 88169
overpayment was made. 88170

(2) In the case of a hospital medicaid provider, if the 88171
department determines as a result of a medicare or medicaid cost 88172
report settlement that the provider received an amount under the 88173
medicaid program to which the provider is not entitled, the 88174
department may recover the overpayment if the department notifies 88175
the provider of the overpayment during the later of the following: 88176

(a) The five-year period immediately following the end of the 88177
state fiscal year in which the overpayment was made; 88178

(b) The one-year period immediately following the date the 88179
department receives from the United States centers for medicare 88180
and medicaid services a completed, audited, medicare cost report 88181
for the provider that applies to the state fiscal year in which 88182
the overpayment was made. 88183

~~(C)~~(B) Among the overpayments that may be recovered under 88184
this section are the following: 88185

(1) Payment for a medicaid service, or a day of service, not 88186
rendered; 88187

(2) Payment for a day of service at a full per diem rate that 88188
should have been paid at a percentage of the full per diem rate; 88189

(3) Payment for a medicaid service, or day of service, that 88190
was paid by, or partially paid by, a third party, as defined in 88191
section 5160.35 of the Revised Code, and the third party's payment 88192
or partial payment was not offset against the amount paid by the 88193
medicaid program to reduce or eliminate the amount that was paid 88194

by the medicaid program;	88195
(4) Payment when a medicaid recipient's responsibility for payment was understated and resulted in an overpayment to the provider.	88196 88197 88198
(D) (C) The department may recover an overpayment under this section prior to or after any of the following:	88199 88200
(1) Adjudication of a final fiscal audit that section 5164.38 of the Revised Code requires to be conducted in accordance with Chapter 119. of the Revised Code;	88201 88202 88203
(2) Adjudication of a finding under any other provision of state statutes governing the medicaid program or the rules adopted under those statutes;	88204 88205 88206
(3) Expiration of the time to issue a final fiscal audit that section 5164.38 of the Revised Code requires to be conducted in accordance with Chapter 119. of the Revised Code;	88207 88208 88209
(4) Expiration of the time to issue a finding under any other provision of state statutes governing the medicaid program or the rules adopted under those statutes.	88210 88211 88212
(E) (D)(1) Subject to division (E) (D)(2) of this section, the recovery of an overpayment under this section does not preclude the department from subsequently doing the following:	88213 88214 88215
(a) Issuing a final fiscal audit in accordance with Chapter 119. of the Revised Code, as required under section 5164.38 of the Revised Code;	88216 88217 88218
(b) Issuing a finding under any other provision of state statutes governing the medicaid program or the rules adopted under those statutes.	88219 88220 88221
(2) A final fiscal audit or finding issued subsequent to the recovery of an overpayment under this section shall be reduced by the amount of the prior recovery, as appropriate.	88222 88223 88224

~~(F)~~(E) Nothing in this section limits the department's 88225
authority to recover overpayments pursuant to any other provision 88226
of the Revised Code. 88227

Sec. 5164.78. The medicaid payment rate for medical 88228
transportation services shall include a component that pays for 88229
providers' fuel costs. The department of medicaid shall revise the 88230
rate for the fuel component each month. The rate for the fuel 88231
component for a month shall be at least five per cent higher than 88232
the national average for fuel prices for the immediately preceding 88233
month as reported by the United States energy information 88234
administration. 88235

Sec. 5165.15. ~~(A)~~ Except as otherwise provided by sections 88236
5165.151 to 5165.157 and 5165.34 of the Revised Code, the total 88237
per medicaid day payment rate that the department of medicaid 88238
shall pay a nursing facility provider for nursing facility 88239
services the provider's nursing facility provides during a fiscal 88240
year shall ~~equal~~ be determined as follows: 88241

(A) Determine the sum of all of the following: 88242

(1) The per medicaid day payment rate for ancillary and 88243
support costs determined for the nursing facility under section 88244
5165.16 of the Revised Code; 88245

(2) The per medicaid day payment rate for capital costs 88246
determined for the nursing facility under section 5165.17 of the 88247
Revised Code; 88248

(3) The per medicaid day payment rate for direct care costs 88249
determined for the nursing facility under section 5165.19 of the 88250
Revised Code; 88251

(4) The per medicaid day payment rate for tax costs 88252
determined for the nursing facility under section 5165.21 of the 88253
Revised Code; 88254

(5) If the nursing facility qualifies as a critical access nursing facility, the nursing facility's critical access incentive payment paid under section 5165.23 of the Revised Code; 88255
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~~(6) The quality incentive payment paid to the nursing facility under section 5165.25 of the Revised Code~~ Sixteen dollars and forty-four cents. 88258
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~~(B) In addition to paying a nursing facility provider the nursing facility's total rate determined under division (A) of this section for a fiscal year, the department shall pay the provider a quality bonus under section 5165.26 of the Revised Code for that fiscal year if the provider's nursing facility is a qualifying nursing facility, as defined in that section, for that fiscal year. The quality bonus shall not be part of the total rate~~ From the sum determined under division (A) of this section, subtract one dollar and seventy-nine cents. 88261
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(C) To the difference determined under division (B) of this section, add the per medicaid day quality payment rate determined for the nursing facility under section 5165.25 of the Revised Code. 88270
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Sec. 5165.151. (A) The total per medicaid day payment rate determined under section 5165.15 of the Revised Code shall not be the initial rate for nursing facility services provided by a new nursing facility. Instead, the initial total per medicaid day payment rate for nursing facility services provided by a new nursing facility shall be determined in the following manner: 88274
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(1) The initial rate for ancillary and support costs shall be the rate for the new nursing facility's peer group determined under division (D) of section 5165.16 of the Revised Code. 88280
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(2) The initial rate for capital costs shall be the rate for the new nursing facility's peer group determined under division 88283
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(D) of section 5165.17 of the Revised Code; 88285

(3) The initial rate for direct care costs shall be the 88286
product of the cost per case-mix unit determined under division 88287
(D) of section 5165.19 of the Revised Code for the new nursing 88288
facility's peer group and the new nursing facility's case-mix 88289
score determined under division (B) of this section. 88290

(4) The initial rate for tax costs shall be the median rate 88291
for tax costs for the new nursing facility's peer group in which 88292
the nursing facility is placed under division (C) of section 88293
5165.16 of the Revised Code. 88294

(5) The quality ~~incentive~~ payment shall be the mean quality 88295
payment ~~made to~~ rate determined for nursing facilities under 88296
section 5165.25 of the Revised Code. 88297

(6) Fourteen dollars and sixty-five cents shall be added to 88298
the sum of the rates and payment specified in divisions (A)(1) to 88299
(5) of this section. 88300

(B) For the purpose of division (A)(3) of this section, a new 88301
nursing facility's case-mix score shall be the following: 88302

(1) Unless the new nursing facility replaces an existing 88303
nursing facility that participated in the medicaid program 88304
immediately before the new nursing facility begins participating 88305
in the medicaid program, the median annual average case-mix score 88306
for the new nursing facility's peer group; 88307

(2) If the nursing facility replaces an existing nursing 88308
facility that participated in the medicaid program immediately 88309
before the new nursing facility begins participating in the 88310
medicaid program, the semiannual case-mix score most recently 88311
determined under section 5165.192 of the Revised Code for the 88312
replaced nursing facility as adjusted, if necessary, to reflect 88313
any difference in the number of beds in the replaced and new 88314
nursing facilities. 88315

(C) Subject to division (D) of this section, the department shall adjust the rates established under division (A) of this section effective the first day of July, to reflect new rate calculations for all nursing facilities under this chapter.

(D) If a rate for direct care costs is determined under this section for a new nursing facility using the median annual average case-mix score for the new nursing facility's peer group, the rate shall be redetermined to reflect the new nursing facility's actual semiannual average case-mix score determined under section 5165.192 of the Revised Code after the new nursing facility submits its first two quarterly assessment data that qualify for use in calculating a case-mix score in accordance with rules authorized by section 5165.192 of the Revised Code. If the new nursing facility's quarterly submissions do not qualify for use in calculating a case-mix score, the department shall continue to use the median annual average case-mix score for the new nursing facility's peer group in lieu of the new nursing facility's semiannual case-mix score until the new nursing facility submits two consecutive quarterly assessment data that qualify for use in calculating a case-mix score.

Sec. 5165.152. The total per medicaid day payment rate determined under section 5165.15 of the Revised Code shall not be paid for nursing facility services provided to low resource utilization residents. Instead, the total rate for such nursing facility services shall be ~~one~~ the following:

(A) One hundred ~~thirty~~ fifteen dollars per medicaid day if the department of medicaid is satisfied that the nursing facility's provider is cooperating with the long-term care ombudsman program in efforts to help the nursing facility's low resource utilization residents receive the services that are most appropriate for such residents' level of care needs;

(B) Ninety-one dollars and seventy cents per medicaid day if 88347
division (A) of this section does not apply to the nursing 88348
facility. 88349

Sec. 5165.157. (A) The medicaid director ~~may~~ shall establish 88350
an alternative purchasing model for nursing facility services 88351
provided by designated discrete units of nursing facilities to 88352
medicaid recipients with specialized health care needs. ~~If the~~ 88353
~~alternative purchasing model is established, the~~ The director 88354
shall do all of the following with regard to the model: 88355

(1) Establish criteria that a discrete unit of a nursing 88356
facility must meet to be designated as a unit that, under the 88357
alternative purchasing model, may admit and provide nursing 88358
facility services to medicaid recipients with specialized health 88359
care needs; 88360

(2) Specify the health care conditions that medicaid 88361
recipients must have to have specialized health care needs, which 88362
may include dependency on a ventilator, severe traumatic brain 88363
injury, the need to be admitted to a long-term acute care hospital 88364
or rehabilitation hospital if not for nursing facility services, 88365
and other serious health care conditions; 88366

(3) For each fiscal year, set the total per medicaid day 88367
payment rate for nursing facility services provided under the 88368
alternative purchasing model at either of the following: 88369

(a) Sixty per cent of the statewide average of the total per 88370
medicaid day payment rate for long-term acute care hospital 88371
services as of the first day of the fiscal year; 88372

(b) Another amount determined in accordance with an 88373
alternative methodology that includes improved health outcomes as 88374
a factor in determining the payment rate; 88375

(4) Require, to the extent the director considers necessary, 88376

a medicaid recipient to obtain prior authorization for admission 88377
to a long-term acute care hospital or rehabilitation hospital as a 88378
condition of medicaid payment for long-term acute care hospital or 88379
rehabilitation hospital services. 88380

(B) The criteria established under division (A)(1) of this 88381
section shall provide for a discrete unit of a nursing facility to 88382
be excluded from the alternative purchasing model if the unit is 88383
paid for nursing facility services in accordance with section 88384
5165.153, 5165.154, or 5165.156 of the Revised Code. The criteria 88385
may require the provider of a nursing facility that has a discrete 88386
unit designated for participation in the alternative purchasing 88387
model to report health outcome measurement data to the department 88388
of medicaid. 88389

(C) A discrete unit of a nursing facility that provides 88390
nursing facility services to medicaid recipients with specialized 88391
health care needs under the alternative purchasing model shall be 88392
paid for those services in accordance with division (A)(3) of this 88393
section instead of the total per medicaid day payment rate 88394
determined under section 5165.15, 5165.153, 5165.154, or 5165.156 88395
of the Revised Code. 88396

Sec. 5165.16. (A) As used in this section: 88397

(1) "Applicable calendar year" means the following: 88398

(a) For the purpose of the department of medicaid's initial 88399
determination under division (D) of this section of each peer 88400
group's rate for ancillary and support costs, calendar year 2003; 88401

(b) For the purpose of the department's rebasings, the 88402
calendar year the department selects. 88403

(2) "Rebasing" means a redetermination under division (D) of 88404
this section of each peer group's rate for ancillary and support 88405
costs using information from cost reports for an applicable 88406

calendar year that is later than the applicable calendar year used 88407
for the previous determination of such rates. 88408

(B) The department of medicaid shall determine each nursing 88409
facility's per medicaid day payment rate for ancillary and support 88410
costs. A nursing facility's rate shall be the rate determined 88411
under division (D) of this section for the nursing facility's peer 88412
group. However, for the period beginning October 1, 2013, and 88413
ending on the first day of the first rebasing, the rate for a 88414
nursing facility located in Mahoning or Stark county shall be the 88415
rate determined for the following: 88416

(1) If the nursing facility has fewer than one hundred beds, 88417
the nursing facilities in peer group three; 88418

(2) If the nursing facility has one hundred or more beds, the 88419
nursing facilities in peer group four. 88420

(C) For the purpose of determining nursing facilities' rates 88421
for ancillary and support costs, the department shall establish 88422
six peer groups. 88423

(1) Until the first rebasing occurs, the peer groups shall be 88424
composed as follows: 88425

(a) Each nursing facility located in any of the following 88426
counties shall be placed in peer group one or two: Brown, Butler, 88427
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 88428
located in any of those counties that has fewer than one hundred 88429
beds shall be placed in peer group one. Each nursing facility 88430
located in any of those counties that has one hundred or more beds 88431
shall be placed in peer group two. 88432

(b) Each nursing facility located in any of the following 88433
counties shall be placed in peer group three or four: Ashtabula, 88434
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 88435
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 88436
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 88437

Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 88438
Union, and Wood. Each nursing facility located in any of those 88439
counties that has fewer than one hundred beds shall be placed in 88440
peer group three. Each nursing facility located in any of those 88441
counties that has one hundred or more beds shall be placed in peer 88442
group four. 88443

(c) Each nursing facility located in any of the following 88444
counties shall be placed in peer group five or six: Adams, Allen, 88445
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 88446
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 88447
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 88448
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 88449
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 88450
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 88451
Washington, Wayne, Williams, and Wyandot. Each nursing facility 88452
located in any of those counties that has fewer than one hundred 88453
beds shall be placed in peer group five. Each nursing facility 88454
located in any of those counties that has one hundred or more beds 88455
shall be placed in peer group six. 88456

(2) Beginning with the first rebasing, the peer groups shall 88457
be composed as they are under division (C)(1) of this section 88458
except as follows: 88459

(a) Each nursing facility that has fewer than one hundred 88460
beds and is located in Allen, Mahoning ~~or~~, Stark, or Trumbull 88461
county shall be placed in peer group three rather than peer group 88462
five. 88463

(b) Each nursing facility that has one hundred or more beds 88464
and is located in Allen, Mahoning ~~or~~, Stark, or Trumbull county 88465
shall be placed in peer group four rather than peer group six. 88466

(D)(1) The department shall determine the rate for ancillary 88467
and support costs for each peer group established under division 88468

(C) of this section. The department is not required to conduct a rebasing more than once every ten years. Except as necessary to implement the amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 303, both of the 129th general assembly, the rate for ancillary and support costs determined under this division for a peer group shall be used for subsequent years until the department conducts a rebasing. To determine a peer group's rate for ancillary and support costs, the department shall do all of the following:

(a) Subject to division (D)(2) of this section, determine the rate for ancillary and support costs for each nursing facility in the peer group for the applicable calendar year by using the greater of the nursing facility's actual inpatient days for the applicable calendar year or the inpatient days the nursing facility would have had for the applicable calendar year if its occupancy rate had been ninety per cent;

(b) Subject to division (D)(3) of this section, identify which nursing facility in the peer group is at the twenty-fifth percentile of the rate for ancillary and support costs for the applicable calendar year determined under division (D)(1)(a) of this section;

(c) Multiply the rate for ancillary and support costs determined under division (D)(1)(a) of this section for the nursing facility identified under division (D)(1)(b) of this section by the rate of inflation for the eighteen-month period beginning on the first day of July of the applicable calendar year and ending the last day of December of the calendar year immediately following the applicable calendar year using the following:

(i) Until the first rebasing occurs, the consumer price index for all items for all urban consumers for the north central region, published by the United States bureau of labor statistics,

as that index existed on July 1, 2005; 88501

(ii) Effective with the first rebasing and except as provided 88502
in division (D)(1)(c)(iii) of this section, the consumer price 88503
index for all items for all urban consumers for the midwest 88504
region, published by the United States bureau of labor statistics; 88505

(iii) If the United States bureau of labor statistics ceases 88506
to publish the index specified in division (D)(1)(c)(ii) of this 88507
section, the index the bureau subsequently publishes that covers 88508
urban consumers' prices for items for the region that includes 88509
this state. 88510

(d) Until the first rebasing occurs, increase the amount 88511
calculated under division (D)(1)(c) of this section by five and 88512
eight hundredths per cent. 88513

(2) For the purpose of determining a nursing facility's 88514
occupancy rate under division (D)(1)(a) of this section, the 88515
department shall include any beds that the nursing facility 88516
removes from its medicaid-certified capacity unless the nursing 88517
facility also removes the beds from its licensed bed capacity. 88518

(3) In making the identification under division (D)(1)(b) of 88519
this section, the department shall exclude both of the following: 88520

(a) Nursing facilities that participated in the medicaid 88521
program under the same provider for less than twelve months in the 88522
applicable calendar year; 88523

(b) Nursing facilities whose ancillary and support costs are 88524
more than one standard deviation from the mean desk-reviewed, 88525
actual, allowable, per diem ancillary and support cost for all 88526
nursing facilities in the nursing facility's peer group for the 88527
applicable calendar year. 88528

(4) The department shall not redetermine a peer group's rate 88529
for ancillary and support costs under this division based on 88530

additional information that it receives after the rate is 88531
determined. The department shall redetermine a peer group's rate 88532
for ancillary and support costs only if the department made an 88533
error in determining the rate based on information available to 88534
the department at the time of the original determination. 88535

Sec. 5165.17. (A) As used in this section: 88536

(1) "Applicable calendar year" means the following: 88537

(a) For the purpose of the department of medicaid's initial 88538
determination under division (D) of this section of each peer 88539
group's rate for capital costs, calendar year 2003; 88540

(b) For the purpose of the department's rebasings, the 88541
calendar year the department selects. 88542

(2) "Rebasing" means a redetermination under division (D) of 88543
this section of each peer group's rate for capital costs using 88544
information from cost reports for an applicable calendar year that 88545
is later than the applicable calendar year used for the previous 88546
determination of such rates. 88547

(B) The department of medicaid shall determine each nursing 88548
facility's per medicaid day payment rate for capital costs. A 88549
nursing facility's rate shall be the rate determined under 88550
division (D) of this section. However, for the period beginning 88551
October 1, 2013, and ending on the first day of the first 88552
rebasings, the rate for a nursing facility located in Mahoning or 88553
Stark county shall be the rate determined for the following: 88554

(1) If the nursing facility has fewer than one hundred beds, 88555
the nursing facilities in peer group three; 88556

(2) If the nursing facility has one hundred or more beds, the 88557
nursing facilities in peer group four. 88558

(C) For the purpose of determining nursing facilities' rates 88559
for capital costs, the department shall establish six peer groups. 88560

(1) Until the first rebasing occurs, the peer groups shall be 88561
composed as follows: 88562

(a) Each nursing facility located in any of the following 88563
counties shall be placed in peer group one or two: Brown, Butler, 88564
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 88565
located in any of those counties that has fewer than one hundred 88566
beds shall be placed in peer group one. Each nursing facility 88567
located in any of those counties that has one hundred or more beds 88568
shall be placed in peer group two. 88569

(b) Each nursing facility located in any of the following 88570
counties shall be placed in peer group three or four: Ashtabula, 88571
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 88572
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 88573
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 88574
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 88575
Union, and Wood. Each nursing facility located in any of those 88576
counties that has fewer than one hundred beds shall be placed in 88577
peer group three. Each nursing facility located in any of those 88578
counties that has one hundred or more beds shall be placed in peer 88579
group four. 88580

(c) Each nursing facility located in any of the following 88581
counties shall be placed in peer group five or six: Adams, Allen, 88582
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 88583
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 88584
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 88585
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 88586
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 88587
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 88588
Washington, Wayne, Williams, and Wyandot. Each nursing facility 88589
located in any of those counties that has fewer than one hundred 88590
beds shall be placed in peer group five. Each nursing facility 88591
located in any of those counties that has one hundred or more beds 88592

shall be placed in peer group six. 88593

(2) Beginning with the first rebasing, the peer groups shall 88594
be composed as they are under division (C)(1) of this section 88595
except as follows: 88596

(a) Each nursing facility that has fewer than one hundred 88597
beds and is located in Allen, Mahoning ~~or~~, Stark, or Trumbull 88598
county shall be placed in peer group three rather than peer group 88599
five. 88600

(b) Each nursing facility that has one hundred or more beds 88601
and is located in Allen, Mahoning ~~or~~, Stark, or Trumbull county 88602
shall be placed in peer group four rather than peer group six. 88603

(D)(1) The department shall determine the rate for capital 88604
costs for each peer group established under division (C) of this 88605
section. The department is not required to conduct a rebasing more 88606
than once every ten years. Except as necessary to implement the 88607
amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 88608
303, both of the 129th general assembly, the rate for capital 88609
costs determined under this division for a peer group shall be 88610
used for subsequent years until the department conducts a 88611
rebasing. To determine a peer group's rate for capital costs, the 88612
department shall do both of the following: 88613

(a) Determine the rate for capital costs for the nursing 88614
facility in the peer group that is at the twenty-fifth percentile 88615
of the rate for capital costs for the applicable calendar year; 88616

(b) Until the first rebasing occurs, increase the amount 88617
calculated under division (D)(1)(a) of this section by five and 88618
eight hundredths per cent. 88619

(2) To identify the nursing facility in a peer group that is 88620
at the twenty-fifth percentile of the rate for capital costs for 88621
the applicable calendar year, the department shall do both of the 88622
following: 88623

(a) Subject to division (D)(3) of this section, use the greater of each nursing facility's actual inpatient days for the applicable calendar year or the inpatient days the nursing facility would have had for the applicable calendar year if its occupancy rate had been one hundred per cent;

(b) Exclude both of the following:

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

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

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

(4) The department shall not redetermine a peer group's rate for capital costs under this division based on additional information that it receives after the rate is determined. The department shall redetermine a peer group's rate for capital costs only if the department made an error in determining the rate based on information available to the department at the time of the original determination.

(E) Buildings shall be depreciated using the straight line method over forty years or over a different period approved by the department. Components and equipment shall be depreciated using the straight-line method over a period designated in rules adopted under section 5165.02 of the Revised Code, consistent with the

guidelines of the American hospital association, or over a 88655
different period approved by the department. Any rules authorized 88656
by this division that specify useful lives of buildings, 88657
components, or equipment apply only to assets acquired on or after 88658
July 1, 1993. Depreciation for costs paid or reimbursed by any 88659
government agency shall not be included in capital costs unless 88660
that part of the payment under this chapter is used to reimburse 88661
the government agency. 88662

(F) The capital cost basis of nursing facility assets shall 88663
be determined in the following manner: 88664

(1) Except as provided in division (F)(3) of this section, 88665
for purposes of calculating the rates to be paid for facilities 88666
with dates of licensure on or before June 30, 1993, the capital 88667
cost basis of each asset shall be equal to the desk-reviewed, 88668
actual, allowable, capital cost basis that is listed on the 88669
facility's cost report for the calendar year preceding the fiscal 88670
year during which the rate will be paid. 88671

(2) For facilities with dates of licensure after June 30, 88672
1993, the capital cost basis shall be determined in accordance 88673
with the principles of the medicare program, except as otherwise 88674
provided in this chapter. 88675

(3) Except as provided in division (F)(4) of this section, if 88676
a provider transfers an interest in a facility to another provider 88677
after June 30, 1993, there shall be no increase in the capital 88678
cost basis of the asset if the providers are related parties or 88679
the provider to which the interest is transferred authorizes the 88680
provider that transferred the interest to continue to operate the 88681
facility under a lease, management agreement, or other 88682
arrangement. If the previous sentence does not prohibit the 88683
adjustment of the capital cost basis under this division, the 88684
basis of the asset shall be adjusted by one-half of the change in 88685
the consumer price index for all items for all urban consumers, as 88686

published by the United States bureau of labor statistics, during 88687
the time that the transferor held the asset. 88688

(4) If a provider transfers an interest in a facility to 88689
another provider who is a related party, the capital cost basis of 88690
the asset shall be adjusted as specified in division (F)(3) of 88691
this section if all of the following conditions are met: 88692

(a) The related party is a relative of owner; 88693

(b) Except as provided in division (F)(4)(c)(ii) of this 88694
section, the provider making the transfer retains no ownership 88695
interest in the facility; 88696

(c) The department determines that the transfer is an arm's 88697
length transaction pursuant to rules adopted under section 5165.02 88698
of the Revised Code. The rules shall provide that a transfer is an 88699
arm's length transaction if all of the following apply: 88700

(i) Once the transfer goes into effect, the provider that 88701
made the transfer has no direct or indirect interest in the 88702
provider that acquires the facility or the facility itself, 88703
including interest as an owner, officer, director, employee, 88704
independent contractor, or consultant, but excluding interest as a 88705
creditor. 88706

(ii) The provider that made the transfer does not reacquire 88707
an interest in the facility except through the exercise of a 88708
creditor's rights in the event of a default. If the provider 88709
reacquires an interest in the facility in this manner, the 88710
department shall treat the facility as if the transfer never 88711
occurred when the department calculates its reimbursement rates 88712
for capital costs. 88713

(iii) The transfer satisfies any other criteria specified in 88714
the rules. 88715

(d) Except in the case of hardship caused by a catastrophic 88716

event, as determined by the department, or in the case of a 88717
provider making the transfer who is at least sixty-five years of 88718
age, not less than twenty years have elapsed since, for the same 88719
facility, the capital cost basis was adjusted most recently under 88720
division (F)(4) of this section or actual, allowable capital costs 88721
was determined most recently under division (G)(9) of this 88722
section. 88723

(G) As used in this division: 88724

"Imputed interest" means the lesser of the prime rate plus 88725
two per cent or ten per cent. 88726

"Lease expense" means lease payments in the case of an 88727
operating lease and depreciation expense and interest expense in 88728
the case of a capital lease. 88729

"New lease" means a lease, to a different lessee, of a 88730
nursing facility that previously was operated under a lease. 88731

(1) Subject to division (B) of this section, for a lease of a 88732
facility that was effective on May 27, 1992, the entire lease 88733
expense is an actual, allowable capital cost during the term of 88734
the existing lease. The entire lease expense also is an actual, 88735
allowable capital cost if a lease in existence on May 27, 1992, is 88736
renewed under either of the following circumstances: 88737

(a) The renewal is pursuant to a renewal option that was in 88738
existence on May 27, 1992; 88739

(b) The renewal is for the same lease payment amount and 88740
between the same parties as the lease in existence on May 27, 88741
1992. 88742

(2) Subject to division (B) of this section, for a lease of a 88743
facility that was in existence but not operated under a lease on 88744
May 27, 1992, actual, allowable capital costs shall include the 88745
lesser of the annual lease expense or the annual depreciation 88746

expense and imputed interest expense that would be calculated at 88747
the inception of the lease using the lessor's entire historical 88748
capital asset cost basis, adjusted by one-half of the change in 88749
the consumer price index for all items for all urban consumers, as 88750
published by the United States bureau of labor statistics, during 88751
the time the lessor held each asset until the beginning of the 88752
lease. 88753

(3) Subject to division (B) of this section, for a lease of a 88754
facility with a date of licensure on or after May 27, 1992, that 88755
is initially operated under a lease, actual, allowable capital 88756
costs shall include the annual lease expense if there was a 88757
substantial commitment of money for construction of the facility 88758
after December 22, 1992, and before July 1, 1993. If there was not 88759
a substantial commitment of money after December 22, 1992, and 88760
before July 1, 1993, actual, allowable capital costs shall include 88761
the lesser of the annual lease expense or the sum of the 88762
following: 88763

(a) The annual depreciation expense that would be calculated 88764
at the inception of the lease using the lessor's entire historical 88765
capital asset cost basis; 88766

(b) The greater of the lessor's actual annual amortization of 88767
financing costs and interest expense at the inception of the lease 88768
or the imputed interest expense calculated at the inception of the 88769
lease using seventy per cent of the lessor's historical capital 88770
asset cost basis. 88771

(4) Subject to division (B) of this section, for a lease of a 88772
facility with a date of licensure on or after May 27, 1992, that 88773
was not initially operated under a lease and has been in existence 88774
for ten years, actual, allowable capital costs shall include the 88775
lesser of the annual lease expense or the annual depreciation 88776
expense and imputed interest expense that would be calculated at 88777
the inception of the lease using the entire historical capital 88778

asset cost basis of one-half of the change in the consumer price 88779
index for all items for all urban consumers, as published by the 88780
United States bureau of labor statistics, during the time the 88781
lessor held each asset until the beginning of the lease. 88782

(5) Subject to division (B) of this section, for a new lease 88783
of a facility that was operated under a lease on May 27, 1992, 88784
actual, allowable capital costs shall include the lesser of the 88785
annual new lease expense or the annual old lease payment. If the 88786
old lease was in effect for ten years or longer, the old lease 88787
payment from the beginning of the old lease shall be adjusted by 88788
one-half of the change in the consumer price index for all items 88789
for all urban consumers, as published by the United States bureau 88790
of labor statistics, from the beginning of the old lease to the 88791
beginning of the new lease. 88792

(6) Subject to division (B) of this section, for a new lease 88793
of a facility that was not in existence or that was in existence 88794
but not operated under a lease on May 27, 1992, actual, allowable 88795
capital costs shall include the lesser of annual new lease expense 88796
or the annual amount calculated for the old lease under division 88797
(G)(2), (3), (4), or (6) of this section, as applicable. If the 88798
old lease was in effect for ten years or longer, the lessor's 88799
historical capital asset cost basis shall be, for purposes of 88800
calculating the annual amount under division (G)(2), (3), (4), or 88801
(6) of this section, adjusted by one-half of the change in the 88802
consumer price index for all items for all urban consumers, as 88803
published by the United States bureau of labor statistics, from 88804
the beginning of the old lease to the beginning of the new lease. 88805

In the case of a lease under division (G)(3) of this section 88806
of a facility for which a substantial commitment of money was made 88807
after December 22, 1992, and before July 1, 1993, the old lease 88808
payment shall be adjusted for the purpose of determining the 88809
annual amount. 88810

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

(8) Except as provided in division (G)(9) of this section, if a provider leases an interest in a facility to another provider who is a related party or previously operated the facility, the related party's or previous operator's actual, allowable capital costs shall include the lesser of the annual lease expense or the reasonable cost to the lessor.

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

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

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

(c) The department determines that the lease is an arm's length transaction pursuant to rules adopted under section 5165.02 of the Revised Code. The rules shall provide that a lease is an arm's length transaction if all of the following apply:

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

(ii) The lessor does not reacquire an interest in the 88842
facility except through the exercise of a lessor's rights in the 88843
event of a default. If the lessor reacquires an interest in the 88844
facility in this manner, the department shall treat the facility 88845
as if the lease never occurred when the department calculates its 88846
reimbursement rates for capital costs. 88847

(iii) The lease satisfies any other criteria specified in the 88848
rules. 88849

(d) Except in the case of hardship caused by a catastrophic 88850
event, as determined by the department, or in the case of a lessor 88851
who is at least sixty-five years of age, not less than twenty 88852
years have elapsed since, for the same facility, the capital cost 88853
basis was adjusted most recently under division (F)(4) of this 88854
section or actual, allowable capital costs were determined most 88855
recently under division (G)(9) of this section. 88856

(10) This division does not apply to leases of specific items 88857
of equipment. 88858

Sec. 5165.19. (A) As used in this section: 88859

(1) "Applicable calendar year" means the following: 88860

(a) For the purpose of the department of medicaid's initial 88861
determination under division (D) of this section of each peer 88862
group's cost per case-mix unit, calendar year 2003; 88863

(b) For the purpose of the department's rebasings, the 88864
calendar year the department selects. 88865

(2) "Rebasing" means a redetermination under division (D) of 88866
this section of each peer group's cost per case-mix unit using 88867
information from cost reports for an applicable calendar year that 88868
is later than the applicable calendar year used for the previous 88869
determination of such costs. 88870

(B) Semiannually, the department of medicaid shall determine 88871

each nursing facility's per medicaid day payment rate for direct 88872
care costs by multiplying the facility's semiannual case-mix score 88873
determined under section 5165.192 of the Revised Code by the cost 88874
per case-mix unit determined under division (D) of this section 88875
for the facility's peer group. However, for the period beginning 88876
October 1, 2013, and ending on the first day of the first 88877
rebasings, the rate for a nursing facility located in Mahoning or 88878
Stark county shall be determined semiannually by multiplying the 88879
facility's semiannual case-mix score determined under section 88880
5165.192 of the Revised Code by the cost per case-mix unit 88881
determined under division (D) of this section for the nursing 88882
facilities in peer group two. 88883

(C) For the purpose of determining nursing facilities' rates 88884
for direct care costs, the department shall establish three peer 88885
groups. 88886

(1) Until the first rebasing occurs, the peer groups shall be 88887
composed as follows: 88888

(a) Each nursing facility located in any of the following 88889
counties shall be placed in peer group one: Brown, Butler, 88890
Clermont, Clinton, Hamilton, and Warren. 88891

(b) Each nursing facility located in any of the following 88892
counties shall be placed in peer group two: Ashtabula, Champaign, 88893
Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, 88894
Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, 88895
Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, 88896
Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, Union, 88897
and Wood. 88898

(c) Each nursing facility located in any of the following 88899
counties shall be placed in peer group three: Adams, Allen, 88900
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 88901
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 88902

Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 88903
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 88904
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 88905
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 88906
Washington, Wayne, Williams, and Wyandot. 88907

(2) Beginning with the first rebasing, the peer groups shall 88908
be composed as they are under division (C)(1) of this section 88909
except that each nursing facility located in Allen, Mahoning or, 88910
Stark, or Trumbull county shall be placed in peer group two rather 88911
than peer group three. 88912

(D)(1) The department shall determine a cost per case-mix 88913
unit for each peer group established under division (C) of this 88914
section. The department is not required to conduct a rebasing more 88915
than once every ten years. Except as necessary to implement the 88916
amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 88917
303, both of the 129th general assembly, and H.B. 59 of the 130th 88918
general assembly, the cost per case-mix unit determined under this 88919
division for a peer group shall be used for subsequent years until 88920
the department conducts a rebasing. To determine a peer group's 88921
cost per case-mix unit, the department shall do all of the 88922
following: 88923

(a) Determine the cost per case-mix unit for each nursing 88924
facility in the peer group for the applicable calendar year by 88925
dividing each facility's desk-reviewed, actual, allowable, per 88926
diem direct care costs for the applicable calendar year by the 88927
facility's annual average case-mix score determined under section 88928
5165.192 of the Revised Code for the applicable calendar year; 88929

(b) Subject to division (D)(2) of this section, identify 88930
which nursing facility in the peer group is at the twenty-fifth 88931
percentile of the cost per case-mix units determined under 88932
division (D)(1)(a) of this section; 88933

(c) Calculate the amount that is two per cent above the cost per case-mix unit determined under division (D)(1)(a) of this section for the nursing facility identified under division (D)(1)(b) of this section; 88934
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(d) Using the index specified in division (D)(3) of this section, multiply the rate of inflation for the eighteen-month period beginning on the first day of July of the applicable calendar year and ending the last day of December of the calendar year immediately following the applicable calendar year by the amount calculated under division (D)(1)(c) of this section; 88938
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(e) Add the following to the amount calculated under division (D)(1)(d) of this section: 88944
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(i) Until the earlier of January 1, 2014, or when the first rebasing occurs, one dollar and eighty-eight cents; 88946
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(ii) Unless the first rebasing occurs before January 1, 2014, beginning January 1, 2014, and until the first rebasing occurs, eighty-six cents. 88948
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(f) Until the first rebasing occurs, increase the amount calculated under division (D)(1)(e) of this section by five and eight hundredths per cent. 88951
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(2) In making the identification under division (D)(1)(b) of this section, the department shall exclude both of the following: 88954
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(a) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year; 88956
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(b) Nursing facilities whose cost per case-mix unit is more than one standard deviation from the mean cost per case-mix unit for all nursing facilities in the nursing facility's peer group for the applicable calendar year. 88959
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(3) The following index shall be used for the purpose of the 88963

calculation made under division (D)(1)(d) of this section: 88964

(a) Until the first rebasing occurs, the employment cost 88965
index for total compensation, health services component, published 88966
by the United States bureau of labor statistics, as the index 88967
existed on July 1, 2005; 88968

(b) Effective with the first rebasing and except as provided 88969
in division (D)(3)(c) of this section, the employment cost index 88970
for total compensation, nursing and residential care facilities 88971
occupational group, published by the United States bureau of labor 88972
statistics; 88973

(c) If the United States bureau of labor statistics ceases to 88974
publish the index specified in division (D)(3)(b) of this section, 88975
the index the bureau subsequently publishes that covers nursing 88976
facilities' staff costs. 88977

(4) The department shall not redetermine a peer group's cost 88978
per case-mix unit under this division based on additional 88979
information that it receives after the peer group's per case-mix 88980
unit is determined. The department shall redetermine a peer 88981
group's cost per case-mix unit only if it made an error in 88982
determining the peer group's cost per case-mix unit based on 88983
information available to the department at the time of the 88984
original determination. 88985

Sec. 5165.192. (A)(1) Except as provided in division (B) of 88986
this section and in accordance with the process specified in rules 88987
authorized by this section, the department of medicaid shall do 88988
all of the following: 88989

(a) Every quarter, determine the following two case-mix 88990
scores for each nursing facility: 88991

(i) A quarterly case-mix score that includes each resident 88992
who is a medicaid recipient and is not a low resource utilization 88993

resident; 88994

(ii) A quarterly case-mix score that includes each resident 88995
regardless of payment source. 88996

(b) Every six months, determine a semiannual average case-mix 88997
score for each nursing facility by using the quarterly case-mix 88998
scores determined for the nursing facility pursuant to division 88999
(A)(1)(a)(i) of this section; 89000

(c) After the end of each calendar year, determine an annual 89001
average case-mix score for each nursing facility by using the 89002
quarterly case-mix scores determined for the nursing facility 89003
pursuant to division (A)(1)(a)(ii) of this section. 89004

(2) When determining case-mix scores under division (A)(1) of 89005
this section, the department shall use all of the following: 89006

(a) Data from a resident assessment instrument specified in 89007
rules authorized by section 5165.191 of the Revised Code; 89008

(b) Except as provided in rules authorized by this section, 89009
the case-mix values established by the United States department of 89010
health and human services; 89011

(c) Except as modified in rules authorized by this section, 89012
the grouper methodology ~~used on June 30, 1999,~~ designated by the 89013
United States department of health and human services ~~for~~ 89014
~~prospective payment of skilled nursing facilities under the~~ 89015
~~medicare program as the resource utilization group (RUG)-IV, 48~~ 89016
group model. 89017

(B)(1) Subject to division (B)(2) of this section, the 89018
department, for one or more months of a calendar quarter, may 89019
assign to a nursing facility a case-mix score that is five per 89020
cent less than the nursing facility's case-mix score for the 89021
immediately preceding calendar quarter if any of the following 89022
apply: 89023

(a) The provider does not timely submit complete and accurate resident assessment data necessary to determine the nursing facility's case-mix score for the calendar quarter;

(b) The nursing facility was subject to an exception review under section 5165.193 of the Revised Code for the immediately preceding calendar quarter;

(c) The nursing facility was assigned a case-mix score for the immediately preceding calendar quarter.

(2) Before assigning a case-mix score to a nursing facility due to the submission of incorrect resident assessment data, the department shall permit the provider to correct the data. The department may assign the case-mix score if the provider fails to submit the corrected resident assessment data not later than the earlier of the forty-fifth day after the end of the calendar quarter to which the data pertains or the deadline for submission of such corrections established by regulations adopted by the United States department of health and human services under Title XVIII and Title XIX.

(3) If, for more than six months in a calendar year, a provider is paid a rate determined for a nursing facility using a case-mix score assigned to the nursing facility under division (B)(1) of this section, the department may assign the nursing facility a cost per case-mix unit that is five per cent less than the nursing facility's actual or assigned cost per case-mix unit for the immediately preceding calendar year. The department may use the assigned cost per case-mix unit, instead of determining the nursing facility's actual cost per case-mix unit in accordance with section 5165.19 of the Revised Code, to establish the nursing facility's rate for direct care costs for the fiscal year immediately following the calendar year for which the cost per case-mix unit is assigned.

(4) The department shall take action under division (B)(1), 89055
(2), or (3) of this section only in accordance with rules 89056
authorized by this section. The department shall not take an 89057
action that affects rates for prior payment periods except in 89058
accordance with sections 5165.41 and 5165.42 of the Revised Code. 89059

(C) The medicaid director shall adopt rules under section 89060
5165.02 of the Revised Code as necessary to implement this 89061
section. 89062

(1) The rules shall do all of the following: 89063

(a) Specify the process for determining the semiannual and 89064
annual average case-mix scores for nursing facilities; 89065

(b) Adjust the case-mix values specified in division 89066
(A)(2)(b) of this section to reflect changes in relative wage 89067
differentials that are specific to this state; 89068

(c) Express all of those case-mix values in numeric terms 89069
that are different from the terms specified by the United States 89070
department of health and human services but that do not alter the 89071
relationship of the case-mix values to one another; 89072

(d) Modify the grouper methodology specified in division 89073
(A)(2)(c) of this section as follows: 89074

(i) Establish a different hierarchy for assigning residents 89075
to case-mix categories under the methodology; 89076

(ii) Prohibit the use of the index maximizer element of the 89077
methodology; 89078

(iii) Incorporate changes to the methodology the United 89079
States department of health and human services makes after June 89080
30, 1999; 89081

(iv) Make other changes the department determines are 89082
necessary. 89083

(e) Establish procedures under which resident assessment data 89084

shall be reviewed for accuracy and providers shall be notified of 89085
any data that requires correction; 89086

(f) Establish procedures for providers to correct resident 89087
assessment data and specify a reasonable period of time by which 89088
providers shall submit the corrections. The procedures may limit 89089
the content of corrections in the manner required by regulations 89090
adopted by the United States department of health and human 89091
services under Title XVIII and Title XIX. 89092

(g) Specify when and how the department will assign case-mix 89093
scores or costs per case-mix unit to a nursing facility under 89094
division (B) of this section if information necessary to calculate 89095
the nursing facility's case-mix score is not provided or corrected 89096
in accordance with the procedures established by the rules. 89097

(2) Notwithstanding any other provision of this chapter, the 89098
rules may provide for the exclusion of case-mix scores assigned to 89099
a nursing facility under division (B) of this section from the 89100
determination of the nursing facility's semiannual or annual 89101
average case-mix score and the cost per case-mix unit for the 89102
nursing facility's peer group. 89103

Sec. 5165.23. (A) Each fiscal year, the department of 89104
medicaid shall determine the critical access incentive payment for 89105
each nursing facility that qualifies as a critical access nursing 89106
facility. To qualify as a critical access nursing facility for a 89107
fiscal year, a nursing facility must meet all of the following 89108
requirements: 89109

(1) The nursing facility must be located in an area that, on 89110
December 31, 2011, was designated an empowerment zone under the 89111
"Internal Revenue Code of 1986," section 1391, 26 U.S.C. 1391. 89112

(2) The nursing facility must have an occupancy rate of at 89113
least eighty-five per cent as of the last day of the calendar year 89114

immediately preceding the fiscal year. 89115

(3) The nursing facility must have a medicaid utilization 89116
rate of at least sixty-five per cent as of the last day of the 89117
calendar year immediately preceding the fiscal year. 89118

~~(4) The nursing facility must have been awarded at least five 89119
points for meeting accountability measures under section 5165.25 89120
of the Revised Code for the fiscal year and at least one of the 89121
five points must have been awarded for meeting the accountability 89122
measures identified in divisions (C)(9), (10), (11), (12), and 89123
(14) of section 5165.25 of the Revised Code. 89124~~

(B) A critical access nursing facility's critical access 89125
incentive payment for a fiscal year shall equal five per cent of 89126
the portion of the nursing facility's total per medicaid day 89127
payment rate for the fiscal year that is the sum of the rates ~~and~~ 89128
~~payment~~ identified in divisions (A)(1) to (4) ~~and (6)~~ of section 89129
5165.15 of the Revised Code. 89130

Sec. 5165.25. (A) As used in this section: 89131

(1) "Long-stay resident" means an individual who has resided 89132
in a nursing facility for at least one hundred one days. 89133

(2) "Measurement period" means the following: 89134

(a) For fiscal year 2017, the period beginning July 1, 2015, 89135
and ending December 31, 2015; 89136

(b) For each subsequent fiscal year, the calendar year 89137
immediately preceding the fiscal year. 89138

(3) "Nurse aide" has the same meaning as in section 3721.21 89139
of the Revised Code. 89140

(4) "Short-stay resident" means a nursing facility resident 89141
who is not a long-stay resident. 89142

(B)(1) Using all of the funds made available for a fiscal 89143

year by the rate reductions under division (B) of section 5165.15 89144
of the Revised Code, the department of medicaid shall determine a 89145
per medicaid day quality payment rate to be paid for that fiscal 89146
year to each nursing facility that meets at least one of the 89147
quality indicators specified in division (B)(2) of this section 89148
for the measurement period. The largest quality payment rate for a 89149
fiscal year shall be paid to nursing facilities that meet all of 89150
the quality indicators for the measurement period. 89151

(2) The following are the quality indicators to be used for 89152
the purpose of division (B)(1) of this section: 89153

(a) Not more than the target percentage of the nursing 89154
facility's short-stay residents had new or worsened pressure 89155
ulcers and not more than the target percentage of long-stay 89156
residents at high risk for pressure ulcers had pressure ulcers. 89157

(b) Not more than the target percentage of the nursing 89158
facility's short-stay residents newly received an antipsychotic 89159
medication and not more than the target percentage of the nursing 89160
facility's long-stay residents received an antipsychotic 89161
medication. 89162

(c) The number of the nursing facility's residents who had 89163
avoidable inpatient hospital admissions did not exceed the target 89164
rate. 89165

(d) The nursing facility's employee retention rate is at 89166
least the target rate. 89167

(e) The nursing facility utilized the nursing home version of 89168
the preferences for everyday living inventory for all of its 89169
residents. 89170

(3) The department shall specify the target percentage for 89171
the purpose of divisions (B)(2)(a) and (b) of this section. The 89172
amount specified for division (B)(2)(a) of this section may differ 89173
from the amount specified for division (B)(2)(b) of this section 89174

and the amount specified for short-stay residents may differ from 89175
the amount specified for long-stay residents. The department also 89176
shall specify the target rate for the purpose of division 89177
(B)(2)(c) of this section and the target rate for the purpose of 89178
division (B)(2)(d) of this section. 89179

(C) If a nursing facility undergoes a change of operator 89180
during a fiscal year, the per medicaid day quality payment rate to 89181
be paid to the entering operator for nursing facility services 89182
that the nursing facility provides during the period beginning on 89183
the effective date of the change of operator and ending on the 89184
last day of the fiscal year shall be the same amount as the per 89185
medicaid day quality payment rate that was in effect on the day 89186
immediately preceding the effective date of the change of operator 89187
and paid to the nursing facility's exiting operator. For the 89188
immediately following fiscal year, the per medicaid day quality 89189
payment rate shall be the following: 89190

(1) If the effective date of the change of operator is on or 89191
before the first day of October of the calendar year immediately 89192
preceding the fiscal year, the amount determined for the nursing 89193
facility in accordance with division (B) of this section for the 89194
fiscal year; 89195

(2) If the effective date of the change of operator is after 89196
the first day of October of the calendar year immediately 89197
preceding the fiscal year, the mean per medicaid day quality 89198
payment rate for all nursing facilities for the fiscal year. 89199

Sec. 5166.01. As used in this chapter: 89200

"209(b) option" means the option described in section 1902(f) 89201
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 89202
medicaid program's eligibility requirements for aged, blind, and 89203
disabled individuals are more restrictive than the eligibility 89204
requirements for the supplemental security income program. 89205

"Administrative agency" means, with respect to a home and community-based services medicaid waiver component, the department of medicaid or, if a state agency or political subdivision contracts with the department under section 5162.35 of the Revised Code to administer the component, that state agency or political subdivision.

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"Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.

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"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.

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"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services.

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

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"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code.

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"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.

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"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code.

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"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code.

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"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component.

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"Medicaid buy-in for workers with disabilities program" has 89236
the same meaning as in section 5163.01 of the Revised Code. 89237

"Medicaid services" has the same meaning as in section 89238
5164.01 of the Revised Code. 89239

"Medicaid waiver component" means a component of the medicaid 89240
program authorized by a waiver granted by the United States 89241
department of health and human services under the "Social Security 89242
Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid 89243
waiver component" does not include a care management system 89244
established under section 5167.03 of the Revised Code. 89245

"Nursing facility" and "nursing facility services" have the 89246
same meanings as in section 5165.01 of the Revised Code. 89247

"Ohio home care waiver program" means the home and 89248
community-based services medicaid waiver component that is known 89249
as Ohio home care and was created pursuant to section 5166.11 of 89250
the Revised Code. 89251

"Ohio transitions II aging carve-out program" means the home 89252
and community-based services medicaid waiver component that is 89253
known as Ohio transitions II aging carve-out and was created 89254
pursuant to section 5166.11 of the Revised Code. 89255

"Provider agreement" has the same meaning as in section 89256
5164.01 of the Revised Code. 89257

"Residential treatment facility" means a residential facility 89258
licensed by the department of mental health and addiction services 89259
under section 5119.34 of the Revised Code, or an institution 89260
certified by the department of job and family services under 89261
section 5103.03 of the Revised Code, that serves children and 89262
either has more than sixteen beds or is part of a campus of 89263
multiple facilities or institutions that, combined, have a total 89264
of more than sixteen beds. 89265

"Skilled nursing facility" has the same meaning as in section 89266
5165.01 of the Revised Code. 89267

"Unified long-term services and support medicaid waiver 89268
component" means the medicaid waiver component authorized by 89269
section 5166.14 of the Revised Code. 89270

Sec. 5166.16. (A) As used in this section and section 89271
5166.161 of the Revised Code, "ODA or MCD medicaid waiver 89272
component" means all of the following: 89273

(1) The medicaid-funded component of the PASSPORT program, 89274
unless it is terminated pursuant to division (C) of section 173.52 89275
of the Revised Code; 89276

(2) The choices program, unless it is terminated pursuant to 89277
division (B) of section 173.53 of the Revised Code; 89278

(3) The medicaid-funded component of the assisted living 89279
program, unless it is terminated pursuant to division (C) of 89280
section 173.54 of the Revised Code; 89281

(4) The Ohio home care waiver program, unless it is 89282
terminated pursuant to section 5166.12 of the Revised Code; 89283

(5) The Ohio transitions II aging carve-out program, unless 89284
it is terminated pursuant to section 5166.13 of the Revised Code. 89285

(B) The medicaid director may create a home and 89286
community-based services medicaid waiver component as part of the 89287
integrated care delivery system. If the ICDS medicaid waiver 89288
component is created, both of the following apply: 89289

(1) The department of medicaid shall administer it; 89290

(2) When it begins to accept enrollments, no ICDS participant 89291
who is eligible for the ICDS medicaid waiver component shall be 89292
enrolled in an ODA or MCD medicaid waiver component regardless of 89293
whether the participant prefers to remain or be enrolled in an ODA 89294

or MCD medicaid waiver component. 89295

(C) A dual eligible individual who is eligible for an ODA or 89296
MCD medicaid waiver component may enroll in the component before 89297
the individual becomes an ICDS participant. The dual eligible 89298
individual shall disenroll from the ODA or MCD medicaid waiver 89299
component and enroll in the ICDS medicaid waiver component once 89300
the individual becomes an ICDS participant and it is possible to 89301
enroll the individual in the ICDS medicaid waiver component. The 89302
disenrollment from the ODA or MCD medicaid waiver component and 89303
enrollment into the ICDS medicaid waiver component shall occur 89304
regardless of whether the individual prefers to remain enrolled in 89305
the ODA or MCD medicaid waiver component. 89306

(D) An ICDS participant's disenrollment from an ODA or MCD 89307
medicaid waiver component and enrollment in the ICDS medicaid 89308
waiver component resulting from division (B)(2) or (C) of this 89309
section shall be accomplished without a disruption in the 89310
participant's services under the components. 89311

Sec. 5166.161. The department of medicaid shall ensure that 89312
each ICDS participant who is a survivor of the Holocaust that 89313
occurred in Europe during World War II receives, while enrolled in 89314
the ICDS medicaid waiver component, home and community-based 89315
services of the type and in at least the amount, duration, and 89316
scope that the participant is assessed to need and would have 89317
received if the participant were enrolled in an ODA or MCD 89318
medicaid waiver component. 89319

Sec. 5166.24. A medicaid waiver component that the department 89320
of developmental disabilities administers under section 5166.21 of 89321
the Revised Code shall continue to cover adult day services 89322
provided by sheltered workshops if the component covers those 89323
services on the effective date of this section. 89324

A sheltered workshop with a provider agreement to provide adult day services available under a medicaid waiver component administered by the department of developmental disabilities shall not decrease the number of medicaid recipients it is willing and able to serve. 89325
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Sec. 5166.32. If the department of medicaid terminates the 209(b) option, the department shall establish a medicaid waiver component under which an individual who has cystic fibrosis and is enrolled in the program for medically handicapped children administered by the department of health under section 3701.023 of the Revised Code or the program the department of health administers pursuant to division (G) of that section may qualify for medicaid under the same type of spenddown process that is part of the 209(b) option. 89330
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Sec. 5166.33. The department of medicaid shall establish a medicaid waiver component under which medicaid recipients who are married to each other retain eligibility for medicaid despite one of the recipients having earnings from employment that causes the recipients to have countable family income exceeding the income eligibility threshold for the eligibility group, or groups, under which the recipients qualify for medicaid if both of the following apply: 89339
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(A) One of the recipients would qualify to participate in the medicaid buy-in for workers with disabilities program if not for a disability that, according to a physician's written evaluation, is too severe for the recipient to have earnings from employment or be an employed individual with a medically improved disability; 89347
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(B) The other recipient's earnings from employment do not cause the recipients to have countable family income, determined in the same manner as income is determined for the medicaid buy-in 89352
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for workers with disabilities program under section 5163.093 of 89355
the Revised Code, exceeding two hundred fifty per cent of the 89356
federal poverty line. 89357

Sec. 5166.51. (A) The department of medicaid shall establish 89358
a medicaid waiver component under which each medicaid recipient to 89359
whom all of the following apply must, as a condition of medicaid 89360
eligibility, enroll in health coverage described in division (B) 89361
of this section: 89362

(1) The recipient has countable family income exceeding one 89363
hundred per cent of the federal poverty line; 89364

(2) The recipient is at least twenty-one years of age; 89365

(3) The recipient is not aged, blind, or disabled; 89366

(4) The recipient is not pregnant. 89367

(B) The department shall provide for medicaid recipients 89368
required to participate in the medicaid waiver component 89369
established under this section to enroll in innovative and 89370
value-based health coverage that is modeled on health savings 89371
accounts and uses premiums, copayments, or both. 89372

(C) A medicaid recipient required to participate in the 89373
medicaid waiver component established under this section shall not 89374
receive medicaid services under the fee-for-service component of 89375
medicaid or be designated by the department for participation in 89376
the care management system established under section 5167.03 of 89377
the Revised Code. 89378

Sec. 5167.03. (A) As part of the medicaid program, the 89379
department of medicaid shall establish a care management system. 89380
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(B) The department shall implement the care management system 89382
in some or all counties and. 89383

~~The department shall designate the medicaid recipients who are required or permitted to participate in the system. In the department's implementation of the system and designation of participants, all of the following apply:~~

~~(1) In the case of individuals who receive medicaid on the basis of being included in the category identified by the department as covered families and children, the department shall implement the care management system in all counties. All individuals included in the category shall be designated for participation, except for individuals included in one or more of the medicaid recipient groups specified in 42 C.F.R. 438.50(d). The department shall ensure that all participants are enrolled in medicaid managed care organizations that are health insuring corporations.~~

~~(2) In the case of individuals who receive medicaid on the basis of being aged, blind, or disabled, the department shall implement the care management system in all counties. Except as provided in division (C) of this section, all individuals included in the category shall be designated for participation. The department shall ensure that all participants are enrolled in medicaid managed care organizations that are health insuring corporations.~~

~~(3) Alcohol, drug addiction, and mental health services covered by medicaid shall not be included in any component of the care management system when the nonfederal share of the cost of those services is provided by a board of alcohol, drug addiction, and mental health services or a state agency other than the department of medicaid, but the recipients of those services may otherwise be designated for participation in the system.~~

~~(C)(1) In designating participants who receive medicaid on the basis of being aged, blind, or disabled, the department shall not include any of the following, except as provided under~~

division (C)(2) of this section:	89416
(a) Individuals who are under twenty one years of age:	89417
(b) Individuals who are institutionalized:	89418
(c) Individuals who become eligible for medicaid by spending down their income or resources to a level that meets the medicaid program's financial eligibility requirements:	89419 89420 89421
(d) Dual eligible individuals:	89422
(e) Individuals to the extent that they are receiving medicaid services through a medicaid waiver component.	89423 89424
(2) The department may designate any of the following individuals who receive medicaid on the basis of being aged, blind, or disabled as individuals who are permitted or required to participate in the care management system:	89425 89426 89427 89428
(a) Individuals who are under twenty one years of age:	89429
(b) Individuals who reside in a nursing facility:	89430
(c) Individuals who, as an alternative to receiving nursing facility services, are participating in a home and community based services medicaid waiver component:	89431 89432 89433
(d) Dual eligible individuals.	89434
(D) Subject to division (B) of this section, the <u>The</u> department may do both of the following under the care management system:	89435 89436 89437
(1) <u>Require</u> <u>require</u> or permit participants in the system to obtain health care services from providers designated by the department:	89438 89439 89440
(2) <u>Require</u>. <u>The department may require</u> or permit participants in the system to obtain health care services through medicaid managed care organizations.	89441 89442 89443

Sec. 5167.04. (A) Subject to division (B) of this section, 89444
the department of medicaid shall include alcohol, drug addiction, 89445
and mental health services covered by medicaid in the care 89446
management system established under section 5167.03 of the Revised 89447
Code. 89448

(B) All of the following apply to the manner in which 89449
division (A) of this section is implemented: 89450

(1) The department shall begin to include the services in the 89451
system not later than January 1, 2018. 89452

(2) Before January 1, 2018, any proposal by the department to 89453
include all or part of the services in all or part of the system 89454
is subject to review by the joint medicaid oversight committee 89455
under division (B) of section 103.42 of the Revised Code. The 89456
department may implement the proposal only if the committee 89457
approves the proposal. 89458

(3) On and after January 1, 2018, any proposal by the 89459
department to include all or part of the services in all or part 89460
of the system is subject to monitoring by the committee under 89461
division (A) of section 103.42 of the Revised Code, but approval 89462
by the committee is no longer required before the proposal may be 89463
implemented. 89464

Sec. 5167.041. With respect to any inclusion of alcohol, drug 89465
addiction, and mental health services covered by medicaid in the 89466
care management system established under section 5167.03 of the 89467
Revised Code, the department of medicaid shall not permit a 89468
medicaid managed care organization to impose any prior 89469
authorization requirement, except as provided in section 5167.12 89470
of the Revised Code, as a condition of a medicaid recipient's 89471
approval to receive the services. 89472

Sec. 5167.32. Not later than July 1, 2016, the department of
medicaid shall implement strategies to improve the integrity of
the care management system, including strategies to do both of the
following:

(A) Increase the department's oversight of medicaid managed
care organizations;

(B) Provide incentives for identifying fraud, waste, and
abuse in the care management system.

Sec. 5167.33. (A) Not later than July 1, 2018, each medicaid
managed care organization shall implement strategies that base
payments to providers on the value received from the providers'
services, including their success in reducing waste in the
provision of the services. Not later than July 1, 2020, each
medicaid managed care organization shall ensure that at least
fifty per cent of the aggregate net payments it makes to providers
are based on the value received from the providers' services.

The department of medicaid may measure a medicaid managed
care organization's compliance with this section based on the
actions of the organization, the providers in the organization's
provider panel, the organization's subcontractors, or any
combination of the organization, providers, and subcontractors.

(B) The medicaid director shall adopt rules under section
5167.02 of the Revised Code as necessary to implement this
section, including rules that specify how all of the following are
to be determined:

(1) The value received from a provider's services;

(2) A provider's success in reducing waste in the provision
of services;

(3) The percentage of a medicaid managed care organization's

aggregate net payments to providers that are based on the value 89502
received from the providers' services. 89503

Sec. 5168.01. As used in sections 5168.01 to 5168.14 of the 89504
Revised Code: 89505

(A) "Bad debt," "charity care," "courtesy care," and 89506
"contractual allowances" have the same meanings given these terms 89507
in regulations adopted under Title XVIII of the "Social Security 89508
Act," 42 U.S.C. 1395 et seq. 89509

(B) "Cost reporting period" means the twelve-month period 89510
used by a hospital in reporting costs for purposes of Title XVIII 89511
of the "Social Security Act," 42 U.S.C. 1395 et seq. 89512

(C) "Disproportionate share hospital" means a hospital that 89513
meets the definition of a disproportionate share hospital in rules 89514
adopted under section 5168.02 of the Revised Code. 89515

(D) "Federal poverty line" means the official poverty line 89516
defined by the United States office of management and budget based 89517
on the most recent data available from the United States bureau of 89518
the census and revised by the United States secretary of health 89519
and human services pursuant to the "Omnibus Budget Reconciliation 89520
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 89521

(E) "Governmental hospital" means a county hospital with more 89522
than five hundred registered beds or a state-owned and -operated 89523
hospital with more than five hundred registered beds. 89524

(F)(1) "Hospital" means a nonfederal hospital to which either 89525
of the following applies: 89526

(a) The hospital is registered under section 3701.07 of the 89527
Revised Code as a general medical and surgical hospital or a 89528
pediatric general hospital, and provides inpatient hospital 89529
services, as defined in 42 C.F.R. 440.10; 89530

(b) The hospital is recognized under the medicare program as 89531

a cancer hospital and is exempt from the medicare prospective payment system. 89532
89533

(2) "Hospital" does not include a hospital operated by a health insuring corporation that has been issued a certificate of authority under section 1751.05 of the Revised Code or a hospital that does not charge patients for services. 89534
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89537

(G) "Indigent care pool" means the sum of the following: 89538

(1) The total of assessments to be paid in a program year by all hospitals under section 5168.06 of the Revised Code, less the assessments deposited ~~into the legislative budget services fund under section 5168.12 of the Revised Code and~~ into the health care services administration fund created under section 5162.54 of the Revised Code; 89539
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(2) The total amount of intergovernmental transfers required to be made in the same program year by governmental hospitals under section 5168.07 of the Revised Code, less the amount of transfers deposited ~~into the legislative budget services fund under section 5168.12 of the Revised Code and~~ into the health care services administration fund created under section 5162.54 of the Revised Code; 89545
89546
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(3) The total amount of federal matching funds that will be made available in the same program year as a result of funds distributed by the department of medicaid to hospitals under section 5168.09 of the Revised Code. 89552
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(H) "Intergovernmental transfer" means any transfer of money by a governmental hospital under section 5168.07 of the Revised Code. 89556
89557
89558

(I) "Medicaid services" has the same meaning as in section 5164.01 of the Revised Code. 89559
89560

(J) "Program year" means a period beginning the first day of 89561

October, or a later date designated in rules adopted under section 89562
5168.02 of the Revised Code, and ending the thirtieth day of 89563
September, or an earlier date designated in rules adopted under 89564
that section. 89565

(K) "Registered beds" means the total number of hospital beds 89566
registered with the department of health, as reported in the most 89567
recent "directory of registered hospitals" published by the 89568
department of health. 89569

(L) "Third-party payer" means any person or government entity 89570
that may be liable by law or contract to make payment to or on 89571
behalf of an individual for health care services. "Third-party 89572
payer" does not include a hospital. 89573

(M) "Total facility costs" means the total costs for all 89574
services rendered to all patients, including the direct, indirect, 89575
and overhead cost to the hospital of all services, supplies, 89576
equipment, and capital related to the care of patients, regardless 89577
of whether patients are enrolled in a health insuring corporation, 89578
excluding costs associated with providing skilled nursing services 89579
in distinct-part nursing facility units, as shown on the 89580
hospital's cost report filed under section 5168.05 of the Revised 89581
Code. Effective October 1, 1993, if rules adopted under section 89582
5168.02 of the Revised Code so provide, "total facility costs" may 89583
exclude costs associated with providing care to recipients of any 89584
of the governmental programs listed in division (B) of that 89585
section. 89586

(N) "Uncompensated care" means bad debt and charity care. 89587

Sec. 5168.06. (A) For the purpose of distributing funds to 89588
hospitals under the medicaid program pursuant to sections 5168.01 89589
to 5168.14 of the Revised Code and depositing funds ~~into the~~ 89590
~~legislative budget services fund under section 5168.12 of the~~ 89591
~~Revised Code and~~ into the health care services administration fund 89592

created under section 5162.54 of the Revised Code, there is hereby 89593
imposed an assessment on all hospitals. Each hospital's assessment 89594
shall be based on total facility costs. All hospitals shall be 89595
assessed according to the rate or rates established each program 89596
year in rules adopted under section 5168.02 of the Revised Code. 89597
The department shall assess all hospitals uniformly and in a 89598
manner consistent with federal statutes and regulations. During 89599
any program year, the department shall not assess any hospital 89600
more than two per cent of the hospital's total facility costs. 89601

The department shall establish an assessment rate or rates 89602
each program year that will do both of the following: 89603

(1) Yield funds that, when combined with intergovernmental 89604
transfers and federal matching funds, will produce a program of 89605
sufficient size to pay a substantial portion of the indigent care 89606
provided by hospitals; 89607

(2) Yield funds that, when combined with intergovernmental 89608
transfers and federal matching funds, will produce amounts for 89609
distribution to disproportionate share hospitals that do not 89610
exceed, in the aggregate, the limits prescribed by the United 89611
States health care financing administration under the "Social 89612
Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). 89613

(B)(1) Except as provided in division (B)(3) of this section, 89614
each hospital shall pay its assessment in periodic installments in 89615
accordance with a schedule established in rules adopted under 89616
section 5168.02 of the Revised Code. 89617

(2) The installments shall be equal in amount, unless either 89618
of the following applies: 89619

(a) The department makes adjustments during a program year 89620
under division (D) of section 5168.08 of the Revised Code in the 89621
total amount of hospitals' assessments; 89622

(b) The medicaid director determines that adjustments in the 89623

amounts of installments are necessary for the administration of 89624
sections 5168.01 to 5168.14 of the Revised Code and that unequal 89625
installments will not create cash flow difficulties for hospitals. 89626

(3) The director may adopt rules under section 5168.02 of the 89627
Revised Code establishing alternate schedules for hospitals to pay 89628
assessments under this section in order to reduce hospitals' cash 89629
flow difficulties. 89630

Sec. 5168.07. (A) The department of medicaid may require 89631
governmental hospitals to make intergovernmental transfers each 89632
program year for the purpose of distributing funds to hospitals 89633
under the medicaid program pursuant to sections 5168.01 to 5168.14 89634
of the Revised Code and depositing funds ~~into the legislative~~ 89635
~~budget services fund under section 5168.12 of the Revised Code and~~ 89636
into the health care services administration fund created under 89637
section 5162.54 of the Revised Code. The department shall not 89638
require transfers in an amount that, when combined with hospital 89639
assessments paid under section 5168.06 of the Revised Code and 89640
federal matching funds, produce amounts for distribution to 89641
disproportionate share hospitals that, in the aggregate, exceed 89642
limits prescribed by the United States health care financing 89643
administration under the "Social Security Act," section 1923(f), 89644
42 U.S.C. 1396r-4(f). 89645

(B) Before or during each program year, the department shall 89646
notify each governmental hospital of the amount of the 89647
intergovernmental transfer it is required to make during the 89648
program year. Each governmental hospital shall make 89649
intergovernmental transfers as required by the department under 89650
this section in periodic installments, executed by electronic fund 89651
transfer, in accordance with a schedule established in rules 89652
adopted under section 5168.02 of the Revised Code. 89653

Sec. 5168.10. Except for moneys deposited into ~~the~~ 89654
~~legislative budget services fund under section 5168.12 of the~~ 89655
~~Revised Code~~ and the health care services administration fund 89656
created under section 5162.54 of the Revised Code, the department 89657
of medicaid shall not use money paid to the department under 89658
sections 5168.06 and 5168.07 of the Revised Code or money that the 89659
department pays to hospitals under section 5168.09 of the Revised 89660
Code to replace any funds appropriated by the general assembly for 89661
the medicaid program. 89662

Sec. 5168.11. (A) Except as provided in section ~~5168.12~~ 89663
5162.54 of the Revised Code, all payments of assessments by 89664
hospitals under section 5168.06 of the Revised Code and all 89665
intergovernmental transfers under section 5168.07 of the Revised 89666
Code shall be deposited in the state treasury to the credit of the 89667
hospital care assurance program fund, hereby created. All 89668
investment earnings of the hospital care assurance program fund 89669
shall be credited to the fund. The department of medicaid shall 89670
maintain records that show the amount of money in the hospital 89671
care assurance program fund at any time that has been paid by each 89672
hospital and the amount of any investment earnings on that amount. 89673
All moneys credited to the hospital care assurance program fund 89674
shall be used solely to make payments to hospitals under division 89675
(D) of this section and section 5168.09 of the Revised Code. 89676

(B) All federal matching funds received as a result of the 89677
department distributing funds from the hospital care assurance 89678
program fund to hospitals under section 5168.09 of the Revised 89679
Code shall be credited to the health care - federal fund created 89680
under section 5162.50 of the Revised Code. 89681

(C) All distributions of funds to hospitals under section 89682
5168.09 of the Revised Code are conditional on: 89683

(1) Expiration of the time for appeals under section 5168.08 89684
of the Revised Code without the filing of an appeal, or on court 89685
determinations, in the event of appeals, that the hospital is 89686
entitled to the funds; 89687

(2) The sum of the following being sufficient to distribute 89688
the funds after the final determination of any appeals: 89689

(a) The available money in the hospital care assurance 89690
program fund; 89691

(b) The available portion of the money in the health care - 89692
federal fund that is credited to that fund pursuant to division 89693
(B) of this section. 89694

(3) The hospital's compliance with section 5168.14 of the 89695
Revised Code. 89696

(D) If an audit conducted by the department of the amounts of 89697
payments made and funds received by hospitals under sections 89698
5168.06, 5168.07, and 5168.09 of the Revised Code identifies 89699
amounts that, due to errors by the department, a hospital should 89700
not have been required to pay but did pay, should have been 89701
required to pay but did not pay, should not have received but did 89702
receive, or should have received but did not receive, the 89703
department shall: 89704

(1) Make payments to any hospital that the audit reveals paid 89705
amounts it should not have been required to pay or did not receive 89706
amounts it should have received; 89707

(2) Take action to recover from a hospital any amounts that 89708
the audit reveals it should have been required to pay but did not 89709
pay or that it should not have received but did receive. 89710

Payments made under division (D)(1) of this section shall be 89711
made from the hospital care assurance program fund. Amounts 89712
recovered under division (D)(2) of this section shall be deposited 89713

to the credit of that fund. Any hospital may appeal the amount the 89714
hospital is to be paid under division (D)(1) or the amount that is 89715
to be recovered from the hospital under division (D)(2) of this 89716
section to the court of common pleas of Franklin county. 89717

~~Sec. 5168.23. Unless rules adopted under section 5168.26 of~~ 89718
~~the Revised Code establish a different payment schedule, each~~ Each 89719
hospital shall pay the amount it is assessed under section 5168.21 89720
of the Revised Code in accordance with ~~the following~~ a payment 89721
~~schedule.~~ 89722

~~(A) Twenty eight per cent of a hospital's assessment is due~~ 89723
~~on the last business day of October of each assessment program~~ 89724
~~year.~~ 89725

~~(B) Thirty one per cent of a hospital's assessment is due on~~ 89726
~~the last business day of February of each assessment program year.~~ 89727

~~(C) Forty one per cent of a hospital's assessment is due on~~ 89728
~~the last business day of May of each assessment program year~~ the 89729
department of medicaid shall establish for each assessment program 89730
year. The department shall consult with the Ohio hospital 89731
association before establishing the payment schedule for any 89732
assessment program year. The department shall include the payment 89733
schedule in each preliminary determination notice the department 89734
mails to hospitals under division (A) of section 5168.22 of the 89735
Revised Code. 89736

Sec. 5168.26. (A) The medicaid director shall adopt rules in 89737
accordance with Chapter 119. of the Revised Code as necessary to 89738
implement sections 5168.20 to 5168.28 of the Revised Code, 89739
including rules that specify the percentage of hospitals' total 89740
facility costs to be used in calculating hospitals' assessments 89741
under section 5168.21 of the Revised Code. 89742

(B) The rules adopted under this section may do the 89743

following:	89744
(1) Provide that a hospital's total facility costs for the purpose of the assessment under section 5168.21 of the Revised Code exclude any of the following:	89745 89746 89747
(a) A hospital's costs associated with providing care to recipients of any of the following:	89748 89749
(i) The medicaid program;	89750
(ii) The medicare program;	89751
(iii) The disability financial assistance program established under Chapter 5115. of the Revised Code;	89752 89753
(iv) The program for medically handicapped children established under section 3701.023 of the Revised Code;	89754 89755
(v) Services provided under the maternal and child health services block grant established under Title V of the "Social Security Act," 42 U.S.C. 701 et seq.	89756 89757 89758
(b) Any other category of hospital costs the director deems appropriate under federal law and regulations governing the medicaid program.	89759 89760 89761
(2) Subject to division (C) of this section, provide for the percentage of hospitals' total facility costs used in calculating hospitals' assessments to vary for different hospitals;	89762 89763 89764
(3) To reduce hospitals' cash flow difficulties, establish a schedule for hospitals to pay their assessments that is different from the schedule established under section 5168.23 of the Revised Code.	89765 89766 89767 89768
(C) Before adopting rules authorized by division (B)(2) of this section that establish varied percentages to be used in calculating hospitals' assessments, the director shall obtain a waiver from the United States secretary of health and human services under the "Social Security Act," section 1903(w)(3)(E),	89769 89770 89771 89772 89773

42 U.S.C. 1396b(w)(3)(E), if the varied percentages would cause 89774
the assessments to not be imposed uniformly. 89775

Sec. 5168.40. As used in sections 5168.40 to 5168.56 of the 89776
Revised Code: 89777

(A) "Bed surrender" means the following: 89778

(1) In the case of a nursing home, the removal of a bed from 89779
a nursing home's licensed capacity in a manner that reduces the 89780
total licensed capacity of all nursing homes and makes it 89781
impossible for the bed to ever be a part of any nursing home's 89782
licensed capacity; 89783

(2) In the case of a hospital, the removal of a hospital bed 89784
from registration under section 3701.07 of the Revised Code as a 89785
skilled nursing facility bed or long-term care bed in a manner 89786
that reduces the total number of hospital beds registered under 89787
that section as skilled nursing facility beds or long-term care 89788
beds and makes it impossible for the bed to ever be registered as 89789
a skilled nursing facility bed or long-term care bed. 89790

(B) "Change of operator" means an entering operator becoming 89791
the operator of a nursing home or hospital in the place of the 89792
exiting operator. 89793

(1) Actions that constitute a change of operator include the 89794
following: 89795

(a) A change in an exiting operator's form of legal 89796
organization, including the formation of a partnership or 89797
corporation from a sole proprietorship; 89798

(b) A transfer of all the exiting operator's ownership 89799
interest in the operation of the nursing home or hospital to the 89800
entering operator, regardless of whether ownership of any or all 89801
of the real property or personal property associated with the 89802
nursing home or hospital is also transferred; 89803

(c) A lease of the nursing home or hospital to the entering operator or the exiting operator's termination of the exiting operator's lease; 89804
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89806

(d) If the exiting operator is a partnership, dissolution of the partnership; 89807
89808

(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply: 89809
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(i) The change in composition does not cause the partnership's dissolution under state law. 89811
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(ii) The partners agree that the change in composition does not constitute a change in operator. 89813
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(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation. 89815
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(2) The following, alone, do not constitute a change of operator: 89819
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(a) A contract for an entity to manage a nursing home or hospital as the operator's agent, subject to the operator's approval of daily operating and management decisions; 89821
89822
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(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing home or hospital if an entering operator does not become the operator in place of an exiting operator; 89824
89825
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89827

(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator. 89828
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89830
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(C) "Effective date of a change of operator" means the day an entering operator becomes the operator of a nursing home or 89832
89833

hospital. 89834

(D) "Entering operator" means the person or government entity 89835
that will become the operator of a nursing home or hospital on the 89836
effective date of a change of operator. 89837

(E) "Exiting operator" means an operator that will cease to 89838
be the operator of a nursing home or hospital on the effective 89839
date of a change of operator. 89840

(F) "Franchise permit fee rate" means the rate determined in 89841
accordance with section 5168.41 of the Revised Code. 89842

(G) "Hospital" has the same meaning as in section 3727.01 of 89843
the Revised Code. 89844

(H) "Hospital long-term care unit" means any distinct part of 89845
a hospital in which any of the following beds are located: 89846

(1) Beds registered pursuant to section 3701.07 of the 89847
Revised Code as skilled nursing facility beds or long-term care 89848
beds; 89849

(2) Beds licensed as nursing home beds under section 3721.02 89850
or 3721.09 of the Revised Code. 89851

(I) "Indirect guarantee percentage" means the percentage 89852
specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 89853
42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining 89854
whether a class of providers is indirectly held harmless for any 89855
portion of the costs of a broad-based health-care-related tax. If 89856
the indirect guarantee percentage changes during a fiscal year, 89857
the indirect guarantee percentage is the following: 89858

(1) For the part of the fiscal year before the change takes 89859
effect, the percentage in effect before the change; 89860

(2) For the part of the fiscal year beginning with the date 89861
the indirect guarantee percentage changes, the new percentage. 89862

(J) "Medicaid days" and "nursing facility" have the same 89863

meanings as in section 5165.01 of the Revised Code. 89864

(K)(1) "Nursing home" means all of the following: 89865

(a) A nursing home licensed under section 3721.02 or 3721.09 89866
of the Revised Code, including any part of a home for the aging 89867
licensed as a nursing home; 89868

(b) A facility or part of a facility, other than a hospital, 89869
that is certified as a skilled nursing facility under Title XVIII; 89870

(c) A nursing facility, other than a portion of a hospital 89871
certified as a nursing facility. 89872

(2) "Nursing home" does not include either of the following: 89873

(a) A county home, county nursing home, or district home 89874
operated pursuant to Chapter 5155. of the Revised Code; 89875

(b) A nursing home maintained and operated by the department 89876
of veterans services under section 5907.01 of the Revised Code. 89877

(L) "Operator" means the person or government entity 89878
responsible for the daily operating and management decisions for a 89879
nursing home or hospital. 89880

(M) "Title XIX" means Title XIX of the "Social Security Act," 89881
42 U.S.C. 1396 et seq. 89882

(N) "Title XVIII" means Title XVIII of the "Social Security 89883
Act," 42 U.S.C. 1395 et seq. 89884

Sec. 5168.44. If the United States secretary of health and 89885
human services approves the waiver sought under section 5168.43 of 89886
the Revised Code, the department of medicaid shall, for each 89887
nursing home and hospital that qualifies for a reduction of its 89888
franchise permit fee rate under the waiver, reduce the franchise 89889
permit fee rate in accordance with the terms of the waiver. For 89890
purposes of the first fiscal year during which the waiver takes 89891
effect, the department shall determine the amount of the reduction 89892

not later than the effective date of the waiver and shall mail to 89893
each nursing home and hospital qualifying for the reduction notice 89894
of the reduction not later than the last day of the first month of 89895
the quarter that begins after the United States secretary approves 89896
the waiver. For purposes of subsequent fiscal years, the 89897
department shall make such determinations and ~~mail such notices~~ 89898
notify the nursing homes and hospitals in accordance with section 89899
5168.47 of the Revised Code. 89900

Sec. 5168.45. (A) If the United States secretary of health 89901
and human services approves the waiver sought under section 89902
5168.43 of the Revised Code, the department of medicaid may do 89903
both of the following regarding the franchise permit fee assessed 89904
under section 5168.42 of the Revised Code: 89905

(1) Determine how much money the franchise permit fee would 89906
have raised in a fiscal year if not for the waiver; 89907

(2) For each nursing home and hospital subject to the 89908
franchise permit fee, other than a nursing home or hospital that 89909
has its franchise permit fee rate reduced under section 5168.44 of 89910
the Revised Code, uniformly increase the amount of the franchise 89911
permit fee rate for a fiscal year to an amount that will have the 89912
franchise permit fee raise an amount of money that does not exceed 89913
the amount determined under division (A)(1) of this section for 89914
that fiscal year. 89915

(B) If the department increases the franchise permit fee rate 89916
in accordance with division (A) of this section for the first 89917
fiscal year during which the waiver takes effect, the department 89918
shall determine the amount of the increase not later than the 89919
effective date of the waiver and shall mail to each nursing home 89920
and hospital subject to the increase notice of the increase not 89921
later than the last day of the first month of the quarter that 89922

begins after the United States secretary approves the waiver. If 89923
the department increases the franchise permit fee rate in 89924
accordance with division (A) of this section for a subsequent 89925
fiscal year, the department shall make such determinations and 89926
~~mail such notices~~ notify the nursing homes and hospitals in 89927
accordance with section 5168.47 of the Revised Code. 89928

Sec. 5168.47. (A) Not later than the fifteenth day of 89929
September of each year, the department of medicaid shall determine 89930
the annual franchise permit fee for each nursing home and hospital 89931
in accordance with section 5168.42 of the Revised Code and any 89932
adjustments made in accordance with sections 5168.44 and 5168.45 89933
of the Revised Code. 89934

(B) Not later than the first day of October of each year, the 89935
department shall ~~mail to~~ notify, electronically or by United 89936
States postal service, each nursing home and hospital ~~notice~~ of 89937
the amount of the franchise permit fee that has been determined 89938
for the nursing home or hospital. 89939

(C) Subject to section 5168.48 of the Revised Code, each 89940
nursing home and hospital shall pay its fee under section 5168.42 89941
of the Revised Code, as adjusted in accordance with sections 89942
5168.44 and 5168.45 of the Revised Code, to the department in four 89943
installment payments not later than forty-five days after the last 89944
day of each October, December, March, and June. 89945

Sec. 5168.48. (A) Not later than the last day of February of 89946
each year, the department of medicaid shall redetermine each 89947
nursing home's and hospital's franchise permit fee if one or more 89948
bed surrenders occur during the period beginning on the first day 89949
of May of the preceding calendar year and ending on the first day 89950
of January of the calendar year in which the redetermination is 89951
made. 89952

(B) In redetermining nursing homes' and hospitals' franchise permit fees under this section, the department shall do both of the following: 89953
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89955

(1) Provide for the redetermination to be conducted in a manner consistent with the terms of the waiver sought under section 5168.43 of the Revised Code; 89956
89957
89958

(2) Recalculate each nursing home's and hospital's franchise permit fee in accordance with division (A) or (B) of section 5168.42 of the Revised Code with the following changes: 89959
89960
89961

(a) In the case of a nursing home or hospital for which one or more bed surrenders occurred during the period beginning on the first day of May of the preceding calendar year and ending on the first day of January of the calendar year in which the redetermination is made, the number of beds included in the calculation for the purpose of division (A)(1) or (B)(1) of section 5168.42 of the Revised Code shall exclude the beds for which bed surrenders occurred during that period. 89962
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(b) The number of days used in the calculation under division (A)(2) or (B)(2) of section 5168.42 of the Revised Code shall be the number of days in the first half of the calendar year in which the redetermination is made. 89970
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89972
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(c) The franchise permit fee rate shall reflect adjustments made under sections 5168.44 and 5168.45 of the Revised Code. 89974
89975

(C) Not later than the first day of March of each year, the department shall ~~mail to~~ notify, electronically or by United States postal service, each nursing home and hospital ~~notice~~ of the amount of its redetermined franchise permit fee. 89976
89977
89978
89979

(D) Each nursing home and hospital shall pay its redetermined fee to the department in two installment payments not later than forty-five days after the last day of March and June of the calendar year in which the redetermination is made. 89980
89981
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89983

Sec. 5168.49. If a nursing home or hospital undergoes a 89984
change of operator during a fiscal year, the responsibility for 89985
paying the franchise permit fee that was determined for the 89986
nursing home or hospital under section 5168.47 of the Revised 89987
Code, or redetermined for the nursing home or hospital under 89988
section 5168.48 of the Revised Code, for that fiscal year shall be 89989
divided proportionally. The exiting operator shall be responsible 89990
for paying the amount of the fee that is for the part of the 89991
fiscal year that ends on the day before the effective date of the 89992
change of operator. The entering operator shall be responsible for 89993
paying the amount of the fee that is for the part of the fiscal 89994
year that begins on the effective date of the change of operator. 89995
The department of medicaid is not required to ~~mail a notice to~~ 89996
notify the entering operator regarding the amount of that fiscal 89997
year's fee for which the entering operator is responsible. 89998

Sec. 5168.53. (A) A nursing home or hospital may appeal the 89999
fee assessed under section 5168.42 of the Revised Code, as 90000
adjusted under section 5168.44 or 5168.45 of the Revised Code, and 90001
redetermined under section 5168.48 of the Revised Code solely on 90002
the grounds that the department of medicaid committed a material 90003
error in determining or redetermining the amount of the fee. A 90004
request for an appeal must be received by the department not later 90005
than fifteen days after the date the department ~~mails~~ notifies the 90006
~~notice~~ nursing home or hospital of the fee and must include 90007
written materials setting forth the basis for the appeal. 90008

(B) If a nursing home or hospital submits a request for an 90009
appeal within the time required under division (A) of this 90010
section, the department shall hold a public hearing in Columbus 90011
not later than thirty days after the date the department receives 90012
the request for an appeal. The department shall, not later than 90013
ten days before the date of the hearing, ~~mail a notice~~ notify, 90014

electronically or by United States postal service, the nursing 90015
home or hospital of the date, time, and place of the hearing ~~to~~ 90016
~~the nursing home or hospital~~. The department may hear all the 90017
requested appeals in one public hearing. 90018

(C) On the basis of the evidence presented at the hearing or 90019
any other evidence submitted by the nursing home or hospital, the 90020
department may adjust a fee. The department's decision is final. 90021

Sec. 5168.60. As used in sections 5168.60 to 5168.71 of the 90022
Revised Code: 90023

(A) "Franchise permit fee rate" means the following: 90024

(1) For fiscal year ~~2014~~ 2016, eighteen dollars and 90025
~~twenty-four~~ seven cents; 90026

(2) For fiscal year ~~2015~~ 2017 and each fiscal year 90027
thereafter, eighteen dollars and ~~seventeen~~ two cents. 90028

(B) "Indirect guarantee percentage" means the percentage 90029
specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 90030
42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining 90031
whether a class of providers is indirectly held harmless for any 90032
portion of the costs of a broad-based health-care-related tax. If 90033
the indirect guarantee percentage changes during a fiscal year, 90034
the indirect guarantee percentage is the following: 90035

(1) For the part of the fiscal year before the change takes 90036
effect, the percentage in effect before the change; 90037

(2) For the part of the fiscal year beginning with the date 90038
the indirect guarantee percentage changes, the new percentage. 90039

(C) "ICF/IID" has the same meaning as in section 5124.01 of 90040
the Revised Code. 90041

(D) "Medicaid-certified capacity" has the same meaning as in 90042
section 5124.01 of the Revised Code. 90043

(E) "Provider agreement" has the same meaning as in section 90044
5124.01 of the Revised Code. 90045

Sec. 5168.63. (A) Not later than the fifteenth day of August 90046
of each year, the department of developmental disabilities shall 90047
determine the annual franchise permit fee for each ICF/IID in 90048
accordance with section 5168.61 of the Revised Code. 90049

(B) Not later than the first day of September of each year, 90050
the department shall ~~mail to~~ notify, electronically or by United 90051
States postal service, each ICF/IID ~~notice~~ of the amount of the 90052
franchise permit fee the ICF/IID has been assessed under section 90053
5168.61 of the Revised Code. 90054

(C) Subject to section 5168.64 of the Revised Code, each 90055
ICF/IID shall pay its fee under section 5168.61 of the Revised 90056
Code to the department in quarterly installment payments not later 90057
than forty-five days after the last day of each September, 90058
December, March, and June. 90059

Sec. 5168.64. (A) If the operator of an ICF/IID converts, 90060
pursuant to section 5124.60 or 5124.61 of the Revised Code, all of 90061
the ICF/IID's beds to providing home and community-based services 90062
and the operator's provider agreement for the ICF/IID is 90063
terminated as a consequence, the department of developmental 90064
disabilities shall terminate the ICF/IID's franchise permit fee 90065
effective on the first day of the quarter immediately following 90066
the quarter in which the conversion takes place. 90067

(B)(1) If, during the period beginning on the first day of 90068
May of a calendar year and ending on the first day of January of 90069
the immediately following calendar year, the operator of an 90070
ICF/IID converts, pursuant to section 5124.60 or 5164.61 of the 90071
Revised Code, ~~one or more~~ some but not all of the ICF/IID's beds 90072
to providing home and community-based services and the ICF/IID's 90073

~~medicaid-certified capacity is reduced as a consequence, the~~ 90074
~~department of developmental disabilities shall do the following:~~ 90075

~~(1) If the ICF/IID's medicaid certification is terminated~~ 90076
~~because of the conversion, terminate the ICF/IID's franchise~~ 90077
~~permit fee effective on the first day of the quarter immediately~~ 90078
~~following the quarter in which the department receives the notice~~ 90079
~~of the conversion from the director of health;~~ 90080

~~(2) If the ICF/IID's medicaid certified capacity is reduced~~ 90081
~~because of the conversion, redetermine the ICF/IID's franchise~~ 90082
~~permit fee in accordance with division (B) of this section for the~~ 90083
~~second half of the fiscal year for which the fee is assessed.~~ 90084

~~(B)(1) assessed.~~ To redetermine ~~an~~ the ICF/IID's franchise 90085
permit fee, the department shall multiply the franchise permit fee 90086
rate by the product of the following: 90087

(a) The ICF/IID's medicaid-certified capacity as of the date 90088
the conversion takes effect; 90089

(b) The number of days in the second half of the fiscal year 90090
for which the redetermination is made. 90091

(2) The ICF/IID shall pay its franchise permit fee as 90092
redetermined under division (B)(1) of this section in installment 90093
payments not later than forty-five days after the last day of 90094
March and June of the fiscal year for which the redetermination is 90095
made. 90096

Sec. 5168.67. (A) An ICF/IID may appeal the franchise permit 90097
fee imposed under section 5168.61 of the Revised Code solely on 90098
the grounds that the department of developmental disabilities 90099
committed a material error in determining the amount of the fee. A 90100
request for an appeal must be received by the department not later 90101
than fifteen days after the date the department ~~mail~~ notifies the 90102
~~notice~~ ICF/IID of the fee and must include written materials 90103

setting forth the basis for the appeal. 90104

(B) If an ICF/IID submits a request for an appeal within the 90105
time required under division (A) of this section, the department 90106
shall hold a public hearing in Columbus not later than thirty days 90107
after the date the department receives the request for an appeal. 90108
The department shall, not later than ten days before the date of 90109
the hearing, ~~mail a notice~~ notify, electronically or by United 90110
States postal service, the ICF/IID of the date, time, and place of 90111
the hearing ~~to the ICF/IID~~. The department may hear all requested 90112
appeals in one public hearing. 90113

(C) On the basis of the evidence presented at the hearing or 90114
any other evidence submitted by the ICF/IID, the department may 90115
adjust a fee. The department's decision is final. 90116

Sec. 5301.68. An owner of land may grant a conservation 90117
easement to the department of natural resources, a park district 90118
created under Chapter 1545. of the Revised Code, a township park 90119
district created under section 511.18 of the Revised Code, a 90120
conservancy district created under Chapter 6101. of the Revised 90121
Code, a soil and water conservation district created under Chapter 90122
~~1515-~~ 940. of the Revised Code, a regional water and sewer 90123
district created under Chapter 6119. of the Revised Code, a 90124
county, a township, a municipal corporation, or a charitable 90125
organization that is authorized to hold conservation easements by 90126
division (B) of section 5301.69 of the Revised Code, in the form 90127
of articles of dedication, easement, covenant, restriction, or 90128
condition. An owner of land also may grant an agricultural 90129
easement to the director of agriculture; to a municipal 90130
corporation, county, township, or soil and water conservation 90131
district; or to a charitable organization described in division 90132
(B) of section 5301.69 of the Revised Code. An owner of land may 90133
grant an agricultural easement only on land that is valued for 90134

purposes of real property taxation at its current value for 90135
agricultural use under section 5713.31 of the Revised Code or that 90136
constitutes a homestead when the easement is granted. 90137

All conservation easements and agricultural easements shall 90138
be executed and recorded in the same manner as other instruments 90139
conveying interests in land. 90140

Sec. 5301.69. (A) The director of natural resources, the 90141
board of park commissioners of a park district created under 90142
Chapter 1545. of the Revised Code, the board of park commissioners 90143
of a township park district created under section 511.18 of the 90144
Revised Code, the board of directors of a conservancy district 90145
created under Chapter 6101. of the Revised Code, the board of 90146
supervisors of a soil and water conservation district created 90147
under Chapter ~~1515.~~ 940. of the Revised Code, the board of 90148
trustees of a regional water and sewer district created under 90149
Chapter 6119. of the Revised Code, the board of county 90150
commissioners of a county, the board of township trustees of a 90151
township, or the legislative authority of a municipal corporation 90152
may acquire conservation easements in the name of the state, the 90153
district, or the county, township, or municipal corporation in the 90154
same manner as other interests in land may be acquired under 90155
section 307.02, 307.18, 505.10, 505.261, 511.23, 717.01, 940.06, 90156
1501.01, ~~1515.08,~~ 1545.11, 6101.15, or 6119.111 of the Revised 90157
Code. Each officer, board, or authority acquiring a conservation 90158
easement shall name an appropriate administrative officer, 90159
department, or division to supervise and enforce the easement. 90160

(B) A charitable organization may acquire and hold 90161
conservation easements if it is exempt from federal taxation under 90162
subsection 501(a) and is described in subsection 501(c) of the 90163
"Internal Revenue Code of 1954," 68A Stat. 3, 26 U.S.C. 1, as 90164
amended, and organized for any of the following purposes: the 90165

preservation of land areas for public outdoor recreation or 90166
education, or scenic enjoyment; the preservation of historically 90167
important land areas or structures; or the protection of natural 90168
environmental systems. Such a charitable organization also may 90169
acquire and hold agricultural easements subject to the limitation 90170
that it may do so only on land that is valued for purposes of real 90171
property taxation at its current value for agricultural use under 90172
section 5713.31 of the Revised Code or that constitutes a 90173
homestead when the easement is granted. 90174

Sec. 5502.132. There is hereby created in the state treasury 90175
the Ohio investigative unit fund. The fund shall consist of any 90176
nonfederal money received by the investigative unit of the 90177
department of public safety that is not otherwise required to be 90178
deposited into another fund under any provision of the Revised 90179
Code. The director of public safety shall use the money in the 90180
fund to pay the expenses of administering the law relative to the 90181
powers and duties of the investigative unit. All investment 90182
earnings shall be retained by the fund. 90183

Sec. 5505.068. (A) As used in this section and in section 90184
5505.0610 of the Revised Code: 90185

(1) "Agent" means a dealer, as defined in section 1707.01 of 90186
the Revised Code, who is licensed under sections 1707.01 to 90187
1707.45 of the Revised Code or under comparable laws of another 90188
state or of the United States. 90189

(2) "Minority business enterprise" has the same meaning as in 90190
section 122.71 of the Revised Code. 90191

(3) "Ohio-qualified agent" means an agent designated as such 90192
by the state highway patrol retirement board. 90193

(4) "Ohio-qualified investment manager" means an investment 90194
manager designated as such by the state highway patrol retirement 90195

board. 90196

(5) "Principal place of business" means an office in which 90197
the agent regularly provides securities or investment advisory 90198
services and solicits, meets with, or otherwise communicates with 90199
clients. 90200

(B) The state highway patrol retirement board shall, for the 90201
purposes of this section, designate an agent as an Ohio-qualified 90202
agent if the agent meets all of the following requirements: 90203

(1) The agent is subject to taxation under Chapter 5725., 90204
5726., 5733., 5747., or 5751. of the Revised Code. 90205

(2) The agent is authorized to conduct business in this 90206
state; 90207

(3) The agent maintains a principal place of business in this 90208
state and employs at least five residents of this state. 90209

(C) The state highway patrol retirement board shall adopt and 90210
implement a written policy to establish criteria and procedures 90211
used to select agents to execute securities transactions on behalf 90212
of the retirement system. The policy shall address each of the 90213
following: 90214

(1) Commissions charged by the agent, both in the aggregate 90215
and on a per share basis; 90216

(2) The execution speed and trade settlement capabilities of 90217
the agent; 90218

(3) The responsiveness, reliability, and integrity of the 90219
agent; 90220

(4) The nature and value of research provided by the agent; 90221

(5) Any special capabilities of the agent. 90222

(D)(1) The board shall, at least annually, establish a policy 90223
with the goal to increase utilization by the board of 90224

Ohio-qualified agents for the execution of domestic equity and 90225
fixed income trades on behalf of the retirement system, when an 90226
Ohio-qualified agent offers quality, services, and safety 90227
comparable to other agents otherwise available to the board and 90228
meets the criteria established under division (C) of this section. 90229

(2) The board shall review, at least annually, the 90230
performance of the agents that execute securities transactions on 90231
behalf of the board. 90232

(3) The board shall determine whether an agent is an 90233
Ohio-qualified agent, meets the criteria established by the board 90234
pursuant to division (C) of this section, and offers quality, 90235
services, and safety comparable to other agents otherwise 90236
available to the board. The board's determination shall be final. 90237

~~(E) The board shall, at least annually, submit to the Ohio 90238
retirement study council a report containing the following 90239
information:~~ 90240

~~(1) The name of each agent designated as an Ohio-qualified 90241
agent under this section:~~ 90242

~~(2) The name of each agent that executes securities 90243
transactions on behalf of the board:~~ 90244

~~(3) The amount of equity and fixed income trades that are 90245
executed by Ohio-qualified agents, expressed as a percentage of 90246
all equity and fixed income trades that are executed by agents on 90247
behalf of the board:~~ 90248

~~(4) The compensation paid to Ohio-qualified agents, expressed 90249
as a percentage of total compensation paid to all agents that 90250
execute securities transactions on behalf of the board:~~ 90251

~~(5) The amount of equity and fixed income trades that are 90252
executed by agents that are minority business enterprises, 90253
expressed as a percentage of all equity and fixed income trades 90254~~

that are executed by agents on behalf of the board;	90255
(6) Any other information requested by the Ohio retirement study council regarding the board's use of agents.	90256
study council regarding the board's use of agents.	90257
Sec. 5505.0610. (A) The state highway patrol retirement board shall, for the purposes of this section, designate an investment manager as an Ohio-qualified investment manager if the investment manager meets all of the following requirements:	90258
	90259
	90260
	90261
(1) The investment manager is subject to taxation under Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code.	90262
	90263
(2) The investment manager meets one of the following requirements:	90264
	90265
(a) Has its corporate headquarters or principal place of business in this state;	90266
	90267
(b) Employs at least five hundred individuals in this state;	90268
(c) Has a principal place of business in this state and employs at least twenty residents of this state.	90269
	90270
(B)(1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified investment managers, when an Ohio-qualified investment manager offers quality, services, and safety comparable to other investment managers otherwise available to the board. The policy shall also provide for the following:	90271
	90272
	90273
	90274
	90275
	90276
(a) A process whereby the board can develop a list of Ohio-qualified investment managers and their investment products;	90277
	90278
(b) A process whereby the board can give public notice to Ohio-qualified investment managers of the board's search for an investment manager that includes the board's search criteria.	90279
	90280
	90281
(2) The board shall determine whether an investment manager is an Ohio-qualified investment manager and whether the investment	90282
	90283

manager offers quality, services, and safety comparable to other 90284
investment managers otherwise available to the board. The board's 90285
determination shall be final. 90286

~~(C) The board shall, at least annually, submit to the Ohio 90287
retirement study council a report containing the following 90288
information:~~ 90289

~~(1) The name of each investment manager designated as an 90290
Ohio qualified investment manager under this section:~~ 90291

~~(2) The name of each investment manager with which the board 90292
contracts:~~ 90293

~~(3) The amount of assets managed by Ohio qualified investment 90294
managers, expressed as a percentage of the total assets held by 90295
the retirement system and as a percentage of assets managed by 90296
investment managers with which the board has contracted:~~ 90297

~~(4) The compensation paid to Ohio qualified investment 90298
managers, expressed as a percentage of total compensation paid to 90299
all investment managers with which the board has contracted:~~ 90300

~~(5) Any other information requested by the Ohio retirement 90301
study council regarding the board's use of investment managers.~~ 90302

Sec. 5513.01. (A) The director of transportation shall make 90303
all purchases of machinery, materials, supplies, or other articles 90304
in the manner provided in this section. In all cases except those 90305
in which the director provides written authorization for purchases 90306
by district deputy directors of transportation, the director shall 90307
make all such purchases at the central office of the department of 90308
transportation in Columbus. Before making any purchase at that 90309
office, the director, as provided in this section, shall give 90310
notice to bidders of the director's intention to purchase. Where 90311
the expenditure does not exceed the amount applicable to the 90312
purchase of supplies specified in division ~~(B)~~(A) of section 90313

125.05 of the Revised Code, ~~as adjusted pursuant to division (D)~~ 90314
~~of that section,~~ the director shall give such notice as the 90315
director considers proper, or the director may make the purchase 90316
without notice. Where the expenditure exceeds the amount 90317
applicable to the purchase of supplies specified in division 90318
~~(B)(A)~~ of section 125.05 of the Revised Code, ~~as adjusted pursuant~~ 90319
~~to division (D) of that section,~~ the director shall give notice by 90320
posting for not less than ten days a written, typed, or printed 90321
invitation to bidders on a bulletin board. The director shall 90322
locate the notice in a place in the offices assigned to the 90323
department and open to the public during business hours. 90324

Producers or distributors of any product may notify the 90325
director, in writing, of the class of articles for the furnishing 90326
of which they desire to bid and their post-office addresses. In 90327
that circumstance, the director shall mail copies of all 90328
invitations to bidders relating to the purchase of such articles 90329
to such persons by regular first class mail at least ten days 90330
prior to the time fixed for taking bids. The director also may 90331
mail copies of all invitations to bidders to news agencies or 90332
other agencies or organizations distributing information of this 90333
character. Requests for invitations are not valid and do not 90334
require action by the director unless renewed by the director, 90335
either annually or after such shorter period as the director may 90336
prescribe by a general rule. 90337

The director shall include in an invitation to bidders a 90338
brief statement of the general character of the article that it is 90339
intended to purchase, the approximate quantity desired, and a 90340
statement of the time and place where bids will be received, and 90341
may relate to and describe as many different articles as the 90342
director thinks proper, it being the intent and purpose of this 90343
section to authorize the inclusion in a single invitation of as 90344
many different articles as the director desires to invite bids 90345

upon at any given time. The director shall give invitations issued 90346
during each calendar year consecutive numbers, and ensure that the 90347
number assigned to each invitation appears on all copies thereof. 90348
In all cases where notice is required by this section, the 90349
director shall require sealed bids, on forms prescribed and 90350
furnished by the director. The director shall not permit the 90351
modification of bids after they have been opened. 90352

(B) The director may permit a state agency, the Ohio turnpike 90353
and infrastructure commission, any political subdivision, and any 90354
state university or college to participate in contracts into which 90355
the director has entered for the purchase of machinery, materials, 90356
supplies, or other articles. The turnpike and infrastructure 90357
commission and any political subdivision or state university or 90358
college desiring to participate in such purchase contracts shall 90359
file with the director a certified copy of the bylaws or rules of 90360
the turnpike and infrastructure commission or the ordinance or 90361
resolution of the legislative authority, board of trustees, or 90362
other governing board requesting authorization to participate in 90363
such contracts and agreeing to be bound by such terms and 90364
conditions as the director prescribes. Purchases made by a state 90365
agency, the turnpike and infrastructure commission, political 90366
subdivisions, or state universities or colleges under this 90367
division are exempt from any competitive bidding required by law 90368
for the purchase of machinery, materials, supplies, or other 90369
articles. 90370

(C) As used in this section: 90371

(1) "Political subdivision" means any county, township, 90372
municipal corporation, conservancy district, township park 90373
district, park district created under Chapter 1545. of the Revised 90374
Code, port authority, regional transit authority, regional airport 90375
authority, regional water and sewer district, county transit 90376
board, school district as defined in section 5513.04 of the 90377

Revised Code, regional planning commission formed under section 90378
713.21 of the Revised Code, regional council of government formed 90379
under section 167.01 of the Revised Code, or other association of 90380
local governments established pursuant to an agreement under 90381
sections 307.14 to 307.19 of the Revised Code. 90382

(2) "State university or college" has the same meaning as in 90383
division (A)(1) of section 3345.32 of the Revised Code. 90384

(3) "Ohio turnpike and infrastructure commission" means the 90385
commission created by section 5537.02 of the Revised Code. 90386

(4) "State agency" means every organized body, office, board, 90387
authority, commission, or agency established by the laws of the 90388
state for the exercise of any governmental or quasi-governmental 90389
function of state government, regardless of the funding source for 90390
that entity, other than any state institution of higher education, 90391
the office of the governor, lieutenant governor, auditor of state, 90392
treasurer of state, secretary of state, or attorney general, the 90393
general assembly, the courts or any judicial agency, or any state 90394
retirement system or retirement program established by or 90395
referenced in the Revised Code. 90396

Sec. 5537.05. (A) The Ohio turnpike and infrastructure 90397
commission may construct grade separations at intersections of any 90398
turnpike project with public roads and railroads, and change and 90399
adjust the lines and grades of those roads and railroads, and of 90400
public utility facilities, which change and adjustment of lines 90401
and grades of those roads shall be subject to the approval of the 90402
governmental agency having jurisdiction over the road, so as to 90403
accommodate them to the design of the grade separation. The cost 90404
of the grade separation and any damage incurred in changing and 90405
adjusting the lines and grades of roads, railroads, and public 90406
utility facilities shall be ascertained and paid by the commission 90407
as a part of the cost of the turnpike project or from revenues or 90408

state taxes. 90409

(1) If the commission finds it necessary to change the 90410
location of any portion of any public road, railroad, or public 90411
utility facility, it shall cause the same to be reconstructed at 90412
the location the governmental agency having jurisdiction over such 90413
road, railroad, or public utility facility considers most 90414
favorable. The construction shall be of substantially the same 90415
type and in as good condition as the original road, railroad, or 90416
public utility facility. The cost of the reconstruction, 90417
relocation, or removal and any damage incurred in changing the 90418
location shall be ascertained and paid by the commission as a part 90419
of the cost of the turnpike project or from revenues or state 90420
taxes. 90421

(2) The commission may petition the board of county 90422
commissioners of the county in which is situated any public road 90423
or part thereof affected by the location therein of any turnpike 90424
project, for the vacation or relocation of the road or any part 90425
thereof, in the same manner and with the same force and effect as 90426
is given to the director of transportation pursuant to sections 90427
5553.04 to 5553.11 of the Revised Code. 90428

(B) The commission and its authorized agents and employees, 90429
after proper notice, may enter upon any lands, waters, and 90430
premises in the state for the purpose of making surveys, 90431
soundings, drillings, and examinations that are necessary or 90432
proper for the purposes of this chapter, and the entry shall not 90433
be deemed a trespass, nor shall an entry for those purposes be 90434
deemed an entry under any appropriation proceedings which may then 90435
be pending, provided that before entering upon the premises of any 90436
railroad notice shall be given to the superintendent of the 90437
railroad involved at least five days in advance of entry, and 90438
provided that no survey, sounding, drilling, and examination shall 90439
be made between the rails or so close to a railroad track as would 90440

render the track unusable. The commission shall make reimbursement 90441
for any actual damage resulting to such lands, waters, and 90442
premises and to private property located in, on, along, over, or 90443
under such lands, waters, and premises, as a result of such 90444
activities. The state, subject to the approval of the governor, 90445
hereby consents to the use of all lands owned by it, including 90446
lands lying under water, that are necessary or proper for the 90447
construction, maintenance, or operation of any turnpike project, 90448
provided adequate consideration is provided for the use. 90449

(C) The commission may make reasonable provisions or rules 90450
for the installation, construction, maintenance, repair, renewal, 90451
relocation, and removal of public utility facilities in, on, 90452
along, over, or under any turnpike project. Whenever the 90453
commission determines that it is necessary that any public utility 90454
facilities located in, on, along, over, or under any turnpike 90455
project should be relocated in or removed from the turnpike 90456
project, the public utility owning or operating the facilities 90457
shall relocate or remove them in accordance with the order of the 90458
commission. Except as otherwise provided in any license or other 90459
agreement with the commission, the cost and expenses of such 90460
relocation or removal, including the cost of installing the 90461
facilities in a new location, the cost of any lands, or any rights 90462
or interests in lands, and any other rights, acquired to 90463
accomplish the relocation or removal, shall be ascertained and 90464
paid by the commission as part of the cost of the turnpike project 90465
or from revenues of the Ohio turnpike system. In case of any such 90466
relocation or removal of facilities, the public utility owning or 90467
operating them and its successors or assigns may maintain and 90468
operate the facilities, with the necessary appurtenances, in the 90469
new location, for as long a period, and upon the same terms, as it 90470
had the right to maintain and operate the facilities in their 90471
former location. 90472

(D) The commission is subject to Chapters ~~1515-~~ 940., 6131., 90473
6133., 6135., and 6137. of the Revised Code and shall pay any 90474
assessments levied under those chapters for an improvement or 90475
maintenance of an improvement on land under the control or 90476
ownership of the commission. 90477

Sec. 5701.03. As used in Title LVII of the Revised Code: 90478

(A) "Personal property" includes every tangible thing that is 90479
the subject of ownership, whether animate or inanimate, including 90480
a business fixture, and that does not constitute real property as 90481
defined in section 5701.02 of the Revised Code. "Personal 90482
property" also includes every share, portion, right, or interest, 90483
either legal or equitable, in and to every ship, vessel, or boat, 90484
used or designed to be used in business either exclusively or 90485
partially in navigating any of the waters within or bordering on 90486
this state, whether such ship, vessel, or boat is within the 90487
jurisdiction of this state or elsewhere. "Personal property" does 90488
not include money as defined in section 5701.04 of the Revised 90489
Code, motor vehicles registered by the owner thereof, electricity, 90490
or, for purposes of any tax levied on personal property, patterns, 90491
jigs, dies, or drawings that are held for use and not for sale in 90492
the ordinary course of business, except to the extent that the 90493
value of the electricity, patterns, jigs, dies, or drawings is 90494
included in the valuation of inventory produced for sale. 90495

(B) "Business fixture" means an item of tangible personal 90496
property that has become permanently attached or affixed to the 90497
land or to a building, structure, or improvement, and that 90498
primarily benefits the business conducted by the occupant on the 90499
premises and not the realty. "Business fixture" includes, but is 90500
not limited to, machinery, equipment, signs, cart paths, storage 90501
bins and tanks, whether above or below ground, and broadcasting, 90502
transportation, irrigation, transmission, and distribution 90503

systems, whether above or below ground; and structures affixed to 90504
or constructed over land that consist of soil and other natural 90505
materials requiring regular maintenance, that primarily benefit 90506
the business conducted on the premises, and that are depreciable 90507
under 26 U.S.C. 167. "Business fixture" also means those portions 90508
of buildings, structures, and improvements that are specially 90509
designed, constructed, and used for the business conducted in the 90510
building, structure, or improvement, including, but not limited 90511
to, foundations and supports for machinery and equipment. 90512
"Business fixture" does not include fixtures that are common to 90513
buildings, including, but not limited to, heating, ventilation, 90514
and air conditioning systems primarily used to control the 90515
environment for people or animals, tanks, towers, and lines for 90516
potable water or water for fire control, electrical and 90517
communication lines, and other fixtures that primarily benefit the 90518
realty and not the business conducted by the occupant on the 90519
premises. 90520

Sec. 5575.01. (A) In the maintenance and repair of roads, the 90521
board of township trustees may proceed either by contract or force 90522
account, but, unless the exemption specified in division (C) of 90523
this section applies, if the board wishes to proceed by force 90524
account, it first shall cause the county engineer to complete the 90525
force account assessment form developed by the auditor of state 90526
under section 117.16 of the Revised Code. Except as otherwise 90527
provided in sections 505.08 and 505.101 of the Revised Code, when 90528
the board proceeds by contract, the contract shall, if the amount 90529
involved exceeds ~~forty-five~~ ninety thousand dollars, be let by the 90530
board to the lowest responsible bidder after advertisement for 90531
bids once, not later than two weeks, prior to the date fixed for 90532
the letting of the contract, in a newspaper of general circulation 90533
within the township. If the amount involved is ~~forty-five~~ ninety 90534
thousand dollars or less, a contract may be let without 90535

competitive bidding, or the work may be done by force account. 90536
Such a contract shall be performed under the supervision of a 90537
member of the board or the township road superintendent. 90538

(B) Before undertaking the construction or reconstruction of 90539
a township road, the board shall cause to be made by the county 90540
engineer an estimate of the cost of the work, which estimate shall 90541
include labor, material, freight, fuel, hauling, use of machinery 90542
and equipment, and all other items of cost. If the board finds it 90543
in the best interest of the public, it may, in lieu of 90544
constructing the road by contract, proceed to construct the road 90545
by force account. Except as otherwise provided under sections 90546
505.08 and 505.101 of the Revised Code, where the total estimated 90547
cost of the work exceeds ~~fifteen~~ thirty thousand dollars per mile, 90548
the board shall invite and receive competitive bids for furnishing 90549
all the labor, materials, and equipment and doing the work, as 90550
provided in section 5575.02 of the Revised Code, and shall 90551
consider and reject them before ordering the work done by force 90552
account. When such bids are received, considered, and rejected, 90553
and the work is done by force account, the work shall be performed 90554
in compliance with the plans and specifications upon which the 90555
bids were based. 90556

(C) Force account assessment forms are not required under 90557
division (A) of this section for road maintenance or repair 90558
projects of less than ~~fifteen~~ forty-five thousand dollars, or 90559
under division (B) of this section for road construction or 90560
reconstruction projects of less than ~~five~~ fifteen thousand dollars 90561
per mile. 90562

(D) All force account work under this section shall be done 90563
under the direction of a member of the board or the township road 90564
superintendent. 90565

Sec. 5703.057. (A) For the efficient administration of the 90566

taxes and fees administered by the tax commissioner, the 90567
commissioner may require that any person filing a tax document 90568
with the department of taxation provide identifying information, 90569
which may include the person's social security number, federal 90570
employer identification number, or other identification number 90571
requested by the commissioner, subject to section 5703.361 of the 90572
Revised Code. A person required by the commissioner to provide 90573
identifying information who has experienced any change with 90574
respect to that information shall notify the commissioner of the 90575
change prior to, or upon, filing the next tax document requiring 90576
such identifying information. 90577

(B) When transmitting or otherwise making use of a tax 90578
document that contains a person's social security number, the 90579
commissioner shall take all reasonable measures necessary to 90580
ensure that the number is not capable of being viewed by the 90581
general public, including, when necessary, masking the number so 90582
that it is not readily discernible by the general public. 90583

(C)(1) If the commissioner makes a request for identifying 90584
information and the commissioner does not receive valid 90585
identifying information within thirty days of making the request, 90586
the commissioner may impose a penalty upon the person to whom the 90587
request was directed of up to one hundred dollars. If, after the 90588
expiration of this thirty day period, the commissioner makes one 90589
or more subsequent requests for identifying information and the 90590
person to whom the subsequent request is directed fails to provide 90591
valid identifying information within thirty days of the 90592
commissioner's subsequent request, the commissioner may impose an 90593
additional penalty of up to two hundred dollars for each 90594
subsequent request not complied with in a timely fashion. 90595

(2) If a person required by the commissioner to provide 90596
identifying information does not notify the commissioner of a 90597

change with respect to that information as required under division 90598
(A) of this section within thirty days after filing the next tax 90599
document requiring such identifying information, the commissioner 90600
may impose a penalty of up to fifty dollars. 90601

(3) The penalties provided for under divisions (C)(1) and (2) 90602
of this section may be billed and assessed in the same manner as 90603
the tax or fee with respect to which the identifying information 90604
is sought and are in addition to any applicable criminal penalties 90605
described in division (D) of this section and any other penalties 90606
that may be imposed by the commissioner by law. 90607

(D) Section 5703.26 of the Revised Code applies with respect 90608
to false or fraudulent identifying information provided by a 90609
person to the commissioner under this section. 90610

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 90611
of this section, no agent of the department of taxation, except in 90612
the agent's report to the department or when called on to testify 90613
in any court or proceeding, shall divulge any information acquired 90614
by the agent as to the transactions, property, or business of any 90615
person while acting or claiming to act under orders of the 90616
department. Whoever violates this provision shall thereafter be 90617
disqualified from acting as an officer or employee or in any other 90618
capacity under appointment or employment of the department. 90619
90620

(B)(1) For purposes of an audit pursuant to section 117.15 of 90621
the Revised Code, or an audit of the department pursuant to 90622
Chapter 117. of the Revised Code, or an audit, pursuant to that 90623
chapter, the objective of which is to express an opinion on a 90624
financial report or statement prepared or issued pursuant to 90625
division (A)(7) or (9) of section 126.21 of the Revised Code, the 90626
officers and employees of the auditor of state charged with 90627
conducting the audit shall have access to and the right to examine 90628

any state tax returns and state tax return information in the 90629
possession of the department to the extent that the access and 90630
examination are necessary for purposes of the audit. Any 90631
information acquired as the result of that access and examination 90632
shall not be divulged for any purpose other than as required for 90633
the audit or unless the officers and employees are required to 90634
testify in a court or proceeding under compulsion of legal 90635
process. Whoever violates this provision shall thereafter be 90636
disqualified from acting as an officer or employee or in any other 90637
capacity under appointment or employment of the auditor of state. 90638

(2) For purposes of an internal audit pursuant to section 90639
126.45 of the Revised Code, the officers and employees of the 90640
office of internal audit in the office of budget and management 90641
charged with directing the internal audit shall have access to and 90642
the right to examine any state tax returns and state tax return 90643
information in the possession of the department to the extent that 90644
the access and examination are necessary for purposes of the 90645
internal audit. Any information acquired as the result of that 90646
access and examination shall not be divulged for any purpose other 90647
than as required for the internal audit or unless the officers and 90648
employees are required to testify in a court or proceeding under 90649
compulsion of legal process. Whoever violates this provision shall 90650
thereafter be disqualified from acting as an officer or employee 90651
or in any other capacity under appointment or employment of the 90652
office of internal audit. 90653

(3) As provided by section 6103(d)(2) of the Internal Revenue 90654
Code, any federal tax returns or federal tax information that the 90655
department has acquired from the internal revenue service, through 90656
federal and state statutory authority, may be disclosed to the 90657
auditor of state or the office of internal audit solely for 90658
purposes of an audit of the department. 90659

(4) For purposes of Chapter 3739. of the Revised Code, an 90660

agent of the department of taxation may share information with the 90661
division of state fire marshal that the agent finds during the 90662
course of an investigation. 90663

(C) Division (A) of this section does not prohibit any of the 90664
following: 90665

(1) Divulging information contained in applications, 90666
complaints, and related documents filed with the department under 90667
section 5715.27 of the Revised Code or in applications filed with 90668
the department under section 5715.39 of the Revised Code; 90669

(2) Providing information to the office of child support 90670
within the department of job and family services pursuant to 90671
section 3125.43 of the Revised Code; 90672

~~(3) Disclosing to the motor vehicle repair board any 90673
information in the possession of the department that is necessary 90674
for the board to verify the existence of an applicant's valid 90675
vendor's license and current state tax identification number under 90676
section 4775.07 of the Revised Code;~~ 90677

~~(4)~~ Providing information to the administrator of workers' 90678
compensation pursuant to sections 4123.271 and 4123.591 of the 90679
Revised Code; 90680

~~(5)~~(4) Providing to the attorney general information the 90681
department obtains under division (J) of section 1346.01 of the 90682
Revised Code; 90683

~~(6)~~(5) Permitting properly authorized officers, employees, or 90684
agents of a municipal corporation from inspecting reports or 90685
information pursuant to rules adopted under section 5745.16 of the 90686
Revised Code; 90687

~~(7)~~(6) Providing information regarding the name, account 90688
number, or business address of a holder of a vendor's license 90689
issued pursuant to section 5739.17 of the Revised Code, a holder 90690

of a direct payment permit issued pursuant to section 5739.031 of 90691
the Revised Code, or a seller having a use tax account maintained 90692
pursuant to section 5741.17 of the Revised Code, or information 90693
regarding the active or inactive status of a vendor's license, 90694
direct payment permit, or seller's use tax account; 90695

~~(8)~~(7) Releasing invoices or invoice information furnished 90696
under section 4301.433 of the Revised Code pursuant to that 90697
section; 90698

~~(9)~~(8) Providing to a county auditor notices or documents 90699
concerning or affecting the taxable value of property in the 90700
county auditor's county. Unless authorized by law to disclose 90701
documents so provided, the county auditor shall not disclose such 90702
documents; 90703

~~(10)~~(9) Providing to a county auditor sales or use tax return 90704
or audit information under section 333.06 of the Revised Code; 90705

~~(11)~~(10) Subject to section 4301.441 of the Revised Code, 90706
disclosing to the appropriate state agency information in the 90707
possession of the department of taxation that is necessary to 90708
verify a permit holder's gallonage or noncompliance with taxes 90709
levied under Chapter 4301. or 4305. of the Revised Code; 90710

~~(12)~~(11) Disclosing to the department of natural resources 90711
information in the possession of the department of taxation that 90712
is necessary for the department of taxation to verify the 90713
taxpayer's compliance with section 5749.02 of the Revised Code or 90714
to allow the department of natural resources to enforce Chapter 90715
1509. of the Revised Code; 90716

~~(13)~~(12) Disclosing to the department of job and family 90717
services, industrial commission, and bureau of workers' 90718
compensation information in the possession of the department of 90719
taxation solely for the purpose of identifying employers that 90720
misclassify employees as independent contractors or that fail to 90721

properly report and pay employer tax liabilities. The department 90722
of taxation shall disclose only such information that is necessary 90723
to verify employer compliance with law administered by those 90724
agencies. 90725

~~(14)~~(13) Disclosing to the Ohio casino control commission 90726
information in the possession of the department of taxation that 90727
is necessary to verify a casino operator's compliance with section 90728
5747.063 or 5753.02 of the Revised Code and sections related 90729
thereto; 90730

~~(15)~~(14) Disclosing to the state lottery commission 90731
information in the possession of the department of taxation that 90732
is necessary to verify a lottery sales agent's compliance with 90733
section 5747.064 of the Revised Code. 90734

~~(16)~~(15) Disclosing to the development services agency 90735
information in the possession of the department of taxation that 90736
is necessary to ensure compliance with the laws of this state 90737
governing taxation and to verify information reported to the 90738
development services agency for the purpose of evaluating 90739
potential tax credits, grants, or loans. Such information shall 90740
not include information received from the internal revenue service 90741
the disclosure of which is prohibited by section 6103 of the 90742
Internal Revenue Code. No officer, employee, or agent of the 90743
development services agency shall disclose any information 90744
provided to the development services agency by the department of 90745
taxation under division (C)~~(16)~~(15) of this section except when 90746
disclosure of the information is necessary for, and made solely 90747
for the purpose of facilitating, the evaluation of potential tax 90748
credits, grants, or loans. 90749

Sec. 5703.36. If any company, firm, corporation, person, 90750
association, partnership, or public utility fails to make out and 90751
deliver to the tax commissioner any statement required by law, or 90752

to furnish the commissioner with any information requested, the 90753
commissioner shall ~~inform himself~~ become informed as best ~~he~~ the 90754
commissioner can on the matters necessary to be known in order to 90755
discharge ~~his~~ the commissioner's duties, subject to section 90756
5703.361 of the Revised Code. 90757

Sec. 5703.361. If the tax commissioner uses measures to 90758
reduce fraud by requiring a person to verify information about the 90759
person for the purpose of verifying the person's identity, the tax 90760
commissioner may not require a person to verify any information 90761
created or compiled more than five years preceding the current 90762
calendar year. 90763

Sec. 5705.194. The board of education of any city, local, 90764
exempted village, cooperative education, or joint vocational 90765
school district at any time may declare by resolution that the 90766
revenue that will be raised by all tax levies which the district 90767
is authorized to impose, when combined with state and federal 90768
revenues, will be insufficient to provide for the emergency 90769
requirements of the school district or to avoid an operating 90770
deficit, and that it is therefore necessary to levy an additional 90771
tax in excess of the ten-mill limitation. The resolution shall be 90772
confined to a single purpose and shall specify that purpose. If 90773
the levy is proposed to renew all or a portion of the proceeds 90774
derived from one or more existing levies imposed pursuant to this 90775
section, it shall be called a renewal levy and shall be so 90776
designated on the ballot. If two or more existing levies are to be 90777
included in a single renewal levy but are not scheduled to expire 90778
in the same year, the resolution shall specify that the existing 90779
levies to be renewed shall not be levied after the year preceding 90780
the year in which the renewal levy is first imposed. 90781
Notwithstanding the original purpose of any one or more existing 90782
levies that are to be in any single renewal levy, the purpose of 90783

the renewal levy may be either to avoid an operating deficit or to provide for the emergency requirements of the school district. The resolution shall further specify the amount of money it is necessary to raise for the specified purpose for each calendar year the millage is to be imposed; if a renewal levy, whether the levy is to renew all, or a portion of, the proceeds derived from one or more existing levies; and the number of years in which the millage is to be in effect, which may include a levy upon the current year's tax list. The number of years may be any number not exceeding ten.

The question shall be submitted at a special election on a date specified in the resolution. The date shall not be earlier than eighty days after the adoption and certification of the resolution to the county auditor and shall be consistent with the requirements of section 3501.01 of the Revised Code. A resolution for a renewal levy shall not be placed on the ballot unless the question is submitted on a date on which a special election may be held under division (D) of section 3501.01 of the Revised Code, except for the first Tuesday after the first Monday in ~~February~~ and August, during the last year the levy to be renewed may be extended on the real and public utility property tax list and duplicate, or at any election held in the ensuing year, except that if the resolution proposes renewing two or more existing levies, the question shall be submitted on the date of the general or primary election held during the last year at least one of the levies to be renewed may be extended on that list and duplicate, or at any election held during the ensuing year. For purposes of this section, a levy shall be considered to be an "existing levy" through the year following the last year it can be placed on the real and public utility property tax list and duplicate.

The submission of questions to the electors under this section is subject to the limitation on the number of election

dates established by section 5705.214 of the Revised Code. 90816

The resolution shall go into immediate effect upon its 90817
passage, and no publication of the resolution shall be necessary 90818
other than that provided for in the notice of election. A copy of 90819
the resolution shall immediately after its passing be certified to 90820
the county auditor of the proper county. Section 5705.195 of the 90821
Revised Code shall govern the arrangements for the submission of 90822
questions to the electors under this section and other matters 90823
concerning the election. Publication of notice of the election 90824
shall be made in one newspaper of general circulation in the 90825
county once a week for two consecutive weeks, or as provided in 90826
section 7.16 of the Revised Code, prior to the election. If the 90827
board of elections operates and maintains a web site, the board of 90828
elections shall post notice of the election on its web site for 90829
thirty days prior to the election. If a majority of the electors 90830
voting on the question submitted in an election vote in favor of 90831
the levy, the board of education of the school district may make 90832
the additional levy necessary to raise the amount specified in the 90833
resolution for the purpose stated in the resolution. The tax levy 90834
shall be included in the next tax budget that is certified to the 90835
county budget commission. 90836

After the approval of the levy and prior to the time when the 90837
first tax collection from the levy can be made, the board of 90838
education may anticipate a fraction of the proceeds of the levy 90839
and issue anticipation notes in an amount not exceeding the total 90840
estimated proceeds of the levy to be collected during the first 90841
year of the levy. 90842

The notes shall be issued as provided in section 133.24 of 90843
the Revised Code, shall have principal payments during each year 90844
after the year of their issuance over a period not to exceed five 90845
years, and may have principal payment in the year of their 90846
issuance. 90847

Sec. 5705.21. (A) At any time, the board of education of any 90848
city, local, exempted village, cooperative education, or joint 90849
vocational school district, by a vote of two-thirds of all its 90850
members, may declare by resolution that the amount of taxes that 90851
may be raised within the ten-mill limitation by levies on the 90852
current tax duplicate will be insufficient to provide an adequate 90853
amount for the necessary requirements of the school district, that 90854
it is necessary to levy a tax in excess of such limitation for one 90855
of the purposes specified in division (A), (D), (F), (H), or (DD) 90856
of section 5705.19 of the Revised Code, for general permanent 90857
improvements, for the purpose of operating a cultural center, for 90858
the purpose of providing for school safety and security, or for 90859
the purpose of providing education technology, and that the 90860
question of such additional tax levy shall be submitted to the 90861
electors of the school district at a special election on a day to 90862
be specified in the resolution. In the case of a qualifying 90863
library levy for the support of a library association or private 90864
corporation, the question shall be submitted to the electors of 90865
the association library district. If the resolution states that 90866
the levy is for the purpose of operating a cultural center, the 90867
ballot shall state that the levy is "for the purpose of operating 90868
the (name of cultural center)." 90869

As used in this division, "cultural center" means a 90870
freestanding building, separate from a public school building, 90871
that is open to the public for educational, musical, artistic, and 90872
cultural purposes; "education technology" means, but is not 90873
limited to, computer hardware, equipment, materials, and 90874
accessories, equipment used for two-way audio or video, and 90875
software; and "general permanent improvements" means permanent 90876
improvements without regard to the limitation of division (F) of 90877
section 5705.19 of the Revised Code that the improvements be a 90878
specific improvement or a class of improvements that may be 90879

included in a single bond issue. 90880

A resolution adopted under this division shall be confined to 90881
a single purpose and shall specify the amount of the increase in 90882
rate that it is necessary to levy, the purpose of the levy, and 90883
the number of years during which the increase in rate shall be in 90884
effect. The number of years may be any number not exceeding five 90885
or, if the levy is for current expenses of the district or for 90886
general permanent improvements, for a continuing period of time. 90887

(B)(1) The board of education of a qualifying school 90888
district, by resolution, may declare that it is necessary to levy 90889
a tax in excess of the ten-mill limitation for the purpose of 90890
paying the current expenses of ~~the district and of~~ partnering 90891
community schools and, if any of the levy proceeds are so 90892
allocated, of the district. A qualifying school district that is 90893
not a municipal school district may allocate all of the levy 90894
proceeds to partnering community schools. A municipal school 90895
district shall allocate a portion of the levy proceeds to the 90896
current expenses of the district. The resolution shall declare 90897
that the question of the additional tax levy shall be submitted to 90898
the electors of the school district at a special election on a day 90899
to be specified in the resolution. The resolution shall state the 90900
purpose of the levy, the rate of the tax expressed in mills per 90901
dollar of taxable value, the number of such mills to be levied for 90902
the current expenses of the partnering community schools and the 90903
number of such mills, if any, to be levied for the current 90904
expenses of the school district, the number of years the tax will 90905
be levied, and the first year the tax will be levied. The number 90906
of years the tax may be levied may be any number not exceeding ten 90907
years, or for a continuing period of time. 90908

The levy of a tax for the current expenses of a partnering 90909
community school under this section and the distribution of 90910
proceeds from the tax by a qualifying school district to 90911

partnering community schools is hereby determined to be a proper public purpose.

(2) The (a) If any portion of the levy proceeds are to be allocated to the current expenses of the qualifying school district, the form of the ballot at an election held pursuant to division (B) of this section shall be as follows:

"Shall a levy be imposed by the (insert the name of the qualifying school district) for the purpose of current expenses of the school district and of partnering community schools at a rate not exceeding (insert the number of mills) mills for each one dollar of valuation, (of which (insert the number of mills to be allocated to partnering community schools) mills is to be allocated to partnering community schools), which amounts to (insert the rate expressed in dollars and cents) for each one hundred dollars of valuation, for (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), beginning (insert first year the tax is to be levied), which will first be payable in calendar year (insert the first calendar year in which the tax would be payable)?

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

(b) If all of the levy proceeds are to be allocated to the current expenses of partnering community schools, the form of the ballot shall be as follows:

"Shall a levy be imposed by the (insert the name of the qualifying school district) for the purpose of current expenses of partnering community schools at a rate not exceeding (insert the number of mills) mills for each one dollar of valuation which amounts to (insert the rate expressed in dollars and cents) for each one hundred dollars of valuation, for

..... (insert the number of years the levy is to be imposed, or
that it will be levied for a continuing period of time), beginning
..... (insert first year the tax is to be levied), which will
first be payable in calendar year (insert the first
calendar year in which the tax would be payable)?

	<u>FOR THE TAX LEVY</u>	
	<u>AGAINST THE TAX LEVY</u>	"

(3) Upon each receipt of a tax distribution by the qualifying
school district, the board of education shall credit the portion
allocated to partnering community schools to the partnering
community schools fund. All income from the investment of money in
the partnering community schools fund shall be credited to that
fund.

(a) If the qualifying school district is a municipal school
district, the board of education shall distribute the partnering
community schools amount among the then qualifying community
schools not more than forty-five days after the school district
receives and deposits each tax distribution. From each tax
distribution, each such partnering community school shall receive
a portion of the partnering community schools amount in the
proportion that the number of its resident students bears to the
aggregate number of resident students of all such partnering
community schools as of the date of receipt and deposit of the tax
distribution.

(b) If the qualifying school district is not a municipal
school district, the board of education may distribute all or a
portion of the amount in the partnering community schools fund
during a fiscal year to partnering community schools ~~that were~~
~~either sponsored by the district or entered into an agreement~~
~~pursuant to division (B)(6)(b) of this section~~ on or before the
first day of June of the preceding fiscal year. Each such
partnering community school shall receive a portion of the amount

distributed by the board from the partnering community schools 90976
fund during the fiscal year in the proportion that the number of 90977
its resident students bears to the aggregate number of resident 90978
students of all such partnering community schools as of the date 90979
the school district received and deposited the most recent tax 90980
distribution. On or before the fifteenth day of June of each 90981
fiscal year, the board of education shall announce an estimated 90982
allocation to partnering community schools for the ensuing fiscal 90983
year. The board is not required to allocate to partnering 90984
community schools the entire partnering community schools amount 90985
in the fiscal year in which a tax distribution is received and 90986
deposited in the partnering community schools fund. The estimated 90987
allocation shall be published on the web site of the school 90988
district and expressed as a dollar amount per resident student. 90989
The actual allocation to community schools in a fiscal year need 90990
not conform to the estimate published by the school district so 90991
long if the estimate was made in good faith. 90992

Distributions by a school district under division (B)(3)(b) 90993
of this section shall be made in accordance with distribution 90994
agreements entered into by the board of education and each 90995
partnering community school eligible for distributions under this 90996
division. The distribution agreements shall be certified to the 90997
department of education each fiscal year before the thirtieth day 90998
of July. Each agreement shall provide for at least three 90999
distributions by the school district to the partnering community 91000
school during the fiscal year and shall require the initial 91001
distribution be made on or before the thirtieth day of July. 91002

(c) For the purposes of division (B) of this section, the 91003
number of resident students shall be the number of such students 91004
reported under section 3317.03 of the Revised Code and established 91005
by the department of education as of the date of receipt and 91006
deposit of the tax distribution. 91007

(4) To the extent an agreement whereby the qualifying school district and a community school endorse each other's programs is necessary for the community school to qualify as a partnering community school under division (B)(6)(b) of this section, the board of education of the school district shall certify to the department of education the agreement along with the determination that such agreement satisfies the requirements of that division. The board's determination is conclusive.

(5) For the purposes of Chapter 3317. of the Revised Code or other laws referring to the "taxes charged and payable" for a school district, the taxes charged and payable for a qualifying school district that levies a tax under division (B) of this section includes only the taxes charged and payable under that levy for the current expenses of the school district, and does not include the taxes charged and payable for the current expenses of partnering community schools. The taxes charged and payable for the current expenses of partnering community schools shall not affect the calculation of "state education aid" as defined in section 5751.20 of the Revised Code.

(6) As used in division (B) of this section:

(a) "Qualifying school district" means a municipal school district, as defined in section 3311.71 of the Revised Code or a school district that ~~has an average daily membership, as reported under division (A) of section 3317.03 of the Revised Code, greater than sixty thousand and the majority of the territory of which district is located in a city with a population greater than seven hundred thousand according to the most recent federal decennial census~~ contains within its territory a partnering community school.

(b) "Partnering community school" means a community school established under Chapter 3314. of the Revised Code that is located within the territory of the qualifying school district and

~~that either~~ meets one of the following criteria: 91040

(i) If the qualifying school district is a municipal school district, the community school is sponsored by the district or is a party to an agreement with the district whereby the district and the community school endorse each other's programs; 91041
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(ii) If the qualifying school district is not a municipal school district, the community school is sponsored by a sponsor that was rated as "exemplary" in the ratings most recently published under section 3314.016 of the Revised Code before the resolution proposing the levy is certified to the board of elections. 91045
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(c) "Partnering community schools amount" means the product obtained, as of the receipt and deposit of the tax distribution, by multiplying the amount of a tax distribution by a fraction, the numerator of which is the number of mills per dollar of taxable value of the property tax to be allocated to partnering community schools, and the denominator of which is the total number of mills per dollar of taxable value authorized by the electors in the election held under division (B) of this section, each as set forth in the resolution levying the tax. If the resolution allocates all of the levy proceeds to partnering community schools, the "partnering schools amount" equals the amount of the tax distribution. 91051
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(d) "Partnering community schools fund" means a separate fund established by the board of education of a qualifying school district for the deposit of partnering community school amounts under this section. 91063
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(e) "Resident student" means a student enrolled in a partnering community school who is entitled to attend school in the qualifying school district under section 3313.64 or 3313.65 of the Revised Code. 91067
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(f) "Tax distribution" means a distribution of proceeds of 91071
the tax authorized by division (B) of this section under section 91072
321.24 of the Revised Code and distributions that are attributable 91073
to that tax under sections 323.156 and 4503.068 of the Revised 91074
Code or other applicable law. 91075

(C) A resolution adopted under this section shall specify the 91076
date of holding the election, which shall not be earlier than 91077
ninety days after the adoption and certification of the resolution 91078
and which shall be consistent with the requirements of section 91079
3501.01 of the Revised Code. 91080

A resolution adopted under this section may propose to renew 91081
one or more existing levies imposed under division (A) or (B) of 91082
this section or to increase or decrease a single levy imposed 91083
under either such division. 91084

If the board of education imposes one or more existing levies 91085
for the purpose specified in division (F) of section 5705.19 of 91086
the Revised Code, the resolution may propose to renew one or more 91087
of those existing levies, or to increase or decrease a single such 91088
existing levy, for the purpose of general permanent improvements. 91089

If the resolution proposes to renew two or more existing 91090
levies, the levies shall be levied for the same purpose. The 91091
resolution shall identify those levies and the rates at which they 91092
are levied. The resolution also shall specify that the existing 91093
levies shall not be extended on the tax lists after the year 91094
preceding the year in which the renewal levy is first imposed, 91095
regardless of the years for which those levies originally were 91096
authorized to be levied. 91097

If the resolution proposes to renew an existing levy imposed 91098
under division (B) of this section, the rates allocated to the 91099
qualifying school district and to partnering community schools 91100
each may be increased or decreased or remain the same, and the 91101

total rate may be increased, decreased, or remain the same. The 91102
resolution and notice of election shall specify the number of the 91103
mills to be levied for the current expenses of the partnering 91104
community schools and the number of the mills, if any, to be 91105
levied for the current expenses of the qualifying school district. 91106

A resolution adopted under this section shall go into 91107
immediate effect upon its passage, and no publication of the 91108
resolution shall be necessary other than that provided for in the 91109
notice of election. A copy of the resolution shall immediately 91110
after its passing be certified to the board of elections of the 91111
proper county in the manner provided by section 5705.25 of the 91112
Revised Code. That section shall govern the arrangements for the 91113
submission of such question and other matters concerning the 91114
election to which that section refers, including publication of 91115
notice of the election, except that the election shall be held on 91116
the date specified in the resolution. In the case of a resolution 91117
adopted under division (B) of this section, the publication of 91118
notice of that election shall state the number of the mills, if 91119
any, to be levied for the current expenses of partnering community 91120
schools and the number of the mills to be levied for the current 91121
expenses of the qualifying school district. If a majority of the 91122
electors voting on the question so submitted in an election vote 91123
in favor of the levy, the board of education may make the 91124
necessary levy within the school district or, in the case of a 91125
qualifying library levy for the support of a library association 91126
or private corporation, within the association library district, 91127
at the additional rate, or at any lesser rate in excess of the 91128
ten-mill limitation on the tax list, for the purpose stated in the 91129
resolution. A levy for a continuing period of time may be reduced 91130
pursuant to section 5705.261 of the Revised Code. The tax levy 91131
shall be included in the next tax budget that is certified to the 91132
county budget commission. 91133

(D)(1) After the approval of a levy on the current tax list 91134
and duplicate for current expenses, for recreational purposes, for 91135
community centers provided for in section 755.16 of the Revised 91136
Code, or for a public library of the district under division (A) 91137
of this section, and prior to the time when the first tax 91138
collection from the levy can be made, the board of education may 91139
anticipate a fraction of the proceeds of the levy and issue 91140
anticipation notes in a principal amount not exceeding fifty per 91141
cent of the total estimated proceeds of the levy to be collected 91142
during the first year of the levy. 91143

(2) After the approval of a levy for general permanent 91144
improvements for a specified number of years or for permanent 91145
improvements having the purpose specified in division (F) of 91146
section 5705.19 of the Revised Code, the board of education may 91147
anticipate a fraction of the proceeds of the levy and issue 91148
anticipation notes in a principal amount not exceeding fifty per 91149
cent of the total estimated proceeds of the levy remaining to be 91150
collected in each year over a period of five years after the 91151
issuance of the notes. 91152

The notes shall be issued as provided in section 133.24 of 91153
the Revised Code, shall have principal payments during each year 91154
after the year of their issuance over a period not to exceed five 91155
years, and may have a principal payment in the year of their 91156
issuance. 91157

(3) After approval of a levy for general permanent 91158
improvements for a continuing period of time, the board of 91159
education may anticipate a fraction of the proceeds of the levy 91160
and issue anticipation notes in a principal amount not exceeding 91161
fifty per cent of the total estimated proceeds of the levy to be 91162
collected in each year over a specified period of years, not 91163
exceeding ten, after the issuance of the notes. 91164

The notes shall be issued as provided in section 133.24 of 91165

the Revised Code, shall have principal payments during each year 91166
after the year of their issuance over a period not to exceed ten 91167
years, and may have a principal payment in the year of their 91168
issuance. 91169

(4) After the approval of a levy on the current tax list and 91170
duplicate under division (B) of this section, and prior to the 91171
time when the first tax collection from the levy can be made, the 91172
board of education may anticipate a fraction of the proceeds of 91173
the levy for the current expenses of the school district and issue 91174
anticipation notes in a principal amount not exceeding fifty per 91175
cent of the estimated proceeds of the levy to be collected during 91176
the first year of the levy and allocated to the school district. 91177
The portion of the levy proceeds to be allocated to partnering 91178
community schools under that division shall not be included in the 91179
estimated proceeds anticipated under this division and shall not 91180
be used to pay debt charges on any anticipation notes. 91181

The notes shall be issued as provided in section 133.24 of 91182
the Revised Code, shall have principal payments during each year 91183
after the year of their issuance over a period not to exceed five 91184
years, and may have a principal payment in the year of their 91185
issuance. 91186

(E) The submission of questions to the electors under this 91187
section is subject to the limitation on the number of election 91188
dates established by section 5705.214 of the Revised Code. 91189

(F) The board of education of any school district that levies 91190
a tax under this section for the purpose of providing for school 91191
safety and security may report to the department of education how 91192
the district is using revenue from that tax. 91193

Sec. 5705.212. (A)(1) The board of education of any school 91194
district, at any time and by a vote of two-thirds of all of its 91195
members, may declare by resolution that the amount of taxes that 91196

may be raised within the ten-mill limitation will be insufficient 91197
to provide an adequate amount for the present and future 91198
requirements of the school district, that it is necessary to levy 91199
not more than five taxes in excess of that limitation for current 91200
expenses, and that each of the proposed taxes first will be levied 91201
in a different year, over a specified period of time. The board 91202
shall identify the taxes proposed under this section as follows: 91203
the first tax to be levied shall be called the "original tax." 91204
Each tax subsequently levied shall be called an "incremental tax." 91205
The rate of each incremental tax shall be identical, but the rates 91206
of such incremental taxes need not be the same as the rate of the 91207
original tax. The resolution also shall state that the question of 91208
these additional taxes shall be submitted to the electors of the 91209
school district at a special election. The resolution shall 91210
specify separately for each tax proposed: the amount of the 91211
increase in rate that it is necessary to levy, expressed 91212
separately for the original tax and each incremental tax; that the 91213
purpose of the levy is for current expenses; the number of years 91214
during which the original tax shall be in effect; a specification 91215
that the last year in which the original tax is in effect shall 91216
also be the last year in which each incremental tax shall be in 91217
effect; and the year in which each tax first is proposed to be 91218
levied. The original tax may be levied for any number of years not 91219
exceeding ten, or for a continuing period of time. The resolution 91220
shall specify the date of holding the special election, which 91221
shall not be earlier than ninety days after the adoption and 91222
certification of the resolution and shall be consistent with the 91223
requirements of section 3501.01 of the Revised Code. 91224

(2) The board of education, by a vote of two-thirds of all of 91225
its members, may adopt a resolution proposing to renew taxes 91226
levied other than for a continuing period of time under division 91227
(A)(1) of this section. Such a resolution shall provide for 91228
levying a tax and specify all of the following: 91229

(a) That the tax shall be called and designated on the ballot 91230
as a renewal levy; 91231

(b) The rate of the renewal tax, which shall be a single rate 91232
that combines the rate of the original tax and each incremental 91233
tax into a single rate. The rate of the renewal tax shall not 91234
exceed the aggregate rate of the original and incremental taxes. 91235

(c) The number of years, not to exceed ten, that the renewal 91236
tax will be levied, or that it will be levied for a continuing 91237
period of time; 91238

(d) That the purpose of the renewal levy is for current 91239
expenses; 91240

(e) Subject to the certification and notification 91241
requirements of section 5705.251 of the Revised Code, that the 91242
question of the renewal levy shall be submitted to the electors of 91243
the school district at the general election held during the last 91244
year the original tax may be extended on the real and public 91245
utility property tax list and duplicate or at a special election 91246
held during the ensuing year. 91247

(3) A resolution adopted under division (A)(1) or (2) of this 91248
section shall go into immediate effect upon its adoption and no 91249
publication of the resolution is necessary other than that 91250
provided for in the notice of election. Immediately after its 91251
adoption, a copy of the resolution shall be certified to the board 91252
of elections of the proper county in the manner provided by 91253
division (A) of section 5705.251 of the Revised Code, and that 91254
division shall govern the arrangements for the submission of the 91255
question and other matters concerning the election to which that 91256
section refers. The election shall be held on the date specified 91257
in the resolution. If a majority of the electors voting on the 91258
question so submitted in an election vote in favor of the taxes or 91259
a renewal tax, the board of education, if the original or a 91260

renewal tax is authorized to be levied for the current year, 91261
immediately may make the necessary levy within the school district 91262
at the authorized rate, or at any lesser rate in excess of the 91263
ten-mill limitation, for the purpose stated in the resolution. No 91264
tax shall be imposed prior to the year specified in the resolution 91265
as the year in which it is first proposed to be levied. The rate 91266
of the original tax and the rate of each incremental tax shall be 91267
cumulative, so that the aggregate rate levied in any year is the 91268
sum of the rates of both the original tax and all incremental 91269
taxes levied in or prior to that year under the same proposal. A 91270
tax levied for a continuing period of time under this section may 91271
be reduced pursuant to section 5705.261 of the Revised Code. 91272

(B) Notwithstanding section 133.30 of the Revised Code, after 91273
the approval of a tax to be levied in the current or the 91274
succeeding year and prior to the time when the first tax 91275
collection from that levy can be made, the board of education may 91276
anticipate a fraction of the proceeds of the levy and issue 91277
anticipation notes in an amount not to exceed fifty per cent of 91278
the total estimated proceeds of the levy to be collected during 91279
the first year of the levy. The notes shall be sold as provided in 91280
Chapter 133. of the Revised Code. If anticipation notes are 91281
issued, they shall mature serially and in substantially equal 91282
amounts during each year over a period not to exceed five years; 91283
and the amount necessary to pay the interest and principal as the 91284
anticipation notes mature shall be deemed appropriated for those 91285
purposes from the levy, and appropriations from the levy by the 91286
board of education shall be limited each fiscal year to the 91287
balance available in excess of that amount. 91288

If the auditor of state has certified a deficit pursuant to 91289
section 3313.483 of the Revised Code, the notes authorized under 91290
this section may be sold in accordance with Chapter 133. of the 91291
Revised Code, except that the board may sell the notes after 91292

providing a reasonable opportunity for competitive bidding. 91293

(C)(1) The board of education of a qualifying school 91294
district, at any time and by a vote of two-thirds of all its 91295
members, may declare by resolution that it is necessary to levy 91296
not more than five taxes in excess of the ten-mill limitation for 91297
the current expenses of ~~the school district and of~~ partnering 91298
community schools and, if any of the levy proceeds are so 91299
allocated, of the school district, and that each of the proposed 91300
taxes first will be levied in a different year, over a specified 91301
period of time. A qualifying school district that is not a 91302
municipal school district may allocate all of the levy proceeds to 91303
partnering community schools. A municipal school district shall 91304
allocate a portion of the levy proceeds to the current expenses of 91305
the district. The board shall identify the taxes proposed under 91306
this division in the same manner as in division (A)(1) of this 91307
section. The rate of each incremental tax shall be identical, but 91308
the rates of such incremental taxes need not be the same as the 91309
rate of the original tax. In addition to the specifications 91310
required of the resolution in division (A) of this section, the 91311
resolution shall state the number of the mills to be levied each 91312
year for the current expenses of the partnering community schools 91313
and the number of the mills, if any, to be levied each year for 91314
the current expenses of the school district. The number of mills 91315
for the current expenses of partnering community schools shall be 91316
the same for each of the incremental taxes, and the number of 91317
mills for the current expenses of the qualifying school district 91318
shall be the same for each of the incremental taxes. 91319

The levy of taxes for the current expenses of a partnering 91320
community school under division (C) of this section and the 91321
distribution of proceeds from the tax by a qualifying school 91322
district to partnering community schools is hereby determined to 91323
be a proper public purpose. 91324

(2) The board of education, by a vote of two-thirds of all of its members, may adopt a resolution proposing to renew taxes levied other than for a continuing period of time under division (C)(1) of this section. In such a renewal levy, the rates allocated to the qualifying school district and to partnering community schools each may be increased or decreased or remain the same, and the total rate may be increased, decreased, or remain the same. In addition to the requirements of division (A)(2) of this section, the resolution shall state the number of the mills to be levied for the current expenses of the partnering community schools and the number of the mills to be levied for the current expenses of the school district.

(3) A resolution adopted under division (C)(1) or (2) of this section is subject to the rules and procedures prescribed by division (A)(3) of this section.

(4) The proceeds of each tax levied under division (C)(1) or (2) of this section shall be credited and distributed in the manner prescribed by division (B)(3) of section 5705.21 of the Revised Code, and divisions (B)(4), (5), and (6) of that section apply to taxes levied under division (C) of this section.

(5) Notwithstanding section 133.30 of the Revised Code, after the approval of a tax to be levied under division (C)(1) or (2) of this section, in the current or succeeding year and prior to the time when the first tax collection from that levy can be made, the board of education may anticipate a fraction of the proceeds of the levy for the current expenses of the qualifying school district and issue anticipation notes in a principal amount not exceeding fifty per cent of the estimated proceeds of the levy to be collected during the first year of the levy and allocated to the school district. The portion of levy proceeds to be allocated to partnering community schools shall not be included in the estimated proceeds anticipated under this division and shall not

be used to pay debt charges on any anticipation notes. 91357

The notes shall be sold as provided in Chapter 133. of the 91358
Revised Code. If anticipation notes are issued, they shall mature 91359
serially and in substantially equal amounts during each year over 91360
a period not to exceed five years. The amount necessary to pay the 91361
interest and principal as the anticipation notes mature shall be 91362
deemed appropriated for those purposes from the levy, and 91363
appropriations from the levy by the board of education shall be 91364
limited each fiscal year to the balance available in excess of 91365
that amount. 91366

If the auditor of state has certified a deficit pursuant to 91367
section 3313.483 of the Revised Code, the notes authorized under 91368
this section may be sold in accordance with Chapter 133. of the 91369
Revised Code, except that the board may sell the notes after 91370
providing a reasonable opportunity for competitive bidding. 91371

As used in division (C) of this section, "qualifying school 91372
district" and "partnering community schools" have the same 91373
meanings as in section 5705.21 of the Revised Code. 91374

(D) The submission of questions to the electors under this 91375
section is subject to the limitation on the number of election 91376
dates established by section 5705.214 of the Revised Code. 91377

Sec. 5705.214. Not more than three elections during any 91378
calendar year shall include the questions by a school district of 91379
tax levies proposed under any one or any combination of the 91380
following sections: sections 5705.194, 5705.199, 5705.21, 91381
5705.212, 5705.213, 5705.217, 5705.218, 5705.219, 5705.2112, and 91382
5748.09 of the Revised Code. 91383

Sec. 5705.2112. (A) As used in this section: 91384

(1) "Qualifying partnership" has the same meaning as in 91385
section 3318.71 of the Revised Code. 91386

(2) "Fiscal board" means the board of education of the school district that is selected as the fiscal agent of a qualifying partnership under division (D) of section 3318.71 of the Revised Code. 91387
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(3) "Participating school district" means a city, local, exempted village, cooperative education, or joint vocational school district that is a party to the qualifying partnership agreement described in section 3318.71 of the Revised Code. 91391
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(4) "Tax distribution" means a distribution of proceeds of the tax authorized by this section under section 321.24 of the Revised Code and distributions that are attributable to that tax under sections 323.156 and 4503.068 of the Revised Code or other applicable law. 91395
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(5) "Acquisition of classroom facilities" has the same meaning as in section 3318.01 of the Revised Code. 91400
91401

(B) The fiscal board of a qualifying partnership may levy a tax under this section in excess of the ten-mill limitation for the purpose of funding the acquisition of classroom facilities that benefit the qualifying partnership. The tax is subject to the approval of the electors of all participating school districts. Before proposing the tax to such electors, the fiscal board shall obtain identical resolutions adopted by two-thirds of the members of the board of education of each participating school district. The resolutions shall specify all of the following: 91402
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(1) The rate of the levy; 91411

(2) The purpose of the levy, which shall be confined to the acquisition of classroom facilities; 91412
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(3) The number of years during which the levy shall be in effect, which shall be for any number of years not exceeding ten; 91414
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(4) That the question of the levy shall be submitted to the 91416

electors of each participating school district at a special 91417
election; 91418

(5) The date that such special election shall be held, which 91419
shall not be earlier than ninety days after the resolutions are 91420
certified to the board or boards of elections under division (C) 91421
of this section and which shall be consistent with the 91422
requirements of section 3501.01 of the Revised Code. 91423

(C) A resolution adopted under division (B) of this section 91424
shall go into immediate effect upon its passage, and no 91425
publication of the resolution shall be necessary other than that 91426
provided for in the notice of election. Upon passing such a 91427
resolution, the board of education of a participating school 91428
district shall certify a copy of the resolution to the fiscal 91429
board of the qualifying partnership. Once the fiscal board 91430
receives an identical resolution from each participating school 91431
district, the fiscal board shall certify copies of such 91432
resolutions to the board of elections of the proper county or 91433
counties in the manner provided by section 5705.25 of the Revised 91434
Code. That section shall govern the arrangements for the 91435
submission of the levy to the electors of each participating 91436
school district and other matters concerning the election to which 91437
that section refers, including publication of notice of the 91438
election, except that the election shall be held on the date 91439
specified in the resolutions and the notice shall be published in 91440
newspapers of general circulation in all the participating school 91441
districts. 91442

The question of the levy shall be submitted as a single 91443
ballot issue to the electors of all the participating school 91444
districts. If a majority of all such electors voting on the 91445
question so submitted in the election vote in favor of the levy, 91446
the fiscal board may make the necessary levy within the territory 91447
of the participating school districts at the additional rate, or 91448

at any lesser rate in excess of the ten-mill limitation on the tax list, for the purpose stated in the resolutions. 91449
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The submission of questions to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code. 91451
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(D) Each tax distribution shall be deposited to a special fund, established for the purposes described in the resolutions proposing the tax levy, in the county treasury of the county in which the fiscal board of the qualifying partnership is located. The fiscal board shall be the custodian of the amounts deposited to such fund and shall have the same rights and responsibilities with respect to the fund as boards of education do with respect to other levy revenues. 91454
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(E) The levy of a tax under this section for the purpose of funding the acquisition of classroom facilities benefiting a qualifying partnership is hereby determined to be a proper public purpose. For the purposes of Chapter 3317. of the Revised Code or other laws referring to the "taxes charged and payable" for a school district, the taxes charged and payable for a levy authorized under this section are not included in the taxes charged and payable for any participating school district. The taxes charged and payable for a levy authorized under this section shall not affect the calculation of "state education aid," as defined in section 5751.20 of the Revised Code, for any participating school district. 91462
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(F)(1) After the approval of a levy under this section for a specified number of years, the fiscal board of a qualifying partnership may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy remaining to be collected in each year over a period of five years after the issuance of the notes. 91474
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The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

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(2) The fiscal board of a qualifying partnership is a "taxing authority" for the purposes of Chapter 133. of the Revised Code with respect to the tax and securities authorized under this section, and the treasurer of the school district serving as the fiscal board is the fiscal officer for the purposes of that chapter.

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Sec. 5709.62. (A) In any municipal corporation that is defined by the United States office of management and budget as a principal city of a metropolitan statistical area, the legislative authority of the municipal corporation may designate one or more areas within its municipal corporation as proposed enterprise zones. Upon designating an area, the legislative authority shall petition the director of development services for certification of the area as having the characteristics set forth in division (A)(1) of section 5709.61 of the Revised Code as amended by Substitute Senate Bill No. 19 of the 120th general assembly. Except as otherwise provided in division (E) of this section, on and after July 1, 1994, legislative authorities shall not enter into agreements under this section unless the legislative authority has petitioned the director and the director has certified the zone under this section as amended by that act; however, all agreements entered into under this section as it existed prior to July 1, 1994, and the incentives granted under those agreements shall remain in effect for the period agreed to under those agreements. Within sixty days after receiving such a petition, the director shall determine whether the area has the characteristics set forth in division (A)(1) of section 5709.61 of

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the Revised Code, and shall forward the findings to the 91513
legislative authority of the municipal corporation. If the 91514
director certifies the area as having those characteristics, and 91515
thereby certifies it as a zone, the legislative authority may 91516
enter into an agreement with an enterprise under division (C) of 91517
this section. 91518

(B) Any enterprise that wishes to enter into an agreement 91519
with a municipal corporation under division (C) of this section 91520
shall submit a proposal to the legislative authority of the 91521
municipal corporation on a form prescribed by the director of 91522
development services, together with the application fee 91523
established under section 5709.68 of the Revised Code. The form 91524
shall require the following information: 91525

(1) An estimate of the number of new employees whom the 91526
enterprise intends to hire, or of the number of employees whom the 91527
enterprise intends to retain, within the zone at a facility that 91528
is a project site, and an estimate of the amount of payroll of the 91529
enterprise attributable to these employees; 91530

(2) An estimate of the amount to be invested by the 91531
enterprise to establish, expand, renovate, or occupy a facility, 91532
including investment in new buildings, additions or improvements 91533
to existing buildings, machinery, equipment, furniture, fixtures, 91534
and inventory; 91535

(3) A listing of the enterprise's current investment, if any, 91536
in a facility as of the date of the proposal's submission. 91537

The enterprise shall review and update the listings required 91538
under this division to reflect material changes, and any agreement 91539
entered into under division (C) of this section shall set forth 91540
final estimates and listings as of the time the agreement is 91541
entered into. The legislative authority may, on a separate form 91542
and at any time, require any additional information necessary to 91543

determine whether an enterprise is in compliance with an agreement 91544
and to collect the information required to be reported under 91545
section 5709.68 of the Revised Code. 91546

(C) Upon receipt and investigation of a proposal under 91547
division (B) of this section, if the legislative authority finds 91548
that the enterprise submitting the proposal is qualified by 91549
financial responsibility and business experience to create and 91550
preserve employment opportunities in the zone and improve the 91551
economic climate of the municipal corporation, the legislative 91552
authority, on or before October 15, ~~2015~~ 2017, may do one of the 91553
following: 91554

(1) Enter into an agreement with the enterprise under which 91555
the enterprise agrees to establish, expand, renovate, or occupy a 91556
facility and hire new employees, or preserve employment 91557
opportunities for existing employees, in return for one or more of 91558
the following incentives: 91559

(a) Exemption for a specified number of years, not to exceed 91560
fifteen, of a specified portion, up to seventy-five per cent, of 91561
the assessed value of tangible personal property first used in 91562
business at the project site as a result of the agreement. If an 91563
exemption for inventory is specifically granted in the agreement 91564
pursuant to this division, the exemption applies to inventory 91565
required to be listed pursuant to sections 5711.15 and 5711.16 of 91566
the Revised Code, except that, in the instance of an expansion or 91567
other situations in which an enterprise was in business at the 91568
facility prior to the establishment of the zone, the inventory 91569
that is exempt is that amount or value of inventory in excess of 91570
the amount or value of inventory required to be listed in the 91571
personal property tax return of the enterprise in the return for 91572
the tax year in which the agreement is entered into. 91573

(b) Exemption for a specified number of years, not to exceed 91574
fifteen, of a specified portion, up to seventy-five per cent, of 91575

the increase in the assessed valuation of real property 91576
constituting the project site subsequent to formal approval of the 91577
agreement by the legislative authority; 91578

(c) Provision for a specified number of years, not to exceed 91579
fifteen, of any optional services or assistance that the municipal 91580
corporation is authorized to provide with regard to the project 91581
site. 91582

(2) Enter into an agreement under which the enterprise agrees 91583
to remediate an environmentally contaminated facility, to spend an 91584
amount equal to at least two hundred fifty per cent of the true 91585
value in money of the real property of the facility prior to 91586
remediation as determined for the purposes of property taxation to 91587
establish, expand, renovate, or occupy the remediated facility, 91588
and to hire new employees or preserve employment opportunities for 91589
existing employees at the remediated facility, in return for one 91590
or more of the following incentives: 91591

(a) Exemption for a specified number of years, not to exceed 91592
fifteen, of a specified portion, not to exceed fifty per cent, of 91593
the assessed valuation of the real property of the facility prior 91594
to remediation; 91595

(b) Exemption for a specified number of years, not to exceed 91596
fifteen, of a specified portion, not to exceed one hundred per 91597
cent, of the increase in the assessed valuation of the real 91598
property of the facility during or after remediation; 91599

(c) The incentive under division (C)(1)(a) of this section, 91600
except that the percentage of the assessed value of such property 91601
exempted from taxation shall not exceed one hundred per cent; 91602

(d) The incentive under division (C)(1)(c) of this section. 91603

(3) Enter into an agreement with an enterprise that plans to 91604
purchase and operate a large manufacturing facility that has 91605
ceased operation or announced its intention to cease operation, in 91606

return for exemption for a specified number of years, not to 91607
exceed fifteen, of a specified portion, up to one hundred per 91608
cent, of the assessed value of tangible personal property used in 91609
business at the project site as a result of the agreement, or of 91610
the assessed valuation of real property constituting the project 91611
site, or both. 91612

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 91613
section, the portion of the assessed value of tangible personal 91614
property or of the increase in the assessed valuation of real 91615
property exempted from taxation under those divisions may exceed 91616
seventy-five per cent in any year for which that portion is 91617
exempted if the average percentage exempted for all years in which 91618
the agreement is in effect does not exceed sixty per cent, or if 91619
the board of education of the city, local, or exempted village 91620
school district within the territory of which the property is or 91621
will be located approves a percentage in excess of seventy-five 91622
per cent. 91623

(2) Notwithstanding any provision of the Revised Code to the 91624
contrary, the exemptions described in divisions (C)(1)(a), (b), 91625
and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may 91626
be for up to fifteen years if the board of education of the city, 91627
local, or exempted village school district within the territory of 91628
which the property is or will be located approves a number of 91629
years in excess of ten. 91630

(3) For the purpose of obtaining the approval of a city, 91631
local, or exempted village school district under division (D)(1) 91632
or (2) of this section, the legislative authority shall deliver to 91633
the board of education a notice not later than forty-five days 91634
prior to approving the agreement, excluding Saturdays, Sundays, 91635
and legal holidays as defined in section 1.14 of the Revised Code. 91636
The notice shall state the percentage to be exempted, an estimate 91637
of the true value of the property to be exempted, and the number 91638

of years the property is to be exempted. The board of education, 91639
by resolution adopted by a majority of the board, shall approve or 91640
disapprove the agreement and certify a copy of the resolution to 91641
the legislative authority not later than fourteen days prior to 91642
the date stipulated by the legislative authority as the date upon 91643
which approval of the agreement is to be formally considered by 91644
the legislative authority. The board of education may include in 91645
the resolution conditions under which the board would approve the 91646
agreement, including the execution of an agreement to compensate 91647
the school district under division (B) of section 5709.82 of the 91648
Revised Code. The legislative authority may approve the agreement 91649
at any time after the board of education certifies its resolution 91650
approving the agreement to the legislative authority, or, if the 91651
board approves the agreement conditionally, at any time after the 91652
conditions are agreed to by the board and the legislative 91653
authority. 91654

If a board of education has adopted a resolution waiving its 91655
right to approve agreements and the resolution remains in effect, 91656
approval of an agreement by the board is not required under this 91657
division. If a board of education has adopted a resolution 91658
allowing a legislative authority to deliver the notice required 91659
under this division fewer than forty-five business days prior to 91660
the legislative authority's approval of the agreement, the 91661
legislative authority shall deliver the notice to the board not 91662
later than the number of days prior to such approval as prescribed 91663
by the board in its resolution. If a board of education adopts a 91664
resolution waiving its right to approve agreements or shortening 91665
the notification period, the board shall certify a copy of the 91666
resolution to the legislative authority. If the board of education 91667
rescinds such a resolution, it shall certify notice of the 91668
rescission to the legislative authority. 91669

(4) The legislative authority shall comply with section 91670

5709.83 of the Revised Code unless the board of education has 91671
adopted a resolution under that section waiving its right to 91672
receive such notice. 91673

(E) This division applies to zones certified by the director 91674
of development services under this section prior to July 22, 1994. 91675

On or before October 15, ~~2015~~ 2017, the legislative authority 91676
that designated a zone to which this division applies may enter 91677
into an agreement with an enterprise if the legislative authority 91678
finds that the enterprise satisfies one of the criteria described 91679
in divisions (E)(1) to (5) of this section: 91680

(1) The enterprise currently has no operations in this state 91681
and, subject to approval of the agreement, intends to establish 91682
operations in the zone; 91683

(2) The enterprise currently has operations in this state 91684
and, subject to approval of the agreement, intends to establish 91685
operations at a new location in the zone that would not result in 91686
a reduction in the number of employee positions at any of the 91687
enterprise's other locations in this state; 91688

(3) The enterprise, subject to approval of the agreement, 91689
intends to relocate operations, currently located in another 91690
state, to the zone; 91691

(4) The enterprise, subject to approval of the agreement, 91692
intends to expand operations at an existing site in the zone that 91693
the enterprise currently operates; 91694

(5) The enterprise, subject to approval of the agreement, 91695
intends to relocate operations, currently located in this state, 91696
to the zone, and the director of development services has issued a 91697
waiver for the enterprise under division (B) of section 5709.633 91698
of the Revised Code. 91699

The agreement shall require the enterprise to agree to 91700

establish, expand, renovate, or occupy a facility in the zone and 91701
hire new employees, or preserve employment opportunities for 91702
existing employees, in return for one or more of the incentives 91703
described in division (C) of this section. 91704

(F) All agreements entered into under this section shall be 91705
in the form prescribed under section 5709.631 of the Revised Code. 91706
After an agreement is entered into under this section, if the 91707
legislative authority revokes its designation of a zone, or if the 91708
director of development services revokes a zone's certification, 91709
any entitlements granted under the agreement shall continue for 91710
the number of years specified in the agreement. 91711

(G) Except as otherwise provided in this division, an 91712
agreement entered into under this section shall require that the 91713
enterprise pay an annual fee equal to the greater of one per cent 91714
of the dollar value of incentives offered under the agreement or 91715
five hundred dollars; provided, however, that if the value of the 91716
incentives exceeds two hundred fifty thousand dollars, the fee 91717
shall not exceed two thousand five hundred dollars. The fee shall 91718
be payable to the legislative authority once per year for each 91719
year the agreement is effective on the days and in the form 91720
specified in the agreement. Fees paid shall be deposited in a 91721
special fund created for such purpose by the legislative authority 91722
and shall be used by the legislative authority exclusively for the 91723
purpose of complying with section 5709.68 of the Revised Code and 91724
by the tax incentive review council created under section 5709.85 91725
of the Revised Code exclusively for the purposes of performing the 91726
duties prescribed under that section. The legislative authority 91727
may waive or reduce the amount of the fee charged against an 91728
enterprise, but such a waiver or reduction does not affect the 91729
obligations of the legislative authority or the tax incentive 91730
review council to comply with section 5709.68 or 5709.85 of the 91731
Revised Code. 91732

(H) When an agreement is entered into pursuant to this section, the legislative authority authorizing the agreement shall forward a copy of the agreement to the director of development services and to the tax commissioner within fifteen days after the agreement is entered into. If any agreement includes terms not provided for in section 5709.631 of the Revised Code affecting the revenue of a city, local, or exempted village school district or causing revenue to be forgone by the district, including any compensation to be paid to the school district pursuant to section 5709.82 of the Revised Code, those terms also shall be forwarded in writing to the director of development services along with the copy of the agreement forwarded under this division.

(I) After an agreement is entered into, the enterprise shall file with each personal property tax return required to be filed, or annual report required to be filed under section 5727.08 of the Revised Code, while the agreement is in effect, an informational return, on a form prescribed by the tax commissioner for that purpose, setting forth separately the property, and related costs and values, exempted from taxation under the agreement.

(J) Enterprises may agree to give preference to residents of the zone within which the agreement applies relative to residents of this state who do not reside in the zone when hiring new employees under the agreement.

(K) An agreement entered into under this section may include a provision requiring the enterprise to create one or more temporary internship positions for students enrolled in a course of study at a school or other educational institution in the vicinity, and to create a scholarship or provide another form of educational financial assistance for students holding such a position in exchange for the student's commitment to work for the enterprise at the completion of the internship.

(L) The tax commissioner's authority in determining the

accuracy of any exemption granted by an agreement entered into 91765
under this section is limited to divisions (C)(1)(a) and (b), 91766
(C)(2)(a), (b), and (c), (C)(3), (D), and (I) of this section and 91767
divisions (B)(1) to (10) of section 5709.631 of the Revised Code 91768
and, as authorized by law, to enforcing any modification to, or 91769
revocation of, that agreement by the legislative authority of a 91770
municipal corporation or the director of development services. 91771

Sec. 5709.63. (A) With the consent of the legislative 91772
authority of each affected municipal corporation or of a board of 91773
township trustees, a board of county commissioners may, in the 91774
manner set forth in section 5709.62 of the Revised Code, designate 91775
one or more areas in one or more municipal corporations or in 91776
unincorporated areas of the county as proposed enterprise zones. A 91777
board of county commissioners may designate no more than one area 91778
within a township, or within adjacent townships, as a proposed 91779
enterprise zone. The board shall petition the director of 91780
development services for certification of the area as having the 91781
characteristics set forth in division (A)(1) or (2) of section 91782
5709.61 of the Revised Code as amended by Substitute Senate Bill 91783
No. 19 of the 120th general assembly. Except as otherwise provided 91784
in division (D) of this section, on and after July 1, 1994, boards 91785
of county commissioners shall not enter into agreements under this 91786
section unless the board has petitioned the director and the 91787
director has certified the zone under this section as amended by 91788
that act; however, all agreements entered into under this section 91789
as it existed prior to July 1, 1994, and the incentives granted 91790
under those agreements shall remain in effect for the period 91791
agreed to under those agreements. The director shall make the 91792
determination in the manner provided under section 5709.62 of the 91793
Revised Code. 91794

Any enterprise wishing to enter into an agreement with the 91795
board under division (B) or (D) of this section shall submit a 91796

proposal to the board on the form and accompanied by the 91797
application fee prescribed under division (B) of section 5709.62 91798
of the Revised Code. The enterprise shall review and update the 91799
estimates and listings required by the form in the manner required 91800
under that division. The board may, on a separate form and at any 91801
time, require any additional information necessary to determine 91802
whether an enterprise is in compliance with an agreement and to 91803
collect the information required to be reported under section 91804
5709.68 of the Revised Code. 91805

(B) If the board of county commissioners finds that an 91806
enterprise submitting a proposal is qualified by financial 91807
responsibility and business experience to create and preserve 91808
employment opportunities in the zone and to improve the economic 91809
climate of the municipal corporation or municipal corporations or 91810
the unincorporated areas in which the zone is located and to which 91811
the proposal applies, the board, on or before October 15, ~~2015~~ 91812
2017, and with the consent of the legislative authority of each 91813
affected municipal corporation or of the board of township 91814
trustees may do either of the following: 91815

(1) Enter into an agreement with the enterprise under which 91816
the enterprise agrees to establish, expand, renovate, or occupy a 91817
facility in the zone and hire new employees, or preserve 91818
employment opportunities for existing employees, in return for the 91819
following incentives: 91820

(a) When the facility is located in a municipal corporation, 91821
the board may enter into an agreement for one or more of the 91822
incentives provided in division (C) of section 5709.62 of the 91823
Revised Code, subject to division (D) of that section; 91824

(b) When the facility is located in an unincorporated area, 91825
the board may enter into an agreement for one or more of the 91826
following incentives: 91827

(i) Exemption for a specified number of years, not to exceed 91828
fifteen, of a specified portion, up to sixty per cent, of the 91829
assessed value of tangible personal property first used in 91830
business at a project site as a result of the agreement. If an 91831
exemption for inventory is specifically granted in the agreement 91832
pursuant to this division, the exemption applies to inventory 91833
required to be listed pursuant to sections 5711.15 and 5711.16 of 91834
the Revised Code, except, in the instance of an expansion or other 91835
situations in which an enterprise was in business at the facility 91836
prior to the establishment of the zone, the inventory that is 91837
exempt is that amount or value of inventory in excess of the 91838
amount or value of inventory required to be listed in the personal 91839
property tax return of the enterprise in the return for the tax 91840
year in which the agreement is entered into. 91841

(ii) Exemption for a specified number of years, not to exceed 91842
fifteen, of a specified portion, up to sixty per cent, of the 91843
increase in the assessed valuation of real property constituting 91844
the project site subsequent to formal approval of the agreement by 91845
the board; 91846

(iii) Provision for a specified number of years, not to 91847
exceed fifteen, of any optional services or assistance the board 91848
is authorized to provide with regard to the project site; 91849

(iv) The incentive described in division (C)(2) of section 91850
5709.62 of the Revised Code. 91851

(2) Enter into an agreement with an enterprise that plans to 91852
purchase and operate a large manufacturing facility that has 91853
ceased operation or has announced its intention to cease 91854
operation, in return for exemption for a specified number of 91855
years, not to exceed fifteen, of a specified portion, up to one 91856
hundred per cent, of tangible personal property used in business 91857
at the project site as a result of the agreement, or of real 91858
property constituting the project site, or both. 91859

(C)(1)(a) Notwithstanding divisions (B)(1)(b)(i) and (ii) of 91860
this section, the portion of the assessed value of tangible 91861
personal property or of the increase in the assessed valuation of 91862
real property exempted from taxation under those divisions may 91863
exceed sixty per cent in any year for which that portion is 91864
exempted if the average percentage exempted for all years in which 91865
the agreement is in effect does not exceed fifty per cent, or if 91866
the board of education of the city, local, or exempted village 91867
school district within the territory of which the property is or 91868
will be located approves a percentage in excess of sixty per cent. 91869

(b) Notwithstanding any provision of the Revised Code to the 91870
contrary, the exemptions described in divisions (B)(1)(b)(i), 91871
(ii), (iii), and (iv) and (B)(2) of this section may be for up to 91872
fifteen years if the board of education of the city, local, or 91873
exempted village school district within the territory of which the 91874
property is or will be located approves a number of years in 91875
excess of ten. 91876

(c) For the purpose of obtaining the approval of a city, 91877
local, or exempted village school district under division 91878
(C)(1)(a) or (b) of this section, the board of county 91879
commissioners shall deliver to the board of education a notice not 91880
later than forty-five days prior to approving the agreement, 91881
excluding Saturdays, Sundays, and legal holidays as defined in 91882
section 1.14 of the Revised Code. The notice shall state the 91883
percentage to be exempted, an estimate of the true value of the 91884
property to be exempted, and the number of years the property is 91885
to be exempted. The board of education, by resolution adopted by a 91886
majority of the board, shall approve or disapprove the agreement 91887
and certify a copy of the resolution to the board of county 91888
commissioners not later than fourteen days prior to the date 91889
stipulated by the board of county commissioners as the date upon 91890
which approval of the agreement is to be formally considered by 91891

the board of county commissioners. The board of education may 91892
include in the resolution conditions under which the board would 91893
approve the agreement, including the execution of an agreement to 91894
compensate the school district under division (B) of section 91895
5709.82 of the Revised Code. The board of county commissioners may 91896
approve the agreement at any time after the board of education 91897
certifies its resolution approving the agreement to the board of 91898
county commissioners, or, if the board of education approves the 91899
agreement conditionally, at any time after the conditions are 91900
agreed to by the board of education and the board of county 91901
commissioners. 91902

If a board of education has adopted a resolution waiving its 91903
right to approve agreements and the resolution remains in effect, 91904
approval of an agreement by the board of education is not required 91905
under division (C) of this section. If a board of education has 91906
adopted a resolution allowing a board of county commissioners to 91907
deliver the notice required under this division fewer than 91908
forty-five business days prior to approval of the agreement by the 91909
board of county commissioners, the board of county commissioners 91910
shall deliver the notice to the board of education not later than 91911
the number of days prior to such approval as prescribed by the 91912
board of education in its resolution. If a board of education 91913
adopts a resolution waiving its right to approve agreements or 91914
shortening the notification period, the board of education shall 91915
certify a copy of the resolution to the board of county 91916
commissioners. If the board of education rescinds such a 91917
resolution, it shall certify notice of the rescission to the board 91918
of county commissioners. 91919

(2) The board of county commissioners shall comply with 91920
section 5709.83 of the Revised Code unless the board of education 91921
has adopted a resolution under that section waiving its right to 91922
receive such notice. 91923

(D) This division applies to zones certified by the director 91924
of development services under this section prior to July 22, 1994. 91925

On or before October 15, ~~2015~~ 2017, and with the consent of 91926
the legislative authority of each affected municipal corporation 91927
or board of township trustees of each affected township, the board 91928
of county commissioners that designated a zone to which this 91929
division applies may enter into an agreement with an enterprise if 91930
the board finds that the enterprise satisfies one of the criteria 91931
described in divisions (D)(1) to (5) of this section: 91932

(1) The enterprise currently has no operations in this state 91933
and, subject to approval of the agreement, intends to establish 91934
operations in the zone; 91935

(2) The enterprise currently has operations in this state 91936
and, subject to approval of the agreement, intends to establish 91937
operations at a new location in the zone that would not result in 91938
a reduction in the number of employee positions at any of the 91939
enterprise's other locations in this state; 91940

(3) The enterprise, subject to approval of the agreement, 91941
intends to relocate operations, currently located in another 91942
state, to the zone; 91943

(4) The enterprise, subject to approval of the agreement, 91944
intends to expand operations at an existing site in the zone that 91945
the enterprise currently operates; 91946

(5) The enterprise, subject to approval of the agreement, 91947
intends to relocate operations, currently located in this state, 91948
to the zone, and the director of development services has issued a 91949
waiver for the enterprise under division (B) of section 5709.633 91950
of the Revised Code. 91951

The agreement shall require the enterprise to agree to 91952
establish, expand, renovate, or occupy a facility in the zone and 91953
hire new employees, or preserve employment opportunities for 91954

existing employees, in return for one or more of the incentives 91955
described in division (B) of this section. 91956

(E) All agreements entered into under this section shall be 91957
in the form prescribed under section 5709.631 of the Revised Code. 91958
After an agreement under this section is entered into, if the 91959
board of county commissioners revokes its designation of a zone, 91960
or if the director of development services revokes a zone's 91961
certification, any entitlements granted under the agreement shall 91962
continue for the number of years specified in the agreement. 91963

(F) Except as otherwise provided in this division, an 91964
agreement entered into under this section shall require that the 91965
enterprise pay an annual fee equal to the greater of one per cent 91966
of the dollar value of incentives offered under the agreement or 91967
five hundred dollars; provided, however, that if the value of the 91968
incentives exceeds two hundred fifty thousand dollars, the fee 91969
shall not exceed two thousand five hundred dollars. The fee shall 91970
be payable to the board of county commissioners once per year for 91971
each year the agreement is effective on the days and in the form 91972
specified in the agreement. Fees paid shall be deposited in a 91973
special fund created for such purpose by the board and shall be 91974
used by the board exclusively for the purpose of complying with 91975
section 5709.68 of the Revised Code and by the tax incentive 91976
review council created under section 5709.85 of the Revised Code 91977
exclusively for the purposes of performing the duties prescribed 91978
under that section. The board may waive or reduce the amount of 91979
the fee charged against an enterprise, but such waiver or 91980
reduction does not affect the obligations of the board or the tax 91981
incentive review council to comply with section 5709.68 or 5709.85 91982
of the Revised Code, respectively. 91983

(G) With the approval of the legislative authority of a 91984
municipal corporation or the board of township trustees of a 91985
township in which a zone is designated under division (A) of this 91986

section, the board of county commissioners may delegate to that 91987
legislative authority or board any powers and duties of the board 91988
of county commissioners to negotiate and administer agreements 91989
with regard to that zone under this section. 91990

(H) When an agreement is entered into pursuant to this 91991
section, the board of county commissioners authorizing the 91992
agreement or the legislative authority or board of township 91993
trustees that negotiates and administers the agreement shall 91994
forward a copy of the agreement to the director of development 91995
services and to the tax commissioner within fifteen days after the 91996
agreement is entered into. If any agreement includes terms not 91997
provided for in section 5709.631 of the Revised Code affecting the 91998
revenue of a city, local, or exempted village school district or 91999
causing revenue to be foregone by the district, including any 92000
compensation to be paid to the school district pursuant to section 92001
5709.82 of the Revised Code, those terms also shall be forwarded 92002
in writing to the director of development services along with the 92003
copy of the agreement forwarded under this division. 92004

(I) After an agreement is entered into, the enterprise shall 92005
file with each personal property tax return required to be filed, 92006
or annual report that is required to be filed under section 92007
5727.08 of the Revised Code, while the agreement is in effect, an 92008
informational return, on a form prescribed by the tax commissioner 92009
for that purpose, setting forth separately the property, and 92010
related costs and values, exempted from taxation under the 92011
agreement. 92012

(J) Enterprises may agree to give preference to residents of 92013
the zone within which the agreement applies relative to residents 92014
of this state who do not reside in the zone when hiring new 92015
employees under the agreement. 92016

(K) An agreement entered into under this section may include 92017
a provision requiring the enterprise to create one or more 92018

temporary internship positions for students enrolled in a course 92019
of study at a school or other educational institution in the 92020
vicinity, and to create a scholarship or provide another form of 92021
educational financial assistance for students holding such a 92022
position in exchange for the student's commitment to work for the 92023
enterprise at the completion of the internship. 92024

(L) The tax commissioner's authority in determining the 92025
accuracy of any exemption granted by an agreement entered into 92026
under this section is limited to divisions (B)(1)(b)(i) and (ii), 92027
(B)(2), (C), and (I) of this section, division (B)(1)(b)(iv) of 92028
this section as it pertains to divisions (C)(2)(a), (b), and (c) 92029
of section 5709.62 of the Revised Code, and divisions (B)(1) to 92030
(10) of section 5709.631 of the Revised Code and, as authorized by 92031
law, to enforcing any modification to, or revocation of, that 92032
agreement by the board of county commissioners or the director of 92033
development services or, if the board's powers and duties are 92034
delegated under division (G) of this section, by the legislative 92035
authority of a municipal corporation or board of township 92036
trustees. 92037

Sec. 5709.632. (A)(1) The legislative authority of a 92038
municipal corporation defined by the United States office of 92039
management and budget as a principal city of a metropolitan 92040
statistical area may, in the manner set forth in section 5709.62 92041
of the Revised Code, designate one or more areas in the municipal 92042
corporation as a proposed enterprise zone. 92043

(2) With the consent of the legislative authority of each 92044
affected municipal corporation or of a board of township trustees, 92045
a board of county commissioners may, in the manner set forth in 92046
section 5709.62 of the Revised Code, designate one or more areas 92047
in one or more municipal corporations or in unincorporated areas 92048
of the county as proposed urban jobs and enterprise zones, except 92049

that a board of county commissioners may designate no more than 92050
one area within a township, or within adjacent townships, as a 92051
proposed urban jobs and enterprise zone. 92052

(3) The legislative authority or board of county 92053
commissioners may petition the director of development services 92054
for certification of the area as having the characteristics set 92055
forth in division (A)(3) of section 5709.61 of the Revised Code. 92056
Within sixty days after receiving such a petition, the director 92057
shall determine whether the area has the characteristics set forth 92058
in that division and forward the findings to the legislative 92059
authority or board of county commissioners. If the director 92060
certifies the area as having those characteristics and thereby 92061
certifies it as a zone, the legislative authority or board may 92062
enter into agreements with enterprises under division (B) of this 92063
section. Any enterprise wishing to enter into an agreement with a 92064
legislative authority or board of county commissioners under this 92065
section and satisfying one of the criteria described in divisions 92066
(B)(1) to (5) of this section shall submit a proposal to the 92067
legislative authority or board on the form prescribed under 92068
division (B) of section 5709.62 of the Revised Code and shall 92069
review and update the estimates and listings required by the form 92070
in the manner required under that division. The legislative 92071
authority or board may, on a separate form and at any time, 92072
require any additional information necessary to determine whether 92073
an enterprise is in compliance with an agreement and to collect 92074
the information required to be reported under section 5709.68 of 92075
the Revised Code. 92076

(B) Prior to entering into an agreement with an enterprise, 92077
the legislative authority or board of county commissioners shall 92078
determine whether the enterprise submitting the proposal is 92079
qualified by financial responsibility and business experience to 92080
create and preserve employment opportunities in the zone and to 92081

improve the economic climate of the municipal corporation or 92082
municipal corporations or the unincorporated areas in which the 92083
zone is located and to which the proposal applies, and whether the 92084
enterprise satisfies one of the following criteria: 92085

(1) The enterprise currently has no operations in this state 92086
and, subject to approval of the agreement, intends to establish 92087
operations in the zone; 92088

(2) The enterprise currently has operations in this state 92089
and, subject to approval of the agreement, intends to establish 92090
operations at a new location in the zone that would not result in 92091
a reduction in the number of employee positions at any of the 92092
enterprise's other locations in this state; 92093

(3) The enterprise, subject to approval of the agreement, 92094
intends to relocate operations, currently located in another 92095
state, to the zone; 92096

(4) The enterprise, subject to approval of the agreement, 92097
intends to expand operations at an existing site in the zone that 92098
the enterprise currently operates; 92099

(5) The enterprise, subject to approval of the agreement, 92100
intends to relocate operations, currently located in this state, 92101
to the zone, and the director of development services has issued a 92102
waiver for the enterprise under division (B) of section 5709.633 92103
of the Revised Code. 92104

(C) If the legislative authority or board determines that the 92105
enterprise is so qualified and satisfies one of the criteria 92106
described in divisions (B)(1) to (5) of this section, the 92107
legislative authority or board may, after complying with section 92108
5709.83 of the Revised Code and on or before October 15, ~~2015~~ 92109
2017, and, in the case of a board of commissioners, with the 92110
consent of the legislative authority of each affected municipal 92111
corporation or of the board of township trustees, enter into an 92112

agreement with the enterprise under which the enterprise agrees to 92113
establish, expand, renovate, or occupy a facility in the zone and 92114
hire new employees, or preserve employment opportunities for 92115
existing employees, in return for the following incentives: 92116

(1) When the facility is located in a municipal corporation, 92117
a legislative authority or board of commissioners may enter into 92118
an agreement for one or more of the incentives provided in 92119
division (C) of section 5709.62 of the Revised Code, subject to 92120
division (D) of that section; 92121

(2) When the facility is located in an unincorporated area, a 92122
board of commissioners may enter into an agreement for one or more 92123
of the incentives provided in divisions (B)(1)(b), (B)(2), and 92124
(B)(3) of section 5709.63 of the Revised Code, subject to division 92125
(C) of that section. 92126

(D) All agreements entered into under this section shall be 92127
in the form prescribed under section 5709.631 of the Revised Code. 92128
After an agreement under this section is entered into, if the 92129
legislative authority or board of county commissioners revokes its 92130
designation of the zone, or if the director of development 92131
services revokes the zone's certification, any entitlements 92132
granted under the agreement shall continue for the number of years 92133
specified in the agreement. 92134

(E) Except as otherwise provided in this division, an 92135
agreement entered into under this section shall require that the 92136
enterprise pay an annual fee equal to the greater of one per cent 92137
of the dollar value of incentives offered under the agreement or 92138
five hundred dollars; provided, however, that if the value of the 92139
incentives exceeds two hundred fifty thousand dollars, the fee 92140
shall not exceed two thousand five hundred dollars. The fee shall 92141
be payable to the legislative authority or board of commissioners 92142
once per year for each year the agreement is effective on the days 92143
and in the form specified in the agreement. Fees paid shall be 92144

deposited in a special fund created for such purpose by the 92145
legislative authority or board and shall be used by the 92146
legislative authority or board exclusively for the purpose of 92147
complying with section 5709.68 of the Revised Code and by the tax 92148
incentive review council created under section 5709.85 of the 92149
Revised Code exclusively for the purposes of performing the duties 92150
prescribed under that section. The legislative authority or board 92151
may waive or reduce the amount of the fee charged against an 92152
enterprise, but such waiver or reduction does not affect the 92153
obligations of the legislative authority or board or the tax 92154
incentive review council to comply with section 5709.68 or 5709.85 92155
of the Revised Code, respectively. 92156

(F) With the approval of the legislative authority of a 92157
municipal corporation or the board of township trustees of a 92158
township in which a zone is designated under division (A)(2) of 92159
this section, the board of county commissioners may delegate to 92160
that legislative authority or board any powers and duties of the 92161
board to negotiate and administer agreements with regard to that 92162
zone under this section. 92163

(G) When an agreement is entered into pursuant to this 92164
section, the legislative authority or board of commissioners 92165
authorizing the agreement shall forward a copy of the agreement to 92166
the director of development services and to the tax commissioner 92167
within fifteen days after the agreement is entered into. If any 92168
agreement includes terms not provided for in section 5709.631 of 92169
the Revised Code affecting the revenue of a city, local, or 92170
exempted village school district or causing revenue to be forgone 92171
by the district, including any compensation to be paid to the 92172
school district pursuant to section 5709.82 of the Revised Code, 92173
those terms also shall be forwarded in writing to the director of 92174
development services along with the copy of the agreement 92175
forwarded under this division. 92176

(H) After an agreement is entered into, the enterprise shall 92177
file with each personal property tax return required to be filed 92178
while the agreement is in effect, an informational return, on a 92179
form prescribed by the tax commissioner for that purpose, setting 92180
forth separately the property, and related costs and values, 92181
exempted from taxation under the agreement. 92182

(I) An agreement entered into under this section may include 92183
a provision requiring the enterprise to create one or more 92184
temporary internship positions for students enrolled in a course 92185
of study at a school or other educational institution in the 92186
vicinity, and to create a scholarship or provide another form of 92187
educational financial assistance for students holding such a 92188
position in exchange for the student's commitment to work for the 92189
enterprise at the completion of the internship. 92190

Sec. 5709.67. (A) Except as otherwise provided in sections 92191
5709.61 to 5709.69 of the Revised Code, the director of 92192
development shall administer those sections and shall adopt rules 92193
necessary to implement and administer the enterprise zone program. 92194
The director shall assign to each zone currently certified a 92195
unique designation by which the zone shall be identified for 92196
purposes of administering sections 5709.61 to 5709.69 of the 92197
Revised Code. The tax commissioner shall administer all other tax 92198
incentives provided under sections 5709.61 to 5709.69 of the 92199
Revised Code and shall adopt rules necessary to carry out that 92200
duty. No tax incentive qualification certificate or employee tax 92201
credit certificate shall be issued or remain in effect unless the 92202
enterprise applying for or holding the certificate complies with 92203
all such rules. The director of job and family services shall 92204
administer the incentive provided under division (B)(1) of section 92205
5709.66 of the Revised Code and shall adopt rules necessary to 92206
carry out that duty. No extension of benefits certificate shall be 92207
issued or remain in effect unless the enterprise applying for or 92208

holding the certificate complies with all such rules. 92209

(B) Not later than the first day of August each year, the 92210
director of development shall report to the general assembly on 92211
all of the following for the preceding calendar year: 92212

(1) The cost to the state of the tax and other incentives 92213
provided under sections 5709.61 to 5709.69 of the Revised Code; 92214

(2) The number of tax incentive qualification certificates, 92215
employee tax credit certificates, and extension of benefits 92216
certificates issued; 92217

(3) The names of the municipal corporations and counties that 92218
have entered agreements under sections 5709.62, 5709.63, and 92219
5709.632 of the Revised Code; 92220

(4) The number of new employees hired as a result of the tax 92221
and other incentives provided under sections 5709.61 to 5709.69 of 92222
the Revised Code; 92223

(5) Information on agreement terms concerning school district 92224
revenue that are not provided for in section 5709.631 of the 92225
Revised Code and that are forwarded to the director under division 92226
(H) of section 5709.62, division (H) of section 5709.63, or 92227
division (G) of section 5709.632 of the Revised Code. 92228

The report shall include a finding by the director as to 92229
whether the incentives provided under sections 5709.61 to 5709.69 92230
of the Revised Code have resulted in the creation of more 92231
positions in the state than would have been created without the 92232
incentives. The director shall send a copy of the report to each 92233
member of the general assembly and to the director of the 92234
legislative service commission. 92235

~~(C) All forms used in connection with the administration of 92236
sections 5709.61 to 5709.69 of the Revised Code, except forms 92237
administered directly by the tax commissioner, by the director of 92238~~

~~job and family services, or by a county or municipal corporation, 92239
are subject to review and approval by the state forms management 92240
control center under sections 125.91 to 125.98 of the Revised 92241
Code. 92242~~

Sec. 5709.92. (A) As used in this section: 92243

(1) "School district" means a city, local, or exempted 92244
village school district. 92245

(2) "Joint vocational school district" means a joint 92246
vocational school district created under section 3311.16 of the 92247
Revised Code, and includes a cooperative education school district 92248
created under section 3311.52 or 3311.521 of the Revised Code and 92249
a county school financing district created under section 3311.50 92250
of the Revised Code. 92251

(3) "Total resources" means the sum of the amounts described 92252
in divisions (A)(3)(a) to (g) of this section less any reduction 92253
required under division (C)(2)(a) of this section. 92254

(a) The state education aid for fiscal year 2015; 92255

(b) The sum of the payments received in fiscal year 2015 for 92256
current expense levy losses under division (C)(3) of section 92257
5727.85 and division (C)(12) of section 5751.21 of the Revised 92258
Code, as they existed at that time, excluding the portion of such 92259
payments attributable to levies for joint vocational school 92260
district purposes; 92261

(c) The sum of fixed-sum levy loss payments received by the 92262
school district in fiscal year 2015 under division (F)(1) of 92263
section 5727.85 and division (E)(1) of section 5751.21 of the 92264
Revised Code, as they existed at that time, for fixed-sum levies 92265
charged and payable for a purpose other than paying debt charges; 92266

(d) The district's taxes charged and payable against all 92267
property on the tax list of real and public utility property for 92268

<u>current expense purposes for tax year 2014, including taxes</u>	92269
<u>charged and payable from emergency levies charged and payable</u>	92270
<u>under sections 5705.194 to 5705.197 of the Revised Code, excluding</u>	92271
<u>taxes levied for joint vocational school district purposes or</u>	92272
<u>levied under section 5705.23 of the Revised Code;</u>	92273
<u>(e) The amount certified for fiscal year 2015 under division</u>	92274
<u>(A)(2) of section 3317.08 of the Revised Code;</u>	92275
<u>(f) Distributions received during calendar year 2014 from</u>	92276
<u>taxes levied under section 718.09 of the Revised Code;</u>	92277
<u>(g) Distributions received during fiscal year 2015 from the</u>	92278
<u>gross casino revenue county student fund.</u>	92279
<u>(4)(a) "State education aid" for a school district means the</u>	92280
<u>sum of state amounts computed for the district under sections</u>	92281
<u>3317.022 and 3317.0212 of the Revised Code after any amounts are</u>	92282
<u>added or subtracted under Section 263.240 of Am. Sub. H.B. 59 of</u>	92283
<u>the 130th general assembly, entitled "TRANSITIONAL AID FOR CITY,</u>	92284
<u>LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."</u>	92285
<u>(b) "State education aid" for a joint vocational district</u>	92286
<u>means the amount computed for the district under section 3317.16</u>	92287
<u>of the Revised Code after any amounts are added or subtracted</u>	92288
<u>under Section 263.250 of Am. Sub. H.B. 59 of the 130th general</u>	92289
<u>assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL</u>	92290
<u>DISTRICTS."</u>	92291
<u>(5) "Taxes charged and payable" means taxes charged and</u>	92292
<u>payable after the reduction required by section 319.301 of the</u>	92293
<u>Revised Code but before the reductions required by sections</u>	92294
<u>319.302 and 323.152 of the Revised Code.</u>	92295
<u>(6) "Capacity quintile" means the capacity measure quintiles</u>	92296
<u>determined under division (B) of this section.</u>	92297
<u>(7) "Threshold per cent" means the following:</u>	92298

(a) For a school district in the lowest capacity quintile, one per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus one percentage point. 92299
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(b) For a school district in the second lowest capacity quintile, one and one-fourth per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus one and one-fourth percentage points. 92303
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(c) For a school district in the third lowest capacity quintile, one and one-half per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus one and one-half percentage points. 92308
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(d) For a school district in the second highest capacity quintile, one and three-fourths per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus one and three-fourths percentage points. 92312
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(e) For a school district in the highest capacity quintile, two per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus two percentage points. 92317
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(f) For a joint vocational school district, two per cent for fiscal year 2016; for fiscal year 2017 and thereafter, the sum of the prior year's threshold per cent plus two percentage points. 92321
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(8) "Current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for current expense levy losses under division (C)(3) of section 5727.85 and division (C)(12) of section 5751.21 of the Revised Code as they existed at that time, less any reduction required under division (C)(2)(b) of this section. 92324
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(9) "Non-current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for levy losses under division (C)(3)(c) of section 5727.85 and division (C)(12)(c) of section 5751.21 of the Revised Code, as they existed at that time, and levy losses in fiscal year 2015 under division (H) of section 5727.84 of the Revised Code as that section existed at that time attributable to levies for and payments received for losses on levies intended to generate money for maintenance of classroom facilities.

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(10) "Operating TPP fixed-sum levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code, excluding levy losses for debt purposes.

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(11) "Operating S.B. 3 fixed-sum levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code, excluding levy losses for debt purposes.

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(12) "TPP fixed-sum debt levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code for debt purposes.

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(13) "S.B. 3 fixed-sum debt levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code for debt purposes.

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(14) "Qualifying levies" means qualifying levies described in section 5751.20 of the Revised Code as that section was in effect before July 1, 2015.

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(15) "Qualifying school district" means a school district within whose territory a nuclear power plant is located and for

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which the ratio of current expense allocation to total resources 92361
is ten per cent or more. 92362

(B) The department of education shall rank all school 92363
districts in the order of districts' capacity measures determined 92364
under section 3317.018 of the Revised Code from lowest to highest, 92365
and divide such ranking into quintiles, with the first quintile 92366
containing the twenty per cent of school districts having the 92367
lowest capacity measure and the fifth quintile containing the 92368
twenty per cent of school districts having the highest capacity 92369
measure. This calculation and ranking shall be performed once, in 92370
fiscal year 2016, and used for subsequent years for the purpose of 92371
division (A)(7) of this section. 92372

(C)(1) In fiscal year 2016, payments shall be made to school 92373
districts and joint vocational school districts other than 92374
qualifying school districts equal to the sum of the amounts 92375
described in divisions (C)(1)(a) or (b) and (C)(1)(c) of this 92376
section. In fiscal year 2017 and subsequent fiscal years, payments 92377
shall be made to school districts and joint vocational school 92378
districts other than qualifying school districts equal to the 92379
amount described in division (C)(1)(a) or (b) of this section. In 92380
fiscal year 2016 and subsequent fiscal years, payments shall be 92381
made to qualifying school districts equal to the sum of the 92382
amounts described in divisions (A)(3)(b) and (c) of this section. 92383

(a) If the ratio of the current expense allocation to total 92384
resources is equal to or less than the district's threshold per 92385
cent, zero; 92386

(b) If the ratio of the current expense allocation to total 92387
resources is greater than the district's threshold per cent, the 92388
difference between the current expense allocation and the product 92389
of the threshold percentage and total resources; 92390

(c) For fiscal year 2016, the product of the non-current 92391

expense allocation multiplied by fifty per cent. 92392

(2)(a) "Total resources" used to compute payments under 92393
division (C)(1) of this section shall be reduced to the extent 92394
that payments distributed in fiscal year 2015 were attributable to 92395
levies no longer charged and payable for tax year 2014. 92396

(b) "Current expense allocation" used to compute payments 92397
under division (C)(1) of this section shall be reduced to the 92398
extent that the payments distributed in fiscal year 2015 were 92399
attributable to levies no longer charged and payable for tax year 92400
2014. 92401

(3) The department of education shall report to each school 92402
district and joint vocational school district the apportionment of 92403
the payments under division (C)(1) of this section among the 92404
district's funds based on qualifying levies. 92405

(D)(1) Except as provided in division (D)(2) of this section, 92406
payments in the following amounts shall be made to school 92407
districts and joint vocational school districts in tax years 2016 92408
through 2021: 92409

(a) In tax year 2016, the sum of the district's operating TPP 92410
fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 92411

(b) In tax year 2017, the sum of the district's operating TPP 92412
fixed-sum levy losses and eighty per cent of operating S.B. 3 92413
fixed-sum levy losses. 92414

(c) In tax year 2018, the sum of eighty per cent of the 92415
district's operating TPP fixed-sum levy losses and sixty per cent 92416
of its operating S.B. 3 fixed-sum levy losses. 92417

(d) In tax year 2019, the sum of sixty per cent of the 92418
district's operating TPP fixed-sum levy losses and forty per cent 92419
of its operating S.B. 3 fixed-sum levy losses. 92420

(e) In tax year 2020, the sum of forty per cent of the 92421

district's operating TPP fixed-sum levy losses and twenty per cent 92422
of its operating S.B. 3 fixed-sum levy losses. 92423

(f) In tax year 2021, twenty per cent of the district's 92424
operating TPP fixed-sum levy losses. 92425

No payment shall be made under division (D)(1) of this 92426
section after tax year 2021. 92427

(2) In the case of a qualifying school district, payments 92428
shall be made in tax year 2016 and subsequent tax years equal to 92429
one hundred per cent of the sum of the district's operating TPP 92430
fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 92431

(3) Amounts are payable under division (D) of this section 92432
for fixed-sum levy losses only to the extent of such losses for 92433
qualifying levies that remain in effect for the current tax year. 92434
For this purpose, a qualifying levy levied under section 5705.194 92435
or 5705.213 of the Revised Code remains in effect for the current 92436
tax year only if a tax levied under either of those sections is 92437
charged and payable for the current tax year for an annual sum at 92438
least equal to the annual sum levied by the board of education for 92439
tax year 2004 under those sections less the amount of the payment 92440
under this division. 92441

(E)(1) For fixed-sum levies for debt purposes, payments shall 92442
be made to school districts and joint vocational school districts 92443
equal to one hundred per cent of the district's fixed-sum levy 92444
loss determined under division (E) of section 5751.20 and division 92445
(H) of section 5727.84 of the Revised Code as in effect before 92446
July 1, 2015, and paid in tax year 2014. No payment shall be made 92447
for qualifying levies that are no longer charged and payable. 92448

(2) Beginning in 2016, by the thirty-first day of January of 92449
each year, the tax commissioner shall review the calculation of 92450
fixed-sum levy loss for debt purposes determined under division 92451
(E) of section 5751.20 and division (H) of section 5727.84 of the 92452

Revised Code as in effect before July 1, 2015. If the commissioner determines that a fixed-sum levy that had been scheduled to be reimbursed in the current year is no longer charged and payable, a revised calculation for that year and all subsequent years shall be made.

(F)(1) For taxes levied within the ten-mill limitation for debt purposes in tax year 1998 in the case of electric company tax value losses, and in tax year 1999 in the case of natural gas company tax value losses, payments shall be made to school districts and joint vocational school districts equal to one hundred per cent of the loss computed under division (D) of section 5727.85 of the Revised Code as in effect before July 1, 2015, as if the tax were a fixed-rate levy, but those payments shall extend through fiscal year 2016.

(2) For taxes levied within the ten-mill limitation for debt purposes in tax year 2005, payments shall be made to school districts and joint vocational school districts equal to one hundred per cent of the loss computed under division (D) of section 5751.21 as in effect before July 1, 2015, as if the tax were a fixed-rate levy, but those payments shall extend through fiscal year 2018.

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

(1) For a merger of two or more districts, the fixed-sum levy losses, total resources, current expense allocation, and non-current expense allocation of the successor district shall be the sum of such items for each of the districts involved in the

merger. 92485

(2) If property is transferred from one district to a 92486
previously existing district, the amount of total resources, 92487
current expense allocation, and non-current expense allocation 92488
that shall be transferred to the recipient district shall be an 92489
amount equal to total resources, current expense allocation, and 92490
non-current expense allocation of the transferor district times a 92491
fraction, the numerator of which is the number of pupils being 92492
transferred to the recipient district, measured, in the case of a 92493
school district, by formula ADM as defined in section 3317.02 of 92494
the Revised Code or, in the case of a joint vocational school 92495
district, by formula ADM as defined for a joint vocational school 92496
district in that section, and the denominator of which is the 92497
formula ADM of the transferor district. 92498

(3) After December 31, 2010, if property is transferred from 92499
one or more districts to a district that is newly created out of 92500
the transferred property, the newly created district shall be 92501
deemed not to have any total resources, current expense 92502
allocation, total allocation, or non-current expense allocation. 92503

(4) If the recipient district under division (G)(2) of this 92504
section or the newly created district under division (G)(3) of 92505
this section is assuming debt from one or more of the districts 92506
from which the property was transferred and any of the districts 92507
losing the property had fixed-sum levy losses, the department of 92508
education, in consultation with the tax commissioner, shall make 92509
an equitable division of the fixed-sum levy loss reimbursements. 92510

(H) The payments required by divisions (C), (D), (E), and (F) 92511
of this section shall be distributed periodically to each school 92512
and joint vocational school district by the department of 92513
education unless otherwise provided for. Except as provided in 92514
division (D) of this section, if a levy that is a qualifying levy 92515
is not charged and payable in any year after 2014, payments to the 92516

school district or joint vocational school district shall be 92517
reduced to the extent that the payments distributed in fiscal year 92518
2015 were attributable to the levy loss of that levy. 92519

Sec. 5709.93. (A) As used in this section: 92520

(1) "Taxes charged and payable" means taxes charged and 92521
payable after the reduction required by section 319.301 of the 92522
Revised Code but before the reductions required by sections 92523
319.302 and 323.152 of the Revised Code. 92524

(2) "Threshold per cent" means two per cent for fiscal year 92525
2016; and, for fiscal year 2017 and thereafter, the sum of the 92526
prior year's threshold per cent plus two percentage points. 92527

(3) "Public library" means a county, municipal, school 92528
district, or township public library that receives the proceeds of 92529
a tax levied under section 5705.23 of the Revised Code. 92530

(4) "Local taxing unit" means a subdivision or taxing unit, 92531
as defined in section 5705.01 of the Revised Code, a park district 92532
created under Chapter 1545. of the Revised Code, or a township 92533
park district established under section 511.23 of the Revised 92534
Code, but excludes school districts and joint vocational school 92535
districts. 92536

(5) "Municipal current expense allocation" means the sum of 92537
the payments received by a municipal corporation in calendar year 92538
2014 for current expense levy losses under division (A)(1)(e)(ii) 92539
of section 5727.86 and division (A)(1)(c)(ii) of section 5751.22 92540
of the Revised Code as they existed at that time. 92541

(6) "Current expense allocation" means the sum of the 92542
payments received by a local taxing unit or public library in 92543
calendar year 2014 for current expense levy losses under division 92544
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 92545
5751.22 of the Revised Code as they existed at that time, less any 92546

reduction required under division (B)(2) of this section. 92547

(7) "TPP inside millage debt levy loss" means payments made to local taxing units in calendar year 2014 under division (A)(3) of section 5751.22 of the Revised Code as that section existed at that time. 92548
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(8) "S.B. 3 inside millage debt levy loss" means payments made to local taxing units in calendar year 2014 under section (A)(4) of section 5727.86 of the Revised Code as that section existed at that time. 92552
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(9) "Qualifying levy" means a levy for which payment was made in calendar year 2014 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time. 92556
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(10) "Total resources," in the case of county mental health and disability related functions, means the sum of the amounts in divisions (A)(10)(a) and (b) of this section less any reduction required under division (B)(1) of this section. 92560
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(a) The sum of the payments received by the county for mental health and developmental disability related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 92564
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(b) With respect to taxes levied by the county for mental health and developmental disability related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014. 92569
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(11) "Total resources," in the case of county senior services related functions, means the sum of the amounts in divisions (A)(11)(a) and (b) of this section less any reduction required under division (B)(1) of this section. 92573
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(a) The sum of the payments received by the county for senior services related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 92577
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(b) With respect to taxes levied by the county for senior services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014. 92581
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(12) "Total resources," in the case of county children's services related functions, means the sum of the amounts in divisions (A)(12)(a) and (b) of this section less any reduction required under division (B)(1) of this section. 92585
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(a) The sum of the payments received by the county for children's services related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 92589
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(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014. 92593
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(13) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(13)(a) and (b) of this section less any reduction required under division (B)(1) of this section. 92597
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(a) The sum of the payments received by the county for public health related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 92601
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92604

(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public 92605
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utility property for tax year 2014. 92608

(14) "Total resources," in the case of all county functions not included in divisions (A)(10) to (13) of this section, means the sum of the amounts in divisions (A)(14)(a) to (e) of this section less any reduction required under division (B)(1) or (2) of this section. 92609
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(a) The sum of the payments received by the county for all other purposes in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 92614
92615
92616
92617

(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund; 92618
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(c) With respect to taxes levied by the county for all other purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014, excluding taxes charged and payable for the purpose of paying debt charges; 92625
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92627
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(d) The sum of the amounts distributed to the county in calendar year 2014 for the taxes levied pursuant to sections 5739.021 and 5741.021 of the Revised Code; 92630
92631
92632

(e) The sum of amounts distributed to the county from the gross casino revenue county fund from July 2014 through April 2015. 92633
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(15) "Total resources," in the case of a municipal corporation, means the sum of the amounts in divisions (A)(15)(a) to (h) of this section less any reduction required under division 92636
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<u>(B)(1) or (2) of this section.</u>	92639
<u>(a) The sum of the payments received by the municipal corporation in calendar year 2014 for current expense levy losses under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time;</u>	92640 92641 92642 92643
<u>(b) The municipal corporation's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;</u>	92644 92645 92646 92647 92648 92649 92650
<u>(c) The sum of the amounts distributed to the municipal corporation in calendar year 2014 pursuant to section 5747.50 of the Revised Code;</u>	92651 92652 92653
<u>(d) With respect to taxes levied by the municipal corporation, the taxes charged and payable against all property on the tax list of real and public utility property for municipal current expenses for tax year 2014;</u>	92654 92655 92656 92657
<u>(e) The amount of admissions tax collected by the municipal corporation in calendar year 2013, or if such information has not yet been reported to the tax commissioner, in the most recent year before 2013 for which the municipal corporation has reported data to the commissioner;</u>	92658 92659 92660 92661 92662
<u>(f) The amount of income taxes collected by the municipal corporation in calendar year 2013 as certified to the tax commissioner under section 5747.50 of the Revised Code in 2013, or if such information has not yet been reported to the commissioner, in the most recent year before 2014 for which the municipal corporation has reported such data to the commissioner;</u>	92663 92664 92665 92666 92667 92668
<u>(g) The sum of the amounts distributed to the municipal</u>	92669

corporation from the gross casino revenue host city fund from July 2014 through April 2015; 92670
92671

(h) The sum of the amounts distributed to the municipal corporation from the gross casino revenue county fund from July 2014 through April 2015. 92672
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(16) "Total resources," in the case of a township, means the sum of the amounts in divisions (A)(16)(a) to (c) of this section less any reduction required under division (B)(1) or (2) of this section. 92675
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92678

(a) The sum of the payments received by the township in calendar year 2014 pursuant to division (A)(1) of section 5727.86 of the Revised Code and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time, excluding payments received for debt purposes; 92679
92680
92681
92682
92683

(b) The township's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund; 92684
92685
92686
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92688
92689
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(c) With respect to taxes levied by the township, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2014 excluding taxes charged and payable for the purpose of paying debt charges or from levies imposed under section 5705.23 of the Revised Code. 92691
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(17) "Total resources," in the case of a local taxing unit that is not a county, municipal corporation, township, or public library means the sum of the amounts in divisions (A)(17)(a) to (e) of this section less any reduction required under division (B)(1) of this section. 92696
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92699
92700

(a) The sum of the payments received by the local taxing unit 92701
in calendar year 2014 pursuant to division (A)(1) of section 92702
5727.86 of the Revised Code and division (A)(1) of section 5751.22 92703
of the Revised Code as they existed at that time; 92704

(b) The local taxing unit's percentage share of county 92705
undivided local government fund allocations as certified to the 92706
tax commissioner for calendar year 2015 by the county auditor 92707
under division (J) of section 5747.51 of the Revised Code or 92708
division (F) of section 5747.53 of the Revised Code multiplied by 92709
the total amount actually distributed in calendar year 2014 from 92710
the county undivided local government fund; 92711

(c) With respect to taxes levied by the local taxing unit, 92712
the taxes charged and payable against all property on the tax list 92713
of real and public utility property for tax year 2014 excluding 92714
taxes charged and payable for the purpose of paying debt charges 92715
or from a levy imposed under section 5705.23 of the Revised Code; 92716

(d) The amount received from the tax commissioner during 92717
calendar year 2014 for sales or use taxes authorized under 92718
sections 5739.023 and 5741.022 of the Revised Code; 92719

(e) For institutions of higher education receiving tax 92720
revenue from a local levy, as identified in section 3358.02 of the 92721
Revised Code, the final state share of instruction allocation for 92722
fiscal year 2014 as calculated by the chancellor of higher 92723
education and reported to the state controlling board. 92724

(18) "Total library resources," in the case of a county, 92725
municipal corporation, school district, or township public library 92726
that receives the proceeds of a tax levied under section 5705.23 92727
of the Revised Code, means the sum of the amounts in divisions 92728
(A)(18)(a) to (d) of this section less any reduction required 92729
under division (B)(1) of this section. 92730

(a) The sum of the payments received by the county, municipal 92731

corporation, school district, or township public library in 92732
calendar year 2014 pursuant to sections 5727.86 and 5751.22 of the 92733
Revised Code, as they existed at that time, for fixed-rate levy 92734
losses attributable to a tax levied under section 5705.23 of the 92735
Revised Code for the benefit of the public library; 92736

(b) The public library's percentage share of county undivided 92737
local government fund allocations as certified to the tax 92738
commissioner for calendar year 2015 by the county auditor under 92739
division (J) of section 5747.51 of the Revised Code or division 92740
(F) of section 5747.53 of the Revised Code multiplied by the total 92741
amount actually distributed in calendar year 2014 from the county 92742
undivided local government fund; 92743

(c) With respect to a tax levied pursuant to section 5705.23 92744
of the Revised Code for the benefit of the public library, the 92745
amount of such tax that is charged and payable against all 92746
property on the tax list of real and public utility property for 92747
tax year 2014 excluding any tax that is charged and payable for 92748
the purpose of paying debt charges; 92749

(d) The sum of the amounts distributed to the library 92750
district from the county public library fund in calendar year 92751
2014, as reported to the tax commissioner by the county auditor. 92752

(19) "Municipal current expense property tax levies" means 92753
all property tax levies of a municipality, except those with the 92754
following levy names: library; airport resurfacing; bond or any 92755
levy name including the word "bond"; capital improvement or any 92756
levy name including the word "capital"; debt or any levy name 92757
including the word "debt"; equipment or any levy name including 92758
the word "equipment," unless the levy is for combined operating 92759
and equipment; employee termination fund; fire pension or any levy 92760
containing the word "pension," including police pensions; 92761
fireman's fund or any practically similar name; sinking fund; road 92762
improvements or any levy containing the word "road"; fire truck or 92763

apparatus; flood or any levy containing the word "flood"; 92764
conservancy district; county health; note retirement; sewage, or 92765
any levy containing the words "sewage" or "sewer"; park 92766
improvement; parkland acquisition; storm drain; street or any levy 92767
name containing the word "street"; lighting, or any levy name 92768
containing the word "lighting"; and water. 92769

(20) "Operating fixed-rate levy loss" means, in the case of 92770
local taxing units other than municipal corporations, fixed-rate 92771
levy losses of levies imposed for purposes other than paying debt 92772
charges or, in the case of municipal corporations, fixed-rate levy 92773
losses of municipal current expense property tax levies. 92774

(21) "Qualifying local taxing unit" means a local taxing 92775
unit, other than a county or municipal corporation, within whose 92776
territory a nuclear power plant is located, including a public 92777
library on behalf of which a tax is levied under section 5705.23 92778
of the Revised Code on a tax list that includes the property of a 92779
nuclear power plant. 92780

(22) Any term used in this section has the same meaning as in 92781
section 5727.84 or 5751.20 of the Revised Code unless otherwise 92782
defined by this section. 92783

(B)(1) "Total resources" used to compute payments to be made 92784
under division (C) of this section shall be reduced to the extent 92785
that payments distributed in calendar year 2014 were attributable 92786
to levies no longer charged and payable. 92787

(2) "Current expense allocation" used to compute payments to 92788
be made under division (C) of this section shall be reduced to the 92789
extent that payments distributed in calendar year 2014 were 92790
attributable to levies no longer charged and payable. 92791

(C)(1) Except as provided in divisions (C)(2) and (D) of this 92792
section, the tax commissioner shall compute payments for operating 92793
fixed-rate levy losses of local taxing units and public libraries 92794

<u>for fiscal year 2016 and each year thereafter as prescribed in</u>	92795
<u>divisions (C)(1)(a) and (b) and (2) of this section:</u>	92796
<u>(a) For public libraries and local taxing units other than</u>	92797
<u>municipal corporations:</u>	92798
<u>(i) If the ratio of current expense allocation to total</u>	92799
<u>resources is equal to or less than the threshold per cent, zero;</u>	92800
<u>(ii) If the ratio of current expense allocation to total</u>	92801
<u>resources is greater than the threshold per cent, the current</u>	92802
<u>expense allocation minus the product of total resources multiplied</u>	92803
<u>by the threshold per cent.</u>	92804
<u>(b) For municipal corporations:</u>	92805
<u>(i) If the ratio of the municipal current expense allocation</u>	92806
<u>to total resources is equal to or less than the threshold per</u>	92807
<u>cent, zero;</u>	92808
<u>(ii) If the ratio of the municipal current expense allocation</u>	92809
<u>to total resources is greater than the threshold per cent, the</u>	92810
<u>municipal current expense allocation minus the product of total</u>	92811
<u>resources multiplied by the threshold per cent.</u>	92812
<u>(2) In the case of a qualifying local taxing unit for which</u>	92813
<u>the ratio of current expense allocation to total resources is ten</u>	92814
<u>per cent or more, the payment to be made under division (C) of</u>	92815
<u>this section for fiscal year 2016 and each year thereafter, in</u>	92816
<u>lieu of the payment computed under division (C)(1)(a) of this</u>	92817
<u>section, shall equal the amount described in division (A)(16)(a)</u>	92818
<u>of this section if the qualifying local taxing unit is a township,</u>	92819
<u>division (A)(18)(a) if the qualifying local taxing unit is a</u>	92820
<u>public library, and division (A)(17)(a) if the qualifying local</u>	92821
<u>taxing unit is not a township or public library.</u>	92822
<u>(3) For any local taxing unit or public library with</u>	92823
<u>operating fixed-rate levy losses greater than zero, the operating</u>	92824

fixed-rate levy loss shall be allocated among all qualifying operating fixed-rate levies in proportion to each such levy's share of the payments received in tax year 2014. In fiscal year 2016 and thereafter, if a levy to which operating fixed-rate levy loss is allocated is no longer charged and payable, the payment to the local taxing unit or public library shall be reduced by the amount allocated to the levy that is no longer charged and payable.

(D)(1) Except as provided in division (D)(2) of this section, the tax commissioner shall make payments to local taxing units equal to the sum of TPP inside millage debt levy loss and S.B. 3 inside millage debt levy loss. No payment shall be made if the levy for which the levy loss is computed is not charged and payable for debt purposes in fiscal year 2016 or any year thereafter.

(2) No payment shall be made for TPP inside millage debt levy loss in calendar year 2018 or thereafter. No payment shall be made for S.B.3 inside millage debt levy loss in calendar year 2017 or thereafter.

(E) The payments required to be made under divisions (C) and (D) of this section shall be paid from local government tangible property tax replacement fund to the county undivided income tax fund in the proper county treasury. Beginning in August 2015, one-half of the amount determined under each of those divisions shall be paid on or before the last day of August each year, and one-half shall be paid on or before the last day of February each year. Within thirty days after receipt of such payments, the county treasurer shall distribute amounts determined under this section to the proper local taxing unit or public library as if they had been levied and collected as taxes, and the local taxing unit or public library shall allocate the amounts so received among its funds in the same proportions as if those amounts had

been levied and collected as taxes. 92857

(F) If all or a part of the territories of two or more local 92858
taxing units are merged, or unincorporated territory of a township 92859
is annexed by a municipal corporation, the tax commissioner shall 92860
adjust the payments made under this section to each of the local 92861
taxing units in proportion to the square mileage of the merged or 92862
annexed territory as a percentage of the total square mileage of 92863
the jurisdiction from which the territory originated, or as 92864
otherwise provided by a written agreement between the legislative 92865
authorities of the local taxing units certified to the 92866
commissioner not later than the first day of June of the calendar 92867
year in which the payment is to be made. 92868

Sec. 5713.031. For the purposes of section 5713.03 of the 92869
Revised Code, when determining the true value in money of a golf 92870
course property that has not been the subject of a recent arm's 92871
length sale and for which appraisal as a golf course use is 92872
justified as either the highest and best use or as a special 92873
purpose use, the county auditor shall determine the true value 92874
pursuant to division (A) or (B) of this section. 92875

(A) For golf courses that operate primarily on a for-profit, 92876
daily-fee basis, the true value in money shall be determined using 92877
the income approach as described in the uniform rules and methods 92878
of valuing and assessing real property as adopted, prescribed, and 92879
promulgated by the tax commissioner. The value of all tangible and 92880
intangible personal property that contributes to the net operating 92881
income used in the income approach shall be deducted from the 92882
resulting valuation in order to determine the true value in money 92883
of the taxable property only. The capitalization rate used shall 92884
reflect all anticipated risks of the golf course operation, 92885
including weather-related risks and competition from golf courses 92886
that are exempted from taxation. The county auditor of a county in 92887

which a golf course is located may request the owner of the golf course to provide income and expense data on a form prescribed by the tax commissioner. No document containing data provided pursuant to this division shall be deemed a public document or record, but shall be a confidential document for use only in assessing the taxable property and shall not be subject to inspection or copying as public records pursuant to section 149.43 of the Revised Code. If an owner declines within thirty days of such request to provide this data and the auditor is thereafter unable to determine the true value in money of the taxable property using the income approach, the property shall be valued in accordance with division (B) of this section.

(B) For all other golf courses, the true value in money shall be determined using the market data approach in combination with the cost approach.

Sec. 5713.30. As used in sections 5713.31 to 5713.37 and 5715.01 of the Revised Code:

(A) "Land devoted exclusively to agricultural use" means:

(1) Tracts, lots, or parcels of land totaling not less than ten acres to which, during the three calendar years prior to the year in which application is filed under section 5713.31 of the Revised Code, and through the last day of May of such year, one or more of the following apply:

(a) The tracts, lots, or parcels of land were devoted exclusively to commercial animal or poultry husbandry, aquaculture, algaculture meaning the farming of algae, apiculture, the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental trees, sod, or flowers, or the growth of timber for a noncommercial purpose, if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise

devoted exclusively to agricultural use. 92919

(b) The tracts, lots, or parcels of land were devoted 92920
exclusively to biodiesel production, biomass energy production, 92921
electric or heat energy production, or biologically derived 92922
methane gas production if the land on which the production 92923
facility is located is contiguous to or part of a parcel of land 92924
under common ownership that is otherwise devoted exclusively to 92925
agricultural use, provided that at least fifty per cent of the 92926
feedstock used in the production was derived from parcels of land 92927
under common ownership or leasehold. 92928

(c) The tracts, lots, or parcels of land were devoted to and 92929
qualified for payments or other compensation under a land 92930
retirement or conservation program under an agreement with an 92931
agency of the federal government. 92932

(2) Tracts, lots, or parcels of land totaling less than ten 92933
acres that, during the three calendar years prior to the year in 92934
which application is filed under section 5713.31 of the Revised 92935
Code and through the last day of May of such year, were devoted 92936
exclusively to commercial animal or poultry husbandry, 92937
aquaculture, algaculture meaning the farming of algae, apiculture, 92938
the production for a commercial purpose of field crops, tobacco, 92939
fruits, vegetables, timber, nursery stock, ornamental trees, sod, 92940
or flowers where such activities produced an average yearly gross 92941
income of at least twenty-five hundred dollars during such 92942
three-year period or where there is evidence of an anticipated 92943
gross income of such amount from such activities during the tax 92944
year in which application is made, or were devoted to and 92945
qualified for payments or other compensation under a land 92946
retirement or conservation program under an agreement with an 92947
agency of the federal government; 92948

(3) A tract, lot, or parcel of land taxed under sections 92949
5713.22 to 5713.26 of the Revised Code is not land devoted 92950

exclusively to agricultural use; 92951

(4) Tracts, lots, or parcels of land, or portions thereof 92952
that, during the previous three consecutive calendar years have 92953
been designated as land devoted exclusively to agricultural use, 92954
but such land has been lying idle or fallow for up to one year and 92955
no action has occurred to such land that is either inconsistent 92956
with the return of it to agricultural production or converts the 92957
land devoted exclusively to agricultural use as defined in this 92958
section. Such land shall remain designated as land devoted 92959
exclusively to agricultural use provided that beyond one year, but 92960
less than three years, the landowner proves good cause as 92961
determined by the board of revision. 92962

(5) Tracts, lots, or parcels of land, or portions thereof 92963
that, during the previous three consecutive calendar years have 92964
been designated as land devoted exclusively to agricultural use, 92965
but such land has been lying idle or fallow because of dredged 92966
material being stored or deposited on such land pursuant to a 92967
contract between the land's owner and the department of natural 92968
resources or the United States army corps of engineers and no 92969
action has occurred to the land that is either inconsistent with 92970
the return of it to agricultural production or converts the land 92971
devoted exclusively to agricultural use. Such land shall remain 92972
designated as land devoted exclusively to agricultural use until 92973
the last year in which dredged material is stored or deposited on 92974
the land pursuant to such a contract, but not to exceed five 92975
years. 92976

"Land devoted exclusively to agricultural use" includes 92977
tracts, lots, or parcels of land or portions thereof that are used 92978
for conservation practices, provided that the tracts, lots, or 92979
parcels of land or portions thereof comprise twenty-five per cent 92980
or less of the total of the tracts, lots, or parcels of land that 92981
satisfy the criteria established in division (A)(1), (2), ~~or~~ (4). 92982

or (5) of this section together with the tracts, lots, or parcels of land or portions thereof that are used for conservation practices. 92983
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(B) "Conversion of land devoted exclusively to agricultural use" means any of the following: 92986
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(1) The failure of the owner of land devoted exclusively to agricultural use during the next preceding calendar year to file a renewal application under section 5713.31 of the Revised Code without good cause as determined by the board of revision; 92988
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(2) The failure of the new owner of such land to file an initial application under that section without good cause as determined by the board of revision; 92992
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(3) The failure of such land or portion thereof to qualify as land devoted exclusively to agricultural use for the current calendar year as requested by an application filed under such section; 92995
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(4) The failure of the owner of the land described in division (A)(4) or (5) of this section to act on such land in a manner that is consistent with the return of the land to agricultural production after three years. 92999
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The construction or installation of an energy facility, as defined in section 5727.01 of the Revised Code, on a portion of a tract, lot, or parcel of land devoted exclusively to agricultural use shall not cause the remaining portion of the tract, lot, or parcel to be regarded as a conversion of land devoted exclusively to agricultural use if the remaining portion of the tract, lot, or parcel continues to be devoted exclusively to agricultural use. 93003
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(C) "Tax savings" means the difference between the dollar amount of real property taxes levied in any year on land valued and assessed in accordance with its current agricultural use value and the dollar amount of real property taxes that would have been 93010
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levied upon such land if it had been valued and assessed for such 93014
year in accordance with Section 2 of Article XII, Ohio 93015
Constitution. 93016

(D) "Owner" includes, but is not limited to, any person 93017
owning a fee simple, fee tail, or life estate or a buyer on a land 93018
installment contract. 93019

(E) "Conservation practices" are practices used to abate soil 93020
erosion as required in the management of the farming operation, 93021
and include, but are not limited to, the installation, 93022
construction, development, planting, or use of grass waterways, 93023
terraces, diversions, filter strips, field borders, windbreaks, 93024
riparian buffers, wetlands, ponds, and cover crops for that 93025
purpose. 93026

(F) "Wetlands" has the same meaning as in section 6111.02 of 93027
the Revised Code. 93028

(G) "Biodiesel" means a mono-alkyl ester combustible liquid 93029
fuel that is derived from vegetable oils or animal fats or any 93030
combination of those reagents and that meets the American society 93031
for testing and materials specification D6751-03a for biodiesel 93032
fuel (B100) blend stock distillate fuels. 93033

(H) "Biologically derived methane gas" means gas from the 93034
anaerobic digestion of organic materials, including animal waste 93035
and agricultural crops and residues. 93036

(I) "Biomass energy" means energy that is produced from 93037
organic material derived from plants or animals and available on a 93038
renewable basis, including, but not limited to, agricultural 93039
crops, tree crops, crop by-products, and residues. 93040

(J) "Electric or heat energy" means electric or heat energy 93041
generated from manure, cornstalks, soybean waste, or other 93042
agricultural feedstocks. 93043

(K) "Dredged material" means material that is excavated or dredged from waters of this state. "Dredged material" does not include material resulting from normal farming, silviculture, and ranching activities, such as plowing, cultivating, seeding, and harvesting, for production of food, fiber, and forest products.

Sec. 5715.01. (A) The tax commissioner shall direct and supervise the assessment for taxation of all real property. The commissioner shall adopt, prescribe, and promulgate rules for the determination of true value and taxable value of real property by uniform rule for such values and for the determination of the current agricultural use value of land devoted exclusively to agricultural use. The uniform rules shall prescribe methods of determining the true value and taxable value of real property and shall also prescribe the method for determining the current agricultural use value of land devoted exclusively to agricultural use, which method shall reflect standard and modern appraisal techniques that take into consideration: the productivity of the soil under normal management practices; the average price patterns of the crops and products produced to determine the income potential to be capitalized; the market value of the land for agricultural use; and other pertinent factors. The rules shall provide that in determining the true value of lands or improvements thereon for tax purposes, all facts and circumstances relating to the value of the property, its availability for the purposes for which it is constructed or being used, its obsolete character, if any, the income capacity of the property, if any, and any other factor that tends to prove its true value shall be used. In determining the true value of minerals or rights to minerals for the purpose of real property taxation, the tax commissioner shall not include in the value of the minerals or rights to minerals the value of any tangible personal property used in the recovery of those minerals.

(B) The taxable value shall be that per cent of true value in money, or current agricultural use value in the case of land valued in accordance with section 5713.31 of the Revised Code, the commissioner by rule establishes, but it shall not exceed thirty-five per cent. The uniform rules shall also prescribe methods of making the appraisals set forth in section 5713.03 of the Revised Code and definitions as needed to clarify such methods. If methods and definitions are not explicitly set forth by rule, appraisals of real estate shall be made in accordance with the methods and definitions prescribed by the fourteenth edition of the appraisal of real estate and the fifth edition of the dictionary of real estate appraisal published by the appraisal institute. The rules established by the commissioner under this section shall be applied uniformly to all parcels. The taxable value of each tract, lot, or parcel of real property and improvements thereon, determined in accordance with the uniform rules and methods prescribed thereby, shall be the taxable value of the tract, lot, or parcel for all purposes of sections 5713.01 to 5713.26, 5715.01 to 5715.51, and 5717.01 to 5717.06 of the Revised Code. County auditors shall, under the direction and supervision of the commissioner, be the chief assessing officers of their respective counties, and shall list and value the real property within their respective counties for taxation in accordance with this section and sections 5713.03 and 5713.31 of the Revised Code and with such rules of the commissioner. There shall also be a board in each county, known as the county board of revision, which shall hear complaints and revise assessments of real property for taxation.

(C) The commissioner shall neither adopt nor enforce any rule that requires true value for any tax year to be any value other than the true value in money on the tax lien date of such tax year or that requires taxable value to be obtained in any way other than by reducing the true value, or in the case of land valued in

accordance with section 5713.31 of the Revised Code, its current 93109
agricultural use value, by a specified, uniform percentage. 93110

Sec. 5715.39. (A) The tax commissioner may remit real 93111
property taxes, manufactured home taxes, penalties, and interest 93112
found by the commissioner to have been illegally assessed. The 93113
commissioner also may remit any penalty charged against any real 93114
property or manufactured or mobile home that was the subject of an 93115
application for exemption from taxation under section 5715.27 of 93116
the Revised Code if the commissioner determines that the applicant 93117
requested such exemption in good faith. The commissioner shall 93118
include notice of the remission in the commissioner's 93119
certification to the county auditor required under that section. 93120

(B) The county auditor, upon consultation with the county 93121
treasurer, shall remit a penalty for late payment of any real 93122
property taxes or manufactured home taxes when: 93123

(1) The taxpayer could not make timely payment of the tax 93124
because of the negligence or error of the county auditor or county 93125
treasurer in the performance of a statutory duty relating to the 93126
levy or collection of such tax. 93127

(2) In cases other than those described in division (B)(1) of 93128
this section, and except as provided in division (B)(5) of this 93129
section, the taxpayer failed to receive a tax bill or a correct 93130
tax bill, and the taxpayer made a good faith effort to obtain such 93131
bill within thirty days after the last day for payment of the tax. 93132

(3) The tax was not timely paid because of the death or 93133
serious injury of the taxpayer, or the taxpayer's confinement in a 93134
hospital within sixty days preceding the last day for payment of 93135
the tax if, in any case, the tax was subsequently paid within 93136
sixty days after the last day for payment of such tax. 93137

(4) The taxpayer demonstrates that the full payment was 93138

properly deposited in the mail in sufficient time for the envelope 93139
to be postmarked by the United States postal service on or before 93140
the last day for payment of such tax. A private meter postmark on 93141
an envelope is not a valid postmark for purposes of establishing 93142
the date of payment of such tax. 93143

(5) With respect to the first payment due after a taxpayer 93144
fully satisfies a mortgage against a parcel of real property, the 93145
mortgagee failed to notify the auditor of the satisfaction of the 93146
mortgage, and the tax bill was not sent to the taxpayer. 93147

(C) The board of revision shall remit a penalty for late 93148
payment of any real property taxes or manufactured homes taxes if, 93149
in cases other than those described in division (B)(1) to ~~(4)~~(5) 93150
of this section, the taxpayer's failure to make timely payment of 93151
the tax is due to reasonable cause and not willful neglect. 93152

(D) The taxpayer, upon application within sixty days after 93153
the mailing of the county auditor's or board of revision's 93154
decision, may request the tax commissioner to review the denial of 93155
the remission of a penalty by the auditor or board. The 93156
application may be filed in person or by certified mail. If the 93157
application is filed by certified mail, the date of the United 93158
States postmark placed on the sender's receipt by the postal 93159
service shall be treated as the date of filing. The commissioner 93160
shall consider the application, determine whether the penalty 93161
should be remitted, and certify the determination to the taxpayer, 93162
to the county treasurer, and to the county auditor, who shall 93163
correct the tax list and duplicate accordingly. The commissioner 93164
may issue orders and instructions for the uniform implementation 93165
of this section by all county boards of revision, county auditors, 93166
and county treasurers, and such orders and instructions shall be 93167
followed by such officers and boards. 93168

(E) This section shall not provide to the taxpayer any remedy 93169
with respect to any matter that the taxpayer may be authorized to 93170

complain of under section 4503.06, 5715.19, 5717.02, or 5727.47 of the Revised Code. 93171
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(F) Applications for remission, and documents of any kind related to those applications, filed with the tax commissioner under this section are public records within the meaning of section 149.43 of the Revised Code unless otherwise excepted under that section. 93173
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Sec. 5725.22. (A) The treasurer of state shall maintain an intangible property tax list of taxes levied by section 5707.03 of the Revised Code and certified by the tax commissioner pursuant to sections 5711.13, 5725.08, 5725.16, and 5727.15 of the Revised Code, and a separate list of taxes levied by section 5725.18 of the Revised Code and certified by the superintendent of insurance pursuant to section 5725.20 of the Revised Code. 93178
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(B)(1) With respect to taxes levied under section 5725.18 of the Revised Code, the treasurer of state, upon receipt of an assessment, shall compute the taxes at the rates prescribed by law and enter the taxes on the proper tax list. The treasurer shall collect, and the taxpayer shall pay, all such taxes and any interest applicable thereto. Payments may be made by mail, in person, or by any other means authorized by the treasurer. The treasurer shall render a daily itemized statement to the superintendent of insurance of the amount of taxes collected and the name of the domestic insurance company from whom collected. The treasurer of state may adopt rules concerning the methods and timeliness of payments under this division. 93185
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(2) With respect to taxes levied under section 5707.03 of the Revised Code, any assessment certified to the treasurer of state shall reflect the taxes computed at the rates prescribed by law. Upon receipt of such an assessment, the treasurer shall enter the taxes on the proper tax list. The tax commissioner shall collect, 93197
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and the taxpayer shall pay, all such taxes and any interest 93202
applicable thereto. Payments may be made by mail, in person, or by 93203
any other means authorized by the commissioner. The commissioner 93204
shall immediately forward to the treasurer any payments received 93205
under this division, together with any information necessary for 93206
the treasurer to properly credit such payments. The commissioner 93207
may adopt rules concerning the method and timeliness of payments 93208
under this division. 93209

(C) Each tax bill issued pursuant to this section shall 93210
separately reflect the taxes due, interest, if any, due date, and 93211
any other information considered necessary. The With respect to 93212
taxes levied under section 5725.18 of the Revised Code, the last 93213
day on which payment may be made without penalty shall be the 93214
fifteenth day of June, unless that day is not a business day as 93215
defined in section 5709.40 of the Revised Code, in which case the 93216
payment may be made on the next business day. With respect to 93217
taxes levied under section 5707.03 of the Revised Code, the last 93218
day on which payment may be made without penalty shall be at least 93219
twenty but not more than thirty days from the date of mailing the 93220
tax bill. The treasurer of state or tax commissioner, as 93221
appropriate, shall ~~mail~~ issue the tax bill, and, if the tax bill 93222
is issued by mail, the mailing thereof shall be prima-facie 93223
evidence of receipt thereof by the taxpayer. 93224

The treasurer or commissioner, as appropriate, shall refund 93225
taxes as provided in this section, but no refund shall be made to 93226
a taxpayer having a delinquent claim certified pursuant to this 93227
section that remains unpaid. The treasurer or commissioner may 93228
consult the attorney general regarding such claims. Refunds shall 93229
be paid from the tax refund fund created by section 5703.052 of 93230
the Revised Code. 93231

(D)(1) Within twenty days after receipt of any preliminary 93232
assessment of taxes levied under section 5725.18 of the Revised 93233

Code, the treasurer of state shall issue a tax bill, but if such 93234
preliminary assessment reflects a late filed tax return, the 93235
treasurer of state shall add interest as provided in division (A) 93236
of section 5725.221 of the Revised Code and issue a tax bill. 93237

(2) ~~Within twenty days after~~ After receipt of any amended or 93238
final assessment of taxes levied under section 5725.18 of the 93239
Revised Code, the treasurer of state shall ascertain the 93240
difference between the total taxes computed on such assessment and 93241
the total taxes computed on the most recent assessment certified 93242
for the same tax year. If the difference is a deficiency, the 93243
treasurer of state shall add interest as provided in division 93244
(B)(1) of section 5725.221 of the Revised Code and issue a tax 93245
bill. Unless an exigency exists, the treasurer shall issue the tax 93246
bill on or before the fifteenth day of May. In the case of an 93247
exigency, the treasurer shall issue the tax bill as soon as 93248
possible after the fifteenth day of May and may extend the due 93249
date for payment of the tax prescribed by division (C) of this 93250
section. If the difference is an excess, the treasurer of state 93251
shall add interest as provided in division (B)(2) of section 93252
5725.221 of the Revised Code and certify the name of the taxpayer 93253
and the amount to be refunded to the director of budget and 93254
management for payment to the taxpayer. If the taxpayer has a 93255
deficiency for one tax year and an excess for another tax year, or 93256
any combination thereof for more than two tax years, the treasurer 93257
of state may determine the net result after adding interest, if 93258
applicable, and, depending on such result, proceed to ~~mail~~ issue a 93259
tax bill or certify a refund. 93260

(E)(1) Except as provided in division (E)(2) of this section, 93261
within twenty days after certifying to the treasurer of state an 93262
amended or final assessment, or a preliminary assessment of a 93263
dealer in intangibles that has failed to file a report or disclose 93264
taxable property, the tax commissioner shall ascertain the 93265

difference between the total taxes computed on such assessment and 93266
the total taxes computed on the most recent assessment certified 93267
for the same tax year, if any. If the difference is a deficiency, 93268
the commissioner shall add interest as provided in division (B)(1) 93269
of section 5725.221 of the Revised Code and issue a tax bill. If 93270
the difference is an excess, the commissioner shall add interest 93271
as provided in division (B)(2) of section 5725.221 of the Revised 93272
Code and certify the name of the taxpayer and the amount to be 93273
refunded to the director of budget and management for payment to 93274
the taxpayer. If the taxpayer has a deficiency for one tax year 93275
and excess for another tax year, or any combination thereof for 93276
more than two tax years, the commissioner may determine the net 93277
result after adding interest, if applicable, and, depending on 93278
such result, proceed to mail a tax bill or certify a refund. 93279

(2) The tax commissioner may issue a tax bill for any 93280
deficiency resulting from an assessment at the time the 93281
commissioner issues the assessment. 93282

(F) ~~If~~ With respect to taxes levied under section 5707.03 of 93283
the Revised Code, if a taxpayer fails to pay all taxes and 93284
interest, if any, on or before the due date shown on the tax bill 93285
but makes payment within ten calendar days of such date, the 93286
~~treasurer of state or~~ tax commissioner, ~~as appropriate,~~ shall add 93287
a penalty equal to five per cent of the taxes due. If payment is 93288
not made within ten days of such date, the ~~treasurer or~~ 93289
commissioner shall add a penalty equal to ten per cent of the 93290
taxes due. The ~~treasurer or~~ commissioner shall prepare a 93291
delinquent claim for each tax bill on which penalties were added 93292
and certify such claims to the attorney general for collection. 93293
~~The attorney general shall transmit a copy of each claim certified~~ 93294
~~by the treasurer to the superintendent of insurance.~~ For each 93295
claim certified by the ~~treasurer or~~ commissioner, the attorney 93296
general shall proceed to collect the delinquent taxes, penalties, 93297

and interest thereon in the manner prescribed by law. 93298

(G) With respect to taxes levied under section 5725.18 of the 93299
Revised Code, if a taxpayer fails to pay all taxes and interest, 93300
if any, on or before the due date shown on the tax bill issued by 93301
the treasurer of state, the treasurer shall add a penalty equal to 93302
five hundred dollars for each month the taxpayer fails to pay all 93303
taxes and interest due. The treasurer may add an additional 93304
penalty, not to exceed ten per cent of the taxes and interest due, 93305
if the taxpayer fails to demonstrate that the taxpayer made a good 93306
faith effort to pay all taxes and interest on or before the due 93307
date shown on the tax bill. The treasurer shall prepare a 93308
delinquent claim for each tax bill on which penalties were added 93309
and certify such claims to the attorney general for collection. 93310
The attorney general shall transmit a copy of each claim certified 93311
by the treasurer to the superintendent of insurance. For each 93312
claim certified by the treasurer, the attorney general shall 93313
proceed to collect the delinquent taxes, penalties, and interest 93314
thereon in the manner prescribed by law. 93315

Sec. 5725.98. (A) To provide a uniform procedure for 93316
calculating the amount of tax imposed by section 5725.18 of the 93317
Revised Code that is due under this chapter, a taxpayer shall 93318
claim any credits and offsets against tax liability to which it is 93319
entitled in the following order: 93320

(1) The credit for an insurance company or insurance company 93321
group under section 5729.031 of the Revised Code; 93322

(2) The credit for eligible employee training costs under 93323
section 5725.31 of the Revised Code; 93324

(3) The credit for purchasers of qualified low-income 93325
community investments under section 5725.33 of the Revised Code; 93326

(4) The nonrefundable job retention credit under division 93327

(B)~~(1)~~ of section 122.171 of the Revised Code; 93328

(5) The offset of assessments by the Ohio life and health insurance guaranty association permitted by section 3956.20 of the Revised Code; 93329
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(6) The refundable credit for rehabilitating a historic building under section 5725.34 of the Revised Code. 93332
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(7) The refundable credit for Ohio job retention under former division (B)(2) or (3) of section 122.171 of the Revised Code as those divisions existed before the effective date of the amendment of this section by H.B. 64 of the 131st general assembly; 93334
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(8) The refundable credit for Ohio job creation under section 5725.32 of the Revised Code; 93338
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(9) The refundable credit under section 5725.19 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code. 93340
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(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year. 93344
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Sec. 5726.01. As used in this chapter: 93352

(A) "Affiliated group" means a group of two or more persons with fifty per cent or greater of the value of each person's ownership interests owned or controlled directly, indirectly, or constructively through related interests by common owners during all or any portion of the taxable year, and the common owners. 93353
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"Affiliated group" includes, but is not limited to, any person 93358
eligible to be included in a consolidated elected taxpayer group 93359
under section 5751.011 of the Revised Code or a combined taxpayer 93360
group under section 5751.012 of the Revised Code. 93361

(B) "Bank organization" means any of the following: 93362

(1) A national bank organized and operating as a national 93363
bank association pursuant to the "National Bank Act," 13 Stat. 100 93364
(1864), 12 U.S.C. 21, et seq.; 93365

(2) A federal savings association or federal savings bank 93366
chartered under 12 U.S.C. 1464; 93367

(3) A bank, banking association, trust company, savings and 93368
loan association, savings bank, or other banking institution that 93369
is organized or incorporated under the laws of the United States, 93370
any state, or a foreign country; 93371

(4) Any corporation organized and operating pursuant to 12 93372
U.S.C. 611, et seq.; 93373

(5) Any agency or branch of a foreign bank, as those terms 93374
are defined in 12 U.S.C. 3101; 93375

(6) An entity licensed as a small business investment company 93376
under the "Small Business Investment Act of 1958," 72 Stat. 689, 93377
15 U.S.C. 661, et seq.† 93378

~~(7) A company chartered under the "Farm Credit Act of 1933," 93379
48 Stat. 257, or a successor of such a company. 93380~~

"Bank organization" does not include an institution organized 93381
under the "Federal Farm Loan Act," 39 Stat. 360 (1916), or a 93382
successor of such an institution, a company chartered under the 93383
"Farm Credit Act of 1933," 48 Stat. 257, or a successor of such a 93384
company, an association formed pursuant to 12 U.S.C. 2279c-1, an 93385
insurance company, or a credit union. 93386

(C) "Call report" means the consolidated reports of condition 93387

and income prescribed by the federal financial institutions 93388
examination council that a person is required to file with a 93389
federal regulatory agency pursuant to 12 U.S.C. 161, 12 U.S.C. 93390
324, or 12 U.S.C. 1817. 93391

(D) "Captive finance company" means a person that derived at 93392
least seventy-five per cent of its gross income for the current 93393
taxable year and the two taxable years preceding the current 93394
taxable year from one or more of the following transactions: 93395

(1) Financing transactions with members of its affiliated 93396
group; 93397

(2) Financing transactions with or for customers of products 93398
manufactured or sold by a member of its affiliated group; 93399

(3) Financing transactions with or for a distributor or 93400
franchisee that sells, leases, or services a product manufactured 93401
or sold by a member of the person's affiliated group; 93402

(4) Financing transactions with or for a supplier to a member 93403
of the person's affiliated group in connection with the member's 93404
manufacturing business; 93405

(5) Issuing bonds or other publicly traded debt instruments 93406
for the benefit of the affiliated group; 93407

(6) Short-term or long-term investments whereby the person 93408
invests the cash reserves of the affiliated group and the 93409
affiliated group utilizes the proceeds from the investments. 93410

For the purposes of division (D) of this section, "financing 93411
transaction" means making or selling loans, extending credit, 93412
leasing, earning or receiving subvention, including interest 93413
supplements and other support costs related thereto, or acquiring, 93414
selling, or servicing accounts receivable, notes, loans, leases, 93415
debt, or installment obligations that arise from the sale or lease 93416
of tangible personal property or the performance of services, and 93417

"gross income" has the same meaning as in section 61 of the Internal Revenue Code and includes income from transactions between the captive finance company and other members of its affiliated group.

A person that has not been in continuous existence for the two taxable years preceding the current taxable year qualifies as a "captive finance company" for purposes of division (D) of this section if the person derived at least seventy-five per cent of its gross income for the period of its existence from one or more of the transactions described in divisions (D)(1) to (6) of this section.

"Captive finance company" does not include a small dollar lender.

(E) "Credit union" means a nonprofit cooperative financial institution organized or chartered under the laws of this state, any other state, or the United States.

(F) "Diversified savings and loan holding company" has the same meaning as in 12 U.S.C. 1467a, as that section existed on January 1, 2012.

(G) "Document of creation" means the articles of incorporation of a corporation, articles of organization of a limited liability company, registration of a foreign limited liability company, certificate of limited partnership, registration of a foreign limited partnership, registration of a domestic or foreign limited liability partnership, or registration of a trade name.

(H) "Financial institution" means a bank organization, a holding company of a bank organization, or a nonbank financial organization, except when one of the following applies:

(1) If two or more such entities are consolidated for the purposes of filing an FR Y-9, "financial institution" means a

group consisting of all entities that are included in the FR Y-9. 93449

(2) If two or more such entities are consolidated for the 93450
purposes of filing a call report, "financial institution" means a 93451
group consisting of all entities that are included in the call 93452
report and that are not included in a group described in division 93453
(H)(1) of this section. 93454

(3) If a bank organization is owned directly by a 93455
grandfathered unitary savings and loan holding company or directly 93456
or indirectly by an entity that was a grandfathered unitary 93457
savings and loan holding company on January 1, 2012, "financial 93458
institution" means a group consisting only of that bank 93459
organization and the entities included in that bank organization's 93460
call report, notwithstanding division (H)(1) or (2) of this 93461
section. 93462

"Financial institution" does not include a diversified 93463
savings and loan holding company, a grandfathered unitary savings 93464
and loan holding company, any entity that was a grandfathered 93465
unitary savings and loan holding company on January 1, 2012, or 93466
any entity that is not a bank organization or owned by a bank 93467
organization and that is owned directly or indirectly by an entity 93468
that was a grandfathered unitary savings and loan holding company 93469
on January 1, 2012. 93470

(I) "FR Y-9" means the consolidated or parent-only financial 93471
statements that a holding company is required to file with the 93472
federal reserve board pursuant to 12 U.S.C. 1844. In the case of a 93473
holding company required to file both consolidated and parent-only 93474
financial statements, "FR Y-9" means the consolidated financial 93475
statements that the holding company is required to file. 93476

(J) "Grandfathered unitary savings and loan holding company" 93477
means an entity described in 12 U.S.C. 1467a(c)(9)(C), as that 93478
section existed on December 31, 1999. 93479

(K) "Gross receipts" means all items of income, without 93480
deduction for expenses. If the reporting person for a taxpayer is 93481
a holding company, "gross receipts" includes all items of income 93482
reported on the FR Y-9 filed by the holding company. If the 93483
reporting person for a taxpayer is a bank organization, "gross 93484
receipts" includes all items of income reported on the call report 93485
filed by the bank organization. If the reporting person for a 93486
taxpayer is a nonbank financial organization, "gross receipts" 93487
includes all items of income reported in accordance with generally 93488
accepted accounting principles. 93489

(L) "Insurance company" means every corporation, association, 93490
and society engaged in the business of insurance of any character, 93491
or engaged in the business of entering into contracts 93492
substantially amounting to insurance of any character, or of 93493
indemnifying or guaranteeing against loss or damage, or acting as 93494
surety on bonds or undertakings. "Insurance company" also includes 93495
any health insuring corporation as defined in section 1751.01 of 93496
the Revised Code. 93497

(M)(1) "Nonbank financial organization" means every person 93498
that is not a bank organization or a holding company of a bank 93499
organization and that engages in business primarily as a small 93500
dollar lender. "Nonbank financial organization" does not include 93501
an institution organized under the "Federal Farm Loan Act," 39 93502
Stat. 360 (1916), or a successor of such an institution, an 93503
insurance company, a captive finance company, a credit union, an 93504
institution organized and operated exclusively for charitable 93505
purposes within the meaning of section 501(c)(3) of the Internal 93506
Revenue Code, or a person that facilitates or services one or more 93507
securitizations for a bank organization, a holding company of a 93508
bank organization, a captive finance company, or any member of the 93509
person's affiliated group. 93510

(2) A person is engaged in business primarily as a small 93511

dollar lender if the person has, for the taxable year, gross 93512
income from the activities described in division (O) of this 93513
section that exceeds the person's gross income from all other 93514
activities. As used in division (M) of this section, "gross 93515
income" has the same meaning as in section 61 of the Internal 93516
Revenue Code, and income from transactions between the person and 93517
the other members of the affiliated group shall be eliminated, and 93518
any sales, exchanges, and other dispositions of commercial paper 93519
to persons outside the affiliated group produces gross income only 93520
to the extent the proceeds from such transactions exceed the 93521
affiliated group's basis in such commercial paper. 93522

(N) "Reporting person" means one of the following: 93523

(1) In the case of a financial institution described in 93524
division (H)(1) of this section, the top-tier holding company 93525
required to file an FR Y-9. 93526

(2) In the case of a financial institution described in 93527
division (H)(2) or (3) of this section, the bank organization 93528
required to file the call report. 93529

(3) In the case of a bank organization or nonbank financial 93530
organization that is not included in a group described in division 93531
(H)(1) or (2) of this section, the bank organization or nonbank 93532
financial organization. 93533

(O) "Small dollar lender" means any person engaged primarily 93534
in the business of loaning money to individuals, provided that the 93535
loan amounts do not exceed five thousand dollars and the duration 93536
of the loans do not exceed twelve months. A "small dollar lender" 93537
does not include a bank organization, credit union, or captive 93538
finance company. 93539

(P) "Tax year" means the calendar year for which the tax 93540
levied under section 5726.02 of the Revised Code is required to be 93541
paid. 93542

(Q) "Taxable year" means the calendar year preceding the year 93543
in which an annual report is required to be filed under section 93544
5726.03 of the Revised Code. 93545

(R) "Taxpayer" means a financial institution subject to the 93546
tax levied under section 5726.02 of the Revised Code. 93547

(S) "Total equity capital" means the sum of the common stock 93548
at par value, perpetual preferred stock and related surplus, other 93549
surplus not related to perpetual preferred stock, retained 93550
earnings, accumulated other comprehensive income, treasury stock, 93551
unearned employee stock ownership plan shares, and other equity 93552
components of a financial institution. "Total equity capital" 93553
shall not include any noncontrolling (minority) interests as 93554
reported on an FR Y-9 or call report, unless such interests are in 93555
a bank organization or a bank holding company. 93556

(T) "Total Ohio equity capital" means the portion of the 93557
total equity capital of a financial institution apportioned to 93558
Ohio pursuant to section 5726.05 of the Revised Code. 93559

(U) "Holding company" does not include a diversified savings 93560
and loan holding company, a grandfathered unitary savings and loan 93561
holding company, any entity that was a grandfathered unitary 93562
savings and loan holding company on January 1, 2012, or any entity 93563
that is not a bank organization or owned by a bank organization 93564
and that is owned directly or indirectly by an entity that was a 93565
grandfathered unitary savings and loan holding company on January 93566
1, 2012. 93567

(V) "Securitization" means transferring one or more assets to 93568
one or more persons and subsequently issuing securities backed by 93569
the right to receive payment from the asset or assets so 93570
transferred. 93571

Sec. 5726.50. (A) A taxpayer may claim a refundable tax 93572

credit against the tax imposed under this chapter for each person 93573
included in the annual report of the taxpayer that is granted a 93574
credit by the tax credit authority under section 122.17 or former 93575
division (B)(2) or (3) of section 122.171 of the Revised Code as 93576
those divisions existed before the effective date of the amendment 93577
of this section by H.B. 64 of the 131st general assembly. Such a 93578
credit shall not be claimed for any tax year following the 93579
calendar year in which a relocation of employment positions occurs 93580
in violation of an agreement entered into under section 122.17 or 93581
122.171 of the Revised Code. For the purpose of making tax 93582
payments under this chapter, taxes equal to the amount of the 93583
refundable credit shall be considered to be paid on the first day 93584
of the tax year. 93585

(B) A taxpayer may claim a nonrefundable tax credit against 93586
the tax imposed under this chapter for each person included in the 93587
annual report of the taxpayer that is granted a nonrefundable 93588
credit by the tax credit authority under division (B)~~(1)~~ of 93589
section 122.171 of the Revised Code. A taxpayer may claim against 93590
the tax imposed by this chapter any unused portion of the credits 93591
authorized under division (B) of section 5733.0610 of the Revised 93592
Code. 93593

(C) The credits authorized in divisions (A) and (B) of this 93594
section shall be claimed in the order required under section 93595
5726.98 of the Revised Code. If the amount of a credit authorized 93596
in division (A) of this section exceeds the tax otherwise due 93597
under section 5726.02 of the Revised Code after deducting all 93598
other credits preceding the credit in the order prescribed in 93599
section 5726.98 of the Revised Code, the excess shall be refunded 93600
to the taxpayer. 93601

Sec. 5727.031. (A) For tax year 2009 and each tax year 93602
thereafter, a person that is engaged in some other primary 93603

business to which the supplying of electricity to others is 93604
incidental shall file a report under section 5727.08 of the 93605
Revised Code as an electric company but shall only report therein 93606
as taxable property the amounts required in divisions (B) and (C) 93607
of this section. All time limits and other procedural requirements 93608
of this chapter for the reporting and assessment of property of 93609
electric companies apply to persons required to file a report 93610
under this section. For the purposes of this section, "the 93611
supplying of electricity to others" shall not include donating all 93612
of the electricity a person generates to a political subdivision 93613
of the state. 93614

(B) A person subject to this section shall report the true 93615
value of the boilers, machinery, equipment, and any personal 93616
property used to supply electricity to others, which shall be the 93617
sum of the following: 93618

(1) The true value of the property that is production 93619
equipment as it would be determined for an electric company under 93620
section 5727.11 of the Revised Code multiplied by the per cent of 93621
the electricity generated in the preceding calendar year that was 93622
not used by the person who generated it; plus 93623

(2) The true value of the property that is not production 93624
equipment as it would be determined for an electric company under 93625
section 5727.11 of the Revised Code multiplied by the per cent of 93626
the electricity generated in the preceding calendar year that was 93627
not used by the person who generated it. 93628

(C) The property reported under division (B) of this section 93629
shall be listed and assessed at an amount equal to the sum of the 93630
products determined under divisions (C)(1) and (2) of this 93631
section. 93632

(1) Multiply the portion of the true value determined under 93633
division (B)(1) of this section by the assessment rate in section 93634

5727.111 of the Revised Code that is applicable to the production 93635
equipment of an electric company; 93636

(2) Multiply the portion of the true value determined under 93637
division (B)(2) of this section by the assessment rate in section 93638
5727.111 of the Revised Code that is applicable to the property of 93639
an electric company that is not production equipment. 93640

Sec. 5727.111. The taxable property of each public utility, 93641
except a railroad company, and of each interexchange 93642
telecommunications company shall be assessed at the following 93643
percentages of true value: 93644

(A) In the case of a rural electric company, fifty per cent 93645
in the case of its taxable transmission and distribution property 93646
and its energy conversion equipment, and twenty-five per cent for 93647
all its other taxable property; 93648

(B) In the case of a telephone or telegraph company, 93649
twenty-five per cent for taxable property first subject to 93650
taxation in this state for tax year 1995 or thereafter for tax 93651
years before tax year 2007, and pursuant to division (H) of 93652
section 5711.22 of the Revised Code for tax year 2007 and 93653
thereafter, and the following for all other taxable property: 93654

(1) For tax years prior to 2005, eighty-eight per cent; 93655

(2) For tax year 2005, sixty-seven per cent; 93656

(3) For tax year 2006, forty-six per cent; 93657

(4) For tax year 2007 and thereafter, pursuant to division 93658
(H) of section 5711.22 of the Revised Code. 93659

(C) Twenty-five per cent in the case of a natural gas 93660
company. 93661

(D) Eighty-eight per cent in the case of a pipe-line, 93662
~~water works,~~ or heating company; 93663

(E)(1) For tax year 2005, eighty-eight per cent in the case of the taxable transmission and distribution property of an electric company, and twenty-five per cent for all its other taxable property;

(2) For tax year 2006 and each tax year thereafter, in the case of an electric company, eighty-five per cent in the case of its taxable transmission and distribution property and its energy conversion equipment, and twenty-four per cent for all its other taxable property.

(F)(1) Twenty-five per cent in the case of an interexchange telecommunications company for tax years before tax year 2007;

(2) Pursuant to division (H) of section 5711.22 of the Revised Code for tax year 2007 and thereafter.

(G) Twenty-five per cent in the case of a water transportation company;

(H) For tax year 2011 and each tax year thereafter in the case of an energy company, twenty-four per cent in the case of its taxable production equipment, and eighty-five per cent for all its other taxable property.

(I) In the case of a water-works company, twenty-five per cent for taxable property first subject to taxation in this state for tax year 2015 or thereafter, and eighty-eight per cent for all its other taxable property.

Sec. 5727.80. As used in sections 5727.80 to 5727.95 of the Revised Code:

(A) "Electric distribution company" means either of the following:

(1) A person who distributes electricity through a meter of an end user in this state or to an unmetered location in this state;

(2) The end user of electricity in this state, if the end user obtains electricity that is not distributed or transmitted to the end user by an electric distribution company that is required to remit the tax imposed by section 5727.81 of the Revised Code.
"Electric

"Electric distribution company" does not include ~~the~~ an end user of electricity in this state who self-generates electricity that is used directly by that end user on the same site that the electricity is generated or a person that donates all of the electricity the person generates to a political subdivision of the state. Division (A)(2) of this section shall not apply to a political subdivision in this state that is the end user of electricity that is donated to the political subdivision.

(B) "Kilowatt hour" means one thousand watt hours of electricity.

(C) For an electric distribution company, "meter of an end user in this state" means the last meter used to measure the kilowatt hours distributed by an electric distribution company to a location in this state, or the last meter located outside of this state that is used to measure the kilowatt hours consumed at a location in this state.

(D) "Person" has the same meaning as in section 5701.01 of the Revised Code, but also includes a political subdivision of the state.

(E) "Municipal electric utility" means a municipal corporation that owns or operates a system for the distribution of electricity.

(F) "Qualified end user" means an end user of electricity that uses more than three million kilowatt hours of electricity at one manufacturing location in this state for a calendar day for use in a qualifying manufacturing process.

(G) "Qualified regeneration" means a process to convert electricity to a form of stored energy by means such as using electricity to compress air for storage or to pump water to an elevated storage reservoir, if such stored energy is subsequently used to generate electricity for sale to others primarily during periods when there is peak demand for electricity.

(H) "Qualified regeneration meter" means the last meter used to measure electricity used in a qualified regeneration process.

(I) "Qualifying manufacturing process" means the performance of an electrochemical reaction in which electrons from direct current electricity remain a part of the product being manufactured.

(J) "Self-assessing purchaser" means a purchaser that meets all the requirements of, and pays the excise tax in accordance with, division (C) of section 5727.81 of the Revised Code.

(K) "Natural gas distribution company" means a natural gas company or a combined company, as defined in section 5727.01 of the Revised Code, that is subject to the excise tax imposed by section 5727.24 of the Revised Code and that distributes natural gas through a meter of an end user in this state or to an unmetered location in this state.

(L) "MCF" means one thousand cubic feet.

(M) For a natural gas distribution company, "meter of an end user in this state" means the last meter used to measure the MCF of natural gas distributed by a natural gas distribution company to a location in this state, or the last meter located outside of this state that is used to measure the natural gas consumed at a location in this state.

(N) "Flex customer" means an industrial or a commercial facility that has consumed more than one billion cubic feet of natural gas a year at a single location during any of the previous

five years, or an industrial or a commercial end user of natural gas that purchases natural gas distribution services from a natural gas distribution company at discounted rates or charges established in any of the following:

(1) A special arrangement subject to review and regulation by the public utilities commission under section 4905.31 of the Revised Code;

(2) A special arrangement with a natural gas distribution company pursuant to a municipal ordinance;

(3) A variable rate schedule that permits rates to vary between defined amounts, provided that the schedule is on file with the public utilities commission.

An end user that meets this definition on January 1, 2000, or thereafter is a "flex customer" for purposes of determining the rate of taxation under division (D) of section 5727.811 of the Revised Code.

Sec. 5727.81. (A) For the purpose of raising revenue ~~for public education and to fund the needs of this state and its local government operations~~ governments, an excise tax is hereby levied and imposed on an electric distribution company for all electricity distributed by such company at the following rates per kilowatt hour of electricity distributed in a thirty-day period by the company through a meter of an end user in this state:

KILOWATT HOURS DISTRIBUTED	RATE PER	
TO AN END USER	KILOWATT HOUR	
For the first 2,000	\$.00465	
For the next 2,001 to 15,000	\$.00419	
For 15,001 and above	\$.00363	

If no meter is used to measure the kilowatt hours of electricity distributed by the company, the rates shall apply to

the estimated kilowatt hours of electricity distributed to an 93786
unmetered location in this state. 93787

The electric distribution company shall base the monthly tax 93788
on the kilowatt hours of electricity distributed to an end user 93789
through the meter of the end user that is not measured for a 93790
thirty-day period by dividing the days in the measurement period 93791
into the total kilowatt hours measured during the measurement 93792
period to obtain a daily average usage. The tax shall be 93793
determined by obtaining the sum of divisions (A)(1), (2), and (3) 93794
of this section and multiplying that amount by the number of days 93795
in the measurement period: 93796

(1) Multiplying \$0.00465 per kilowatt hour for the first 93797
sixty-seven kilowatt hours distributed using a daily average; 93798

(2) Multiplying \$0.00419 for the next sixty-eight to five 93799
hundred kilowatt hours distributed using a daily average; 93800

(3) Multiplying \$0.00363 for the remaining kilowatt hours 93801
distributed using a daily average. 93802

Except as provided in division (C) of this section, the 93803
electric distribution company shall pay the tax to the tax 93804
commissioner in accordance with section 5727.82 of the Revised 93805
Code, unless required to remit each tax payment by electronic 93806
funds transfer to the treasurer of state in accordance with 93807
section 5727.83 of the Revised Code. 93808

Only the distribution of electricity through a meter of an 93809
end user in this state shall be used by the electric distribution 93810
company to compute the amount or estimated amount of tax due. In 93811
the event a meter is not actually read for a measurement period, 93812
the estimated kilowatt hours distributed by an electric 93813
distribution company to bill for its distribution charges shall be 93814
used. 93815

(B) Except as provided in division (C) of this section, each 93816

electric distribution company shall pay the tax imposed by this section in all of the following circumstances:

(1) The electricity is distributed by the company through a meter of an end user in this state;

(2) The company is distributing electricity through a meter located in another state, but the electricity is consumed in this state in the manner prescribed by the tax commissioner;

(3) The company is distributing electricity in this state without the use of a meter, but the electricity is consumed in this state as estimated and in the manner prescribed by the tax commissioner.

(C)(1) As used in division (C) of this section:

(a) "Total price of electricity" means the aggregate value in money of anything paid or transferred, or promised to be paid or transferred, to obtain electricity or electric service, including but not limited to the value paid or promised to be paid for the transmission or distribution of electricity and for transition costs as described in Chapter 4928. of the Revised Code.

(b) "Package" means the provision or the acquisition, at a combined price, of electricity with other services or products, or any combination thereof, such as natural gas or other fuels; energy management products, software, and services; machinery and equipment acquisition; and financing agreements.

(c) "Single location" means a facility located on contiguous property separated only by a roadway, railway, or waterway.

(2) Division (C) of this section applies to any commercial or industrial purchaser's receipt of electricity through a meter of an end user in this state or through more than one meter at a single location in this state in a quantity that exceeds forty-five million kilowatt hours of electricity over the course

of the preceding calendar year, or any commercial or industrial purchaser that will consume more than forty-five million kilowatt hours of electricity over the course of the succeeding twelve months as estimated by the tax commissioner. The tax commissioner shall make such an estimate upon the written request by an applicant for registration as a self-assessing purchaser under this division. For the meter reading period including July 1, 2008, through the meter reading period including December 31, 2010, such a purchaser may elect to self-assess the excise tax imposed by this section at the rate of \$.00075 per kilowatt hour on the first five hundred four million kilowatt hours distributed to that meter or location during the registration year, and a percentage of the total price of all electricity distributed to that meter or location equal to three and one-half per cent. For the meter reading period including January 1, 2011, and thereafter, such a purchaser may elect to self-assess the excise tax imposed by this section at the rate of \$.00257 per kilowatt hour for the first five hundred million kilowatt hours, and \$.001832 per kilowatt hour for each kilowatt hour in excess of five hundred million kilowatt hours, distributed to that meter or location during the registration year.

A qualified end user that receives electricity through a meter of an end user in this state or through more than one meter at a single location in this state and that consumes, over the course of the previous calendar year, more than forty-five million kilowatt hours in other than its qualifying manufacturing process, may elect to self-assess the tax as allowed by this division with respect to the electricity used in other than its qualifying manufacturing process.

Payment of the tax shall be made directly to the tax commissioner in accordance with divisions (A)(4) and (5) of section 5727.82 of the Revised Code, or the treasurer of state in

accordance with section 5727.83 of the Revised Code. If the 93879
electric distribution company serving the self-assessing purchaser 93880
is a municipal electric utility and the purchaser is within the 93881
municipal corporation's corporate limits, payment shall be made to 93882
such municipal corporation's general fund and reports shall be 93883
filed in accordance with divisions (A)(4) and (5) of section 93884
5727.82 of the Revised Code, except that "municipal corporation" 93885
shall be substituted for "treasurer of state" and "tax 93886
commissioner." A self-assessing purchaser that pays the excise tax 93887
as provided in this division shall not be required to pay the tax 93888
to the electric distribution company from which its electricity is 93889
distributed. If a self-assessing purchaser's receipt of 93890
electricity is not subject to the tax as measured under this 93891
division, the tax on the receipt of such electricity shall be 93892
measured and paid as provided in division (A) of this section. 93893

(3) In the case of the acquisition of a package, unless the 93894
elements of the package are separately stated isolating the total 93895
price of electricity from the price of the remaining elements of 93896
the package, the tax imposed under this section applies to the 93897
entire price of the package. If the elements of the package are 93898
separately stated, the tax imposed under this section applies to 93899
the total price of the electricity. 93900

(4) Any electric supplier that sells electricity as part of a 93901
package shall separately state to the purchaser the total price of 93902
the electricity and, upon request by the tax commissioner, the 93903
total price of each of the other elements of the package. 93904

(5) The tax commissioner may adopt rules relating to the 93905
computation of the total price of electricity with respect to 93906
self-assessing purchasers, which may include rules to establish 93907
the total price of electricity purchased as part of a package. 93908

(6) An annual application for registration as a 93909
self-assessing purchaser shall be made for each qualifying meter 93910

or location on a form prescribed by the tax commissioner. The 93911
registration year begins on the first day of May and ends on the 93912
following thirtieth day of April. Persons may apply after the 93913
first day of May for the remainder of the registration year. In 93914
the case of an applicant applying on the basis of an estimated 93915
consumption of forty-five million kilowatt hours over the course 93916
of the succeeding twelve months, the applicant shall provide such 93917
information as the tax commissioner considers to be necessary to 93918
estimate such consumption. At the time of making the application 93919
and by the first day of May of each year, a self-assessing 93920
purchaser shall pay a fee of five hundred dollars to the tax 93921
commissioner, or to the treasurer of state as provided in section 93922
5727.83 of the Revised Code, for each qualifying meter or 93923
location. The tax commissioner shall immediately pay to the 93924
treasurer of state all amounts that the tax commissioner receives 93925
under this section. The treasurer of state shall deposit such 93926
amounts into the kilowatt hour excise tax administration fund, 93927
which is hereby created in the state treasury. Money in the fund 93928
shall be used to defray the tax commissioner's cost in 93929
administering the tax owed under section 5727.81 of the Revised 93930
Code by self-assessing purchasers. After the application is 93931
approved by the tax commissioner, the registration shall remain in 93932
effect for the current registration year, or until canceled by the 93933
registrant upon written notification to the commissioner of the 93934
election to pay the tax in accordance with division (A) of this 93935
section, or until canceled by the tax commissioner for not paying 93936
the tax or fee under division (C) of this section or for not 93937
meeting the qualifications in division (C)(2) of this section. The 93938
tax commissioner shall give written notice to the electric 93939
distribution company from which electricity is delivered to a 93940
self-assessing purchaser of the purchaser's self-assessing status, 93941
and the electric distribution company is relieved of the 93942
obligation to pay the tax imposed by division (A) of this section 93943

for electricity distributed to that self-assessing purchaser until 93944
it is notified by the tax commissioner that the self-assessing 93945
purchaser's registration is canceled. Within fifteen days of 93946
notification of the canceled registration, the electric 93947
distribution company shall be responsible for payment of the tax 93948
imposed by division (A) of this section on electricity distributed 93949
to a purchaser that is no longer registered as a self-assessing 93950
purchaser. A self-assessing purchaser with a canceled registration 93951
must file a report and remit the tax imposed by division (A) of 93952
this section on all electricity it receives for any measurement 93953
period prior to the tax being reported and paid by the electric 93954
distribution company. A self-assessing purchaser whose 93955
registration is canceled by the tax commissioner is not eligible 93956
to register as a self-assessing purchaser for two years after the 93957
registration is canceled. 93958

(7) If the tax commissioner cancels the self-assessing 93959
registration of a purchaser registered on the basis of its 93960
estimated consumption because the purchaser does not consume at 93961
least forty-five million kilowatt hours of electricity over the 93962
course of the twelve-month period for which the estimate was made, 93963
the tax commissioner shall assess and collect from the purchaser 93964
the difference between (a) the amount of tax that would have been 93965
payable under division (A) of this section on the electricity 93966
distributed to the purchaser during that period and (b) the amount 93967
of tax paid by the purchaser on such electricity pursuant to 93968
division (C)(2) of this section. The assessment shall be paid 93969
within sixty days after the tax commissioner issues it, regardless 93970
of whether the purchaser files a petition for reassessment under 93971
section 5727.89 of the Revised Code covering that period. If the 93972
purchaser does not pay the assessment within the time prescribed, 93973
the amount assessed is subject to the additional charge and the 93974
interest prescribed by divisions (B) and (C) of section 5727.82 of 93975
the Revised Code, and is subject to assessment under section 93976

5727.89 of the Revised Code. If the purchaser is a qualified end user, division (C)(7) of this section applies only to electricity it consumes in other than its qualifying manufacturing process.

(D) The tax imposed by this section does not apply to the distribution of any kilowatt hours of electricity to the federal government, to an end user located at a federal facility that uses electricity for the enrichment of uranium, to a qualified regeneration meter, or to an end user for any day the end user is a qualified end user. The exemption under this division for a qualified end user only applies to the manufacturing location where the qualified end user uses more than three million kilowatt hours per day in a qualifying manufacturing process.

(E) All revenue arising from the tax imposed by this section shall be credited to the general revenue fund except as provided by division (C) of this section and section 5727.82 of the Revised Code.

Sec. 5727.811. (A) For the purpose of raising revenue ~~for public education and to fund the needs of this state and its local government operations~~ governments, an excise tax is hereby levied on every natural gas distribution company for all natural gas volumes billed by, or on behalf of, the company beginning with the measurement period that includes July 1, 2001. Except as provided in divisions (C) or (D) of this section, the tax shall be levied at the following rates per MCF of natural gas distributed by the company through a meter of an end user in this state:

MCF DISTRIBUTED TO AN END USER	RATE PER MCF	
For the first 100 MCF per month	\$.1593	94003
For the next 101 to 2000 MCF per month	\$.0877	94004
For 2001 and above MCF per month	\$.0411	94005

If no meter is used to measure the MCF of natural gas distributed by the company, the rates shall apply to the estimated

MCF of natural gas distributed to an unmetered location in this state. 94008
94009

(B) A natural gas distribution company shall base the tax on 94010
the MCF of natural gas distributed to an end user through the 94011
meter of the end user in this state that is estimated to be 94012
consumed by the end user as reflected on the end user's customer 94013
statement from the natural gas distribution company. Until January 94014
1, 2003, the natural gas distribution company shall pay the tax 94015
levied by this section to the treasurer of state in accordance 94016
with section 5727.82 of the Revised Code. Beginning January 1, 94017
2003, the natural gas distribution company shall pay the tax 94018
levied by this section to the tax commissioner in accordance with 94019
section 5727.82 of the Revised Code unless required to remit 94020
payment to the treasurer of state in accordance with section 94021
5727.83 of the Revised Code. 94022

(C) A natural gas distribution company with seventy thousand 94023
customers or less may elect to apply the rates specified in 94024
division (A) of this section to the aggregate of the natural gas 94025
distributed by the company through the meter of all its customers 94026
in this state, and upon such election, this method shall be used 94027
to determine the amount of tax to be paid by such company. 94028

(D) A natural gas distribution company shall pay the tax 94029
imposed by this section at the rate of \$.02 per MCF of natural gas 94030
distributed by the company through the meter of a flex customer. 94031
The natural gas distribution company correspondingly shall reduce 94032
the per MCF rate that it charges the flex customer for natural gas 94033
distribution services by \$.02 per MCF of natural gas distributed 94034
to the flex customer. 94035

(E) Except as provided in division (F) of this section, each 94036
natural gas distribution company shall pay the tax imposed by this 94037
section in all of the following circumstances: 94038

(1) The natural gas is distributed by the company through a meter of an end user in this state; 94039
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(2) The natural gas distribution company is distributing natural gas through a meter located in another state, but the natural gas is consumed in this state in the manner prescribed by the tax commissioner; 94041
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(3) The natural gas distribution company is distributing natural gas in this state without the use of a meter, but the natural gas is consumed in this state as estimated and in the manner prescribed by the tax commissioner. 94045
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(F) The tax levied by this section does not apply to the distribution of natural gas to the federal government, or natural gas produced by an end user in this state that is consumed by that end user or its affiliates and is not distributed through the facilities of a natural gas company. 94049
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(G) All revenue arising from the tax imposed by this section shall be credited to the general revenue fund. 94054
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Sec. 5727.84. ~~(A) No determinations, computations, certifications, or payments shall be made under this section after June 30, 2015.~~ 94056
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(A) As used in this section and sections 5727.85, 5727.86, and 5727.87 of the Revised Code: 94059
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(1) "School district" means a city, local, or exempted village school district. 94061
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(2) "Joint vocational school district" means a joint vocational school district created under section 3311.16 of the Revised Code, and includes a cooperative education school district created under section 3311.52 or 3311.521 of the Revised Code and a county school financing district created under section 3311.50 of the Revised Code. 94063
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(3) "Local taxing unit" means a subdivision or taxing unit, 94069
as defined in section 5705.01 of the Revised Code, a park district 94070
created under Chapter 1545. of the Revised Code, or a township 94071
park district established under section 511.23 of the Revised 94072
Code, but excludes school districts and joint vocational school 94073
districts. 94074

(4) "State education aid," for a school district, means the 94075
following: 94076

(a) For fiscal years prior to fiscal year 2010, the sum of 94077
state aid amounts computed for the district under former sections 94078
3317.029, 3317.052, and 3317.053 of the Revised Code and the 94079
following provisions, as they existed for the applicable fiscal 94080
year: divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 94081
3317.022; divisions (B), (C), and (D) of section 3317.023; 94082
divisions (G), (L), and (N) of section 3317.024; and sections 94083
3317.0216, 3317.0217, 3317.04, and 3317.05 of the Revised Code; 94084
and the adjustments required by: division (C) of section 3310.08; 94085
division (C)(2) of section 3310.41; division (C) of section 94086
3314.08; division (D)(2) of section 3314.091; division (D) of 94087
former section 3314.13; divisions (E), (K), (L), (M), and (N) of 94088
section 3317.023; division (C) of section 3317.20; and sections 94089
3313.979 and 3313.981 of the Revised Code. However, when 94090
calculating state education aid for a school district for fiscal 94091
years 2008 and 2009, include the amount computed for the district 94092
under Section 269.20.80 of H.B. 119 of the 127th general assembly, 94093
as subsequently amended, instead of division (D) of section 94094
3317.022 of the Revised Code; and include amounts calculated under 94095
Section 269.30.80 of H.B. 119 of the 127th general assembly, as 94096
subsequently amended. 94097

(b) For fiscal years 2010 and 2011, the sum of the amounts 94098
computed for the district under former sections 3306.052, 3306.12, 94099
3306.13, 3306.19, 3306.191, 3306.192, 3317.052, and 3317.053 of 94100

the Revised Code and the following provisions, as they existed for 94101
the applicable fiscal year: division (G) of section 3317.024; 94102
section 3317.05 of the Revised Code; and the adjustments required 94103
by division (C) of section 3310.08; division (C)(2) of section 94104
3310.41; division (C) of section 3314.08; division (D)(2) of 94105
section 3314.091; division (D) of former section 3314.13; 94106
divisions (E), (K), (L), (M), and (N) of section 3317.023; 94107
division (C) of section 3317.20; and sections 3313.979, 3313.981, 94108
and 3326.33 of the Revised Code. 94109

(c) For fiscal years 2012 and 2013, the amount paid in 94110
accordance with the section of H.B. 153 of the 129th general 94111
assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL 94112
SCHOOL DISTRICTS" and the adjustments required by division (C) of 94113
section 3310.08; division (C)(2) of section 3310.41; section 94114
3310.55; division (C) of section 3314.08; division (D)(2) of 94115
section 3314.091; division (D) of former section 3314.13; 94116
divisions (B), (H), (I), (J), and (K) of section 3317.023; 94117
division (C) of section 3317.20; and sections 3313.979 and 94118
3313.981 of the Revised Code; 94119

(d) For fiscal year 2014 and each fiscal year thereafter, the 94120
sum of amounts computed for and paid to the district under section 94121
3317.022 of the Revised Code; and the adjustments required by 94122
division (C) of section 3310.08, division (C)(2) of section 94123
3310.41, section 3310.55, division (C) of section 3314.08, 94124
division (D)(2) of section 3314.091, divisions (B), (H), (J), and 94125
(K) of section 3317.023, and sections 3313.978, 3313.981, 94126
3317.0212, 3317.0213, 3317.0214, and 3326.33 of the Revised Code. 94127
However, for fiscal years 2014 and 2015, the amount computed for 94128
the district under the section of this act entitled "TRANSITIONAL 94129
AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" also 94130
shall be included. 94131

(5) "State education aid," for a joint vocational school 94132

district, means the following: 94133

(a) For fiscal years prior to fiscal year 2010, the sum of 94134
the state aid amounts computed for the district under division (N) 94135
of section 3317.024 and section 3317.16 of the Revised Code. 94136
However, when calculating state education aid for a joint 94137
vocational school district for fiscal years 2008 and 2009, include 94138
the amount computed for the district under Section 269.30.90 of 94139
H.B. 119 of the 127th general assembly, as subsequently amended. 94140

(b) For fiscal years 2010 and 2011, the amount computed for 94141
the district in accordance with the section of H.B. 1 of the 128th 94142
general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 94143
DISTRICTS." 94144

(c) For fiscal years 2012 and 2013, the amount paid in 94145
accordance with the section of H.B. 153 of the 129th general 94146
assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 94147

(d) For fiscal year 2014 and each fiscal year thereafter, the 94148
amount computed for the district under section 3317.16 of the 94149
Revised Code; except that, for fiscal years 2014 and 2015, the 94150
amount computed for the district under the section of this act 94151
entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" 94152
shall be included. 94153

(6) "State education aid offset" means the amount determined 94154
for each school district or joint vocational school district under 94155
division (A)(1) of section 5727.85 of the Revised Code. 94156

(7) "Recognized valuation" means the amount computed for a 94157
school district pursuant to section 3317.015 of the Revised Code. 94158

(8) "Electric company tax value loss" means the amount 94159
determined under division (D) of this section. 94160

(9) "Natural gas company tax value loss" means the amount 94161
determined under division (E) of this section. 94162

- (10) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss. 94163
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- (11) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy. 94165
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- (12) "Fixed-rate levy loss" means the amount determined under division (G) of this section. 94167
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- (13) "Fixed-sum levy" means a tax levied on property at whatever rate is required to produce a specified amount of tax money or levied in excess of the ten-mill limitation to pay debt charges, and includes school district emergency levies charged and payable pursuant to section 5705.194 of the Revised Code. 94169
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- (14) "Fixed-sum levy loss" means the amount determined under division (H) of this section. 94174
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- (15) "Consumer price index" means the consumer price index (all items, all urban consumers) prepared by the bureau of labor statistics of the United States department of labor. 94176
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- (16) "Total resources" and "total library resources" have the same meanings as in section 5751.20 of the Revised Code. 94179
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- (17) "2011 current expense S.B. 3 allocation" means the sum of payments received by a school district or joint vocational school district in fiscal year 2011 for current expense levy losses pursuant to division (C)(2) of section 5727.85 of the Revised Code. If a fixed-rate levy eligible for reimbursement is not charged and payable in any year after tax year 2010, "2011 current expense S.B. 3 allocation" used to compute payments to be made under division (C)(3) of section 5727.85 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that those payments are attributable to the fixed-rate levy loss of that levy. 94181
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- (18) "2010 current expense S.B. 3 allocation" means the sum 94192

of payments received by a municipal corporation in calendar year 2010 for current expense levy losses pursuant to division (A)(1) of section 5727.86 of the Revised Code, excluding any such payments received for current expense levy losses attributable to a tax levied under section 5705.23 of the Revised Code. If a fixed-rate levy eligible for reimbursement is not charged and payable in any year after tax year 2010, "2010 current expense S.B. 3 allocation" used to compute payments to be made under division (A)(1)(d) or (e) of section 5727.86 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that those payments are attributable to the fixed-rate levy loss of that levy.

(19) "2010 S.B. 3 allocation" means the sum of payments received by a local taxing unit during calendar year 2010 pursuant to division (A)(1) of section 5727.86 of the Revised Code, excluding any such payments received for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code. If a fixed-rate levy eligible for reimbursement is not charged and payable in any year after tax year 2010, "2010 S.B. 3 allocation" used to compute payments to be made under division (A)(1)(d) or (e) of section 5727.86 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that those payments are attributable to the fixed-rate levy loss of that levy.

(20) "Total S.B. 3 allocation" means, in the case of a school district or joint vocational school district, the sum of the payments received in fiscal year 2011 pursuant to divisions (C)(2) and (D) of section 5727.85 of the Revised Code. In the case of a local taxing unit, "total S.B. 3 allocation" means the sum of payments received by the unit in calendar year 2010 pursuant to divisions (A)(1) and (4) of section 5727.86 of the Revised Code, excluding any such payments received for fixed-rate levy losses

attributable to a tax levied under section 5705.23 of the Revised Code. If a fixed-rate levy eligible for reimbursement is not charged and payable in any year after tax year 2010, "total S.B. 3 allocation" used to compute payments to be made under division (C)(3) of section 5727.85 or division (A)(1)(d) or (e) of section 5727.86 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that those payments are attributable to the fixed-rate levy loss of that levy as would be computed under division (C)(2) of section 5727.85 or division (A)(1)(b) of section 5727.86 of the Revised Code.

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

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

(23) "S.B. 3 allocation for library purposes" means, in the case of a county, municipal corporation, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code, the sum of the payments received by the public library in calendar year 2010 pursuant to section 5727.86 of the Revised Code for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code. If a fixed-rate levy authorized under section 5705.23 of the

Revised Code that is eligible for reimbursement is not charged and payable in any year after tax year 2010, "S.B. 3 allocation for library purposes" used to compute payments to be made under division (A)(1)(f) of section 5727.86 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that those payments are attributable to the fixed-rate levy loss of that levy as would be computed under division (A)(1)(b) of section 5727.86 of the Revised Code.

(24) "Threshold per cent" means, in the case of a school district or joint vocational school district, two per cent for fiscal year 2012 and four per cent for fiscal years 2013 and thereafter. In the case of a local taxing unit or public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code, "threshold per cent" means two per cent for calendar year 2011, four per cent for calendar year 2012, and six per cent for calendar years 2013 and thereafter.

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

Fiscal Year	General Revenue Fund	School District Property Tax Replacement Fund	Local Government Property Tax Replacement Fund	
2001-2011	63.0%	25.4%	11.6%	94279
2012 and thereafter <u>2012-2015</u>	88.0%	9.0%	3.0%	94280

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

(1) For <u>for</u> fiscal years before fiscal year 2012:	94285
(a)(1) Sixty-eight and seven-tenths per cent shall be credited to the school district property tax replacement fund for the purpose of making the payments described in section 5727.85 of the Revised Code.	94286 94287 94288 94289
(b)(2) Thirty-one and three-tenths per cent shall be credited to the local government property tax replacement fund for the purpose of making the payments described in section 5727.86 of the Revised Code.	94290 94291 94292 94293
(2) For fiscal years 2012 and thereafter, one hundred per cent to the general revenue fund.	94294 94295
(D) Not later than January 1, 2002, the tax commissioner shall determine for each taxing district its electric company tax value loss, which is the sum of the applicable amounts described in divisions (D)(1) to (4) of this section:	94296 94297 94298 94299
(1) The difference obtained by subtracting the amount described in division (D)(1)(b) from the amount described in division (D)(1)(a) of this section.	94300 94301 94302
(a) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 1999, and as apportioned to the taxing district for tax year 1998;	94303 94304 94305 94306 94307
(b) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001.	94308 94309 94310 94311 94312
(2) The difference obtained by subtracting the amount described in division (D)(2)(b) from the amount described in	94313 94314

division (D)(2)(a) of this section. 94315

(a) The three-year average for tax years 1996, 1997, and 1998 94316
of the assessed value from nuclear fuel materials and assemblies 94317
assessed against a person under Chapter 5711. of the Revised Code 94318
from the leasing of them to an electric company for those 94319
respective tax years, as reflected in the preliminary assessments; 94320

(b) The three-year average assessed value from nuclear fuel 94321
materials and assemblies assessed under division (D)(2)(a) of this 94322
section for tax years 1996, 1997, and 1998, as reflected in the 94323
preliminary assessments, using an assessment rate of twenty-five 94324
per cent. 94325

(3) In the case of a taxing district having a nuclear power 94326
plant within its territory, any amount, resulting in an electric 94327
company tax value loss, obtained by subtracting the amount 94328
described in division (D)(1) of this section from the difference 94329
obtained by subtracting the amount described in division (D)(3)(b) 94330
of this section from the amount described in division (D)(3)(a) of 94331
this section. 94332

(a) The value of electric company tangible personal property 94333
as assessed by the tax commissioner for tax year 2000 on a 94334
preliminary assessment, or an amended preliminary assessment if 94335
issued prior to March 1, 2001, and as apportioned to the taxing 94336
district for tax year 2000; 94337

(b) The value of electric company tangible personal property 94338
as assessed by the tax commissioner for tax year 2001 on a 94339
preliminary assessment, or an amended preliminary assessment if 94340
issued prior to March 1, 2002, and as apportioned to the taxing 94341
district for tax year 2001. 94342

(4) In the case of a taxing district having a nuclear power 94343
plant within its territory, the difference obtained by subtracting 94344
the amount described in division (D)(4)(b) of this section from 94345

the amount described in division (D)(4)(a) of this section, 94346
provided that such difference is greater than ten per cent of the 94347
amount described in division (D)(4)(a) of this section. 94348

(a) The value of electric company tangible personal property 94349
as assessed by the tax commissioner for tax year 2005 on a 94350
preliminary assessment, or an amended preliminary assessment if 94351
issued prior to March 1, 2006, and as apportioned to the taxing 94352
district for tax year 2005; 94353

(b) The value of electric company tangible personal property 94354
as assessed by the tax commissioner for tax year 2006 on a 94355
preliminary assessment, or an amended preliminary assessment if 94356
issued prior to March 1, 2007, and as apportioned to the taxing 94357
district for tax year 2006. 94358

(E) Not later than January 1, 2002, the tax commissioner 94359
shall determine for each taxing district its natural gas company 94360
tax value loss, which is the sum of the amounts described in 94361
divisions (E)(1) and (2) of this section: 94362

(1) The difference obtained by subtracting the amount 94363
described in division (E)(1)(b) from the amount described in 94364
division (E)(1)(a) of this section. 94365

(a) The value of all natural gas company tangible personal 94366
property, other than property described in division (E)(2) of this 94367
section, as assessed by the tax commissioner for tax year 1999 on 94368
a preliminary assessment, or an amended preliminary assessment if 94369
issued prior to March 1, 2000, and apportioned to the taxing 94370
district for tax year 1999; 94371

(b) The value of all natural gas company tangible personal 94372
property, other than property described in division (E)(2) of this 94373
section, as assessed by the tax commissioner for tax year 1999 had 94374
the property been apportioned to the taxing district for tax year 94375
2001, and assessed at the rates in effect for tax year 2001. 94376

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

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

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

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

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(G) Not later than January 1, 2002, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-rate levy loss, which is the sum of its electric company tax value loss multiplied by the tax rate in effect in tax year 1998 for fixed-rate levies and its natural gas company tax value loss multiplied by the tax rate in effect in tax year 1999 for fixed-rate levies.

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

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division (H)(1) of this section: 94408

(1) The sum of the electric company tax value loss multiplied 94409
by the tax rate in effect in tax year 1998, and the natural gas 94410
company tax value loss multiplied by the tax rate in effect in tax 94411
year 1999, for fixed-sum levies for all taxing districts within 94412
each school district, joint vocational school district, and local 94413
taxing unit. For the years 2002 through 2006, this computation 94414
shall include school district emergency levies that existed in 94415
1998 in the case of the electric company tax value loss, and 1999 94416
in the case of the natural gas company tax value loss, and all 94417
other fixed-sum levies that existed in 1998 in the case of the 94418
electric company tax value loss and 1999 in the case of the 94419
natural gas company tax value loss and continue to be charged in 94420
the tax year preceding the distribution year. For the years 2007 94421
through 2016 in the case of school district emergency levies, and 94422
for all years after 2006 in the case of all other fixed-sum 94423
levies, this computation shall exclude all fixed-sum levies that 94424
existed in 1998 in the case of the electric company tax value loss 94425
and 1999 in the case of the natural gas company tax value loss, 94426
but are no longer in effect in the tax year preceding the 94427
distribution year. For the purposes of this section, an emergency 94428
levy that existed in 1998 in the case of the electric company tax 94429
value loss, and 1999 in the case of the natural gas company tax 94430
value loss, continues to exist in a year beginning on or after 94431
January 1, 2007, but before January 1, 2017, if, in that year, the 94432
board of education levies a school district emergency levy for an 94433
annual sum at least equal to the annual sum levied by the board in 94434
tax year 1998 or 1999, respectively, less the amount of the 94435
payment certified under this division for 2002. 94436

(2) The total taxable value in tax year 1999 less the tax 94437
value loss in each school district, joint vocational school 94438
district, and local taxing unit multiplied by one-fourth of one 94439

mill. 94440

If the amount computed under division (H) of this section for 94441
any school district, joint vocational school district, or local 94442
taxing unit is greater than zero, that amount shall equal the 94443
fixed-sum levy loss reimbursed pursuant to division (F) of section 94444
5727.85 of the Revised Code or division (A)(2) of section 5727.86 94445
of the Revised Code, and the one-fourth of one mill that is 94446
subtracted under division (H)(2) of this section shall be 94447
apportioned among all contributing fixed-sum levies in the 94448
proportion of each levy to the sum of all fixed-sum levies within 94449
each school district, joint vocational school district, or local 94450
taxing unit. 94451

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 94452
section, in computing the tax value loss, fixed-rate levy loss, 94453
and fixed-sum levy loss, the tax commissioner shall use the 94454
greater of the 1998 tax rate or the 1999 tax rate in the case of 94455
levy losses associated with the electric company tax value loss, 94456
but the 1999 tax rate shall not include for this purpose any tax 94457
levy approved by the voters after June 30, 1999, and the tax 94458
commissioner shall use the greater of the 1999 or the 2000 tax 94459
rate in the case of levy losses associated with the natural gas 94460
company tax value loss. 94461

(J) Not later than January 1, 2002, the tax commissioner 94462
shall certify to the department of education the tax value loss 94463
determined under divisions (D) and (E) of this section for each 94464
taxing district, the fixed-rate levy loss calculated under 94465
division (G) of this section, and the fixed-sum levy loss 94466
calculated under division (H) of this section. The calculations 94467
under divisions (G) and (H) of this section shall separately 94468
display the levy loss for each levy eligible for reimbursement. 94469

(K) Not later than September 1, 2001, the tax commissioner 94470
shall certify the amount of the fixed-sum levy loss to the county 94471

auditor of each county in which a school district with a fixed-sum 94472
levy loss has territory. 94473

Sec. 5727.85. ~~(A) No determinations, computations,~~ 94474
~~certifications, or payments shall be made under this section after~~ 94475
~~June 30, 2015.~~ 94476

(A) By the thirty-first day of July of each year, beginning 94477
in 2002 and ending in 2010, the department of education shall 94478
determine the following for each school district and each joint 94479
vocational school district: 94480

(1) The state education aid offset, which, except as provided 94481
in division (A)(1)(c) of this section, is the difference obtained 94482
by subtracting the amount described in division (A)(1)(b) of this 94483
section from the amount described in division (A)(1)(a) of this 94484
section: 94485

(a) The state education aid computed for the school district 94486
or joint vocational school district for the current fiscal year as 94487
of the thirty-first day of July; 94488

(b) The state education aid that would be computed for the 94489
school district or joint vocational school district for the 94490
current fiscal year as of the thirty-first day of July if the 94491
recognized valuation included the tax value loss for the school 94492
district or joint vocational school district; 94493

(c) The state education aid offset for fiscal year 2010 and 94494
fiscal year 2011 equals the greater of the state education aid 94495
offset calculated for that fiscal year under divisions (A)(1)(a) 94496
and (b) of this section or the state education aid offset 94497
calculated for fiscal year 2009. 94498

(2) For fiscal years 2008 through 2011, the greater of zero 94499
or the difference obtained by subtracting the state education aid 94500
offset determined under division (A)(1) of this section from the 94501

fixed-rate levy loss certified under division (J) of section 94502
5727.84 of the Revised Code for all taxing districts in each 94503
school district and joint vocational school district. 94504

By the fifth day of August of each such year, the department 94505
of education shall certify the amount so determined under division 94506
(A)(1) of this section to the director of budget and management. 94507

(B) Not later than the thirty-first day of October of the 94508
years 2006 through 2010, the department of education shall 94509
determine all of the following for each school district: 94510

(1) The amount obtained by subtracting the district's state 94511
education aid computed for fiscal year 2002 from the district's 94512
state education aid computed for the current fiscal year as of the 94513
fifteenth day of July, by including in the definition of 94514
recognized valuation the machinery and equipment, inventory, 94515
furniture and fixtures, and telephone property tax value losses, 94516
as defined in section 5751.20 of the Revised Code, for the school 94517
district or joint vocational school district for the preceding tax 94518
year; 94519

(2) The inflation-adjusted property tax loss. The 94520
inflation-adjusted property tax loss equals the fixed-rate levy 94521
loss, excluding the tax loss from levies within the ten-mill 94522
limitation to pay debt charges, determined under division ~~(C)~~(D) 94523
of section 5727.84 of the Revised Code for all taxing districts in 94524
each school district, plus the product obtained by multiplying 94525
that loss by the cumulative percentage increase in the consumer 94526
price index from January 1, 2002, to the thirtieth day of June of 94527
the current year. 94528

(3) The difference obtained by subtracting the amount 94529
computed under division (B)(1) from the amount of the 94530
inflation-adjusted property tax loss. If this difference is zero 94531
or a negative number, no further payments shall be made under 94532

division (C) of this section to the school district from the 94533
school district property tax replacement fund. 94534

(C) Beginning in 2002 for school districts and beginning in 94535
August 2011 for joint vocational school districts, the department 94536
of education shall pay from the school district property tax 94537
replacement fund to each school district all of the following: 94538

(1) In February 2002, one-half of the fixed-rate levy loss 94539
certified under division ~~(F)~~(G) of section 5727.84 of the Revised 94540
Code between the twenty-first and twenty-eighth days of February. 94541

(2) From August 2002 through February 2011, one-half of the 94542
amount calculated for that fiscal year under division (A)(2) of 94543
this section between the twenty-first and twenty-eighth days of 94544
August and of February, provided the difference computed under 94545
division (B)(3) of this section is not less than or equal to zero. 94546

(3) For fiscal years 2012 and thereafter, the sum of the 94547
amounts in divisions (C)(3)(a) or (b) and (c) of this section 94548
shall be paid on or before the thirty-first day of August and the 94549
twenty-eighth day of February: 94550

(a) If the ratio of 2011 current expense S.B. 3 allocation to 94551
total resources is equal to or less than the threshold per cent, 94552
zero; 94553

(b) If the ratio of 2011 current expense S.B. 3 allocation to 94554
total resources is greater than the threshold per cent, fifty per 94555
cent of the difference of 2011 current expense S.B. 3 allocation 94556
minus the product of total resources multiplied by the threshold 94557
per cent; 94558

(c) Fifty per cent of the product of 2011 non-current expense 94559
S.B. 3 allocation multiplied by seventy-five per cent for fiscal 94560
year 2012 and fifty per cent for fiscal years 2013 and thereafter. 94561

The department of education shall report to each school 94562

district the apportionment of the payments among the school 94563
district's funds based on the certifications under division (J) of 94564
section 5727.84 of the Revised Code. 94565

(D) For taxes levied within the ten-mill limitation for debt 94566
purposes in tax year 1998 in the case of electric company tax 94567
value losses, and in tax year 1999 in the case of natural gas 94568
company tax value losses, payments shall be made equal to one 94569
hundred per cent of the loss computed as if the tax were a 94570
fixed-rate levy, but those payments shall extend from fiscal year 94571
2006 through fiscal year 2016. 94572

(E) Not later than January 1, 2002, for all taxing districts 94573
in each joint vocational school district, the tax commissioner 94574
shall certify to the department of education the fixed-rate levy 94575
loss determined under division (G) of section 5727.84 of the 94576
Revised Code. From February 2002 through February 2011, the 94577
department shall pay from the school district property tax 94578
replacement fund to the joint vocational school district one-half 94579
of the amount calculated for that fiscal year under division 94580
(A)(2) of this section between the twenty-first and twenty-eighth 94581
days of August and of February. 94582

(F)(1) Not later than January 1, 2002, for each fixed-sum 94583
levy levied by each school district or joint vocational school 94584
district and for each year for which a determination is made under 94585
division (H) of section 5727.84 of the Revised Code that a 94586
fixed-sum levy loss is to be reimbursed, the tax commissioner 94587
shall certify to the department of education the fixed-sum levy 94588
loss determined under that division. The certification shall cover 94589
a time period sufficient to include all fixed-sum levies for which 94590
the tax commissioner made such a determination. The department 94591
shall pay from the school district property tax replacement fund 94592
to the school district or joint vocational school district 94593
one-half of the fixed-sum levy loss so certified for each year 94594

between the twenty-first and twenty-eighth days of August and of 94595
February. 94596

(2) Beginning in 2003, by the thirty-first day of January of 94597
each year, the tax commissioner shall review the certification 94598
originally made under division (F)(1) of this section. If the 94599
commissioner determines that a debt levy that had been scheduled 94600
to be reimbursed in the current year has expired, a revised 94601
certification for that and all subsequent years shall be made to 94602
the department of education. 94603

(G) If the balance of the half-mill equalization fund created 94604
under section 3318.18 of the Revised Code is insufficient to make 94605
the full amount of payments required under division (D) of that 94606
section, the department of education, at the end of the third 94607
quarter of the fiscal year, shall certify to the director of 94608
budget and management the amount of the deficiency, and the 94609
director shall transfer an amount equal to the deficiency from the 94610
school district property tax replacement fund to the half-mill 94611
equalization fund. 94612

(H) Beginning in August 2002, and ending in May 2011, the 94613
director of budget and management shall transfer from the school 94614
district property tax replacement fund to the general revenue fund 94615
each of the following: 94616

(1) Between the twenty-eighth day of August and the fifth day 94617
of September, the lesser of one-half of the amount certified for 94618
that fiscal year under division (A)(2) of this section or the 94619
balance in the school district property tax replacement fund; 94620

(2) Between the first and fifth days of May, the lesser of 94621
one-half of the amount certified for that fiscal year under 94622
division (A)(2) of this section or the balance in the school 94623
district property tax replacement fund. 94624

(I) On the first day of June each year, the director of 94625

budget and management shall transfer any balance remaining in the 94626
school district property tax replacement fund after the payments 94627
have been made under divisions (C), (D), (E), (F), (G), and (H) of 94628
this section to the half-mill equalization fund created under 94629
section 3318.18 of the Revised Code to the extent required to make 94630
any payments in the current fiscal year under that section, and 94631
shall transfer the remaining balance to the general revenue fund. 94632

(J) After fiscal year 2002, if the total amount in the school 94633
district property tax replacement fund is insufficient to make all 94634
payments under divisions (C), (D), (E), (F), and (G) of this 94635
section at the time the payments are to be made, the director of 94636
budget and management shall transfer from the general revenue fund 94637
to the school district property tax replacement fund the 94638
difference between the total amount to be paid and the total 94639
amount in the school district property tax replacement fund, 94640
except that no transfer shall be made by reason of a deficiency to 94641
the extent that it results from the amendment of section 5727.84 94642
of the Revised Code by Amended Substitute House Bill No. 95 of the 94643
125th general assembly. 94644

(K) If all of the territory of a school district or joint 94645
vocational school district is merged with an existing district, or 94646
if a part of the territory of a school district or joint 94647
vocational school district is transferred to an existing or new 94648
district, the department of education, in consultation with the 94649
tax commissioner, shall adjust the payments made under this 94650
section as follows: 94651

(1) For the merger of all of the territory of two or more 94652
districts, the total resources, 2011 current expense S.B. 3 94653
allocation, total 2011 S.B. 3 allocation, 2011 non-current expense 94654
S.B. 3 allocation, and fixed-sum levy loss of the successor 94655
district shall be equal to the sum of the total resources, 2011 94656
current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, 94657

2011 non-current expense S.B. 3 allocation, and fixed-sum levy loss for each of the districts involved in the merger. 94658
94659

(2) For the transfer of a part of one district's territory to an existing district, the amount of the total resources, 2011 current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, and 2011 non-current expense S.B. 3 allocation that is transferred to the recipient district shall be an amount equal to the transferring district's total resources, 2011 current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, and 2011 non-current expense S.B. 3 allocation times a fraction, the numerator of which is the number of pupils being transferred to the recipient district, measured, in the case of a school district, by formula ADM as that term is defined in section 3317.02 of the Revised Code or, in the case of a joint vocational school district, by formula ADM as defined for a joint vocational school district in that section, and the denominator of which is the average daily membership or formula ADM of the transferor district. Fixed-sum levy losses for both districts shall be determined under division (K)(4) of this section. 94660
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(3) For the transfer of a part of the territory of one or more districts to create a new district: 94677
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(a) If the new district is created on or after January 1, 2000, but before January 1, 2005, the new district shall be paid its current fixed-rate levy loss through August 2009. In February 2010, August 2010, and February 2011, the new district shall be paid fifty per cent of the lesser of: (i) the amount calculated under division (C)(2) of this section or (ii) an amount equal to seventy per cent of the new district's fixed-rate levy loss. 94679
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Beginning in fiscal year 2012, the new district shall be paid as provided in division (C) of this section. 94686
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Fixed-sum levy losses for the districts shall be determined 94688

under division (K)(4) of this section. 94689

(b) If the new district is created on or after January 1, 94690
2005, the new district shall be deemed not to have any fixed-rate 94691
levy loss or, except as provided in division (K)(4) of this 94692
section, fixed-sum levy loss. The district or districts from which 94693
the territory was transferred shall have no reduction in their 94694
fixed-rate levy loss, or, except as provided in division (K)(4) of 94695
this section, their fixed-sum levy loss. 94696

(4) If a recipient district under division (K)(2) of this 94697
section or a new district under division (K)(3)(a) or (b) of this 94698
section takes on debt from one or more of the districts from which 94699
territory was transferred, and any of the districts transferring 94700
the territory had fixed-sum levy losses, the department of 94701
education, in consultation with the tax commissioner, shall make 94702
an equitable division of the fixed-sum levy losses. 94703

Sec. 5727.86. ~~(A) No determinations, computations,~~ 94704
certifications, or payments shall be made under this section after 94705
June 30, 2015. 94706

(A) The tax commissioner shall compute the payments to be 94707
made to each local taxing unit, and to each public library that 94708
receives the proceeds of a tax levied under section 5705.23 of the 94709
Revised Code, for each year according to divisions (A)(1), (2), 94710
(3), and (4) and division (E) of this section, and shall 94711
distribute the payments in the manner prescribed by division (C) 94712
of this section. The calculation of the fixed-sum levy loss shall 94713
cover a time period sufficient to include all fixed-sum levies for 94714
which the tax commissioner determined, pursuant to division (H) of 94715
section 5727.84 of the Revised Code, that a fixed-sum levy loss is 94716
to be reimbursed. 94717

(1) Except as provided in divisions (A)(3) and (4) of this 94718
section, the following amounts shall be paid on or before the 94719

thirty-first day of August and the twenty-eighth day of February:	94720
(a) For years 2002 through 2006, fifty per cent of the	94721
fixed-rate levy loss computed under division (G) of section	94722
5727.84 of the Revised Code;	94723
(b) For years 2007 through 2010, forty per cent of the	94724
fixed-rate levy loss computed under division (G) of section	94725
5727.84 of the Revised Code;	94726
(c) For the payment in 2011 to be made on or before the	94727
twentieth day of February, the amount required to be paid in 2010	94728
on or before the twentieth day of February;	94729
(d) For the payment in 2011 to be made on or before the	94730
thirty-first day of August, the sum of the amounts in divisions	94731
(A)(1)(d)(i) or (ii) and (iii) of this section:	94732
(i) If the ratio of fifty per cent of the taxing unit's 2010	94733
S.B. 3 allocation to its total resources is equal to or less than	94734
the threshold per cent, zero;	94735
(ii) If the ratio of fifty per cent of the taxing unit's 2010	94736
S.B. 3 allocation to its total resources is greater than the	94737
threshold per cent, the difference of fifty per cent of the 2010	94738
S.B. 3 allocation minus the product of total resources multiplied	94739
by the threshold per cent;	94740
(iii) In the case of a municipal corporation, fifty per cent	94741
of the product of its 2010 non-current expense S.B. 3 allocation	94742
multiplied by seventy-five per cent.	94743
(e) For 2012 and each year thereafter, the sum of the amounts	94744
in divisions (A)(1)(e)(i) or (ii) and (iii) of this section:	94745
(i) If the ratio of the taxing unit's 2010 S.B. 3 allocation	94746
to its total resources is equal to or less than the threshold per	94747
cent, zero;	94748
(ii) If the ratio of the taxing unit's 2010 S.B. 3 allocation	94749

to its total resources is greater than the threshold per cent, 94750
fifty per cent of the difference of the 2010 S.B. 3 allocation 94751
minus the product of total resources multiplied by the threshold 94752
per cent; 94753

(iii) In the case of a municipal corporation, fifty per cent 94754
of the product of its 2010 non-current expense S.B. 3 allocation 94755
multiplied by fifty per cent for year 2012 and by twenty-five per 94756
cent for years 2013 and thereafter. 94757

(f) For the payment in 2012 to be made to a public library on 94758
or before the thirty-first day of August and for all such payments 94759
to be made in 2013 and thereafter, the amount in division 94760
(A)(1)(f)(i) or (ii) of this section: 94761

(i) If the ratio of S.B. 3 allocation for library purposes to 94762
total library resources is equal to or less than the threshold per 94763
cent, zero; 94764

(ii) If the ratio of S.B. 3 allocation for library purposes 94765
to total library resources is greater than the threshold per cent, 94766
fifty per cent of the difference of the S.B. 3 allocation for 94767
library purposes minus the product of total library resources 94768
multiplied by the threshold per cent. 94769

(2) For fixed-sum levy losses determined under division (H) 94770
of section 5727.84 of the Revised Code, payments shall be made in 94771
the amount of one hundred per cent of the fixed-sum levy loss for 94772
payments required to be made in 2002 and thereafter. 94773

(3) A local taxing unit in a county of less than two hundred 94774
fifty square miles that receives eighty per cent or more of its 94775
combined general fund and bond retirement fund revenues from 94776
property taxes and rollbacks based on 1997 actual revenues as 94777
presented in its 1999 tax budget, and in which electric companies 94778
and rural electric companies comprise over twenty per cent of its 94779
property valuation, shall receive one hundred per cent of its 94780

fixed-rate levy losses from electric company tax value losses 94781
certified under division (A) of this section in years 2002 to 94782
2010. Beginning in 2011, payments for such local taxing units 94783
shall be determined under division (A)(1) of this section. 94784

(4) For taxes levied within the ten-mill limitation or 94785
pursuant to a municipal charter for debt purposes in tax year 1998 94786
in the case of electric company tax value losses, and in tax year 94787
1999 in the case of natural gas company tax value losses, payments 94788
shall be made equal to one hundred per cent of the loss computed 94789
as if the tax were a fixed-rate levy, but those payments shall 94790
extend from 2011 through 2016 if the levy was charged and payable 94791
for debt purposes in tax year 2010. If the levy is not charged and 94792
payable for debt purposes in tax year 2010 or any following tax 94793
year before tax year 2016, payments for that levy shall be made 94794
under division (A)(1) of this section beginning with the first 94795
year after the year the levy is charged and payable for a purpose 94796
other than debt. For the purposes of this division, taxes levied 94797
pursuant to a municipal charter refer to taxes levied pursuant to 94798
a provision of a municipal charter that permits the tax to be 94799
levied without prior voter approval. 94800

(B) Beginning in 2003, by the thirty-first day of January of 94801
each year, the tax commissioner shall review the calculation 94802
originally made under division (A) of this section of the 94803
fixed-sum levy loss determined under division (H) of section 94804
5727.84 of the Revised Code. If the commissioner determines that a 94805
fixed-sum levy that had been scheduled to be reimbursed in the 94806
current year has expired, a revised calculation for that and all 94807
subsequent years shall be made. 94808

(C) Payments to local taxing units and public libraries 94809
required to be made under divisions (A) and (E) of this section 94810
shall be paid from the local government property tax replacement 94811
fund to the county undivided income tax fund in the proper county 94812

treasury. The county treasurer shall distribute amounts paid under 94813
division (A) of this section to the proper local taxing unit or 94814
public library as if they had been levied and collected as taxes, 94815
and the local taxing unit or public library shall apportion the 94816
amounts so received among its funds in the same proportions as if 94817
those amounts had been levied and collected as taxes. Except in 94818
the case of amounts distributed to the county as a local taxing 94819
unit, amounts distributed under division (E)(2) of this section 94820
shall be credited to the general fund of the local taxing unit 94821
that receives them. Amounts distributed to each county as a local 94822
taxing unit under division (E)(2) of this section shall be 94823
credited in the proportion that the current taxes charged and 94824
payable from each levy of or by the county bears to the total 94825
current taxes charged and payable from all levies of or by the 94826
county. 94827

(D) By February 5, 2002, the tax commissioner shall estimate 94828
the amount of money in the local government property tax 94829
replacement fund in excess of the amount necessary to make 94830
payments in that month under division (C) of this section. 94831
Notwithstanding division (A) of this section, the tax commissioner 94832
may pay any local taxing unit, from those excess funds, nine and 94833
four-tenths times the amount computed for 2002 under division 94834
(A)(1) of this section. A payment made under this division shall 94835
be in lieu of the payment to be made in February 2002 under 94836
division (A)(1) of this section. A local taxing unit receiving a 94837
payment under this division will no longer be entitled to any 94838
further payments under division (A)(1) of this section. A payment 94839
made under this division shall be paid from the local government 94840
property tax replacement fund to the county undivided income tax 94841
fund in the proper county treasury. The county treasurer shall 94842
distribute the payment to the proper local taxing unit as if it 94843
had been levied and collected as taxes, and the local taxing unit 94844
shall apportion the amounts so received among its funds in the 94845

same proportions as if those amounts had been levied and collected 94846
as taxes. 94847

(E)(1) On the thirty-first day of July of 2002, 2003, 2004, 94848
2005, and 2006, and on the thirty-first day of January and July of 94849
2007 through January 2011, if the amount credited to the local 94850
government property tax replacement fund exceeds the amount needed 94851
to be distributed from the fund under division (A) of this section 94852
in the following month, the tax commissioner shall distribute the 94853
excess to each county as follows: 94854

(a) One-half shall be distributed to each county in 94855
proportion to each county's population. 94856

(b) One-half shall be distributed to each county in the 94857
proportion that the amounts determined under divisions (G) and (H) 94858
of section 5727.84 of the Revised Code for all local taxing units 94859
in the county is of the total amounts so determined for all local 94860
taxing units in the state. 94861

(2) The amounts distributed to each county under division (E) 94862
of this section shall be distributed by the county auditor to each 94863
local taxing unit in the county in the proportion that the unit's 94864
current taxes charged and payable are of the total current taxes 94865
charged and payable of all the local taxing units in the county. 94866
If the amount that the county auditor determines to be distributed 94867
to a local taxing unit is less than five dollars, that amount 94868
shall not be distributed, and the amount not distributed shall 94869
remain credited to the county undivided income tax fund. At the 94870
time of the next distribution under division (E)(2) of this 94871
section, any amount that had not been distributed in the prior 94872
distribution shall be added to the amount available for the next 94873
distribution prior to calculation of the amount to be distributed. 94874
As used in this division, "current taxes charged and payable" 94875
means the taxes charged and payable as most recently determined 94876
for local taxing units in the county. 94877

After January 2011, any amount that exceeds the amount needed 94878
to be distributed from the fund under division (A) of this section 94879
in the following month shall be transferred to the general revenue 94880
fund. 94881

(F) If the total amount in the local government property tax 94882
replacement fund is insufficient to make all payments under 94883
division (C) of this section at the times the payments are to be 94884
made, the director of budget and management shall transfer from 94885
the general revenue fund to the local government property tax 94886
replacement fund the difference between the total amount to be 94887
paid and the amount in the local government property tax 94888
replacement fund, except that no transfer shall be made by reason 94889
of a deficiency to the extent that it results from the amendment 94890
of section 5727.84 of the Revised Code by Amended Substitute House 94891
Bill 95 of the 125th general assembly. 94892

(G) If all or a part of the territories of two or more local 94893
taxing units are merged, or unincorporated territory of a township 94894
is annexed by a municipal corporation, the tax commissioner shall 94895
adjust the payments made under this section to each of the local 94896
taxing units in proportion to the square mileage apportioned to 94897
the merged or annexed territory, or as otherwise provided by a 94898
written agreement between the legislative authorities of the local 94899
taxing units certified to the tax commissioner not later than the 94900
first day of June of the calendar year in which the payment is to 94901
be made. 94902

Sec. 5729.98. (A) To provide a uniform procedure for 94903
calculating the amount of tax due under this chapter, a taxpayer 94904
shall claim any credits and offsets against tax liability to which 94905
it is entitled in the following order: 94906

(1) The credit for an insurance company or insurance company 94907
group under section 5729.031 of the Revised Code; 94908

(2) The credit for eligible employee training costs under section 5729.07 of the Revised Code;	94909 94910
(3) The credit for purchases of qualified low-income community investments under section 5729.16 of the Revised Code;	94911 94912
(4) The nonrefundable job retention credit under division (B) (1) of section 122.171 of the Revised Code;	94913 94914
(5) The offset of assessments by the Ohio life and health insurance guaranty association against tax liability permitted by section 3956.20 of the Revised Code;	94915 94916 94917
(6) The refundable credit for rehabilitating a historic building under section 5729.17 of the Revised Code.	94918 94919
(7) The refundable credit for Ohio job retention under <u>former</u> division (B)(2) or (3) of section 122.171 of the Revised Code <u>as those divisions existed before the effective date of the amendment of this section by H.B. 64 of the 131st general assembly;</u>	94920 94921 94922 94923 94924
(8) The refundable credit for Ohio job creation under section 5729.032 of the Revised Code;	94925 94926
(9) The refundable credit under section 5729.08 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.	94927 94928 94929 94930
(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.	94931 94932 94933 94934 94935 94936 94937 94938

Sec. 5733.0610. (A) A refundable corporation franchise tax 94939
credit granted by the tax credit authority under section 122.17 or 94940
former division (B)(2) or (3) of section 122.171 of the Revised 94941
Code, as those divisions existed before the effective date of the 94942
amendment of this section by H.B. 64 of the 131st general 94943
assembly, may be claimed under this chapter in the order required 94944
under section 5733.98 of the Revised Code. For purposes of making 94945
tax payments under this chapter, taxes equal to the amount of the 94946
refundable credit shall be considered to be paid to this state on 94947
the first day of the tax year. The refundable credit shall not be 94948
claimed for any tax years following the calendar year in which a 94949
relocation of employment positions occurs in violation of an 94950
agreement entered into under section 122.17 or 122.171 of the 94951
Revised Code. 94952

(B) A nonrefundable corporation franchise tax credit granted 94953
by the tax credit authority under division (B)~~(1)~~ of section 94954
122.171 of the Revised Code may be claimed under this chapter in 94955
the order required under section 5733.98 of the Revised Code. 94956

Sec. 5735.40. (A) As used in this section: 94957

(1) "Alternative fuel" has the same meaning as in section 94958
125.831 of the Revised Code. 94959

(2) "Political subdivision" means a county, township, 94960
municipal corporation, school district, or other body corporate 94961
and politic responsible for governmental activities in a 94962
geographic area smaller than that of the state. 94963

(B) Except as provided in division (B)(6) of section 5739.02 94964
of the Revised Code when levying the tax imposed by that section 94965
in conjunction with sections 5739.021, 5739.023, 5739.024, 94966
5739.026, 5741.021, 5741.022, ~~and~~ 5741.023, and 5741.024 of the 94967
Revised Code, or as provided in section 5739.101 of the Revised 94968

Code, no political subdivision shall levy or collect any excise, 94969
license, privilege, or occupational tax on alternative fuel or on 94970
the buying, selling, handling, or consuming of alternative fuel. 94971

Sec. 5736.01. As used in this chapter: 94972

(A) "Calendar quarter" and "person" have the same meanings as 94973
in section 5751.01 of the Revised Code. 94974

(B) "Distribution system" means a bulk transfer or terminal 94975
system for the distribution of motor fuel consisting of 94976
refineries, pipelines, marine vessels, and terminals. For the 94977
purposes of this section, motor fuel that is in a refinery, 94978
pipeline, terminal, or marine vessel or that is en route to a 94979
refinery, pipeline, or terminal via any method of transportation 94980
is in a "distribution system." Motor fuel is "outside of a 94981
distribution system" if the fuel is in a fuel storage facility, 94982
including, but not limited to, a bulk plant that is not part of a 94983
refinery or terminal, is in the fuel supply tank of an engine or 94984
motor vehicle, or is being transported by a marine vessel, tank 94985
car, rail car, trailer, truck, or other suitable equipment to a 94986
fuel storage facility that is not in a distribution system. 94987

(C) "Dyed diesel fuel," "import," "motor fuel," "public 94988
highways," "gasoline," "diesel fuel," "licensed motor fuel 94989
dealer," "licensed permissive motor fuel dealer," and "terminal" 94990
have the same meanings as in section 5735.01 of the Revised Code. 94991
"Gallons" means gross gallons as defined in section 5735.01 of the 94992
Revised Code. 94993

(D) "First sale of motor fuel within this state" means the 94994
initial sale of motor fuel to a point outside a distribution 94995
system, wherever the sale occurs, without regard to where title 94996
transfers or other conditions of sale, when sold for delivery to a 94997
location in this state as that location is shown on the bill of 94998
lading or other similar document issued by the terminal, refinery, 94999

or supplier. "First sale of motor fuel within this state" excludes 95000
the following: 95001

(1) Motor fuel exchanges; 95002

(2) The sale of motor fuel on which the petroleum activity 95003
tax imposed by this chapter was paid in a prior quarterly tax 95004
payment period and on which the supplier may claim a bad debt. As 95005
used in this division, "bad debt" has the same meaning as in 95006
section 5751.01 of the Revised Code. 95007

(E) "Calculated gross receipts" means the sum of the 95008
following: 95009

(1) With respect to sales of gasoline, the product obtained 95010
by multiplying (a) the total number of gallons of gasoline first 95011
sold within this state by a supplier during the tax period by (b) 95012
the average wholesale price of a gallon of unleaded regular 95013
gasoline for the calendar quarter that begins six months before 95014
the upcoming calendar quarter, as published by the tax 95015
commissioner under division (C) of section 5736.02 of the Revised 95016
Code; 95017

(2) With respect to sales of propane, the product obtained by 95018
multiplying (a) the total number of gallons of propane first sold 95019
within this state by a supplier during the tax period by (b) the 95020
average wholesale price of a gallon of propane for the calendar 95021
quarter that begins six months before the upcoming calendar 95022
quarter, as published by the tax commissioner under division (C) 95023
of section 5736.02 of the Revised Code; 95024

(3) With respect to sales of motor fuel that is not gasoline 95025
or propane, the product obtained by multiplying (a) the total 95026
number of gallons of motor fuel first sold within this state by a 95027
supplier during the tax period by (b) the average wholesale price 95028
of a gallon of diesel fuel for the calendar quarter that begins 95029
six months before the upcoming calendar quarter, as published by 95030

the tax commissioner under division (C) of section 5736.02 of the Revised Code. 95031
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(F) "Motor fuel used to propel vehicles on public highways and waterways" includes motor fuel used for the operation of licensed motor vehicles employed in the maintenance, construction, or repair of public highways. "Motor fuel used to propel vehicles on public highways and waterways" does not include dyed diesel fuel. 95033
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(G) "Rack" means a mechanism capable of delivering motor fuel from a refinery, terminal, or marine vessel into a railroad tank car, transport truck, tank wagon, fuel supply tank, marine vessel, or other means of transport outside of a distribution system. 95039
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(H) "Refinery" means a facility used to produce motor fuel and from which motor fuel may be removed by pipeline, by vessel, or at a rack. 95043
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(I) "Supplier" means any of the following: 95046

(1) A person that sells, exchanges, transfers, or otherwise distributes motor fuel from a terminal or refinery rack to a point outside of a distribution system, if the person distributes such motor fuel at a location in this state; 95047
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(2) A person that imports or causes the importation of motor fuel for sale, exchange, transfer, or other distribution by the person to a point outside of a distribution system in this state; 95051
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(3) A person that knowingly purchases motor fuel from an unlicensed supplier. 95054
95055

(J) "Tax period" means the calendar quarter on the basis of which a taxpayer is required to pay the tax imposed under this chapter. 95056
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(K) "Taxpayer" means a person subject to the tax imposed by this chapter. 95059
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(L) "Waterways" means all streams, lakes, ponds, marshes, water courses, and all other bodies of surface water, natural or artificial, which are situated wholly or partially within this state or within its jurisdiction, except private impounded bodies of water.

(M) "Motor fuel exchange" means an exchange of motor fuel between two or more suppliers, licensed motor fuel dealers, or licensed permissive motor fuel dealers if delivery occurs at a refinery, terminal, pipeline, or marine vessel and if the parties agree that neither party requires monetary compensation from the other party for the exchanged fuel other than compensation for differences in product location, grade, or handling.

Sec. 5736.02. (A)(1) Beginning with the tax period that commences July 1, 2014, and continuing for every tax period thereafter, there is hereby levied an excise tax on each supplier measured by the supplier's calculated gross receipts derived from the first sale of motor fuel within this state. The tax due shall be computed by multiplying ~~sixty five one hundredths of one percent~~ by the supplier's calculated gross receipts by one of the following tax rates:

(a) If the calculated gross receipts are received from the sale of dyed diesel fuel and the end consumer of the dyed diesel fuel is a railroad company as described in division (D)(9) of section 5727.01 of the Revised Code, the rate established in division (A) of section 5751.03 of the Revised Code;

(b) For all other calculated gross receipts, six and five-tenths mills.

(2) All revenue from the tax shall be distributed as follows:

~~(1)~~(a) All revenue from the tax as measured by calculated gross receipts derived from the sale of motor fuel used for

propelling vehicles on public highways and waterways shall be used 95091
for the purposes of maintaining the state highway system, funding 95092
the enforcement of traffic laws, and covering the costs of 95093
hospitalization of indigent persons injured in motor vehicle 95094
accidents on the public highways. 95095

~~(2)~~(b) All revenue not distributed as required by division 95096
(A)~~(1)~~(2)(a) of this section shall be used for the purpose of 95097
funding the needs of this state and its local governments. 95098

(B) The tax imposed by this section is in addition to any 95099
other taxes or fees imposed under the Revised Code. 95100

(C) The tax commissioner shall determine and publish, on the 95101
web site of the department of taxation, the statewide average 95102
wholesale prices of a gallon of unleaded regular gasoline, of a 95103
gallon of propane, and of a gallon of diesel fuel for each 95104
calendar quarter. The commissioner's determination is presumed to 95105
be correct unless clearly erroneous. The figure shall be published 95106
at least fifteen days before the beginning of the calendar 95107
quarter. The commissioner shall base the average price on pricing 95108
information available from the United States energy information 95109
administration or, if such information is not available from that 95110
agency, from another publicly available source selected by the 95111
commissioner. The commissioner shall first make reasonable efforts 95112
to obtain data specific to this state before using national data 95113
to determine the average wholesale price. The price shall not 95114
include any federal or state excise taxes on the gasoline or 95115
diesel fuel, or the tax imposed by this chapter. The price shall 95116
be rounded up to the nearest one-tenth of one cent. 95117

(D) Nothing in this chapter prohibits a person from 95118
separately or proportionately billing or invoicing the tax imposed 95119
by this section to a purchaser of motor fuel. 95120

(E) The tax imposed by this section applies only to suppliers 95121

having a substantial nexus with this state, as that term is 95122
defined in section 5751.01 of the Revised Code. A supplier that 95123
does not have substantial nexus with the state may voluntarily 95124
obtain a license from the commissioner under section 5736.06 of 95125
the Revised Code. A supplier that voluntarily obtains a license 95126
from the commissioner is entitled to the same benefits and is 95127
subject to the same duties and requirements as are suppliers 95128
required to be licensed with the commissioner. 95129

Sec. 5736.50. (A) A taxpayer granted a credit by the tax 95130
credit authority under section 122.17 or former division (B)(2) or 95131
(3) of section 122.171 of the Revised Code, as those divisions 95132
existed before the effective date of the amendment of this section 95133
by H.B. 64 of the 131st general assembly, may claim a refundable 95134
credit against the tax imposed under this chapter. For the purpose 95135
of making tax payments under this chapter, taxes equal to the 95136
amount of the refundable credit shall be considered to be paid on 95137
the first day of the tax period. 95138

(B) A ~~taxpayer granted a~~ nonrefundable credit granted by the 95139
tax credit authority under division (B)(~~1~~) of section 122.171 of 95140
the Revised Code may ~~claim a nonrefundable tax credit~~ be claimed 95141
against the tax imposed under this chapter. 95142

(C) Credits authorized in division (A) or (B) of this section 95143
shall not be claimed for any tax period beginning after the date 95144
on which a relocation of employment positions occurs in violation 95145
of an agreement entered into under section 122.17 or 122.171 of 95146
the Revised Code. 95147

(D) A taxpayer may claim any unused portion of the credit 95148
authorized under division (B) of section 5751.50 of the Revised 95149
Code against the tax imposed under this chapter. No credit shall 95150
be allowed under this division if the credit was available against 95151
the tax imposed under section 5751.02 of the Revised Code except 95152

to the extent the credit was not applied against that tax. 95153

(E) The amount of a credit claimed under division (B) or (D) 95154
of this section shall not exceed the tax otherwise due for the tax 95155
period. If the credit allowed under division (B) or (D) of this 95156
section exceeds the tax otherwise due, the excess may be carried 95157
forward to the extent authorized by section 122.171 of the Revised 95158
Code. 95159

If a taxpayer is authorized to claim credits under division 95160
(A) and either or both of divisions (B) and (D) of this section 95161
for the same tax period, the taxpayer shall claim the credit 95162
allowed under division (B) or (D) before the credit allowed under 95163
division (A) of this section. 95164

Sec. 5736.51. (A) As used in this section: 95165

(1) "Blend stocks" means blend stocks or additives that are 95166
sold for blending with motor fuel. 95167

(2) "Blended motor fuel" means motor fuel incorporating one 95168
or more blend stocks. 95169

(B) A taxpayer may claim a nonrefundable credit against the 95170
tax imposed under section 5736.02 of the Revised Code equal to 95171
taxes imposed under that section for which another supplier is 95172
liable on the basis of calculated gross receipts from that 95173
supplier's sale of blend stocks to the taxpayer on or after July 95174
1, 2015. The credit is available only on the basis of those blend 95175
stocks the taxpayer incorporates into blended motor fuel, the sale 95176
of which is subject to the tax imposed under that section. 95177

Sec. 5739.01. As used in this chapter: 95178

(A) "Person" includes individuals, receivers, assignees, 95179
trustees in bankruptcy, estates, firms, partnerships, 95180
associations, joint-stock companies, joint ventures, clubs, 95181

societies, corporations, the state and its political subdivisions, 95182
and combinations of individuals of any form. 95183

(B) "Sale" and "selling" include all of the following 95184
transactions for a consideration in any manner, whether absolutely 95185
or conditionally, whether for a price or rental, in money or by 95186
exchange, and by any means whatsoever: 95187

(1) All transactions by which title or possession, or both, 95188
of tangible personal property, is or is to be transferred, or a 95189
license to use or consume tangible personal property is or is to 95190
be granted; 95191

(2) All transactions by which lodging by a hotel is or is to 95192
be furnished to transient guests; 95193

(3) All transactions by which: 95194

(a) An item of tangible personal property is or is to be 95195
repaired, except property, the purchase of which would not be 95196
subject to the tax imposed by section 5739.02 of the Revised Code; 95197

(b) An item of tangible personal property is or is to be 95198
installed, except property, the purchase of which would not be 95199
subject to the tax imposed by section 5739.02 of the Revised Code 95200
or property that is or is to be incorporated into and will become 95201
a part of a production, transmission, transportation, or 95202
distribution system for the delivery of a public utility service; 95203

(c) The service of washing, cleaning, waxing, polishing, or 95204
painting a motor vehicle is or is to be furnished; 95205

(d) Until August 1, 2003, industrial laundry cleaning 95206
services are or are to be provided and, on and after August 1, 95207
2003, laundry and dry cleaning services are or are to be provided; 95208

(e) Automatic data processing, computer services, or 95209
electronic information services are or are to be provided for use 95210
in business when the true object of the transaction is the receipt 95211

by the consumer of automatic data processing, computer services, 95212
or electronic information services rather than the receipt of 95213
personal or professional services to which automatic data 95214
processing, computer services, or electronic information services 95215
are incidental or supplemental. Notwithstanding any other 95216
provision of this chapter, such transactions that occur between 95217
members of an affiliated group are not sales. An "affiliated 95218
group" means two or more persons related in such a way that one 95219
person owns or controls the business operation of another member 95220
of the group. In the case of corporations with stock, one 95221
corporation owns or controls another if it owns more than fifty 95222
per cent of the other corporation's common stock with voting 95223
rights. 95224

(f) Telecommunications service, including prepaid calling 95225
service, prepaid wireless calling service, or ancillary service, 95226
is or is to be provided, but not including coin-operated telephone 95227
service; 95228

(g) Landscaping and lawn care service is or is to be 95229
provided; 95230

(h) Private investigation and security service is or is to be 95231
provided; 95232

(i) Information services or tangible personal property is 95233
provided or ordered by means of a nine hundred telephone call; 95234

(j) Building maintenance and janitorial service is or is to 95235
be provided; 95236

(k) Employment service is or is to be provided; 95237

(l) Employment placement service is or is to be provided; 95238

(m) Exterminating service is or is to be provided; 95239

(n) Physical fitness facility service is or is to be 95240
provided; 95241

- (o) Recreation and sports club service is or is to be provided; 95242
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- (p) On and after August 1, 2003, satellite broadcasting service is or is to be provided; 95244
95245
- (q) On and after August 1, 2003, personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair. 95246
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- (r) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102; 95254
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- (s) On and after August 1, 2003, motor vehicle towing service is or is to be provided. As used in this division, "motor vehicle towing service" means the towing or conveyance of a wrecked, disabled, or illegally parked motor vehicle. 95262
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- (t) On and after August 1, 2003, snow removal service is or is to be provided. As used in this division, "snow removal service" means the removal of snow by any mechanized means, but does not include the providing of such service by a person that has less than five thousand dollars in sales of such service during the calendar year. 95266
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- (u) Electronic publishing service is or is to be provided to 95272

a consumer for use in business, except that such transactions 95273
occurring between members of an affiliated group, as defined in 95274
division (B)(3)(e) of this section, are not sales. 95275

(v) Hotel intermediary service is or is to be provided. 95276

(4) All transactions by which printed, imprinted, 95277
overprinted, lithographic, multilithic, blueprinted, photostatic, 95278
or other productions or reproductions of written or graphic matter 95279
are or are to be furnished or transferred; 95280

(5) The production or fabrication of tangible personal 95281
property for a consideration for consumers who furnish either 95282
directly or indirectly the materials used in the production of 95283
fabrication work; and include the furnishing, preparing, or 95284
serving for a consideration of any tangible personal property 95285
consumed on the premises of the person furnishing, preparing, or 95286
serving such tangible personal property. Except as provided in 95287
section 5739.03 of the Revised Code, a construction contract 95288
pursuant to which tangible personal property is or is to be 95289
incorporated into a structure or improvement on and becoming a 95290
part of real property is not a sale of such tangible personal 95291
property. The construction contractor is the consumer of such 95292
tangible personal property, provided that the sale and 95293
installation of carpeting, the sale and installation of 95294
agricultural land tile, the sale and erection or installation of 95295
portable grain bins, or the provision of landscaping and lawn care 95296
service and the transfer of property as part of such service is 95297
never a construction contract. 95298

As used in division (B)(5) of this section: 95299

(a) "Agricultural land tile" means fired clay or concrete 95300
tile, or flexible or rigid perforated plastic pipe or tubing, 95301
incorporated or to be incorporated into a subsurface drainage 95302
system appurtenant to land used or to be used primarily in 95303

production by farming, agriculture, horticulture, or floriculture. 95304
The term does not include such materials when they are or are to 95305
be incorporated into a drainage system appurtenant to a building 95306
or structure even if the building or structure is used or to be 95307
used in such production. 95308

(b) "Portable grain bin" means a structure that is used or to 95309
be used by a person engaged in farming or agriculture to shelter 95310
the person's grain and that is designed to be disassembled without 95311
significant damage to its component parts. 95312

(6) All transactions in which all of the shares of stock of a 95313
closely held corporation are transferred, or an ownership interest 95314
in a pass-through entity, as defined in section 5733.04 of the 95315
Revised Code, is transferred, if the corporation or pass-through 95316
entity is not engaging in business and its entire assets consist 95317
of boats, planes, motor vehicles, or other tangible personal 95318
property operated primarily for the use and enjoyment of the 95319
shareholders or owners; 95320

(7) All transactions in which a warranty, maintenance or 95321
service contract, or similar agreement by which the vendor of the 95322
warranty, contract, or agreement agrees to repair or maintain the 95323
tangible personal property of the consumer is or is to be 95324
provided; 95325

(8) The transfer of copyrighted motion picture films used 95326
solely for advertising purposes, except that the transfer of such 95327
films for exhibition purposes is not a sale; 95328

(9) On and after August 1, 2003, all transactions by which 95329
tangible personal property is or is to be stored, except such 95330
property that the consumer of the storage holds for sale in the 95331
regular course of business; 95332

(10) All transactions in which "guaranteed auto protection" 95333
is provided whereby a person promises to pay to the consumer the 95334

difference between the amount the consumer receives from motor 95335
vehicle insurance and the amount the consumer owes to a person 95336
holding title to or a lien on the consumer's motor vehicle in the 95337
event the consumer's motor vehicle suffers a total loss under the 95338
terms of the motor vehicle insurance policy or is stolen and not 95339
recovered, if the protection and its price are included in the 95340
purchase or lease agreement; 95341

(11)(a) Except as provided in division (B)(11)(b) of this 95342
section, on and after October 1, 2009, all transactions by which 95343
health care services are paid for, reimbursed, provided, 95344
delivered, arranged for, or otherwise made available by a medicaid 95345
health insuring corporation pursuant to the corporation's contract 95346
with the state. 95347

(b) If the centers for medicare and medicaid services of the 95348
United States department of health and human services determines 95349
that the taxation of transactions described in division (B)(11)(a) 95350
of this section constitutes an impermissible health care-related 95351
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 95352
1396b(w), and regulations adopted thereunder, the medicaid 95353
director shall notify the tax commissioner of that determination. 95354
Beginning with the first day of the month following that 95355
notification, the transactions described in division (B)(11)(a) of 95356
this section are not sales for the purposes of this chapter or 95357
Chapter 5741. of the Revised Code. The tax commissioner shall 95358
order that the collection of taxes under sections 5739.02, 95359
5739.021, 5739.023, 5739.024, 5739.026, 5741.02, 5741.021, 95360
5741.022, ~~and~~ 5741.023, and 5741.024 of the Revised Code shall 95361
cease for transactions occurring on or after that date. 95362

(12) All transactions by which a specified digital product is 95363
provided for permanent use or less than permanent use, regardless 95364
of whether continued payment is required. 95365

Except as provided in this section, "sale" and "selling" do 95366

not include transfers of interest in leased property where the original lessee and the terms of the original lease agreement remain unchanged, or professional, insurance, or personal service transactions that involve the transfer of tangible personal property as an inconsequential element, for which no separate charges are made.

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

Physicians, dentists, hospitals, and veterinarians who are engaged in selling tangible personal property as received from others, such as eyeglasses, mouthwashes, dentifrices, or similar articles, are vendors. Veterinarians who are engaged in transferring to others for a consideration drugs, the dispensing of which does not require an order of a licensed veterinarian or physician under federal law, are vendors.

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

(2) Physicians, dentists, hospitals, and blood banks operated by nonprofit institutions and persons licensed to practice veterinary medicine, surgery, and dentistry are consumers of all tangible personal property and services purchased by them in connection with the practice of medicine, dentistry, the rendition of hospital or blood bank service, or the practice of veterinary

medicine, surgery, and dentistry. In addition to being consumers 95399
of drugs administered by them or by their assistants according to 95400
their direction, veterinarians also are consumers of drugs that 95401
under federal law may be dispensed only by or upon the order of a 95402
licensed veterinarian or physician, when transferred by them to 95403
others for a consideration to provide treatment to animals as 95404
directed by the veterinarian. 95405

(3) A person who performs a facility management, or similar 95406
service contract for a contractee is a consumer of all tangible 95407
personal property and services purchased for use in connection 95408
with the performance of such contract, regardless of whether title 95409
to any such property vests in the contractee. The purchase of such 95410
property and services is not subject to the exception for resale 95411
under division (E)(1) of this section. 95412

(4)(a) In the case of a person who purchases printed matter 95413
for the purpose of distributing it or having it distributed to the 95414
public or to a designated segment of the public, free of charge, 95415
that person is the consumer of that printed matter, and the 95416
purchase of that printed matter for that purpose is a sale. 95417

(b) In the case of a person who produces, rather than 95418
purchases, printed matter for the purpose of distributing it or 95419
having it distributed to the public or to a designated segment of 95420
the public, free of charge, that person is the consumer of all 95421
tangible personal property and services purchased for use or 95422
consumption in the production of that printed matter. That person 95423
is not entitled to claim exemption under division (B)(42)(f) of 95424
section 5739.02 of the Revised Code for any material incorporated 95425
into the printed matter or any equipment, supplies, or services 95426
primarily used to produce the printed matter. 95427

(c) The distribution of printed matter to the public or to a 95428
designated segment of the public, free of charge, is not a sale to 95429
the members of the public to whom the printed matter is 95430

distributed or to any persons who purchase space in the printed 95431
matter for advertising or other purposes. 95432

(5) A person who makes sales of any of the services listed in 95433
division (B)(3) of this section is the consumer of any tangible 95434
personal property used in performing the service. The purchase of 95435
that property is not subject to the resale exception under 95436
division (E)(1) of this section. 95437

(6) A person who engages in highway transportation for hire 95438
is the consumer of all packaging materials purchased by that 95439
person and used in performing the service, except for packaging 95440
materials sold by such person in a transaction separate from the 95441
service. 95442

(7) In the case of a transaction for health care services 95443
under division (B)(11) of this section, a medicaid health insuring 95444
corporation is the consumer of such services. The purchase of such 95445
services by a medicaid health insuring corporation is not subject 95446
to the exception for resale under division (E)(1) of this section 95447
or to the exemptions provided under divisions (B)(12), (18), (19), 95448
and (22) of section 5739.02 of the Revised Code. 95449

(E) "Retail sale" and "sales at retail" include all sales, 95450
except those in which the purpose of the consumer is to resell the 95451
thing transferred or benefit of the service provided, by a person 95452
engaging in business, in the form in which the same is, or is to 95453
be, received by the person. 95454

(F) "Business" includes any activity engaged in by any person 95455
with the object of gain, benefit, or advantage, either direct or 95456
indirect. "Business" does not include the activity of a person in 95457
managing and investing the person's own funds. 95458

(G) "Engaging in business" means commencing, conducting, or 95459
continuing in business, and liquidating a business when the 95460
liquidator thereof holds itself out to the public as conducting 95461

such business. Making a casual sale is not engaging in business. 95462

(H)(1)(a) "Price," except as provided in divisions (H)(2), 95463
(3), and (4) of this section, means the total amount of 95464
consideration, including cash, credit, property, and services, for 95465
which tangible personal property or services are sold, leased, or 95466
rented, valued in money, whether received in money or otherwise, 95467
without any deduction for any of the following: 95468

(i) The vendor's cost of the property sold; 95469

(ii) The cost of materials used, labor or service costs, 95470
interest, losses, all costs of transportation to the vendor, all 95471
taxes imposed on the vendor, including the tax imposed under 95472
Chapter 5751. of the Revised Code, and any other expense of the 95473
vendor; 95474

(iii) Charges by the vendor for any services necessary to 95475
complete the sale; 95476

(iv) On and after August 1, 2003, delivery charges. As used 95477
in this division, "delivery charges" means charges by the vendor 95478
for preparation and delivery to a location designated by the 95479
consumer of tangible personal property or a service, including 95480
transportation, shipping, postage, handling, crating, and packing. 95481

(v) Installation charges; 95482

(vi) Credit for any trade-in. 95483

(b) "Price" includes consideration received by the vendor 95484
from a third party, if the vendor actually receives the 95485
consideration from a party other than the consumer, and the 95486
consideration is directly related to a price reduction or discount 95487
on the sale; the vendor has an obligation to pass the price 95488
reduction or discount through to the consumer; the amount of the 95489
consideration attributable to the sale is fixed and determinable 95490
by the vendor at the time of the sale of the item to the consumer; 95491

and one of the following criteria is met: 95492

(i) The consumer presents a coupon, certificate, or other 95493
document to the vendor to claim a price reduction or discount 95494
where the coupon, certificate, or document is authorized, 95495
distributed, or granted by a third party with the understanding 95496
that the third party will reimburse any vendor to whom the coupon, 95497
certificate, or document is presented; 95498

(ii) The consumer identifies the consumer's self to the 95499
seller as a member of a group or organization entitled to a price 95500
reduction or discount. A preferred customer card that is available 95501
to any patron does not constitute membership in such a group or 95502
organization. 95503

(iii) The price reduction or discount is identified as a 95504
third party price reduction or discount on the invoice received by 95505
the consumer, or on a coupon, certificate, or other document 95506
presented by the consumer. 95507

(c) "Price" does not include any of the following: 95508

(i) Discounts, including cash, term, or coupons that are not 95509
reimbursed by a third party that are allowed by a vendor and taken 95510
by a consumer on a sale; 95511

(ii) Interest, financing, and carrying charges from credit 95512
extended on the sale of tangible personal property or services, if 95513
the amount is separately stated on the invoice, bill of sale, or 95514
similar document given to the purchaser; 95515

(iii) Any taxes legally imposed directly on the consumer that 95516
are separately stated on the invoice, bill of sale, or similar 95517
document given to the consumer. For the purpose of this division, 95518
the tax imposed under Chapter 5751. of the Revised Code is not a 95519
tax directly on the consumer, even if the tax or a portion thereof 95520
is separately stated. 95521

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation from a third party to cover all or part of the gift card value. For the purposes of this division, a gift card is not sold by a vendor or purchased by a consumer if it is distributed pursuant to an awards, loyalty, or promotional program. Past and present purchases of tangible personal property or services by the consumer shall not be treated as consideration exchanged for a gift card.

(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, in which another motor vehicle is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the motor vehicle received in trade.

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

(4) In the case of transactions for health care services 95554
under division (B)(11) of this section, "price" means the amount 95555
of managed care premiums received each month by a medicaid health 95556
insuring corporation. 95557

(I) "Receipts" means the total amount of the prices of the 95558
sales of vendors, provided that the dollar value of gift cards 95559
distributed pursuant to an awards, loyalty, or promotional 95560
program, and cash discounts allowed and taken on sales at the time 95561
they are consummated are not included, minus any amount deducted 95562
as a bad debt pursuant to section 5739.121 of the Revised Code. 95563
"Receipts" does not include the sale price of property returned or 95564
services rejected by consumers when the full sale price and tax 95565
are refunded either in cash or by credit. 95566

(J) "Place of business" means any location at which a person 95567
engages in business. 95568

(K) "Premises" includes any real property or portion thereof 95569
upon which any person engages in selling tangible personal 95570
property at retail or making retail sales and also includes any 95571
real property or portion thereof designated for, or devoted to, 95572
use in conjunction with the business engaged in by such person. 95573

(L) "Casual sale" means a sale of an item of tangible 95574
personal property that was obtained by the person making the sale, 95575
through purchase or otherwise, for the person's own use and was 95576
previously subject to any state's taxing jurisdiction on its sale 95577
or use, and includes such items acquired for the seller's use that 95578
are sold by an auctioneer employed directly by the person for such 95579
purpose, provided the location of such sales is not the 95580
auctioneer's permanent place of business. As used in this 95581
division, "permanent place of business" includes any location 95582
where such auctioneer has conducted more than two auctions during 95583
the year. 95584

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

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

(O) "Making retail sales" means the effecting of transactions wherein one party is obligated to pay the price and the other party is obligated to provide a service or to transfer title to or possession of the item sold. "Making retail sales" does not include the preliminary acts of promoting or soliciting the retail sales, other than the distribution of printed matter which displays or describes and prices the item offered for sale, nor does it include delivery of a predetermined quantity of tangible personal property or transportation of property or personnel to or from a place where a service is performed.

(P) "Used directly in the rendition of a public utility service" means that property that is to be incorporated into and will become a part of the consumer's production, transmission, transportation, or distribution system and that retains its classification as tangible personal property after such incorporation; fuel or power used in the production, transmission, transportation, or distribution system; and tangible personal property used in the repair and maintenance of the production, transmission, transportation, or distribution system, including only such motor vehicles as are specially designed and equipped for such use. Tangible personal property and services used primarily in providing highway transportation for hire are not used directly in the rendition of a public utility service. In

this definition, "public utility" includes a citizen of the United States holding, and required to hold, a certificate of public convenience and necessity issued under 49 U.S.C. 41102.

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

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

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

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county that is a transit authority, the fiscal officer of the county transit board if one is appointed pursuant to section 306.03 of the Revised Code or the county auditor if the board of county commissioners operates the county transit system. "Fiscal officer," with respect to a municipal corporation or township, has the same meaning as in section 5705.01 of the Revised Code.

(U) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority that includes territory in more

than one county must include all the area of the most populous 95648
county that is a part of such transit authority. County population 95649
shall be measured by the most recent census taken by the United 95650
States census bureau. 95651

(V) "Legislative authority" means, with respect to a regional 95652
transit authority, the board of trustees thereof, ~~and~~ with respect 95653
to a county that is a transit authority, the board of county 95654
commissioners, with respect to a township, the board of township 95655
trustees, and, with respect to a municipal corporation, the 95656
legislative authority of the municipal corporation. 95657

(W) "Territory of the transit authority" means all of the 95658
area included within the territorial boundaries of a transit 95659
authority as they from time to time exist. Such territorial 95660
boundaries must at all times include all the area of a single 95661
county or all the area of the most populous county that is a part 95662
of such transit authority. County population shall be measured by 95663
the most recent census taken by the United States census bureau. 95664

(X) "Providing a service" means providing or furnishing 95665
anything described in division (B)(3) of this section for 95666
consideration. 95667

(Y)(1)(a) "Automatic data processing" means processing of 95668
others' data, including keypunching or similar data entry services 95669
together with verification thereof, or providing access to 95670
computer equipment for the purpose of processing data. 95671

(b) "Computer services" means providing services consisting 95672
of specifying computer hardware configurations and evaluating 95673
technical processing characteristics, computer programming, and 95674
training of computer programmers and operators, provided in 95675
conjunction with and to support the sale, lease, or operation of 95676
taxable computer equipment or systems. 95677

(c) "Electronic information services" means providing access 95678

to computer equipment by means of telecommunications equipment for 95679
the purpose of either of the following: 95680

(i) Examining or acquiring data stored in or accessible to 95681
the computer equipment; 95682

(ii) Placing data into the computer equipment to be retrieved 95683
by designated recipients with access to the computer equipment. 95684

For transactions occurring on or after the effective date of 95685
the amendment of this section by H.B. 157 of the 127th general 95686
assembly, December 21, 2007, "electronic information services" 95687
does not include electronic publishing as defined in division 95688
(LLL) of this section. 95689

(d) "Automatic data processing, computer services, or 95690
electronic information services" shall not include personal or 95691
professional services. 95692

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 95693
section, "personal and professional services" means all services 95694
other than automatic data processing, computer services, or 95695
electronic information services, including but not limited to: 95696

(a) Accounting and legal services such as advice on tax 95697
matters, asset management, budgetary matters, quality control, 95698
information security, and auditing and any other situation where 95699
the service provider receives data or information and studies, 95700
alters, analyzes, interprets, or adjusts such material; 95701

(b) Analyzing business policies and procedures; 95702

(c) Identifying management information needs; 95703

(d) Feasibility studies, including economic and technical 95704
analysis of existing or potential computer hardware or software 95705
needs and alternatives; 95706

(e) Designing policies, procedures, and custom software for 95707
collecting business information, and determining how data should 95708

be summarized, sequenced, formatted, processed, controlled, and 95709
reported so that it will be meaningful to management; 95710

(f) Developing policies and procedures that document how 95711
business events and transactions are to be authorized, executed, 95712
and controlled; 95713

(g) Testing of business procedures; 95714

(h) Training personnel in business procedure applications; 95715

(i) Providing credit information to users of such information 95716
by a consumer reporting agency, as defined in the "Fair Credit 95717
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or 95718
as hereafter amended, including but not limited to gathering, 95719
organizing, analyzing, recording, and furnishing such information 95720
by any oral, written, graphic, or electronic medium; 95721

(j) Providing debt collection services by any oral, written, 95722
graphic, or electronic means. 95723

The services listed in divisions (Y)(2)(a) to (j) of this 95724
section are not automatic data processing or computer services. 95725

(Z) "Highway transportation for hire" means the 95726
transportation of personal property belonging to others for 95727
consideration by any of the following: 95728

(1) The holder of a permit or certificate issued by this 95729
state or the United States authorizing the holder to engage in 95730
transportation of personal property belonging to others for 95731
consideration over or on highways, roadways, streets, or any 95732
similar public thoroughfare; 95733

(2) A person who engages in the transportation of personal 95734
property belonging to others for consideration over or on 95735
highways, roadways, streets, or any similar public thoroughfare 95736
but who could not have engaged in such transportation on December 95737
11, 1985, unless the person was the holder of a permit or 95738

certificate of the types described in division (Z)(1) of this section; 95739
95740

(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section. 95741
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(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following: 95743
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(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information; 95755
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(b) Installation or maintenance of wiring or equipment on a customer's premises; 95760
95761

(c) Tangible personal property; 95762

(d) Advertising, including directory advertising; 95763

(e) Billing and collection services provided to third parties; 95764
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(f) Internet access service; 95766

(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of 95767
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transmission, conveyance, and routing of such services by the 95769
programming service provider. Radio and television audio and video 95770
programming services include, but are not limited to, cable 95771
service, as defined in 47 U.S.C. 522(6), and audio and video 95772
programming services delivered by commercial mobile radio service 95773
providers, as defined in 47 C.F.R. 20.3; 95774

(h) Ancillary service; 95775

(i) Digital products delivered electronically, including 95776
software, music, video, reading materials, or ring tones. 95777

(2) "Ancillary service" means a service that is associated 95778
with or incidental to the provision of telecommunications service, 95779
including conference bridging service, detailed telecommunications 95780
billing service, directory assistance, vertical service, and voice 95781
mail service. As used in this division: 95782

(a) "Conference bridging service" means an ancillary service 95783
that links two or more participants of an audio or video 95784
conference call, including providing a telephone number. 95785
"Conference bridging service" does not include telecommunications 95786
services used to reach the conference bridge. 95787

(b) "Detailed telecommunications billing service" means an 95788
ancillary service of separately stating information pertaining to 95789
individual calls on a customer's billing statement. 95790

(c) "Directory assistance" means an ancillary service of 95791
providing telephone number or address information. 95792

(d) "Vertical service" means an ancillary service that is 95793
offered in connection with one or more telecommunications 95794
services, which offers advanced calling features that allow 95795
customers to identify callers and manage multiple calls and call 95796
connections, including conference bridging service. 95797

(e) "Voice mail service" means an ancillary service that 95798

enables the customer to store, send, or receive recorded messages. 95799
"Voice mail service" does not include any vertical services that 95800
the customer may be required to have in order to utilize the voice 95801
mail service. 95802

(3) "900 service" means an inbound toll telecommunications 95803
service purchased by a subscriber that allows the subscriber's 95804
customers to call in to the subscriber's prerecorded announcement 95805
or live service, and which is typically marketed under the name 95806
"900 service" and any subsequent numbers designated by the federal 95807
communications commission. "900 service" does not include the 95808
charge for collection services provided by the seller of the 95809
telecommunications service to the subscriber, or services or 95810
products sold by the subscriber to the subscriber's customer. 95811

(4) "Prepaid calling service" means the right to access 95812
exclusively telecommunications services, which must be paid for in 95813
advance and which enables the origination of calls using an access 95814
number or authorization code, whether manually or electronically 95815
dialed, and that is sold in predetermined units or dollars of 95816
which the number declines with use in a known amount. 95817

(5) "Prepaid wireless calling service" means a 95818
telecommunications service that provides the right to utilize 95819
mobile telecommunications service as well as other 95820
non-telecommunications services, including the download of digital 95821
products delivered electronically, and content and ancillary 95822
services, that must be paid for in advance and that is sold in 95823
predetermined units or dollars of which the number declines with 95824
use in a known amount. 95825

(6) "Value-added non-voice data service" means a 95826
telecommunications service in which computer processing 95827
applications are used to act on the form, content, code, or 95828
protocol of the information or data primarily for a purpose other 95829
than transmission, conveyance, or routing. 95830

(7) "Coin-operated telephone service" means a 95831
telecommunications service paid for by inserting money into a 95832
telephone accepting direct deposits of money to operate. 95833

(8) "Customer" has the same meaning as in section 5739.034 of 95834
the Revised Code. 95835

(BB) "Laundry and dry cleaning services" means removing soil 95836
or dirt from towels, linens, articles of clothing, or other fabric 95837
items that belong to others and supplying towels, linens, articles 95838
of clothing, or other fabric items. "Laundry and dry cleaning 95839
services" does not include the provision of self-service 95840
facilities for use by consumers to remove soil or dirt from 95841
towels, linens, articles of clothing, or other fabric items. 95842

(CC) "Magazines distributed as controlled circulation 95843
publications" means magazines containing at least twenty-four 95844
pages, at least twenty-five per cent editorial content, issued at 95845
regular intervals four or more times a year, and circulated 95846
without charge to the recipient, provided that such magazines are 95847
not owned or controlled by individuals or business concerns which 95848
conduct such publications as an auxiliary to, and essentially for 95849
the advancement of the main business or calling of, those who own 95850
or control them. 95851

(DD) "Landscaping and lawn care service" means the services 95852
of planting, seeding, sodding, removing, cutting, trimming, 95853
pruning, mulching, aerating, applying chemicals, watering, 95854
fertilizing, and providing similar services to establish, promote, 95855
or control the growth of trees, shrubs, flowers, grass, ground 95856
cover, and other flora, or otherwise maintaining a lawn or 95857
landscape grown or maintained by the owner for ornamentation or 95858
other nonagricultural purpose. However, "landscaping and lawn care 95859
service" does not include the providing of such services by a 95860
person who has less than five thousand dollars in sales of such 95861
services during the calendar year. 95862

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

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

(GG) "Research and development" means designing, creating, or formulating new or enhanced products, equipment, or manufacturing processes, and also means conducting scientific or technological inquiry and experimentation in the physical sciences with the goal of increasing scientific knowledge which may reveal the bases for new or enhanced products, equipment, or manufacturing processes.

(HH) "Qualified research and development equipment" means capitalized tangible personal property, and leased personal property that would be capitalized if purchased, used by a person primarily to perform research and development. Tangible personal property primarily used in testing, as defined in division (A)(4) of section 5739.011 of the Revised Code, or used for recording or storing test results, is not qualified research and development

equipment unless such property is primarily used by the consumer 95895
in testing the product, equipment, or manufacturing process being 95896
created, designed, or formulated by the consumer in the research 95897
and development activity or in recording or storing such test 95898
results. 95899

(II) "Building maintenance and janitorial service" means 95900
cleaning the interior or exterior of a building and any tangible 95901
personal property located therein or thereon, including any 95902
services incidental to such cleaning for which no separate charge 95903
is made. However, "building maintenance and janitorial service" 95904
does not include the providing of such service by a person who has 95905
less than five thousand dollars in sales of such service during 95906
the calendar year. 95907

(JJ) "Employment service" means providing or supplying 95908
personnel, on a temporary or long-term basis, to perform work or 95909
labor under the supervision or control of another, when the 95910
personnel so provided or supplied receive their wages, salary, or 95911
other compensation from the provider or supplier of the employment 95912
service or from a third party that provided or supplied the 95913
personnel to the provider or supplier. "Employment service" does 95914
not include: 95915

(1) Acting as a contractor or subcontractor, where the 95916
personnel performing the work are not under the direct control of 95917
the purchaser. 95918

(2) Medical and health care services. 95919

(3) Supplying personnel to a purchaser pursuant to a contract 95920
of at least one year between the service provider and the 95921
purchaser that specifies that each employee covered under the 95922
contract is assigned to the purchaser on a permanent basis. 95923

(4) Transactions between members of an affiliated group, as 95924
defined in division (B)(3)(e) of this section. 95925

(5) Transactions where the personnel so provided or supplied 95926
by a provider or supplier to a purchaser of an employment service 95927
are then provided or supplied by that purchaser to a third party 95928
as an employment service, except "employment service" does include 95929
the transaction between that purchaser and the third party. 95930

(KK) "Employment placement service" means locating or finding 95931
employment for a person or finding or locating an employee to fill 95932
an available position. 95933

(LL) "Exterminating service" means eradicating or attempting 95934
to eradicate vermin infestations from a building or structure, or 95935
the area surrounding a building or structure, and includes 95936
activities to inspect, detect, or prevent vermin infestation of a 95937
building or structure. 95938

(MM) "Physical fitness facility service" means all 95939
transactions by which a membership is granted, maintained, or 95940
renewed, including initiation fees, membership dues, renewal fees, 95941
monthly minimum fees, and other similar fees and dues, by a 95942
physical fitness facility such as an athletic club, health spa, or 95943
gymnasium, which entitles the member to use the facility for 95944
physical exercise. 95945

(NN) "Recreation and sports club service" means all 95946
transactions by which a membership is granted, maintained, or 95947
renewed, including initiation fees, membership dues, renewal fees, 95948
monthly minimum fees, and other similar fees and dues, by a 95949
recreation and sports club, which entitles the member to use the 95950
facilities of the organization. "Recreation and sports club" means 95951
an organization that has ownership of, or controls or leases on a 95952
continuing, long-term basis, the facilities used by its members 95953
and includes an aviation club, gun or shooting club, yacht club, 95954
card club, swimming club, tennis club, golf club, country club, 95955
riding club, amateur sports club, or similar organization. 95956

(OO) "Livestock" means farm animals commonly raised for food, food production, or other agricultural purposes, including, but not limited to, cattle, sheep, goats, swine, poultry, and captive deer. "Livestock" does not include invertebrates, amphibians, reptiles, domestic pets, animals for use in laboratories or for exhibition, or other animals not commonly raised for food or food production.

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

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

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

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

(TT) "Professional racing team" means a person that employs at least twenty full-time employees for the purpose of conducting a motor vehicle racing business for profit. The person must conduct the business with the purpose of racing one or more motor racing vehicles in at least ten competitive professional racing

events each year that comprise all or part of a motor racing 95988
series sanctioned by one or more motor racing sanctioning 95989
organizations. A "motor racing vehicle" means a vehicle for which 95990
the chassis, engine, and parts are designed exclusively for motor 95991
racing, and does not include a stock or production model vehicle 95992
that may be modified for use in racing. For the purposes of this 95993
division: 95994

(1) A "competitive professional racing event" is a motor 95995
vehicle racing event sanctioned by one or more motor racing 95996
sanctioning organizations, at which aggregate cash prizes in 95997
excess of eight hundred thousand dollars are awarded to the 95998
competitors. 95999

(2) "Full-time employee" means an individual who is employed 96000
for consideration for thirty-five or more hours a week, or who 96001
renders any other standard of service generally accepted by custom 96002
or specified by contract as full-time employment. 96003

(UU)(1) "Lease" or "rental" means any transfer of the 96004
possession or control of tangible personal property for a fixed or 96005
indefinite term, for consideration. "Lease" or "rental" includes 96006
future options to purchase or extend, and agreements described in 96007
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 96008
the amount of consideration may be increased or decreased by 96009
reference to the amount realized upon the sale or disposition of 96010
the property. "Lease" or "rental" does not include: 96011

(a) A transfer of possession or control of tangible personal 96012
property under a security agreement or a deferred payment plan 96013
that requires the transfer of title upon completion of the 96014
required payments; 96015

(b) A transfer of possession or control of tangible personal 96016
property under an agreement that requires the transfer of title 96017
upon completion of required payments and payment of an option 96018

price that does not exceed the greater of one hundred dollars or 96019
one per cent of the total required payments; 96020

(c) Providing tangible personal property along with an 96021
operator for a fixed or indefinite period of time, if the operator 96022
is necessary for the property to perform as designed. For purposes 96023
of this division, the operator must do more than maintain, 96024
inspect, or set up the tangible personal property. 96025

(2) "Lease" and "rental," as defined in division (UU) of this 96026
section, shall not apply to leases or rentals that exist before 96027
June 26, 2003. 96028

(3) "Lease" and "rental" have the same meaning as in division 96029
(UU)(1) of this section regardless of whether a transaction is 96030
characterized as a lease or rental under generally accepted 96031
accounting principles, the Internal Revenue Code, Title XIII of 96032
the Revised Code, or other federal, state, or local laws. 96033

(VV) "Mobile telecommunications service" has the same meaning 96034
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 96035
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 96036
on and after August 1, 2003, includes related fees and ancillary 96037
services, including universal service fees, detailed billing 96038
service, directory assistance, service initiation, voice mail 96039
service, and vertical services, such as caller ID and three-way 96040
calling. 96041

(WW) "Certified service provider" has the same meaning as in 96042
section 5740.01 of the Revised Code. 96043

(XX) "Satellite broadcasting service" means the distribution 96044
or broadcasting of programming or services by satellite directly 96045
to the subscriber's receiving equipment without the use of ground 96046
receiving or distribution equipment, except the subscriber's 96047
receiving equipment or equipment used in the uplink process to the 96048
satellite, and includes all service and rental charges, premium 96049

channels or other special services, installation and repair 96050
service charges, and any other charges having any connection with 96051
the provision of the satellite broadcasting service. 96052

(YY) "Tangible personal property" means personal property 96053
that can be seen, weighed, measured, felt, or touched, or that is 96054
in any other manner perceptible to the senses. For purposes of 96055
this chapter and Chapter 5741. of the Revised Code, "tangible 96056
personal property" includes motor vehicles, electricity, water, 96057
gas, steam, and prewritten computer software. 96058

(ZZ) "Direct mail" means printed material delivered or 96059
distributed by United States mail or other delivery service to a 96060
mass audience or to addressees on a mailing list provided by the 96061
consumer or at the direction of the consumer when the cost of the 96062
items are not billed directly to the recipients. "Direct mail" 96063
includes tangible personal property supplied directly or 96064
indirectly by the consumer to the direct mail vendor for inclusion 96065
in the package containing the printed material. "Direct mail" does 96066
not include multiple items of printed material delivered to a 96067
single address. 96068

(AAA) "Computer" means an electronic device that accepts 96069
information in digital or similar form and manipulates it for a 96070
result based on a sequence of instructions. 96071

(BBB) "Computer software" means a set of coded instructions 96072
designed to cause a computer or automatic data processing 96073
equipment to perform a task. 96074

(CCC) "Delivered electronically" means delivery of computer 96075
software from the seller to the purchaser by means other than 96076
tangible storage media. 96077

(DDD) "Prewritten computer software" means computer software, 96078
including prewritten upgrades, that is not designed and developed 96079
by the author or other creator to the specifications of a specific 96080

purchaser. The combining of two or more prewritten computer 96081
software programs or prewritten portions thereof does not cause 96082
the combination to be other than prewritten computer software. 96083
"Prewritten computer software" includes software designed and 96084
developed by the author or other creator to the specifications of 96085
a specific purchaser when it is sold to a person other than the 96086
purchaser. If a person modifies or enhances computer software of 96087
which the person is not the author or creator, the person shall be 96088
deemed to be the author or creator only of such person's 96089
modifications or enhancements. Prewritten computer software or a 96090
prewritten portion thereof that is modified or enhanced to any 96091
degree, where such modification or enhancement is designed and 96092
developed to the specifications of a specific purchaser, remains 96093
prewritten computer software; provided, however, that where there 96094
is a reasonable, separately stated charge or an invoice or other 96095
statement of the price given to the purchaser for the modification 96096
or enhancement, the modification or enhancement shall not 96097
constitute prewritten computer software. 96098

(EEE)(1) "Food" means substances, whether in liquid, 96099
concentrated, solid, frozen, dried, or dehydrated form, that are 96100
sold for ingestion or chewing by humans and are consumed for their 96101
taste or nutritional value. "Food" does not include alcoholic 96102
beverages, dietary supplements, soft drinks, or tobacco. 96103

(2) As used in division (EEE)(1) of this section: 96104

(a) "Alcoholic beverages" means beverages that are suitable 96105
for human consumption and contain one-half of one per cent or more 96106
of alcohol by volume. 96107

(b) "Dietary supplements" means any product, other than 96108
tobacco, that is intended to supplement the diet and that is 96109
intended for ingestion in tablet, capsule, powder, softgel, 96110
gelcap, or liquid form, or, if not intended for ingestion in such 96111
a form, is not represented as conventional food for use as a sole 96112

item of a meal or of the diet; that is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label, as required by 21 C.F.R. 101.36; and that contains one or more of the following dietary ingredients:

(i) A vitamin;

(ii) A mineral;

(iii) An herb or other botanical;

(iv) An amino acid;

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

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

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

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

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

(GGG) "Prescription" means an order, formula, or recipe

issued in any form of oral, written, electronic, or other means of 96143
transmission by a duly licensed practitioner authorized by the 96144
laws of this state to issue a prescription. 96145

(HHH) "Durable medical equipment" means equipment, including 96146
repair and replacement parts for such equipment, that can 96147
withstand repeated use, is primarily and customarily used to serve 96148
a medical purpose, generally is not useful to a person in the 96149
absence of illness or injury, and is not worn in or on the body. 96150
"Durable medical equipment" does not include mobility enhancing 96151
equipment. 96152

(III) "Mobility enhancing equipment" means equipment, 96153
including repair and replacement parts for such equipment, that is 96154
primarily and customarily used to provide or increase the ability 96155
to move from one place to another and is appropriate for use 96156
either in a home or a motor vehicle, that is not generally used by 96157
persons with normal mobility, and that does not include any motor 96158
vehicle or equipment on a motor vehicle normally provided by a 96159
motor vehicle manufacturer. "Mobility enhancing equipment" does 96160
not include durable medical equipment. 96161

(JJJ) "Prosthetic device" means a replacement, corrective, or 96162
supportive device, including repair and replacement parts for the 96163
device, worn on or in the human body to artificially replace a 96164
missing portion of the body, prevent or correct physical deformity 96165
or malfunction, or support a weak or deformed portion of the body. 96166
As used in this division, "prosthetic device" does not include 96167
corrective eyeglasses, contact lenses, or dental prosthesis. 96168

(KKK)(1) "Fractional aircraft ownership program" means a 96169
program in which persons within an affiliated group sell and 96170
manage fractional ownership program aircraft, provided that at 96171
least one hundred airworthy aircraft are operated in the program 96172
and the program meets all of the following criteria: 96173

(a) Management services are provided by at least one program manager within an affiliated group on behalf of the fractional owners.	96174 96175 96176
(b) Each program aircraft is owned or possessed by at least one fractional owner.	96177 96178
(c) Each fractional owner owns or possesses at least a one-sixteenth interest in at least one fixed-wing program aircraft.	96179 96180 96181
(d) A dry-lease aircraft interchange arrangement is in effect among all of the fractional owners.	96182 96183
(e) Multi-year program agreements are in effect regarding the fractional ownership, management services, and dry-lease aircraft interchange arrangement aspects of the program.	96184 96185 96186
(2) As used in division (KKK)(1) of this section:	96187
(a) "Affiliated group" has the same meaning as in division (B)(3)(e) of this section.	96188 96189
(b) "Fractional owner" means a person that owns or possesses at least a one-sixteenth interest in a program aircraft and has entered into the agreements described in division (KKK)(1)(e) of this section.	96190 96191 96192 96193
(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (KKK)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program.	96194 96195 96196 96197 96198 96199 96200
(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under	96201 96202 96203

division (KKK)(1)(e) of this section, and offered by the program 96204
manager to the fractional owners, including, at a minimum, the 96205
establishment and implementation of safety guidelines; the 96206
coordination of the scheduling of the program aircraft and crews; 96207
program aircraft maintenance; program aircraft insurance; crew 96208
training for crews employed, furnished, or contracted by the 96209
program manager or the fractional owner; the satisfaction of 96210
record-keeping requirements; and the development and use of an 96211
operations manual and a maintenance manual for the fractional 96212
aircraft ownership program. 96213

(e) "Program manager" means the person that offers management 96214
services to fractional owners pursuant to a management services 96215
agreement under division (KKK)(1)(e) of this section. 96216

(LLL) "Electronic publishing" means providing access to one 96217
or more of the following primarily for business customers, 96218
including the federal government or a state government or a 96219
political subdivision thereof, to conduct research: news; 96220
business, financial, legal, consumer, or credit materials; 96221
editorials, columns, reader commentary, or features; photos or 96222
images; archival or research material; legal notices, identity 96223
verification, or public records; scientific, educational, 96224
instructional, technical, professional, trade, or other literary 96225
materials; or other similar information which has been gathered 96226
and made available by the provider to the consumer in an 96227
electronic format. Providing electronic publishing includes the 96228
functions necessary for the acquisition, formatting, editing, 96229
storage, and dissemination of data or information that is the 96230
subject of a sale. 96231

(MMM) "Medicaid health insuring corporation" means a health 96232
insuring corporation that holds a certificate of authority under 96233
Chapter 1751. of the Revised Code and is under contract with the 96234
department of job and family services pursuant to section 5111.17 96235

of the Revised Code.	96236
(NNN) "Managed care premium" means any premium, capitation, or other payment a medicaid health insuring corporation receives for providing or arranging for the provision of health care services to its members or enrollees residing in this state.	96237 96238 96239 96240
(OOO) "Captive deer" means deer and other cervidae that have been legally acquired, or their offspring, that are privately owned for agricultural or farming purposes.	96241 96242 96243
(PPP) "Gift card" means a document, card, certificate, or other record, whether tangible or intangible, that may be redeemed by a consumer for a dollar value when making a purchase of tangible personal property or services.	96244 96245 96246 96247
(QQQ) "Specified digital product" means an electronically transferred digital audiovisual work, digital audio work, or digital book.	96248 96249 96250
As used in division (QQQ) of this section:	96251
(1) "Digital audiovisual work" means a series of related images that, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.	96252 96253 96254
(2) "Digital audio work" means a work that results from the fixation of a series of musical, spoken, or other sounds, including digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication.	96255 96256 96257 96258 96259
(3) "Digital book" means a work that is generally recognized in the ordinary and usual sense as a book.	96260 96261
(4) "Electronically transferred" means obtained by the purchaser by means other than tangible storage media.	96262 96263
<u>(RRR) "Territory of the tourism development district" means all of the area included within the territorial boundaries of a</u>	96264 96265

tourism development district. 96266

(SSS) "Tourism development district" means a district 96267
designated by a municipal corporation or township under section 96268
5739.50 of the Revised Code. 96269

(TTT) "Hotel intermediary service" means acting as a person, 96270
other than a hotel, that brokers, coordinates, or otherwise 96271
arranges for the purchase, sale, use, or possession of lodging at 96272
hotels to or by transient guests. 96273

Sec. 5739.02. For the purpose of providing revenue with which 96274
to meet the needs of the state, for the use of the general revenue 96275
fund of the state, for the purpose of securing a thorough and 96276
efficient system of common schools throughout the state, for the 96277
purpose of affording revenues, in addition to those from general 96278
property taxes, permitted under constitutional limitations, and 96279
from other sources, for the support of local governmental 96280
functions, and for the purpose of reimbursing the state for the 96281
expense of administering this chapter, an excise tax is hereby 96282
levied on each retail sale made in this state. 96283

(A)(1) The tax shall be collected as provided in section 96284
5739.025 of the Revised Code. The rate of the tax shall be five 96285
and three-fourths per cent. The tax applies and is collectible 96286
when the sale is made, regardless of the time when the price is 96287
paid or delivered. 96288

(2) In the case of the lease or rental, with a fixed term of 96289
more than thirty days or an indefinite term with a minimum period 96290
of more than thirty days, of any motor vehicles designed by the 96291
manufacturer to carry a load of not more than one ton, watercraft, 96292
outboard motor, or aircraft, or of any tangible personal property, 96293
other than motor vehicles designed by the manufacturer to carry a 96294
load of more than one ton, to be used by the lessee or renter 96295
primarily for business purposes, the tax shall be collected by the 96296

vendor at the time the lease or rental is consummated and shall be 96297
calculated by the vendor on the basis of the total amount to be 96298
paid by the lessee or renter under the lease agreement. If the 96299
total amount of the consideration for the lease or rental includes 96300
amounts that are not calculated at the time the lease or rental is 96301
executed, the tax shall be calculated and collected by the vendor 96302
at the time such amounts are billed to the lessee or renter. In 96303
the case of an open-end lease or rental, the tax shall be 96304
calculated by the vendor on the basis of the total amount to be 96305
paid during the initial fixed term of the lease or rental, and for 96306
each subsequent renewal period as it comes due. As used in this 96307
division, "motor vehicle" has the same meaning as in section 96308
4501.01 of the Revised Code, and "watercraft" includes an outdrive 96309
unit attached to the watercraft. 96310

A lease with a renewal clause and a termination penalty or 96311
similar provision that applies if the renewal clause is not 96312
exercised is presumed to be a sham transaction. In such a case, 96313
the tax shall be calculated and paid on the basis of the entire 96314
length of the lease period, including any renewal periods, until 96315
the termination penalty or similar provision no longer applies. 96316
The taxpayer shall bear the burden, by a preponderance of the 96317
evidence, that the transaction or series of transactions is not a 96318
sham transaction. 96319

(3) Except as provided in division (A)(2) of this section, in 96320
the case of a sale, the price of which consists in whole or in 96321
part of the lease or rental of tangible personal property, the tax 96322
shall be measured by the installments of that lease or rental. 96323

(4) In the case of a sale of a physical fitness facility 96324
service or recreation and sports club service, the price of which 96325
consists in whole or in part of a membership for the receipt of 96326
the benefit of the service, the tax applicable to the sale shall 96327
be measured by the installments thereof. 96328

(B) The tax does not apply to the following:	96329
(1) Sales to the state or any of its political subdivisions, or to any other state or its political subdivisions if the laws of that state exempt from taxation sales made to this state and its political subdivisions;	96330 96331 96332 96333
(2) Sales of food for human consumption off the premises where sold;	96334 96335
(3) Sales of food sold to students only in a cafeteria, dormitory, fraternity, or sorority maintained in a private, public, or parochial school, college, or university;	96336 96337 96338
(4) Sales of newspapers and sales or transfers of magazines distributed as controlled circulation publications;	96339 96340
(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer records the meals as part compensation for services performed or work done;	96341 96342 96343 96344
(6) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under division (A) of section 5735.14 of the Revised Code; and the tax commissioner may deduct the amount of tax levied by this section applicable to the price of motor fuel when granting a refund of motor fuel tax pursuant to division (A) of section 5735.14 of the Revised Code and shall cause the amount deducted to be paid into the general revenue fund of this state;	96345 96346 96347 96348 96349 96350 96351 96352 96353 96354
(7) Sales of natural gas by a natural gas company, of water by a water-works company, or of steam by a heating company, if in each case the thing sold is delivered to consumers through pipes or conduits, and all sales of communications services by a telegraph company, all terms as defined in section 5727.01 of the	96355 96356 96357 96358 96359

Revised Code, and sales of electricity delivered through wires; 96360

(8) Casual sales by a person, or auctioneer employed directly 96361
by the person to conduct such sales, except as to such sales of 96362
motor vehicles, watercraft or outboard motors required to be 96363
titled under section 1548.06 of the Revised Code, watercraft 96364
documented with the United States coast guard, snowmobiles, and 96365
all-purpose vehicles as defined in section 4519.01 of the Revised 96366
Code; 96367

(9)(a) Sales of services or tangible personal property, other 96368
than motor vehicles, mobile homes, and manufactured homes, by 96369
churches, organizations exempt from taxation under section 96370
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 96371
organizations operated exclusively for charitable purposes as 96372
defined in division (B)(12) of this section, provided that the 96373
number of days on which such tangible personal property or 96374
services, other than items never subject to the tax, are sold does 96375
not exceed six in any calendar year, except as otherwise provided 96376
in division (B)(9)(b) of this section. If the number of days on 96377
which such sales are made exceeds six in any calendar year, the 96378
church or organization shall be considered to be engaged in 96379
business and all subsequent sales by it shall be subject to the 96380
tax. In counting the number of days, all sales by groups within a 96381
church or within an organization shall be considered to be sales 96382
of that church or organization. 96383

(b) The limitation on the number of days on which tax-exempt 96384
sales may be made by a church or organization under division 96385
(B)(9)(a) of this section does not apply to sales made by student 96386
clubs and other groups of students of a primary or secondary 96387
school, or a parent-teacher association, booster group, or similar 96388
organization that raises money to support or fund curricular or 96389
extracurricular activities of a primary or secondary school. 96390

(c) Divisions (B)(9)(a) and (b) of this section do not apply 96391

to sales by a noncommercial educational radio or television 96392
broadcasting station. 96393

(10) Sales not within the taxing power of this state under 96394
the Constitution or laws of the United States or the Constitution 96395
of this state; 96396

(11) Except for transactions that are sales under division 96397
(B)(3)(r) of section 5739.01 of the Revised Code, the 96398
transportation of persons or property, unless the transportation 96399
is by a private investigation and security service; 96400

(12) Sales of tangible personal property or services to 96401
churches, to organizations exempt from taxation under section 96402
501(c)(3) of the Internal Revenue Code of 1986, and to any other 96403
nonprofit organizations operated exclusively for charitable 96404
purposes in this state, no part of the net income of which inures 96405
to the benefit of any private shareholder or individual, and no 96406
substantial part of the activities of which consists of carrying 96407
on propaganda or otherwise attempting to influence legislation; 96408
sales to offices administering one or more homes for the aged or 96409
one or more hospital facilities exempt under section 140.08 of the 96410
Revised Code; and sales to organizations described in division (D) 96411
of section 5709.12 of the Revised Code. 96412

"Charitable purposes" means the relief of poverty; the 96413
improvement of health through the alleviation of illness, disease, 96414
or injury; the operation of an organization exclusively for the 96415
provision of professional, laundry, printing, and purchasing 96416
services to hospitals or charitable institutions; the operation of 96417
a home for the aged, as defined in section 5701.13 of the Revised 96418
Code; the operation of a radio or television broadcasting station 96419
that is licensed by the federal communications commission as a 96420
noncommercial educational radio or television station; the 96421
operation of a nonprofit animal adoption service or a county 96422
humane society; the promotion of education by an institution of 96423

learning that maintains a faculty of qualified instructors, 96424
teaches regular continuous courses of study, and confers a 96425
recognized diploma upon completion of a specific curriculum; the 96426
operation of a parent-teacher association, booster group, or 96427
similar organization primarily engaged in the promotion and 96428
support of the curricular or extracurricular activities of a 96429
primary or secondary school; the operation of a community or area 96430
center in which presentations in music, dramatics, the arts, and 96431
related fields are made in order to foster public interest and 96432
education therein; the production of performances in music, 96433
dramatics, and the arts; or the promotion of education by an 96434
organization engaged in carrying on research in, or the 96435
dissemination of, scientific and technological knowledge and 96436
information primarily for the public. 96437

Nothing in this division shall be deemed to exempt sales to 96438
any organization for use in the operation or carrying on of a 96439
trade or business, or sales to a home for the aged for use in the 96440
operation of independent living facilities as defined in division 96441
(A) of section 5709.12 of the Revised Code. 96442

(13) Building and construction materials and services sold to 96443
construction contractors for incorporation into a structure or 96444
improvement to real property under a construction contract with 96445
this state or a political subdivision of this state, or with the 96446
United States government or any of its agencies; building and 96447
construction materials and services sold to construction 96448
contractors for incorporation into a structure or improvement to 96449
real property that are accepted for ownership by this state or any 96450
of its political subdivisions, or by the United States government 96451
or any of its agencies at the time of completion of the structures 96452
or improvements; building and construction materials sold to 96453
construction contractors for incorporation into a horticulture 96454
structure or livestock structure for a person engaged in the 96455

business of horticulture or producing livestock; building 96456
materials and services sold to a construction contractor for 96457
incorporation into a house of public worship or religious 96458
education, or a building used exclusively for charitable purposes 96459
under a construction contract with an organization whose purpose 96460
is as described in division (B)(12) of this section; building 96461
materials and services sold to a construction contractor for 96462
incorporation into a building under a construction contract with 96463
an organization exempt from taxation under section 501(c)(3) of 96464
the Internal Revenue Code of 1986 when the building is to be used 96465
exclusively for the organization's exempt purposes; building and 96466
construction materials sold for incorporation into the original 96467
construction of a sports facility under section 307.696 of the 96468
Revised Code; building and construction materials and services 96469
sold to a construction contractor for incorporation into real 96470
property outside this state if such materials and services, when 96471
sold to a construction contractor in the state in which the real 96472
property is located for incorporation into real property in that 96473
state, would be exempt from a tax on sales levied by that state; 96474
building and construction materials for incorporation into a 96475
transportation facility pursuant to a public-private agreement 96476
entered into under sections 5501.70 to 5501.83 of the Revised 96477
Code; and, until one calendar year after the construction of a 96478
convention center that qualifies for property tax exemption under 96479
section 5709.084 of the Revised Code is completed, building and 96480
construction materials and services sold to a construction 96481
contractor for incorporation into the real property comprising 96482
that convention center; 96483

(14) Sales of ships or vessels or rail rolling stock used or 96484
to be used principally in interstate or foreign commerce, and 96485
repairs, alterations, fuel, and lubricants for such ships or 96486
vessels or rail rolling stock; 96487

(15) Sales to persons primarily engaged in any of the 96488
activities mentioned in division (B)(42)(a), (g), or (h) of this 96489
section, to persons engaged in making retail sales, or to persons 96490
who purchase for sale from a manufacturer tangible personal 96491
property that was produced by the manufacturer in accordance with 96492
specific designs provided by the purchaser, of packages, including 96493
material, labels, and parts for packages, and of machinery, 96494
equipment, and material for use primarily in packaging tangible 96495
personal property produced for sale, including any machinery, 96496
equipment, and supplies used to make labels or packages, to 96497
prepare packages or products for labeling, or to label packages or 96498
products, by or on the order of the person doing the packaging, or 96499
sold at retail. "Packages" includes bags, baskets, cartons, 96500
crates, boxes, cans, bottles, bindings, wrappings, and other 96501
similar devices and containers, but does not include motor 96502
vehicles or bulk tanks, trailers, or similar devices attached to 96503
motor vehicles. "Packaging" means placing in a package. Division 96504
(B)(15) of this section does not apply to persons engaged in 96505
highway transportation for hire. 96506

(16) Sales of food to persons using supplemental nutrition 96507
assistance program benefits to purchase the food. As used in this 96508
division, "food" has the same meaning as in 7 U.S.C. 2012 and 96509
federal regulations adopted pursuant to the Food and Nutrition Act 96510
of 2008. 96511

(17) Sales to persons engaged in farming, agriculture, 96512
horticulture, or floriculture, of tangible personal property for 96513
use or consumption primarily in the production by farming, 96514
agriculture, horticulture, or floriculture of other tangible 96515
personal property for use or consumption primarily in the 96516
production of tangible personal property for sale by farming, 96517
agriculture, horticulture, or floriculture; or material and parts 96518
for incorporation into any such tangible personal property for use 96519

or consumption in production; and of tangible personal property 96520
for such use or consumption in the conditioning or holding of 96521
products produced by and for such use, consumption, or sale by 96522
persons engaged in farming, agriculture, horticulture, or 96523
floriculture, except where such property is incorporated into real 96524
property; 96525

(18) Sales of drugs for a human being that may be dispensed 96526
only pursuant to a prescription; insulin as recognized in the 96527
official United States pharmacopoeia; urine and blood testing 96528
materials when used by diabetics or persons with hypoglycemia to 96529
test for glucose or acetone; hypodermic syringes and needles when 96530
used by diabetics for insulin injections; epoetin alfa when 96531
purchased for use in the treatment of persons with medical 96532
disease; hospital beds when purchased by hospitals, nursing homes, 96533
or other medical facilities; and medical oxygen and medical 96534
oxygen-dispensing equipment when purchased by hospitals, nursing 96535
homes, or other medical facilities; 96536

(19) Sales of prosthetic devices, durable medical equipment 96537
for home use, or mobility enhancing equipment, when made pursuant 96538
to a prescription and when such devices or equipment are for use 96539
by a human being. 96540

(20) Sales of emergency and fire protection vehicles and 96541
equipment to nonprofit organizations for use solely in providing 96542
fire protection and emergency services, including trauma care and 96543
emergency medical services, for political subdivisions of the 96544
state; 96545

(21) Sales of tangible personal property manufactured in this 96546
state, if sold by the manufacturer in this state to a retailer for 96547
use in the retail business of the retailer outside of this state 96548
and if possession is taken from the manufacturer by the purchaser 96549
within this state for the sole purpose of immediately removing the 96550
same from this state in a vehicle owned by the purchaser; 96551

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

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

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

(25)(a) Sales of water to a consumer for residential use;

(b) Sales of water by a nonprofit corporation engaged exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes or tubing.

(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;

(27) Sales to persons licensed to conduct a food service

operation pursuant to section 3717.43 of the Revised Code, of 96583
tangible personal property primarily used directly for the 96584
following: 96585

(a) To prepare food for human consumption for sale; 96586

(b) To preserve food that has been or will be prepared for 96587
human consumption for sale by the food service operator, not 96588
including tangible personal property used to display food for 96589
selection by the consumer; 96590

(c) To clean tangible personal property used to prepare or 96591
serve food for human consumption for sale. 96592

(28) Sales of animals by nonprofit animal adoption services 96593
or county humane societies; 96594

(29) Sales of services to a corporation described in division 96595
(A) of section 5709.72 of the Revised Code, and sales of tangible 96596
personal property that qualifies for exemption from taxation under 96597
section 5709.72 of the Revised Code; 96598

(30) Sales and installation of agricultural land tile, as 96599
defined in division (B)(5)(a) of section 5739.01 of the Revised 96600
Code; 96601

(31) Sales and erection or installation of portable grain 96602
bins, as defined in division (B)(5)(b) of section 5739.01 of the 96603
Revised Code; 96604

(32) The sale, lease, repair, and maintenance of, parts for, 96605
or items attached to or incorporated in, motor vehicles that are 96606
primarily used for transporting tangible personal property 96607
belonging to others by a person engaged in highway transportation 96608
for hire, except for packages and packaging used for the 96609
transportation of tangible personal property; 96610

(33) Sales to the state headquarters of any veterans' 96611
organization in this state that is either incorporated and issued 96612

a charter by the congress of the United States or is recognized by 96613
the United States veterans administration, for use by the 96614
headquarters; 96615

(34) Sales to a telecommunications service vendor, mobile 96616
telecommunications service vendor, or satellite broadcasting 96617
service vendor of tangible personal property and services used 96618
directly and primarily in transmitting, receiving, switching, or 96619
recording any interactive, one- or two-way electromagnetic 96620
communications, including voice, image, data, and information, 96621
through the use of any medium, including, but not limited to, 96622
poles, wires, cables, switching equipment, computers, and record 96623
storage devices and media, and component parts for the tangible 96624
personal property. The exemption provided in this division shall 96625
be in lieu of all other exemptions under division (B)(42)(a) or 96626
(n) of this section to which the vendor may otherwise be entitled, 96627
based upon the use of the thing purchased in providing the 96628
telecommunications, mobile telecommunications, or satellite 96629
broadcasting service. 96630

(35)(a) Sales where the purpose of the consumer is to use or 96631
consume the things transferred in making retail sales and 96632
consisting of newspaper inserts, catalogues, coupons, flyers, gift 96633
certificates, or other advertising material that prices and 96634
describes tangible personal property offered for retail sale. 96635

(b) Sales to direct marketing vendors of preliminary 96636
materials such as photographs, artwork, and typesetting that will 96637
be used in printing advertising material; and of printed matter 96638
that offers free merchandise or chances to win sweepstake prizes 96639
and that is mailed to potential customers with advertising 96640
material described in division (B)(35)(a) of this section; 96641

(c) Sales of equipment such as telephones, computers, 96642
facsimile machines, and similar tangible personal property 96643
primarily used to accept orders for direct marketing retail sales. 96644

(d) Sales of automatic food vending machines that preserve 96645
food with a shelf life of forty-five days or less by refrigeration 96646
and dispense it to the consumer. 96647

For purposes of division (B)(35) of this section, "direct 96648
marketing" means the method of selling where consumers order 96649
tangible personal property by United States mail, delivery 96650
service, or telecommunication and the vendor delivers or ships the 96651
tangible personal property sold to the consumer from a warehouse, 96652
catalogue distribution center, or similar fulfillment facility by 96653
means of the United States mail, delivery service, or common 96654
carrier. 96655

(36) Sales to a person engaged in the business of 96656
horticulture or producing livestock of materials to be 96657
incorporated into a horticulture structure or livestock structure; 96658

(37) Sales of personal computers, computer monitors, computer 96659
keyboards, modems, and other peripheral computer equipment to an 96660
individual who is licensed or certified to teach in an elementary 96661
or a secondary school in this state for use by that individual in 96662
preparation for teaching elementary or secondary school students; 96663

(38) Sales to a professional racing team of any of the 96664
following: 96665

(a) Motor racing vehicles; 96666

(b) Repair services for motor racing vehicles; 96667

(c) Items of property that are attached to or incorporated in 96668
motor racing vehicles, including engines, chassis, and all other 96669
components of the vehicles, and all spare, replacement, and 96670
rebuilt parts or components of the vehicles; except not including 96671
tires, consumable fluids, paint, and accessories consisting of 96672
instrumentation sensors and related items added to the vehicle to 96673
collect and transmit data by means of telemetry and other forms of 96674
communication. 96675

(39) Sales of used manufactured homes and used mobile homes, 96676
as defined in section 5739.0210 of the Revised Code, made on or 96677
after January 1, 2000; 96678

(40) Sales of tangible personal property and services to a 96679
provider of electricity used or consumed directly and primarily in 96680
generating, transmitting, or distributing electricity for use by 96681
others, including property that is or is to be incorporated into 96682
and will become a part of the consumer's production, transmission, 96683
or distribution system and that retains its classification as 96684
tangible personal property after incorporation; fuel or power used 96685
in the production, transmission, or distribution of electricity; 96686
energy conversion equipment as defined in section 5727.01 of the 96687
Revised Code; and tangible personal property and services used in 96688
the repair and maintenance of the production, transmission, or 96689
distribution system, including only those motor vehicles as are 96690
specially designed and equipped for such use. The exemption 96691
provided in this division shall be in lieu of all other exemptions 96692
in division (B)(42)(a) or (n) of this section to which a provider 96693
of electricity may otherwise be entitled based on the use of the 96694
tangible personal property or service purchased in generating, 96695
transmitting, or distributing electricity. 96696

(41) Sales to a person providing services under division 96697
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 96698
personal property and services used directly and primarily in 96699
providing taxable services under that section. 96700

(42) Sales where the purpose of the purchaser is to do any of 96701
the following: 96702

(a) To incorporate the thing transferred as a material or a 96703
part into tangible personal property to be produced for sale by 96704
manufacturing, assembling, processing, or refining; or to use or 96705
consume the thing transferred directly in producing tangible 96706
personal property for sale by mining, including, without 96707

limitation, the extraction from the earth of all substances that 96708
are classed geologically as minerals, production of crude oil and 96709
natural gas, or directly in the rendition of a public utility 96710
service, except that the sales tax levied by this section shall be 96711
collected upon all meals, drinks, and food for human consumption 96712
sold when transporting persons. Persons engaged in rendering 96713
services in the exploration for, and production of, crude oil and 96714
natural gas for others are deemed engaged directly in the 96715
exploration for, and production of, crude oil and natural gas. 96716
This paragraph does not exempt from "retail sale" or "sales at 96717
retail" the sale of tangible personal property that is to be 96718
incorporated into a structure or improvement to real property. 96719

(b) To hold the thing transferred as security for the 96720
performance of an obligation of the vendor; 96721

(c) To resell, hold, use, or consume the thing transferred as 96722
evidence of a contract of insurance; 96723

(d) To use or consume the thing directly in commercial 96724
fishing; 96725

(e) To incorporate the thing transferred as a material or a 96726
part into, or to use or consume the thing transferred directly in 96727
the production of, magazines distributed as controlled circulation 96728
publications; 96729

(f) To use or consume the thing transferred in the production 96730
and preparation in suitable condition for market and sale of 96731
printed, imprinted, overprinted, lithographic, multilithic, 96732
blueprinted, photostatic, or other productions or reproductions of 96733
written or graphic matter; 96734

(g) To use the thing transferred, as described in section 96735
5739.011 of the Revised Code, primarily in a manufacturing 96736
operation to produce tangible personal property for sale; 96737

(h) To use the benefit of a warranty, maintenance or service 96738

contract, or similar agreement, as described in division (B)(7) of 96739
section 5739.01 of the Revised Code, to repair or maintain 96740
tangible personal property, if all of the property that is the 96741
subject of the warranty, contract, or agreement would not be 96742
subject to the tax imposed by this section; 96743

(i) To use the thing transferred as qualified research and 96744
development equipment; 96745

(j) To use or consume the thing transferred primarily in 96746
storing, transporting, mailing, or otherwise handling purchased 96747
sales inventory in a warehouse, distribution center, or similar 96748
facility when the inventory is primarily distributed outside this 96749
state to retail stores of the person who owns or controls the 96750
warehouse, distribution center, or similar facility, to retail 96751
stores of an affiliated group of which that person is a member, or 96752
by means of direct marketing. This division does not apply to 96753
motor vehicles registered for operation on the public highways. As 96754
used in this division, "affiliated group" has the same meaning as 96755
in division (B)(3)(e) of section 5739.01 of the Revised Code and 96756
"direct marketing" has the same meaning as in division (B)(35) of 96757
this section. 96758

(k) To use or consume the thing transferred to fulfill a 96759
contractual obligation incurred by a warrantor pursuant to a 96760
warranty provided as a part of the price of the tangible personal 96761
property sold or by a vendor of a warranty, maintenance or service 96762
contract, or similar agreement the provision of which is defined 96763
as a sale under division (B)(7) of section 5739.01 of the Revised 96764
Code; 96765

(l) To use or consume the thing transferred in the production 96766
of a newspaper for distribution to the public; 96767

(m) To use tangible personal property to perform a service 96768
listed in division (B)(3) of section 5739.01 of the Revised Code, 96769

if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service;

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

(o) To use or consume the thing transferred in acquiring, formatting, editing, storing, and disseminating data or information by electronic publishing;

(p) To provide the thing transferred to the owner or lessee of a motor vehicle that is being repaired or serviced, if the thing transferred is a rented motor vehicle and the purchaser is reimbursed for the cost of the rented motor vehicle by a manufacturer, warrantor, or provider of a maintenance, service, or other similar contract or agreement with respect to the motor vehicle that is being repaired or serviced.

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

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

transaction. 96801

(44) Sales of replacement and modification parts for engines, 96802
airframes, instruments, and interiors in, and paint for, aircraft 96803
used primarily in a fractional aircraft ownership program, and 96804
sales of services for the repair, modification, and maintenance of 96805
such aircraft, and machinery, equipment, and supplies primarily 96806
used to provide those services. 96807

(45) Sales of telecommunications service that is used 96808
directly and primarily to perform the functions of a call center. 96809
As used in this division, "call center" means any physical 96810
location where telephone calls are placed or received in high 96811
volume for the purpose of making sales, marketing, customer 96812
service, technical support, or other specialized business 96813
activity, and that employs at least fifty individuals that engage 96814
in call center activities on a full-time basis, or sufficient 96815
individuals to fill fifty full-time equivalent positions. 96816

(46) Sales by a telecommunications service vendor of 900 96817
service to a subscriber. This division does not apply to 96818
information services, as defined in division (FF) of section 96819
5739.01 of the Revised Code. 96820

(47) Sales of value-added non-voice data service. This 96821
division does not apply to any similar service that is not 96822
otherwise a telecommunications service. 96823

(48)(a) Sales of machinery, equipment, and software to a 96824
qualified direct selling entity for use in a warehouse or 96825
distribution center primarily for storing, transporting, or 96826
otherwise handling inventory that is held for sale to independent 96827
salespersons who operate as direct sellers and that is held 96828
primarily for distribution outside this state; 96829

(b) As used in division (B)(48)(a) of this section: 96830

(i) "Direct seller" means a person selling consumer products 96831

to individuals for personal or household use and not from a fixed 96832
retail location, including selling such product at in-home product 96833
demonstrations, parties, and other one-on-one selling. 96834

(ii) "Qualified direct selling entity" means an entity 96835
selling to direct sellers at the time the entity enters into a tax 96836
credit agreement with the tax credit authority pursuant to section 96837
122.17 of the Revised Code, provided that the agreement was 96838
entered into on or after January 1, 2007. Neither contingencies 96839
relevant to the granting of, nor later developments with respect 96840
to, the tax credit shall impair the status of the qualified direct 96841
selling entity under division (B)(48) of this section after 96842
execution of the tax credit agreement by the tax credit authority. 96843

(c) Division (B)(48) of this section is limited to machinery, 96844
equipment, and software first stored, used, or consumed in this 96845
state within the period commencing June 24, 2008, and ending on 96846
the date that is five years after that date. 96847

(49) Sales of materials, parts, equipment, or engines used in 96848
the repair or maintenance of aircraft or avionics systems of such 96849
aircraft, and sales of repair, remodeling, replacement, or 96850
maintenance services in this state performed on aircraft or on an 96851
aircraft's avionics, engine, or component materials or parts. As 96852
used in division (B)(49) of this section, "aircraft" means 96853
aircraft of more than six thousand pounds maximum certified 96854
takeoff weight or used exclusively in general aviation. 96855

(50) Sales of full flight simulators that are used for pilot 96856
or flight-crew training, sales of repair or replacement parts or 96857
components, and sales of repair or maintenance services for such 96858
full flight simulators. "Full flight simulator" means a replica of 96859
a specific type, or make, model, and series of aircraft cockpit. 96860
It includes the assemblage of equipment and computer programs 96861
necessary to represent aircraft operations in ground and flight 96862
conditions, a visual system providing an out-of-the-cockpit view, 96863

and a system that provides cues at least equivalent to those of a 96864
three-degree-of-freedom motion system, and has the full range of 96865
capabilities of the systems installed in the device as described 96866
in appendices A and B of part 60 of chapter 1 of title 14 of the 96867
Code of Federal Regulations. 96868

(51) Any transfer or lease of tangible personal property 96869
between the state and JobsOhio in accordance with section 4313.02 96870
of the Revised Code. 96871

(52)(a) Sales to a qualifying corporation. 96872

(b) As used in division (B)(52) of this section: 96873

(i) "Qualifying corporation" means a nonprofit corporation 96874
organized in this state that leases from an eligible county land, 96875
buildings, structures, fixtures, and improvements to the land that 96876
are part of or used in a public recreational facility used by a 96877
major league professional athletic team or a class A to class AAA 96878
minor league affiliate of a major league professional athletic 96879
team for a significant portion of the team's home schedule, 96880
provided the following apply: 96881

(I) The facility is leased from the eligible county pursuant 96882
to a lease that requires substantially all of the revenue from the 96883
operation of the business or activity conducted by the nonprofit 96884
corporation at the facility in excess of operating costs, capital 96885
expenditures, and reserves to be paid to the eligible county at 96886
least once per calendar year. 96887

(II) Upon dissolution and liquidation of the nonprofit 96888
corporation, all of its net assets are distributable to the board 96889
of commissioners of the eligible county from which the corporation 96890
leases the facility. 96891

(ii) "Eligible county" has the same meaning as in section 96892
307.695 of the Revised Code. 96893

(53) Sales to or by a cable service provider, video service provider, or radio or television broadcast station regulated by the federal government of cable service or programming, video service or programming, audio service or programming, or electronically transferred digital audiovisual or audio work. As used in division (B)(53) of this section, "cable service" and "cable service provider" have the same meanings as in section 1332.01 of the Revised Code, and "video service," "video service provider," and "video programming" have the same meanings as in section 1332.21 of the Revised Code.

(54) Sales of forklifts to a qualifying business used primarily by that business for transporting completed manufactured products from the manufacturing facility in which those products were manufactured to a place from which those products will be transported from that facility. As used in division (B)(54) of this section:

(a) "Qualifying business" means a person that is classified as being in the transportation and warehousing sector by the North American industrial classification system and that is primarily engaged in the business of transporting tangible personal property in trucks owned and operated by the person to destinations outside this state.

(b) "Truck" has the same meaning as in section 4501.01 of the Revised Code.

(c) "Completed product" and "manufacturing facility" have the same meanings as in section 5739.011 of the Revised Code.

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

(D) The levy of this tax on retail sales of recreation and

sports club service shall not prevent a municipal corporation from 96925
levying any tax on recreation and sports club dues or on any 96926
income generated by recreation and sports club dues. 96927

(E) The tax collected by the vendor from the consumer under 96928
this chapter is not part of the price, but is a tax collection for 96929
the benefit of the state, and of counties levying an additional 96930
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 96931
Code ~~and~~, of transit authorities levying an additional sales tax 96932
pursuant to section 5739.023 of the Revised Code, and of municipal 96933
corporations and townships levying an additional sales tax 96934
pursuant to section 5739.024 of the Revised Code. Except for the 96935
discount authorized under section 5739.12 of the Revised Code and 96936
the effects of any rounding pursuant to section 5703.055 of the 96937
Revised Code, no person other than the state or such a county or 96938
transit authority shall derive any benefit from the collection or 96939
payment of the tax levied by this section or section 5739.021, 96940
5739.023, 5739.024, or 5739.026 of the Revised Code. 96941

Sec. 5739.021. (A) For the purpose of providing additional 96942
general revenues for the county or supporting criminal and 96943
administrative justice services in the county, or both, and to pay 96944
the expenses of administering such levy, any county may levy a tax 96945
at the rate of not more than one per cent at any multiple of 96946
one-fourth of one per cent upon every retail sale made in the 96947
county, except sales of watercraft and outboard motors required to 96948
be titled pursuant to Chapter 1548. of the Revised Code and sales 96949
of motor vehicles, and may increase the rate of an existing tax to 96950
not more than one per cent at any multiple of one-fourth of one 96951
per cent. 96952

The tax shall be levied and the rate increased pursuant to a 96953
resolution of the board of county commissioners. The resolution 96954
shall state the purpose for which the tax is to be levied and the 96955

number of years for which the tax is to be levied, or that it is 96956
for a continuing period of time. If the tax is to be levied for 96957
the purpose of providing additional general revenues and for the 96958
purpose of supporting criminal and administrative justice 96959
services, the resolution shall state the rate or amount of the tax 96960
to be apportioned to each such purpose. The rate or amount may be 96961
different for each year the tax is to be levied, but the rates or 96962
amounts actually apportioned each year shall not be different from 96963
that stated in the resolution for that year. If the resolution is 96964
adopted as an emergency measure necessary for the immediate 96965
preservation of the public peace, health, or safety, it must 96966
receive an affirmative vote of all of the members of the board of 96967
county commissioners and shall state the reasons for such 96968
necessity. The board shall deliver a certified copy of the 96969
resolution to the tax commissioner, not later than the sixty-fifth 96970
day prior to the date on which the tax is to become effective, 96971
which shall be the first day of the calendar quarter. 96972

Prior to the adoption of any resolution under this section, 96973
the board of county commissioners shall conduct two public 96974
hearings on the resolution, the second hearing to be not less than 96975
three nor more than ten days after the first. Notice of the date, 96976
time, and place of the hearings shall be given by publication in a 96977
newspaper of general circulation in the county, or as provided in 96978
section 7.16 of the Revised Code, once a week on the same day of 96979
the week for two consecutive weeks, the second publication being 96980
not less than ten nor more than thirty days prior to the first 96981
hearing. 96982

Except as provided in division (B)(3) of this section, the 96983
resolution shall be subject to a referendum as provided in 96984
sections 305.31 to 305.41 of the Revised Code. 96985

If a petition for a referendum is filed, the county auditor 96986
with whom the petition was filed shall, within five days, notify 96987

the board of county commissioners and the tax commissioner of the 96988
filing of the petition by certified mail. If the board of 96989
elections with which the petition was filed declares the petition 96990
invalid, the board of elections, within five days, shall notify 96991
the board of county commissioners and the tax commissioner of that 96992
declaration by certified mail. If the petition is declared to be 96993
invalid, the effective date of the tax or increased rate of tax 96994
levied by this section shall be the first day of a calendar 96995
quarter following the expiration of sixty-five days from the date 96996
the commissioner receives notice from the board of elections that 96997
the petition is invalid. 96998

(B)(1) A resolution that is not adopted as an emergency 96999
measure may direct the board of elections to submit the question 97000
of levying the tax or increasing the rate of tax to the electors 97001
of the county at a special election held on the date specified by 97002
the board of county commissioners in the resolution, provided that 97003
the election occurs not less than ninety days after a certified 97004
copy of such resolution is transmitted to the board of elections 97005
and the election is not held in February or August of any year. 97006
Upon transmission of the resolution to the board of elections, the 97007
board of county commissioners shall notify the tax commissioner in 97008
writing of the levy question to be submitted to the electors. No 97009
resolution adopted under this division shall go into effect unless 97010
approved by a majority of those voting upon it, and, except as 97011
provided in division (B)(3) of this section, shall become 97012
effective on the first day of a calendar quarter following the 97013
expiration of sixty-five days from the date the tax commissioner 97014
receives notice from the board of elections of the affirmative 97015
vote. 97016

(2) A resolution that is adopted as an emergency measure 97017
shall go into effect as provided in division (A) of this section, 97018
but may direct the board of elections to submit the question of 97019

repealing the tax or increase in the rate of the tax to the 97020
electors of the county at the next general election in the county 97021
occurring not less than ninety days after a certified copy of the 97022
resolution is transmitted to the board of elections. Upon 97023
transmission of the resolution to the board of elections, the 97024
board of county commissioners shall notify the tax commissioner in 97025
writing of the levy question to be submitted to the electors. The 97026
ballot question shall be the same as that prescribed in section 97027
5739.022 of the Revised Code. The board of elections shall notify 97028
the board of county commissioners and the tax commissioner of the 97029
result of the election immediately after the result has been 97030
declared. If a majority of the qualified electors voting on the 97031
question of repealing the tax or increase in the rate of the tax 97032
vote for repeal of the tax or repeal of the increase, the board of 97033
county commissioners, on the first day of a calendar quarter 97034
following the expiration of sixty-five days after the date the 97035
board and tax commissioner receive notice of the result of the 97036
election, shall, in the case of a repeal of the tax, cease to levy 97037
the tax, or, in the case of a repeal of an increase in the rate of 97038
the tax, cease to levy the increased rate and levy the tax at the 97039
rate at which it was imposed immediately prior to the increase in 97040
rate. 97041

(3) If a vendor makes a sale in this state by printed catalog 97042
and the consumer computed the tax on the sale based on local rates 97043
published in the catalog, any tax levied or repealed or rate 97044
changed under this section shall not apply to such a sale until 97045
the first day of a calendar quarter following the expiration of 97046
one hundred twenty days from the date of notice by the tax 97047
commissioner pursuant to division (H) of this section. 97048

(C) If a resolution is rejected at a referendum or if a 97049
resolution adopted after January 1, 1982, as an emergency measure 97050
is repealed by the electors pursuant to division (B)(2) of this 97051

section or section 5739.022 of the Revised Code, then for one year 97052
after the date of the election at which the resolution was 97053
rejected or repealed the board of county commissioners may not 97054
adopt any resolution authorized by this section as an emergency 97055
measure. 97056

(D) The board of county commissioners, at any time while a 97057
tax levied under this section is in effect, may by resolution 97058
reduce the rate at which the tax is levied to a lower rate 97059
authorized by this section. Any reduction in the rate at which the 97060
tax is levied shall be made effective on the first day of a 97061
calendar quarter next following the sixty-fifth day after a 97062
certified copy of the resolution is delivered to the tax 97063
commissioner. 97064

(E) The tax on every retail sale subject to a tax levied 97065
pursuant to this section shall be in addition to the tax levied by 97066
section 5739.02 of the Revised Code and any tax levied pursuant to 97067
section 5739.023, 5739.024, or 5739.026 of the Revised Code. 97068

A county that levies a tax pursuant to this section shall 97069
levy a tax at the same rate pursuant to section 5741.021 of the 97070
Revised Code. 97071

The additional tax levied by the county shall be collected 97072
pursuant to section 5739.025 of the Revised Code. If the 97073
additional tax or some portion thereof is levied for the purpose 97074
of criminal and administrative justice services, the revenue from 97075
the tax, or the amount or rate apportioned to that purpose, shall 97076
be credited to a special fund created in the county treasury for 97077
receipt of that revenue. 97078

Any tax levied pursuant to this section is subject to the 97079
exemptions provided in section 5739.02 of the Revised Code and in 97080
addition shall not be applicable to sales not within the taxing 97081
power of a county under the Constitution of the United States or 97082

the Ohio Constitution. 97083

(F) For purposes of this section, a copy of a resolution is 97084
"certified" when it contains a written statement attesting that 97085
the copy is a true and exact reproduction of the original 97086
resolution. 97087

(G) If a board of commissioners intends to adopt a resolution 97088
to levy a tax in whole or in part for the purpose of criminal and 97089
administrative justice services, the board shall prepare and make 97090
available at the first public hearing at which the resolution is 97091
considered a statement containing the following information: 97092

(1) For each of the two preceding fiscal years, the amount of 97093
expenditures made by the county from the county general fund for 97094
the purpose of criminal and administrative justice services; 97095

(2) For the fiscal year in which the resolution is adopted, 97096
the board's estimate of the amount of expenditures to be made by 97097
the county from the county general fund for the purpose of 97098
criminal and administrative justice services; 97099

(3) For each of the two fiscal years after the fiscal year in 97100
which the resolution is adopted, the board's preliminary plan for 97101
expenditures to be made from the county general fund for the 97102
purpose of criminal and administrative justice services, both 97103
under the assumption that the tax will be imposed for that purpose 97104
and under the assumption that the tax would not be imposed for 97105
that purpose, and for expenditures to be made from the special 97106
fund created under division (E) of this section under the 97107
assumption that the tax will be imposed for that purpose. 97108

The board shall prepare the statement and the preliminary 97109
plan using the best information available to the board at the time 97110
the statement is prepared. Neither the statement nor the 97111
preliminary plan shall be used as a basis to challenge the 97112
validity of the tax in any court of competent jurisdiction, nor 97113

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

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

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

the construction, acquisition, equipping, or repair of such a 97146
detention facility, including the payment of any debt charges 97147
incurred in the issuance of securities pursuant to Chapter 133. of 97148
the Revised Code for the purpose of constructing, acquiring, 97149
equipping, or repairing such a facility. 97150

Sec. 5739.023. (A)(1) For the purpose of providing additional 97151
general revenues for a transit authority and paying the expenses 97152
of administering such levy, any transit authority as defined in 97153
division (U) of section 5739.01 of the Revised Code may levy a tax 97154
upon every retail sale made in the territory of the transit 97155
authority, except sales of watercraft and outboard motors required 97156
to be titled pursuant to Chapter 1548. of the Revised Code and 97157
sales of motor vehicles, at a rate of not more than one and 97158
one-half per cent at any multiple of one-fourth of one per cent 97159
and may increase the existing rate of tax to not more than one and 97160
one-half per cent at any multiple of one-fourth of one per cent. 97161
The tax shall be levied and the rate increased pursuant to a 97162
resolution of the legislative authority of the transit authority 97163
and a certified copy of the resolution shall be delivered by the 97164
fiscal officer to the board of elections as provided in section 97165
3505.071 of the Revised Code and to the tax commissioner. The 97166
resolution shall specify the number of years for which the tax is 97167
to be in effect or that the tax is for a continuing period of 97168
time, and the date of the election on the question of the tax 97169
pursuant to section 306.70 of the Revised Code. The board of 97170
elections shall certify the results of the election to the transit 97171
authority and tax commissioner. 97172

(2) Except as provided in division (C) of this section, the 97173
tax levied by the resolution shall become effective on the first 97174
day of a calendar quarter next following the sixty-fifth day 97175
following the date the tax commissioner receives from the board of 97176
elections the certification of the results of the election on the 97177

question of the tax. 97178

(B) The legislative authority may, at any time while the tax 97179
is in effect, by resolution fix the rate of the tax at any rate 97180
authorized by this section and not in excess of that approved by 97181
the voters pursuant to section 306.70 of the Revised Code. Except 97182
as provided in division (C) of this section, any change in the 97183
rate of the tax shall be made effective on the first day of a 97184
calendar quarter next following the sixty-fifth day following the 97185
date the tax commissioner receives the certification of the 97186
resolution; provided, that in any case where bonds, or notes in 97187
anticipation of bonds, of a regional transit authority have been 97188
issued under section 306.40 of the Revised Code without a vote of 97189
the electors while the tax proposed to be reduced was in effect, 97190
the board of trustees of the regional transit authority shall 97191
continue to levy and collect under authority of the original 97192
election authorizing the tax a rate of tax that the board of 97193
trustees reasonably estimates will produce an amount in that year 97194
equal to the amount of principal of and interest on those bonds as 97195
is payable in that year. 97196

(C) Upon receipt from the board of elections of the 97197
certification of the results of the election required by division 97198
(A) of this section, or from the legislative authority of the 97199
certification of a resolution under division (B) of this section, 97200
the tax commissioner shall provide notice of a tax rate change in 97201
a manner that is reasonably accessible to all affected vendors. 97202
The commissioner shall provide this notice at least sixty days 97203
prior to the effective date of the rate change. The commissioner, 97204
by rule, may establish the method by which notice will be 97205
provided. 97206

(D) If a vendor makes a sale in this state by printed catalog 97207
and the consumer computed the tax on the sale based on local rates 97208
published in the catalog, any tax levied or rate changed under 97209

this section shall not apply to such a sale until the first day of 97210
a calendar quarter following the expiration of one hundred twenty 97211
days from the date of notice by the tax commissioner pursuant to 97212
division (C) of this section. 97213

(E) The tax on every retail sale subject to a tax levied 97214
pursuant to this section is in addition to the tax levied by 97215
section 5739.02 of the Revised Code and any tax levied pursuant to 97216
section 5739.021, 5739.024, or 5739.026 of the Revised Code. 97217

(F) The additional tax levied by the transit authority shall 97218
be collected pursuant to section 5739.025 of the Revised Code. 97219

(G) Any tax levied pursuant to this section is subject to the 97220
exemptions provided in section 5739.02 of the Revised Code and in 97221
addition shall not be applicable to sales not within the taxing 97222
power of a transit authority under the constitution of the United 97223
States or the constitution of this state. 97224

(H) The rate of a tax levied under this section is subject to 97225
reduction under section 5739.028 of the Revised Code, if a ballot 97226
question is approved by voters pursuant to that section. 97227

Sec. 5739.024. (A) For the purpose of fostering and 97228
developing tourism within a tourism development district and 97229
paying the expenses of administering the levy, the legislative 97230
authority of a municipal corporation or township may levy a tax 97231
upon every retail sale made in the territory of a tourism 97232
development district created by the municipal corporation or 97233
township, except sales of watercraft and outboard motors required 97234
to be titled pursuant to Chapter 1548. of the Revised Code and 97235
sales of motor vehicles, at a rate of not more than one and 97236
one-half per cent at any multiple of one-fourth of one per cent, 97237
and may increase the existing rate of tax to not more than one and 97238
one-half per cent at any multiple of one-fourth of one per cent. 97239

The tax shall be levied and the rate increased pursuant to an ordinance or resolution of the legislative authority, and a certified copy of the ordinance or resolution shall be delivered by the applicable fiscal officer to the tax commissioner and the legislative authority of the county in which the tourism development district is located. The ordinance or resolution shall specify the number of years for which the tax is to be in effect or that the tax is for a continuing period of time. Within thirty days after receiving that certification, the legislative authority of a county may adopt a resolution expressing the legislative authority's approval of the tax levied or the rate increased by the municipal corporation or township and send a certified copy of that resolution to the tax commissioner.

A tax levied by a resolution or ordinance pursuant to this section shall become effective on the first day of a calendar quarter next following the sixty-fifth day following the date the tax commissioner receives the certification of the resolution from the legislative authority of the county. Any change in the rate of the tax shall be made effective on the first day of a calendar quarter next following the sixty-fifth day following the date the tax commissioner receives the certification of that resolution.

(B) Upon receipt from the legislative authority of a county of the certification of a resolution under division (A) of this section, the tax commissioner shall provide notice of a tax rate change in a manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days before the effective date of the rate change. The commissioner, by rule, may establish the method by which notice will be provided.

(C) If a vendor makes a sale in this state by printed catalog and the consumer computed the tax on the sale based on local rates published in the catalog, any tax levied or rate changed under

this section shall not apply to such a sale until the first day of 97272
a calendar quarter following the expiration of one hundred twenty 97273
days from the date of notice by the tax commissioner pursuant to 97274
division (B) of this section. 97275

(D) The tax on every retail sale subject to a tax levied 97276
pursuant to this section is in addition to the tax levied by 97277
section 5739.02 of the Revised Code and any tax levied pursuant to 97278
section 5739.021, 5739.023, or 5739.026 of the Revised Code. 97279

(E) A tax levied pursuant to this section shall be collected 97280
pursuant to section 5739.025 of the Revised Code. 97281

(F) Any tax levied pursuant to this section is subject to the 97282
exemptions provided in section 5739.02 of the Revised Code. 97283

Sec. 5739.025. As used in this section, "local tax" means a 97284
tax imposed pursuant to section 5739.021, 5739.023, 5739.024, 97285
5739.026, 5741.021, 5741.022, ~~or 5741.023,~~ or 5741.024 of the 97286
Revised Code. 97287

(A) The taxes levied by sections 5739.02 and 5741.02 of the 97288
Revised Code shall be collected as follows: 97289

(1) On and after July 1, 2003, and on or before June 30, 97290
2005, in accordance with the following schedule: 97291

If the price		The amount of	
is at least	But not more than	the tax is	
\$.01	\$.15	No tax	97294
.16	.16	1¢	97295
.17	.33	2¢	97296
.34	.50	3¢	97297
.51	.66	4¢	97298
.67	.83	5¢	97299
.84	1.00	6¢	97300

If the price exceeds one dollar, the tax is six cents on each 97301

one dollar. If the price exceeds one dollar or a multiple thereof 97302
by not more than seventeen cents, the amount of tax is six cents 97303
for each one dollar plus one cent. If the price exceeds one dollar 97304
or a multiple thereof by more than seventeen cents, the amount of 97305
tax is six cents for each one dollar plus the amount of tax for 97306
prices eighteen cents through ninety-nine cents in accordance with 97307
the schedule above. 97308

(2) On and after July 1, 2005, and on and before December 31, 97309
2005, in accordance with the following schedule: 97310

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	97311
.16	.18	1¢	97312
.19	.36	2¢	97313
.37	.54	3¢	97314
.55	.72	4¢	97315
.73	.90	5¢	97316
.91	1.09	6¢	97317
1.10	1.27	7¢	97318
1.28	1.46	8¢	97319
1.47	1.64	9¢	97320
1.65	1.82	10¢	97321
1.83	2.00	11¢	97322

If the price exceeds two dollars, the tax is eleven cents on 97323
each two dollars. If the price exceeds two dollars or a multiple 97324
thereof by not more than eighteen cents, the amount of tax is 97325
eleven cents for each two dollars plus one cent. If the price 97326
exceeds two dollars or a multiple thereof by more than eighteen 97327
cents, the amount of tax is eleven cents for each two dollars plus 97328
the amount of tax for prices nineteen cents through one dollar and 97329
ninety-nine cents in accordance with the schedule above. 97330
97331
97332

(B) On and after July 1, 2003, and on and before June 30, 97333

2005, the combined taxes levied by sections 5739.02 and 5741.02 97334
and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 97335
5741.022, and 5741.023 of the Revised Code shall be collected in 97336
accordance with the following schedules: 97337

(1) When the combined rate of state and local tax is six and 97338
one-fourth per cent: 97339

If the price		The amount of	
is at least	But not more than	the tax is	
\$.01	\$.15	No tax	97342
.16	.16	1¢	97343
.17	.32	2¢	97344
.33	.48	3¢	97345
.49	.64	4¢	97346
.65	.80	5¢	97347
.81	.96	6¢	97348
.97	1.12	7¢	97349
1.13	1.28	8¢	97350
1.29	1.44	9¢	97351
1.45	1.60	10¢	97352
1.61	1.76	11¢	97353
1.77	1.92	12¢	97354
1.93	2.08	13¢	97355
2.09	2.24	14¢	97356
2.25	2.40	15¢	97357
2.41	2.56	16¢	97358
2.57	2.72	17¢	97359
2.73	2.88	18¢	97360
2.89	3.04	19¢	97361
3.05	3.20	20¢	97362
3.21	3.36	21¢	97363
3.37	3.52	22¢	97364
3.53	3.68	23¢	97365

3.69	3.84	24¢	97366
3.85	4.00	25¢	97367

If the price exceeds four dollars, the tax is twenty-five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety-nine cents in accordance with the schedule above.

(2) When the combined rate of state and local tax is six and one-half per cent:

If the price is at least	But not more than	The amount of the tax is	
\$.01	\$.15	No tax	97379
.16	.30	2¢	97380
.31	.46	3¢	97381
.47	.61	4¢	97382
.62	.76	5¢	97383
.77	.92	6¢	97384
.93	1.07	7¢	97385
1.08	1.23	8¢	97386
1.24	1.38	9¢	97387
1.39	1.53	10¢	97388
1.54	1.69	11¢	97389
1.70	1.84	12¢	97390
1.85	2.00	13¢	97391

If the price exceeds two dollars, the tax is thirteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus one cent. If the price

exceeds two dollars or a multiple thereof by more than fifteen 97398
cents, the amount of tax is thirteen cents for each two dollars 97399
plus the amount of tax for prices sixteen cents through one dollar 97400
and ninety-nine cents in accordance with the schedule above. 97401

(3) When the combined rate of state and local tax is six and 97402
three-fourths per cent: 97403

If the price		The amount of	
is at least	But not more than	the tax is	
\$.01	\$.15	No tax	97404 97405 97406
.16	.29	2¢	97407
.30	.44	3¢	97408
.45	.59	4¢	97409
.60	.74	5¢	97410
.75	.88	6¢	97411
.89	1.03	7¢	97412
1.04	1.18	8¢	97413
1.19	1.33	9¢	97414
1.34	1.48	10¢	97415
1.49	1.62	11¢	97416
1.63	1.77	12¢	97417
1.78	1.92	13¢	97418
1.93	2.07	14¢	97419
2.08	2.22	15¢	97420
2.23	2.37	16¢	97421
2.38	2.51	17¢	97422
2.52	2.66	18¢	97423
2.67	2.81	19¢	97424
2.82	2.96	20¢	97425
2.97	3.11	21¢	97426
3.12	3.25	22¢	97427
3.26	3.40	23¢	97428
3.41	3.55	24¢	97429

3.56	3.70	25¢	97430
3.71	3.85	26¢	97431
3.86	4.00	27¢	97432

If the price exceeds four dollars, the tax is twenty-seven cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than fourteen cents, the amount of tax is twenty-seven cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than fourteen but by not more than twenty-nine cents, the amount of tax is twenty-seven cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-nine cents the amount of tax is twenty-seven cents for each four dollars plus the amount of tax for prices thirty cents through three dollars and ninety-nine cents in accordance with the schedule above.

(4) When the combined rate of state and local tax is seven per cent:

If the price is at least	But not more than	The amount of the tax is	
\$.01	\$.15	No tax	97449
.16	.28	2¢	97450
.29	.42	3¢	97451
.43	.57	4¢	97452
.58	.71	5¢	97453
.72	.85	6¢	97454
.86	1.00	7¢	97455

If the price exceeds one dollar, the tax is seven cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than fifteen cents, the amount of tax is seven cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than fifteen cents, the amount of tax is seven cents for each one dollar plus the amount

of tax for prices sixteen cents through ninety-nine cents in 97462
accordance with the schedule above. 97463

(5) When the combined rate of state and local tax is seven 97464
and one-fourth per cent: 97465

If the price		The amount of	
is at least	But not more than	the tax is	
\$.01	\$.15	No tax	97468
.16	.27	2¢	97469
.28	.41	3¢	97470
.42	.55	4¢	97471
.56	.68	5¢	97472
.69	.82	6¢	97473
.83	.96	7¢	97474
.97	1.10	8¢	97475
1.11	1.24	9¢	97476
1.25	1.37	10¢	97477
1.38	1.51	11¢	97478
1.52	1.65	12¢	97479
1.66	1.79	13¢	97480
1.80	1.93	14¢	97481
1.94	2.06	15¢	97482
2.07	2.20	16¢	97483
2.21	2.34	17¢	97484
2.35	2.48	18¢	97485
2.49	2.62	19¢	97486
2.63	2.75	20¢	97487
2.76	2.89	21¢	97488
2.90	3.03	22¢	97489
3.04	3.17	23¢	97490
3.18	3.31	24¢	97491
3.32	3.44	25¢	97492
3.45	3.58	26¢	97493

3.59	3.72	27¢	97494
3.73	3.86	28¢	97495
3.87	4.00	29¢	97496

If the price exceeds four dollars, the tax is twenty-nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty-nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus the amount of tax for prices twenty-eight cents through three dollars and ninety-nine cents in accordance with the schedule above.

(6) When the combined rate of state and local tax is seven and one-half per cent:

If the price	The amount of	
is at least	the tax is	
But not more than		
\$.01	No tax	97513
.16	2¢	97514
.27	3¢	97515
.41	4¢	97516
.54	5¢	97517
.66	6¢	97518
.81	7¢	97519
.94	8¢	97520
1.07	9¢	97521
1.21	10¢	97522
1.34	11¢	97523
1.47	12¢	97524
1.61	13¢	97525

1.74	1.86	14¢	97526
1.87	2.00	15¢	97527

If the price exceeds two dollars, the tax is fifteen cents on 97528
each two dollars. If the price exceeds two dollars or a multiple 97529
thereof by not more than fifteen cents, the amount of tax is 97530
fifteen cents for each two dollars plus one cent. If the price 97531
exceeds two dollars or a multiple thereof by more than fifteen 97532
cents, the amount of tax is fifteen cents for each two dollars 97533
plus the amount of tax for prices sixteen cents through one dollar 97534
and ninety-nine cents in accordance with the schedule above. 97535

(7) When the combined rate of state and local tax is seven 97536
and three-fourths per cent: 97537

If the price		The amount of	97538
is at least	But not more than	the tax is	97539
\$.01	\$.15	No tax	97540
.16	.25	2¢	97541
.26	.38	3¢	97542
.39	.51	4¢	97543
.52	.64	5¢	97544
.65	.77	6¢	97545
.78	.90	7¢	97546
.91	1.03	8¢	97547
1.04	1.16	9¢	97548
1.17	1.29	10¢	97549
1.30	1.41	11¢	97550
1.42	1.54	12¢	97551
1.55	1.67	13¢	97552
1.68	1.80	14¢	97553
1.81	1.93	15¢	97554
1.94	2.06	16¢	97555
2.07	2.19	17¢	97556
2.20	2.32	18¢	97557

2.33	2.45	19¢	97558
2.46	2.58	20¢	97559
2.59	2.70	21¢	97560
2.71	2.83	22¢	97561
2.84	2.96	23¢	97562
2.97	3.09	24¢	97563
3.10	3.22	25¢	97564
3.23	3.35	26¢	97565
3.36	3.48	27¢	97566
3.49	3.61	28¢	97567
3.62	3.74	29¢	97568
3.75	3.87	30¢	97569
3.88	4.00	31¢	97570

If the price exceeds four dollars, the tax is thirty-one cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than twelve cents, the amount of tax is thirty-one cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than twelve cents but by not more than twenty-five cents, the amount of tax is thirty-one cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-five cents, the amount of tax is thirty-one cents for each four dollars plus the amount of tax for prices twenty-six cents through three dollars and ninety-nine cents in accordance with the schedule above.

(8) When the combined rate of state and local tax is eight per cent:

If the price		The amount of	97585
is at least	But not more than	the tax is	97586
\$.01	\$.15	No tax	97587
.16	.25	2¢	97588
.26	.37	3¢	97589

.38	.50	4¢	97590
.51	.62	5¢	97591
.63	.75	6¢	97592
.76	.87	7¢	97593
.88	1.00	8¢	97594

If the price exceeds one dollar, the tax is eight cents on 97595
each one dollar. If the price exceeds one dollar or a multiple 97596
thereof by not more than twelve cents, the amount of tax is eight 97597
cents for each one dollar plus one cent. If the price exceeds one 97598
dollar or a multiple thereof by more than twelve cents but not 97599
more than twenty-five cents, the amount of tax is eight cents for 97600
each one dollar plus two cents. If the price exceeds one dollar or 97601
a multiple thereof by more than twenty-five cents, the amount of 97602
tax is eight cents for each one dollar plus the amount of tax for 97603
prices twenty-six cents through ninety-nine cents in accordance 97604
with the schedule above. 97605

(9) When the combined rate of state and local tax is eight 97606
and one-fourth per cent: 97607

If the price		The amount of	
is at least	But not more than	the tax is	
\$.01	\$.15	No tax	97610
.16	.24	2¢	97611
.25	.36	3¢	97612
.37	.48	4¢	97613
.49	.60	5¢	97614
.61	.72	6¢	97615
.73	.84	7¢	97616
.85	.96	8¢	97617
.97	1.09	9¢	97618
1.10	1.21	10¢	97619
1.22	1.33	11¢	97620
1.34	1.45	12¢	97621

1.46	1.57	13¢	97622
1.58	1.69	14¢	97623
1.70	1.81	15¢	97624
1.82	1.93	16¢	97625
1.94	2.06	17¢	97626
2.07	2.18	18¢	97627
2.19	2.30	19¢	97628
2.31	2.42	20¢	97629
2.43	2.54	21¢	97630
2.55	2.66	22¢	97631
2.67	2.78	23¢	97632
2.79	2.90	24¢	97633
2.91	3.03	25¢	97634
3.04	3.15	26¢	97635
3.16	3.27	27¢	97636
3.28	3.39	28¢	97637
3.40	3.51	29¢	97638
3.52	3.63	30¢	97639
3.64	3.75	31¢	97640
3.76	3.87	32¢	97641
3.88	4.00	33¢	97642

If the price exceeds four dollars, the tax is thirty-three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty-three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than eleven cents but by not more than twenty-four cents, the amount of tax is thirty-three cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-four cents, the amount of tax is thirty-three cents for each four dollars plus the amount of tax for prices twenty-six cents through three dollars and ninety-nine cents in accordance with the schedule above.

(10) When the combined rate of state and local tax is eight			97655
and one-half per cent:			97656
If the price		The amount of	97657
is at least	But not more than	the tax is	97658
\$.01	\$.15	No tax	97659
.16	.23	2¢	97660
.24	.35	3¢	97661
.36	.47	4¢	97662
.48	.58	5¢	97663
.59	.70	6¢	97664
.71	.82	7¢	97665
.83	.94	8¢	97666
.95	1.05	9¢	97667
1.06	1.17	10¢	97668
1.18	1.29	11¢	97669
1.30	1.41	12¢	97670
1.42	1.52	13¢	97671
1.53	1.64	14¢	97672
1.65	1.76	15¢	97673
1.77	1.88	16¢	97674
1.89	2.00	17¢	97675

If the price exceeds two dollars, the tax is seventeen cents 97676
on each two dollars. If the price exceeds two dollars or a 97677
multiple thereof by not more than eleven cents, the amount of tax 97678
is seventeen cents for each two dollars plus one cent. If the 97679
price exceeds two dollars or a multiple thereof by more than 97680
eleven cents but by not more than twenty-three cents, the amount 97681
of tax is seventeen cents for each two dollars plus two cents. If 97682
the price exceeds two dollars or a multiple thereof by more than 97683
twenty-three cents, the amount of tax is seventeen cents for each 97684
two dollars plus the amount of tax for prices twenty-four cents 97685
through one dollar and ninety-nine cents in accordance with the 97686
schedule above. 97687

(11) When the combined rate of state and local tax is eight			97688
and three-fourths per cent:			97689
If the price		The amount of	97690
is at least	But not more than	the tax is	97691
\$.01	\$.15	No tax	97692
.16	.22	2¢	97693
.23	.34	3¢	97694
.35	.45	4¢	97695
.46	.57	5¢	97696
.58	.68	6¢	97697
.69	.80	7¢	97698
.81	.91	8¢	97699
.92	1.02	9¢	97700
1.03	1.14	10¢	97701
1.15	1.25	11¢	97702
1.26	1.37	12¢	97703
1.38	1.48	13¢	97704
1.49	1.60	14¢	97705
1.61	1.71	15¢	97706
1.72	1.82	16¢	97707
1.83	1.94	17¢	97708
1.95	2.05	18¢	97709
2.06	2.17	19¢	97710
2.18	2.28	20¢	97711
2.29	2.40	21¢	97712
2.41	2.51	22¢	97713
2.52	2.62	23¢	97714
2.63	2.74	24¢	97715
2.75	2.85	25¢	97716
2.86	2.97	26¢	97717
2.98	3.08	27¢	97718
3.09	3.20	28¢	97719
3.21	3.31	29¢	97720

3.32	3.42	30¢	97721
3.43	3.54	31¢	97722
3.55	3.65	32¢	97723
3.66	3.77	33¢	97724
3.78	3.88	34¢	97725
3.89	4.00	35¢	97726

If the price exceeds four dollars, the tax is thirty-five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty-five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than eleven cents but by not more than twenty-two cents, the amount of tax is thirty-five cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-two cents, the amount of tax is thirty-five cents for each four dollars plus the amount of tax for prices twenty-three cents through three dollars and ninety-nine cents in accordance with the schedule above.

(12) When the combined rate of state and local tax is nine per cent:

If the price		The amount of	97741
is at least	But not more than	the tax is	97742
\$.01	\$.15	No tax	97743
.16	.22	2¢	97744
.23	.33	3¢	97745
.34	.44	4¢	97746
.45	.55	5¢	97747
.56	.66	6¢	97748
.67	.77	7¢	97749
.78	.88	8¢	97750
.89	1.00	9¢	97751

If the price exceeds one dollar, the tax is nine cents on 97752

each one dollar. If the price exceeds one dollar or a multiple 97753
thereof by not more than eleven cents, the amount of tax is nine 97754
cents for each one dollar plus one cent. If the price exceeds one 97755
dollar or a multiple thereof by more than eleven cents but by not 97756
more than twenty-two cents, the amount of tax is nine cents for 97757
each one dollar plus two cents. If the price exceeds one dollar or 97758
a multiple thereof by more than twenty-two cents, the amount of 97759
tax is nine cents for each one dollar plus the amount of tax for 97760
prices twenty-three cents through ninety-nine cents in accordance 97761
with the schedule above. 97762

(C) On and after July 1, 2005, and on and before December 31, 97763
2005, the combined taxes levied by sections 5739.02 and 5741.02 97764
and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 97765
5741.022, and 5741.023 of the Revised Code shall be collected in 97766
accordance with the following schedules: 97767

(1) When the total rate of local tax is one-fourth per cent:			97768
If the price	But not	The amount	97769
is at least	more than	of the tax is	97770
\$.01	\$.15	No tax	97771
.16	.17	1¢	97772
.18	.34	2¢	97773
.35	.52	3¢	97774
.53	.69	4¢	97775
.70	.86	5¢	97776
.87	1.04	6¢	97777
1.05	1.21	7¢	97778
1.22	1.39	8¢	97779
1.40	1.56	9¢	97780
1.57	1.73	10¢	97781
1.74	1.91	11¢	97782
1.92	2.08	12¢	97783
2.09	2.26	13¢	97784

2.27	2.43	14¢	97785
2.44	2.60	15¢	97786
2.61	2.78	16¢	97787
2.79	2.95	17¢	97788
2.96	3.13	18¢	97789
3.14	3.30	19¢	97790
3.31	3.47	20¢	97791
3.48	3.65	21¢	97792
3.66	3.82	22¢	97793
3.83	4.00	23¢	97794

If the price exceeds four dollars, the tax is twenty-three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than seventeen cents, the amount of tax is twenty-three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than seventeen cents, the amount of tax is twenty-three cents for each four dollars plus the amount of tax for prices eighteen cents through three dollars and ninety-nine cents in accordance with the schedule above.

(2) When the combined rate of local tax is one-half per cent:

If the price is at least	But not more than	The amount of the tax is	
\$.01	\$.15	No tax	97804
.16	.17	1¢	97805
.18	.34	2¢	97806
.35	.50	3¢	97807
.51	.67	4¢	97808
.68	.83	5¢	97809
.84	1.00	6¢	97810

If the price exceeds one dollar, the tax is six cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than seventeen cents, the amount of tax is six cents

for each one dollar plus one cent. If the price exceeds one dollar 97817
or a multiple thereof by more than seventeen cents, the amount of 97818
tax is six cents for each one dollar plus the amount of tax for 97819
prices eighteen cents through ninety-nine cents in accordance with 97820
the schedule above. 97821

(3) When the combined rate of local tax is three-fourths per 97822
cent: 97823

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	97824
.16	.16	1¢	97825
.17	.32	2¢	97826
.33	.48	3¢	97827
.49	.64	4¢	97828
.65	.80	5¢	97829
.81	.96	6¢	97830
.97	1.12	7¢	97831
1.13	1.28	8¢	97832
1.29	1.44	9¢	97833
1.45	1.60	10¢	97834
1.61	1.76	11¢	97835
1.77	1.92	12¢	97836
1.93	2.08	13¢	97837
2.09	2.24	14¢	97838
2.25	2.40	15¢	97839
2.41	2.56	16¢	97840
2.57	2.72	17¢	97841
2.73	2.88	18¢	97842
2.89	3.04	19¢	97843
3.05	3.20	20¢	97844
3.21	3.36	21¢	97845
3.37	3.52	22¢	97846

3.53	3.68	23¢	97849
3.69	3.84	24¢	97850
3.85	4.00	25¢	97851

If the price exceeds four dollars, the tax is twenty-five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety-nine cents in accordance with the schedule above.

(4) When the combined rate of local tax is one per cent: 97861

If the price is at least	But not more than	The amount of the tax is	
\$.01	\$.15	No tax	97864
.16	.30	2¢	97865
.31	.46	3¢	97866
.47	.61	4¢	97867
.62	.76	5¢	97868
.77	.92	6¢	97869
.93	1.07	7¢	97870
1.08	1.23	8¢	97871
1.24	1.38	9¢	97872
1.39	1.53	10¢	97873
1.54	1.69	11¢	97874
1.70	1.84	12¢	97875
1.85	2.00	13¢	97876

If the price exceeds two dollars, the tax is thirteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus one cent. If the price

exceeds two dollars or a multiple thereof by more than fifteen 97881
 cents, the amount of tax is thirteen cents for each two dollars 97882
 plus the amount of tax for prices sixteen cents through one dollar 97883
 and ninety-nine cents in accordance with the schedule above. 97884

(5) When the combined rate of local tax is one and one-fourth 97885
 per cent: 97886

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	97887
.16	.29	2¢	97888
.30	.44	3¢	97889
.45	.59	4¢	97890
.60	.74	5¢	97891
.75	.88	6¢	97892
.89	1.03	7¢	97893
1.04	1.18	8¢	97894
1.19	1.33	9¢	97895
1.34	1.48	10¢	97896
1.49	1.62	11¢	97897
1.63	1.77	12¢	97898
1.78	1.92	13¢	97899
1.93	2.07	14¢	97900
2.08	2.22	15¢	97901
2.23	2.37	16¢	97902
2.38	2.51	17¢	97903
2.52	2.66	18¢	97904
2.67	2.81	19¢	97905
2.82	2.96	20¢	97906
2.97	3.11	21¢	97907
3.12	3.25	22¢	97908
3.26	3.40	23¢	97909
3.41	3.55	24¢	97910

3.56	3.70	25¢	97913
3.71	3.85	26¢	97914
3.86	4.00	27¢	97915

If the price exceeds four dollars, the tax is twenty-seven cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than fourteen cents, the amount of tax is twenty-seven cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than fourteen but by not more than twenty-nine cents, the amount of tax is twenty-seven cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-nine cents the amount of tax is twenty-seven cents for each four dollars plus the amount of tax for prices thirty cents through three dollars and ninety-nine cents in accordance with the schedule above.

(6) When the combined rate of local tax is one and one-half per cent:

If the price is at least	But not more than	The amount of the tax is	
\$.01	\$.15	No tax	97930
.16	.28	2¢	97931
.29	.42	3¢	97932
.43	.57	4¢	97933
.58	.71	5¢	97934
.72	.85	6¢	97935
.86	1.00	7¢	97936

If the price exceeds one dollar, the tax is seven cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than fifteen cents, the amount of tax is seven cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than fifteen cents, the amount of tax is seven cents for each one dollar plus the amount

of tax for prices sixteen cents through ninety-nine cents in 97945
 accordance with the schedule above. 97946

(7) When the combined rate of local tax is one and 97947
 three-fourths per cent: 97948

If the price	But not	The amount	97949
is at least	more than	of the tax is	97950
\$.01	\$.15	No tax	97951
.16	.27	2¢	97952
.28	.41	3¢	97953
.42	.55	4¢	97954
.56	.68	5¢	97955
.69	.82	6¢	97956
.83	.96	7¢	97957
.97	1.10	8¢	97958
1.11	1.24	9¢	97959
1.25	1.37	10¢	97960
1.38	1.51	11¢	97961
1.52	1.65	12¢	97962
1.66	1.79	13¢	97963
1.80	1.93	14¢	97964
1.94	2.06	15¢	97965
2.07	2.20	16¢	97966
2.21	2.34	17¢	97967
2.35	2.48	18¢	97968
2.49	2.62	19¢	97969
2.63	2.75	20¢	97970
2.76	2.89	21¢	97971
2.90	3.03	22¢	97972
3.04	3.17	23¢	97973
3.18	3.31	24¢	97974
3.32	3.44	25¢	97975
3.45	3.58	26¢	97976

3.59	3.72	27¢	97977
3.73	3.86	28¢	97978
3.87	4.00	29¢	97979

If the price exceeds four dollars, the tax is twenty-nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty-nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus the amount of tax for prices twenty-eight cents through three dollars and ninety-nine cents in accordance with the schedule above.

(8) When the combined rate of local tax is two per cent: 97992

If the price is at least	But not more than	The amount of the tax is	
\$.01	\$.15	No tax	97995
.16	.26	2¢	97996
.27	.40	3¢	97997
.41	.53	4¢	97998
.54	.65	5¢	97999
.66	.80	6¢	98000
.81	.93	7¢	98001
.94	1.06	8¢	98002
1.07	1.20	9¢	98003
1.21	1.33	10¢	98004
1.34	1.46	11¢	98005
1.47	1.60	12¢	98006
1.61	1.73	13¢	98007
1.74	1.86	14¢	98008

1.87 2.00 15¢ 98009

If the price exceeds two dollars, the tax is fifteen cents on 98010
each two dollars. If the price exceeds two dollars or a multiple 98011
thereof by not more than fifteen cents, the amount of tax is 98012
fifteen cents for each two dollars plus one cent. If the price 98013
exceeds two dollars or a multiple thereof by more than fifteen 98014
cents, the amount of tax is fifteen cents for each two dollars 98015
plus the amount of tax for prices sixteen cents through one dollar 98016
and ninety-nine cents in accordance with the schedule above. 98017

(9) When the combined rate of local tax is two and one-fourth 98018
per cent: 98019

If the price is at least	But not more than	The amount of the tax is	
\$.01	\$.15	No tax	98020
.16	.25	2¢	98023
.26	.38	3¢	98024
.39	.51	4¢	98025
.52	.64	5¢	98026
.65	.77	6¢	98027
.78	.90	7¢	98028
.91	1.03	8¢	98029
1.04	1.16	9¢	98030
1.17	1.29	10¢	98031
1.30	1.41	11¢	98032
1.42	1.54	12¢	98033
1.55	1.67	13¢	98034
1.68	1.80	14¢	98035
1.81	1.93	15¢	98036
1.94	2.06	16¢	98037
2.07	2.19	17¢	98038
2.20	2.32	18¢	98039
2.33	2.45	19¢	98040

2.46	2.58	20¢	98041
2.59	2.70	21¢	98042
2.71	2.83	22¢	98043
2.84	2.96	23¢	98044
2.97	3.09	24¢	98045
3.10	3.22	25¢	98046
3.23	3.35	26¢	98047
3.36	3.48	27¢	98048
3.49	3.61	28¢	98049
3.62	3.74	29¢	98050
3.75	3.87	30¢	98051
3.88	4.00	31¢	98052

If the price exceeds four dollars, the tax is thirty-one cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than twelve cents, the amount of tax is thirty-one cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than twelve cents but not more than twenty-five cents, the amount of tax is thirty-one cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-five cents, the amount of tax is thirty-one cents for each four dollars plus the amount of tax for prices twenty-six cents through three dollars and ninety-nine cents in accordance with the schedule above.

(10) When the combined rate of local tax is two and one-half per cent:

If the price is at least	But not more than	The amount of the tax is	
\$.01	\$.15	No tax	98069
.16	.25	2¢	98070
.26	.37	3¢	98071
.38	.50	4¢	98072

.51	.62	5¢	98073
.63	.75	6¢	98074
.76	.87	7¢	98075
.88	1.00	8¢	98076

If the price exceeds one dollar, the tax is eight cents on 98077
each one dollar. If the price exceeds one dollar or a multiple 98078
thereof by not more than twelve cents, the amount of tax is eight 98079
cents for each one dollar plus one cent. If the price exceeds one 98080
dollar or a multiple thereof by more than twelve cents but not 98081
more than twenty-five cents, the amount of tax is eight cents for 98082
each one dollar plus two cents. If the price exceeds one dollar or 98083
a multiple thereof by more than twenty-five cents, the amount of 98084
tax is eight cents for each one dollar plus the amount of tax for 98085
prices twenty-six cents through ninety-nine cents in accordance 98086
with the schedule above. 98087

(11) When the combined rate of local tax is two and 98088
three-fourths per cent: 98089

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	98092
.16	.24	2¢	98093
.25	.36	3¢	98094
.37	.48	4¢	98095
.49	.60	5¢	98096
.61	.72	6¢	98097
.73	.84	7¢	98098
.85	.96	8¢	98099
.97	1.09	9¢	98100
1.10	1.21	10¢	98101
1.22	1.33	11¢	98102
1.34	1.45	12¢	98103
1.46	1.57	13¢	98104

1.58	1.69	14¢	98105
1.70	1.81	15¢	98106
1.82	1.93	16¢	98107
1.94	2.06	17¢	98108
2.07	2.18	18¢	98109
2.19	2.30	19¢	98110
2.31	2.42	20¢	98111
2.43	2.54	21¢	98112
2.55	2.66	22¢	98113
2.67	2.78	23¢	98114
2.79	2.90	24¢	98115
2.91	3.03	25¢	98116
3.04	3.15	26¢	98117
3.16	3.27	27¢	98118
3.28	3.39	28¢	98119
3.40	3.51	29¢	98120
3.52	3.63	30¢	98121
3.64	3.75	31¢	98122
3.76	3.87	32¢	98123
3.88	4.00	33¢	98124

If the price exceeds four dollars, the tax is thirty-three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty-three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than eleven cents but not more than twenty-four cents, the amount of tax is thirty-three cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-four cents, the amount of tax is thirty-three cents for each four dollars plus the amount of tax for prices twenty-six cents through three dollars and ninety-nine cents in accordance with the schedule above.

(12) When the combined rate of local tax is three per cent:

If the price	But not	The amount	98138
is at least	more than	of the tax is	98139
\$.01	\$.15	No tax	98140
.16	.23	2¢	98141
.24	.35	3¢	98142
.36	.47	4¢	98143
.48	.58	5¢	98144
.59	.70	6¢	98145
.71	.82	7¢	98146
.83	.94	8¢	98147
.95	1.05	9¢	98148
1.06	1.17	10¢	98149
1.18	1.29	11¢	98150
1.30	1.41	12¢	98151
1.42	1.52	13¢	98152
1.53	1.64	14¢	98153
1.65	1.76	15¢	98154
1.77	1.88	16¢	98155
1.89	2.00	17¢	98156

If the price exceeds two dollars, the tax is seventeen cents 98157
on each two dollars. If the price exceeds two dollars or a 98158
multiple thereof by not more than eleven cents, the amount of tax 98159
is seventeen cents for each two dollars plus one cent. If the 98160
price exceeds two dollars or a multiple thereof by more than 98161
eleven cents but not more than twenty-three cents, the amount of 98162
tax is seventeen cents for each two dollars plus two cents. If the 98163
price exceeds two dollars or a multiple thereof by more than 98164
twenty-three cents, the amount of tax is seventeen cents for each 98165
two dollars plus the amount of tax for prices twenty-four cents 98166
through one dollar and ninety-nine cents in accordance with the 98167
schedule above. 98168

(D) In lieu of collecting the tax pursuant to the schedules 98169
set forth in divisions (A), (B), and (C) of this section, a vendor 98170

may compute the tax on each sale as follows: 98171

(1) On sales of fifteen cents or less, no tax shall apply. 98172

(2) On sales in excess of fifteen cents, multiply the price 98173
by the aggregate rate of taxes in effect under sections 5739.02 98174
and 5741.02 and sections 5739.021, 5739.023, 5739.026, 5741.021, 98175
5741.022, and 5741.023 of the Revised Code. The computation shall 98176
be carried out to six decimal places. If the result is a 98177
fractional amount of a cent, the calculated tax shall be increased 98178
to the next highest cent and that amount shall be collected by the 98179
vendor. 98180

(E) On and after January 1, 2006, a vendor shall compute the 98181
tax on each sale by multiplying the price by the aggregate rate of 98182
taxes in effect under sections 5739.02 and 5741.02, and sections 98183
5739.021, 5739.023, 5739.024, 5739.026, 5741.021, 5741.022, ~~and~~ 98184
5741.023, and 5741.024 of the Revised Code. The computation shall 98185
be carried out to three decimal places. If the result is a 98186
fractional amount of a cent, the calculated tax shall be rounded 98187
to a whole cent using a method that rounds up to the next cent 98188
whenever the third decimal place is greater than four. A vendor 98189
may elect to compute the tax due on a transaction on an item or an 98190
invoice basis. 98191

(F) In auditing a vendor, the tax commissioner shall consider 98192
the method prescribed by this section that was used by the vendor 98193
in determining and collecting the tax due under this chapter on 98194
taxable transactions. If the vendor correctly collects and remits 98195
the tax due under this chapter in accordance with the schedules in 98196
divisions (A), (B), and (C) of this section or in accordance with 98197
the computation prescribed in division (D) or (E) of this section, 98198
the commissioner shall not assess any additional tax on those 98199
transactions. 98200

(G)(1) With respect to a sale of a fractional ownership 98201

program aircraft used primarily in a fractional aircraft ownership 98202
program, including all accessories attached to such aircraft, the 98203
tax shall be calculated pursuant to divisions (A) to (E) of this 98204
section, provided that the tax commissioner shall modify those 98205
calculations so that the maximum tax on each program aircraft is 98206
eight hundred dollars. In the case of a sale of a fractional 98207
interest that is less than one hundred per cent of the program 98208
aircraft, the tax charged on the transaction shall be eight 98209
hundred dollars multiplied by a fraction, the numerator of which 98210
is the percentage of ownership or possession in the aircraft being 98211
purchased in the transaction, and the denominator of which is one 98212
hundred per cent. 98213

(2) Notwithstanding any other provision of law to the 98214
contrary, the tax calculated under division (G)(1) of this section 98215
and paid with respect to the sale of a fractional ownership 98216
program aircraft used primarily in a fractional aircraft ownership 98217
program shall be credited to the general revenue fund. 98218

Sec. 5739.026. (A) A board of county commissioners may levy a 98219
tax of one-fourth or one-half of one per cent on every retail sale 98220
in the county, except sales of watercraft and outboard motors 98221
required to be titled pursuant to Chapter 1548. of the Revised 98222
Code and sales of motor vehicles, and may increase an existing 98223
rate of one-fourth of one per cent to one-half of one per cent, to 98224
pay the expenses of administering the tax and, except as provided 98225
in division (A)(6) of this section, for any one or more of the 98226
following purposes provided that the aggregate levy for all such 98227
purposes does not exceed one-half of one per cent: 98228

(1) To provide additional revenues for the payment of bonds 98229
or notes issued in anticipation of bonds issued by a convention 98230
facilities authority established by the board of county 98231
commissioners under Chapter 351. of the Revised Code and to 98232

provide additional operating revenues for the convention facilities authority;	98233 98234
(2) To provide additional revenues for a transit authority operating in the county;	98235 98236
(3) To provide additional revenue for the county's general fund;	98237 98238
(4) To provide additional revenue for permanent improvements within the county to be distributed by the community improvements board in accordance with section 307.283 and to pay principal, interest, and premium on bonds issued under section 307.284 of the Revised Code;	98239 98240 98241 98242 98243
(5) To provide additional revenue for the acquisition, construction, equipping, or repair of any specific permanent improvement or any class or group of permanent improvements, which improvement or class or group of improvements shall be enumerated in the resolution required by division (D) of this section, and to pay principal, interest, premium, and other costs associated with the issuance of bonds or notes in anticipation of bonds issued pursuant to Chapter 133. of the Revised Code for the acquisition, construction, equipping, or repair of the specific permanent improvement or class or group of permanent improvements;	98244 98245 98246 98247 98248 98249 98250 98251 98252 98253
(6) To provide revenue for the implementation and operation of a 9-1-1 system in the county. If the tax is levied or the rate increased exclusively for such purpose, the tax shall not be levied or the rate increased for more than five years. At the end of the last year the tax is levied or the rate increased, any balance remaining in the special fund established for such purpose shall remain in that fund and be used exclusively for such purpose until the fund is completely expended, and, notwithstanding section 5705.16 of the Revised Code, the board of county commissioners shall not petition for the transfer of money from	98254 98255 98256 98257 98258 98259 98260 98261 98262 98263

such special fund, and the tax commissioner shall not approve such a petition. 98264
98265

If the tax is levied or the rate increased for such purpose 98266
for more than five years, the board of county commissioners also 98267
shall levy the tax or increase the rate of the tax for one or more 98268
of the purposes described in divisions (A)(1) to (5) of this 98269
section and shall prescribe the method for allocating the revenues 98270
from the tax each year in the manner required by division (C) of 98271
this section. 98272

(7) To provide additional revenue for the operation or 98273
maintenance of a detention facility, as that term is defined under 98274
division (F) of section 2921.01 of the Revised Code; 98275

(8) To provide revenue to finance the construction or 98276
renovation of a sports facility, but only if the tax is levied for 98277
that purpose in the manner prescribed by section 5739.028 of the 98278
Revised Code. 98279

As used in division (A)(8) of this section: 98280

(a) "Sports facility" means a facility intended to house 98281
major league professional athletic teams. 98282

(b) "Constructing" or "construction" includes providing 98283
fixtures, furnishings, and equipment. 98284

(9) To provide additional revenue for the acquisition of 98285
agricultural easements, as defined in section 5301.67 of the 98286
Revised Code; to pay principal, interest, and premium on bonds 98287
issued under section 133.60 of the Revised Code; and for the 98288
supervision and enforcement of agricultural easements held by the 98289
county; 98290

(10) To provide revenue for the provision of ambulance, 98291
paramedic, or other emergency medical services; 98292

(11) To provide revenue for the operation of a lake 98293

facilities authority and the remediation of an impacted watershed 98294
by a lake facilities authority, as provided in Chapter 353. of the 98295
Revised Code. 98296

Pursuant to section 755.171 of the Revised Code, a board of 98297
county commissioners may pledge and contribute revenue from a tax 98298
levied for the purpose of division (A)(5) of this section to the 98299
payment of debt charges on bonds issued under section 755.17 of 98300
the Revised Code. 98301

The rate of tax shall be a multiple of one-fourth of one per 98302
cent, unless a portion of the rate of an existing tax levied under 98303
section 5739.023 of the Revised Code has been reduced, and the 98304
rate of tax levied under this section has been increased, pursuant 98305
to section 5739.028 of the Revised Code, in which case the 98306
aggregate of the rates of tax levied under this section and 98307
section 5739.023 of the Revised Code shall be a multiple of 98308
one-fourth of one per cent. The tax shall be levied and the rate 98309
increased pursuant to a resolution adopted by a majority of the 98310
members of the board. The board shall deliver a certified copy of 98311
the resolution to the tax commissioner, not later than the 98312
sixty-fifth day prior to the date on which the tax is to become 98313
effective, which shall be the first day of a calendar quarter. 98314

Prior to the adoption of any resolution to levy the tax or to 98315
increase the rate of tax exclusively for the purpose set forth in 98316
division (A)(3) of this section, the board of county commissioners 98317
shall conduct two public hearings on the resolution, the second 98318
hearing to be no fewer than three nor more than ten days after the 98319
first. Notice of the date, time, and place of the hearings shall 98320
be given by publication in a newspaper of general circulation in 98321
the county, or as provided in section 7.16 of the Revised Code, 98322
once a week on the same day of the week for two consecutive weeks. 98323
The second publication shall be no fewer than ten nor more than 98324
thirty days prior to the first hearing. Except as provided in 98325

division (E) of this section, the resolution shall be subject to a referendum as provided in sections 305.31 to 305.41 of the Revised Code. If the resolution is adopted as an emergency measure necessary for the immediate preservation of the public peace, health, or safety, it must receive an affirmative vote of all of the members of the board of county commissioners and shall state the reasons for the necessity.

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

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

(C)(1) If the tax is to be used for more than one of the purposes set forth in divisions (A)(1) to (7), (9), and (10) of this section, the board of county commissioners shall establish the method that will be used to determine the amount or proportion of the tax revenue received by the county during each year that will be distributed for each of those purposes, including, if applicable, provisions governing the reallocation of a convention facilities authority's allocation if the authority is dissolved while the tax is in effect. The allocation method may provide that different proportions or amounts of the tax shall be distributed among the purposes in different years, but it shall clearly

describe the method that will be used for each year. Except as 98358
otherwise provided in division (C)(2) of this section, the 98359
allocation method established by the board is not subject to 98360
amendment during the life of the tax. 98361

(2) Subsequent to holding a public hearing on the proposed 98362
amendment, the board of county commissioners may amend the 98363
allocation method established under division (C)(1) of this 98364
section for any year, if the amendment is approved by the 98365
governing board of each entity whose allocation for the year would 98366
be reduced by the proposed amendment. In the case of a tax that is 98367
levied for a continuing period of time, the board may not so amend 98368
the allocation method for any year before the sixth year that the 98369
tax is in effect. 98370

(a) If the additional revenues provided to the convention 98371
facilities authority are pledged by the authority for the payment 98372
of convention facilities authority revenue bonds for as long as 98373
such bonds are outstanding, no reduction of the authority's 98374
allocation of the tax shall be made for any year except to the 98375
extent that the reduced authority allocation, when combined with 98376
the authority's other revenues pledged for that purpose, is 98377
sufficient to meet the debt service requirements for that year on 98378
such bonds. 98379

(b) If the additional revenues provided to the county are 98380
pledged by the county for the payment of bonds or notes described 98381
in division (A)(4) or (5) of this section, for as long as such 98382
bonds or notes are outstanding, no reduction of the county's or 98383
the community improvements board's allocation of the tax shall be 98384
made for any year, except to the extent that the reduced county or 98385
community improvements board allocation is sufficient to meet the 98386
debt service requirements for that year on such bonds or notes. 98387

(c) If the additional revenues provided to the transit 98388
authority are pledged by the authority for the payment of revenue 98389

bonds issued under section 306.37 of the Revised Code, for as long 98390
as such bonds are outstanding, no reduction of the authority's 98391
allocation of tax shall be made for any year, except to the extent 98392
that the authority's reduced allocation, when combined with the 98393
authority's other revenues pledged for that purpose, is sufficient 98394
to meet the debt service requirements for that year on such bonds. 98395

(d) If the additional revenues provided to the county are 98396
pledged by the county for the payment of bonds or notes issued 98397
under section 133.60 of the Revised Code, for so long as the bonds 98398
or notes are outstanding, no reduction of the county's allocation 98399
of the tax shall be made for any year, except to the extent that 98400
the reduced county allocation is sufficient to meet the debt 98401
service requirements for that year on the bonds or notes. 98402

(D)(1) The resolution levying the tax or increasing the rate 98403
of tax shall state the rate of the tax or the rate of the 98404
increase; the purpose or purposes for which it is to be levied; 98405
the number of years for which it is to be levied or that it is for 98406
a continuing period of time; the allocation method required by 98407
division (C) of this section; and if required to be submitted to 98408
the electors of the county under division (A) of this section, the 98409
date of the election at which the proposal shall be submitted to 98410
the electors of the county, which shall be not less than ninety 98411
days after the certification of a copy of the resolution to the 98412
board of elections and, if the tax is to be levied exclusively for 98413
the purpose set forth in division (A)(3) of this section, shall 98414
not occur in ~~February~~ or August of any year. Upon certification of 98415
the resolution to the board of elections, the board of county 98416
commissioners shall notify the tax commissioner in writing of the 98417
levy question to be submitted to the electors. If approved by a 98418
majority of the electors, the tax shall become effective on the 98419
first day of a calendar quarter next following the sixty-fifth day 98420
following the date the board of county commissioners and tax 98421

commissioner receive from the board of elections the certification 98422
of the results of the election, except as provided in division (E) 98423
of this section. 98424

(2)(a) A resolution specifying that the tax is to be used 98425
exclusively for the purpose set forth in division (A)(3) of this 98426
section that is not adopted as an emergency measure may direct the 98427
board of elections to submit the question of levying the tax or 98428
increasing the rate of the tax to the electors of the county at a 98429
special election held on the date specified by the board of county 98430
commissioners in the resolution, provided that the election occurs 98431
not less than ninety days after the resolution is certified to the 98432
board of elections and the election is not held in ~~February or~~ 98433
August of any year. Upon certification of the resolution to the 98434
board of elections, the board of county commissioners shall notify 98435
the tax commissioner in writing of the levy question to be 98436
submitted to the electors. No resolution adopted under division 98437
(D)(2)(a) of this section shall go into effect unless approved by 98438
a majority of those voting upon it and, except as provided in 98439
division (E) of this section, not until the first day of a 98440
calendar quarter following the expiration of sixty-five days from 98441
the date the tax commissioner receives notice from the board of 98442
elections of the affirmative vote. 98443

(b) A resolution specifying that the tax is to be used 98444
exclusively for the purpose set forth in division (A)(3) of this 98445
section that is adopted as an emergency measure shall become 98446
effective as provided in division (A) of this section, but may 98447
direct the board of elections to submit the question of repealing 98448
the tax or increase in the rate of the tax to the electors of the 98449
county at the next general election in the county occurring not 98450
less than ninety days after the resolution is certified to the 98451
board of elections. Upon certification of the resolution to the 98452
board of elections, the board of county commissioners shall notify 98453

the tax commissioner in writing of the levy question to be 98454
submitted to the electors. The ballot question shall be the same 98455
as that prescribed in section 5739.022 of the Revised Code. The 98456
board of elections shall notify the board of county commissioners 98457
and the tax commissioner of the result of the election immediately 98458
after the result has been declared. If a majority of the qualified 98459
electors voting on the question of repealing the tax or increase 98460
in the rate of the tax vote for repeal of the tax or repeal of the 98461
increase, the board of county commissioners, on the first day of a 98462
calendar quarter following the expiration of sixty-five days after 98463
the date the board and tax commissioner received notice of the 98464
result of the election, shall, in the case of a repeal of the tax, 98465
cease to levy the tax, or, in the case of a repeal of an increase 98466
in the rate of the tax, cease to levy the increased rate and levy 98467
the tax at the rate at which it was imposed immediately prior to 98468
the increase in rate. 98469

(c) A board of county commissioners, by resolution, may 98470
reduce the rate of a tax levied exclusively for the purpose set 98471
forth in division (A)(3) of this section to a lower rate 98472
authorized by this section. Any such reduction shall be made 98473
effective on the first day of the calendar quarter next following 98474
the sixty-fifth day after the tax commissioner receives a 98475
certified copy of the resolution from the board. 98476

(E) If a vendor makes a sale in this state by printed catalog 98477
and the consumer computed the tax on the sale based on local rates 98478
published in the catalog, any tax levied or repealed or rate 98479
changed under this section shall not apply to such a sale until 98480
the first day of a calendar quarter following the expiration of 98481
one hundred twenty days from the date of notice by the tax 98482
commissioner pursuant to division (G) of this section. 98483

(F) The tax levied pursuant to this section shall be in 98484
addition to the tax levied by section 5739.02 of the Revised Code 98485

and any tax levied pursuant to section 5739.021 ~~or~~, 5739.023, or
5739.024 of the Revised Code. 98486
98487

A county that levies a tax pursuant to this section shall 98488
levy a tax at the same rate pursuant to section 5741.023 of the 98489
Revised Code. 98490

The additional tax levied by the county shall be collected 98491
pursuant to section 5739.025 of the Revised Code. 98492

Any tax levied pursuant to this section is subject to the 98493
exemptions provided in section 5739.02 of the Revised Code and in 98494
addition shall not be applicable to sales not within the taxing 98495
power of a county under the Constitution of the United States or 98496
the Ohio Constitution. 98497

(G) Upon receipt from a board of county commissioners of a 98498
certified copy of a resolution required by division (A) of this 98499
section, or from the board of elections a notice of the results of 98500
an election required by division (D)(1), (2)(a), (b), or (c) of 98501
this section, the tax commissioner shall provide notice of a tax 98502
rate change in a manner that is reasonably accessible to all 98503
affected vendors. The commissioner shall provide this notice at 98504
least sixty days prior to the effective date of the rate change. 98505
The commissioner, by rule, may establish the method by which 98506
notice will be provided. 98507

Sec. 5739.027. (A) Notwithstanding sections 5739.02, 98508
5739.021, 5739.023, 5739.024, 5739.026, 5741.02, 5741.021, 98509
5741.022, ~~and~~ 5741.023, and 5741.024 of the Revised Code, the tax 98510
due on the sale to a consumer who is a nonresident of this state 98511
of a watercraft or outboard motor required to be titled pursuant 98512
to Chapter 1548. of the Revised Code, or on the sale of a 98513
watercraft documented or to be documented with the United States 98514
coast guard, shall be the lesser of the combined tax rate in 98515
effect at the location of the vendor or the sales, use, or similar 98516

excise tax that the consumer would owe in the state of the 98517
consumer's intended titling, registration, or use of the 98518
watercraft or outboard motor, if all of the following apply: 98519

(1) The consumer immediately will remove the watercraft or 98520
outboard motor from this state for use outside this state; 98521

(2) The consumer will title or register the watercraft or 98522
outboard motor in another state, if such titling or registration 98523
is required; 98524

(3) The consumer will pay all applicable sales, use, or 98525
similar excise taxes due in the state of titling, registration, or 98526
use; 98527

(4) The state of titling, registration, or use grants a 98528
credit against its sales, use, or similar excise tax for tax paid 98529
to this state; 98530

(5) The consumer executes the affidavit specified in division 98531
(C) of this section. 98532

The vendor shall collect the tax and remit it to the state in 98533
the manner specified by the tax commissioner. 98534

(B) If all of the conditions specified in division (A) of 98535
this section exist, except that the state of titling, 98536
registration, or use does not grant a credit for sales or use tax 98537
paid to this state, or that the consumer's ownership or use of the 98538
watercraft or outboard motor is exempt or otherwise not taxable in 98539
such other state, the consumer may take title to and possession of 98540
the watercraft or outboard motor without payment of any sales or 98541
use tax to this state. 98542

(C) Every nonresident consumer who purchases a watercraft or 98543
outboard motor, as described in division (A) of this section, for 98544
immediate removal from this state shall execute an affidavit in 98545
triplicate, in such form as the tax commissioner specifies, 98546

affirming such facts and specifying the consumer's tax liability 98547
in the intended state of titling, registration, or use. The 98548
affidavit shall be given to the vendor. The vendor shall retain a 98549
copy of the affidavit and file another copy with the clerk of the 98550
court of common pleas if the vendor is procuring an Ohio title on 98551
behalf of the consumer. The original copy of the affidavit shall 98552
be filed with the tax commissioner in the manner prescribed by the 98553
tax commissioner. 98554

(D) If the vendor procures a title on behalf of the 98555
nonresident consumer from the clerk of the court of common pleas 98556
of the county where the vendor is located on the sale of a 98557
watercraft or outboard motor, the vendor shall file the affidavit 98558
specified in division (C) of this section with the clerk. The 98559
clerk shall issue the title without requiring payment of a sales 98560
or use tax. 98561

(E) If the watercraft or outboard motor is purchased by a 98562
corporation described in division (B)(6) of section 5739.01 of the 98563
Revised Code, for purposes of this section the state of residence 98564
of the consumer shall be the state of residence of the principal 98565
shareholder. 98566

(F) For purposes of this section, the consideration received 98567
for watercraft trailers not required to be titled pursuant to 98568
Chapter 4505. of the Revised Code and other accessories, which are 98569
transferred to a nonresident consumer with the watercraft or 98570
outboard motor, is part of the price of the watercraft or outboard 98571
motor, provided that such consideration is included in the price 98572
of the watercraft or outboard motor as reported by the vendor. 98573
Tangible personal property sold separately to the nonresident 98574
consumer shall be taxed as otherwise provided in this chapter and 98575
Chapter 5741. of the Revised Code. 98576

(G) A vendor who in good faith accepts an affidavit provided 98577
by a nonresident consumer pursuant to division (C) of this section 98578

may rely upon the representations made in the affidavit. 98579

(H) All provisions of this chapter and of Chapter 5741. of 98580
the Revised Code that are not inconsistent with this section apply 98581
to transactions described in this section. 98582

(I) Any vendor who makes sales described in this section 98583
shall file with the tax commissioner any supplemental report or 98584
return the tax commissioner considers necessary for the efficient 98585
administration and enforcement of this section. 98586

Sec. 5739.029. (A) Notwithstanding sections 5739.02, 98587
5739.021, 5739.023, 5739.024, 5739.026, 5741.02, 5741.021, 98588
5741.022, ~~and~~ 5741.023, and 5741.024 of the Revised Code, and 98589
except as otherwise provided in division (B) of this section, the 98590
tax due under this chapter on the sale of a motor vehicle required 98591
to be titled under Chapter 4505. of the Revised Code by a motor 98592
vehicle dealer to a consumer that is a nonresident of this state 98593
shall be the lesser of the amount of tax that would be due under 98594
this chapter and Chapter 5741. of the Revised Code if the total 98595
combined rate were six per cent, or the amount of tax that would 98596
be due to the state in which the consumer titles or registers the 98597
motor vehicle or to which the consumer removes the vehicle for 98598
use. 98599

(B) No tax is due under this section, any other section of 98600
this chapter, or Chapter 5741. of the Revised Code under any of 98601
the following circumstances: 98602

(1)(a) The consumer intends to immediately remove the motor 98603
vehicle from this state for use outside this state; 98604

(b) Upon removal of the motor vehicle from this state, the 98605
consumer intends to title or register the vehicle in another state 98606
if such titling or registration is required; 98607

(c) The consumer executes an affidavit as required under 98608

division (C) of this section affirming the consumer's intentions 98609
under divisions (B)(1)(a) and (b) of this section; and 98610

(d) The state in which the consumer titles or registers the 98611
motor vehicle or to which the consumer removes the vehicle for use 98612
provides an exemption under circumstances substantially similar to 98613
those described in division (B)(1) of this section. 98614

(2) The state in which the consumer titles or registers the 98615
motor vehicle or to which the consumer removes the vehicle for use 98616
does not provide a credit against its sales or use tax or similar 98617
excise tax for sales or use tax paid to this state. 98618

(3) The state in which the consumer titles or registers the 98619
motor vehicle or to which the consumer removes the vehicle for use 98620
does not impose a sales or use tax or similar excise tax on the 98621
ownership or use of motor vehicles. 98622

(C) Any nonresident consumer that purchases a motor vehicle 98623
from a motor vehicle dealer in this state under the circumstances 98624
described in divisions (B)(1)(a) and (b) of this section shall 98625
execute an affidavit affirming the intentions described in those 98626
divisions. The affidavit shall be executed in triplicate and in 98627
the form specified by the tax commissioner. The affidavit shall be 98628
given to the motor vehicle dealer. 98629

A motor vehicle dealer that accepts in good faith an 98630
affidavit presented under this division by a nonresident consumer 98631
may rely upon the representations made in the affidavit. 98632

(D) A motor vehicle dealer making a sale subject to the tax 98633
under division (A) of this section shall collect the tax due 98634
unless the sale is subject to the exception under division (B) of 98635
this section or unless the sale is not otherwise subject to taxes 98636
levied under sections 5739.02, 5739.021, 5739.023, 5739.024, 98637
5739.026, 5741.02, 5741.021, 5741.022, ~~and~~ 5741.023, and 5741.024 98638
of the Revised Code. In the case of a sale under the circumstances 98639

described in division (B)(1) of this section, the dealer shall 98640
retain one copy of the affidavit and file the original and the 98641
other copy with the clerk of the court of common pleas. If tax is 98642
due under division (A) of this section, the dealer shall remit the 98643
tax collected ~~to the clerk at the time the dealer obtains the Ohio~~ 98644
~~certificate of title in the name of the consumer~~ as required under 98645
section 4505.06 of the Revised Code. The clerk shall forward the 98646
original affidavit to the tax commissioner in the manner 98647
prescribed by the commissioner. 98648

Unless a sale is excepted from taxation under division (B) of 98649
this section or the dealer makes an election under division (B)(5) 98650
of section 4505.06 of the Revised Code, upon receipt of an 98651
application for certificate of title a clerk of the court of 98652
common pleas shall collect the sales tax due under division (A) of 98653
this section. ~~The clerk shall~~ and remit the tax collected to the 98654
tax commissioner in the manner prescribed by the commissioner. 98655

(E) If a motor vehicle is purchased by a corporation 98656
described in division (B)(6) of section 5739.01 of the Revised 98657
Code, the state of residence of the consumer for the purposes of 98658
this section is the state of residence of the corporation's 98659
principal shareholder. 98660

(F) Any provision of this chapter or of Chapter 5741. of the 98661
Revised Code that is not inconsistent with this section applies to 98662
sales described in division (A) of this section. 98663

(G) As used in this section: 98664

(1) For the purposes of this section only, the sale or 98665
purchase of a motor vehicle does not include a lease or rental of 98666
a motor vehicle subject to division (A)(2) or (3) of section 98667
5739.02 or division (A)(2) or (3) of section 5741.02 of the 98668
Revised Code; 98669

(2) "State," except in reference to "this state," means any 98670

state, district, commonwealth, or territory of the United States 98671
and any province of Canada. 98672

Sec. 5739.03. (A) Except as provided in section 5739.05 or 98673
section 5739.051 of the Revised Code, the tax imposed by or 98674
pursuant to section 5739.02, 5739.021, 5739.023, 5739.024, or 98675
5739.026 of the Revised Code shall be paid by the consumer to the 98676
vendor, and each vendor shall collect from the consumer, as a 98677
trustee for the state of Ohio, the full and exact amount of the 98678
tax payable on each taxable sale, in the manner and at the times 98679
provided as follows: 98680

(1) If the price is, at or prior to the provision of the 98681
service or the delivery of possession of the thing sold to the 98682
consumer, paid in currency passed from hand to hand by the 98683
consumer or the consumer's agent to the vendor or the vendor's 98684
agent, the vendor or the vendor's agent shall collect the tax with 98685
and at the same time as the price; 98686

(2) If the price is otherwise paid or to be paid, the vendor 98687
or the vendor's agent shall, at or prior to the provision of the 98688
service or the delivery of possession of the thing sold to the 98689
consumer, charge the tax imposed by or pursuant to section 98690
5739.02, 5739.021, 5739.023, 5739.024, or 5739.026 of the Revised 98691
Code to the account of the consumer, which amount shall be 98692
collected by the vendor from the consumer in addition to the 98693
price. Such sale shall be reported on and the amount of the tax 98694
applicable thereto shall be remitted with the return for the 98695
period in which the sale is made, and the amount of the tax shall 98696
become a legal charge in favor of the vendor and against the 98697
consumer. 98698

(B)(1)(a) If any sale is claimed to be exempt under division 98699
(E) of section 5739.01 of the Revised Code or under section 98700
5739.02 of the Revised Code, with the exception of divisions 98701

(B)(1) to (11) or (28) of section 5739.02 of the Revised Code, the consumer must provide to the vendor, and the vendor must obtain from the consumer, a certificate specifying the reason that the sale is not legally subject to the tax. The certificate shall be in such form, and shall be provided either in a hard copy form or electronic form, as the tax commissioner prescribes.

(b) A vendor that obtains a fully completed exemption certificate from a consumer is relieved of liability for collecting and remitting tax on any sale covered by that certificate. If it is determined the exemption was improperly claimed, the consumer shall be liable for any tax due on that sale under section 5739.02, 5739.021, 5739.023, 5739.024, or 5739.026 or Chapter 5741. of the Revised Code. Relief under this division from liability does not apply to any of the following:

(i) A vendor that fraudulently fails to collect tax;

(ii) A vendor that solicits consumers to participate in the unlawful claim of an exemption;

(iii) A vendor that accepts an exemption certificate from a consumer that claims an exemption based on who purchases or who sells property or a service, when the subject of the transaction sought to be covered by the exemption certificate is actually received by the consumer at a location operated by the vendor in this state, and this state has posted to its web site an exemption certificate form that clearly and affirmatively indicates that the claimed exemption is not available in this state;

(iv) A vendor that accepts an exemption certificate from a consumer who claims a multiple points of use exemption under division (D) of section 5739.033 of the Revised Code, if the item purchased is tangible personal property, other than prewritten computer software.

(2) The vendor shall maintain records, including exemption

certificates, of all sales on which a consumer has claimed an exemption, and provide them to the tax commissioner on request.

(3) The tax commissioner may establish an identification system whereby the commissioner issues an identification number to a consumer that is exempt from payment of the tax. The consumer must present the number to the vendor, if any sale is claimed to be exempt as provided in this section.

(4) If no certificate is provided or obtained within ninety days after the date on which such sale is consummated, it shall be presumed that the tax applies. Failure to have so provided or obtained a certificate shall not preclude a vendor, within one hundred twenty days after the tax commissioner gives written notice of intent to levy an assessment, from either establishing that the sale is not subject to the tax, or obtaining, in good faith, a fully completed exemption certificate.

(5) Certificates need not be obtained nor provided where the identity of the consumer is such that the transaction is never subject to the tax imposed or where the item of tangible personal property sold or the service provided is never subject to the tax imposed, regardless of use, or when the sale is in interstate commerce.

(6) If a transaction is claimed to be exempt under division (B)(13) of section 5739.02 of the Revised Code, the contractor shall obtain certification of the claimed exemption from the contractee. This certification shall be in addition to an exemption certificate provided by the contractor to the vendor. A contractee that provides a certification under this division shall be deemed to be the consumer of all items purchased by the contractor under the claim of exemption, if it is subsequently determined that the exemption is not properly claimed. The certification shall be in such form as the tax commissioner prescribes.

(C) As used in this division, "contractee" means a person who seeks to enter or enters into a contract or agreement with a contractor or vendor for the construction of real property or for the sale and installation onto real property of tangible personal property.

Any contractor or vendor may request from any contractee a certification of what portion of the property to be transferred under such contract or agreement is to be incorporated into the realty and what portion will retain its status as tangible personal property after installation is completed. The contractor or vendor shall request the certification by certified mail delivered to the contractee, return receipt requested. Upon receipt of such request and prior to entering into the contract or agreement, the contractee shall provide to the contractor or vendor a certification sufficiently detailed to enable the contractor or vendor to ascertain the resulting classification of all materials purchased or fabricated by the contractor or vendor and transferred to the contractee. This requirement applies to a contractee regardless of whether the contractee holds a direct payment permit under section 5739.031 of the Revised Code or provides to the contractor or vendor an exemption certificate as provided under this section.

For the purposes of the taxes levied by this chapter and Chapter 5741. of the Revised Code, the contractor or vendor may in good faith rely on the contractee's certification. Notwithstanding division (B) of section 5739.01 of the Revised Code, if the tax commissioner determines that certain property certified by the contractee as tangible personal property pursuant to this division is, in fact, real property, the contractee shall be considered to be the consumer of all materials so incorporated into that real property and shall be liable for the applicable tax, and the contractor or vendor shall be excused from any liability on those

materials. 98797

If a contractee fails to provide such certification upon the 98798
request of the contractor or vendor, the contractor or vendor 98799
shall comply with the provisions of this chapter and Chapter 5741. 98800
of the Revised Code without the certification. If the tax 98801
commissioner determines that such compliance has been performed in 98802
good faith and that certain property treated as tangible personal 98803
property by the contractor or vendor is, in fact, real property, 98804
the contractee shall be considered to be the consumer of all 98805
materials so incorporated into that real property and shall be 98806
liable for the applicable tax, and the construction contractor or 98807
vendor shall be excused from any liability on those materials. 98808

This division does not apply to any contract or agreement 98809
where the tax commissioner determines as a fact that a 98810
certification under this division was made solely on the decision 98811
or advice of the contractor or vendor. 98812

(D) Notwithstanding division (B) of section 5739.01 of the 98813
Revised Code, whenever the total rate of tax imposed under this 98814
chapter is increased after the date after a construction contract 98815
is entered into, the contractee shall reimburse the construction 98816
contractor for any additional tax paid on tangible property 98817
consumed or services received pursuant to the contract. 98818

(E) A vendor who files a petition for reassessment contesting 98819
the assessment of tax on sales for which the vendor obtained no 98820
valid exemption certificates and for which the vendor failed to 98821
establish that the sales were properly not subject to the tax 98822
during the one-hundred-twenty-day period allowed under division 98823
(B) of this section, may present to the tax commissioner 98824
additional evidence to prove that the sales were properly subject 98825
to a claim of exception or exemption. The vendor shall file such 98826
evidence within ninety days of the receipt by the vendor of the 98827
notice of assessment, except that, upon application and for 98828

reasonable cause, the period for submitting such evidence shall be 98829
extended thirty days. 98830

The commissioner shall consider such additional evidence in 98831
reaching the final determination on the assessment and petition 98832
for reassessment. 98833

(F) Whenever a vendor refunds the price, minus any separately 98834
stated delivery charge, of an item of tangible personal property 98835
on which the tax imposed under this chapter has been paid, the 98836
vendor shall also refund the amount of tax paid, minus the amount 98837
of tax attributable to the delivery charge. 98838

Sec. 5739.031. (A) Upon application, the tax commissioner may 98839
issue a direct payment permit that authorizes a consumer to pay 98840
the sales tax levied by or pursuant to section 5739.02, 5739.021, 98841
5739.023, 5739.024, or 5739.026 of the Revised Code or the use tax 98842
levied by or pursuant to section 5741.02, 5741.021, 5741.022, ~~or~~ 98843
5741.023, or 5741.024 of the Revised Code directly to the state 98844
and waives the collection of the tax by the vendor or seller if 98845
payment directly to the state would improve compliance and 98846
increase the efficiency of the administration of the tax. The 98847
commissioner may adopt rules establishing the criteria for the 98848
issuance of such permits. 98849

(B) Each permit holder, on or before the twenty-third day of 98850
each month, shall make and file with the treasurer of state a 98851
return for the preceding month in such form as is prescribed by 98852
the tax commissioner and shall pay the tax shown on the return to 98853
be due. The return shall show the sum of the prices of taxable 98854
merchandise used and taxable services received, the amount of tax 98855
due from the permit holder, and such other information as the 98856
commissioner deems necessary. The commissioner, upon written 98857
request by the permit holder, may extend the time for making and 98858
filing returns and paying the tax. If the commissioner determines 98859

that a permit holder's tax liability is not such as to merit 98860
monthly filing, the commissioner may authorize the permit holder 98861
to file returns and pay the tax at less frequent intervals. The 98862
treasurer of state shall show on the return the date it was filed 98863
and the amount of the payment remitted to the treasurer. 98864
Thereafter, the treasurer immediately shall transmit all returns 98865
filed under this section to the tax commissioner. 98866

Any permit holder required to file a return and pay the tax 98867
under this section whose total payment for any calendar year 98868
equals or exceeds the amount shown in section 5739.032 of the 98869
Revised Code shall make each payment required by this section in 98870
the second ensuing and each succeeding year by electronic funds 98871
transfer as prescribed by, and on or before the dates specified 98872
in, section 5739.032 of the Revised Code, except as otherwise 98873
prescribed by that section. 98874

(C) For purposes of reporting and remitting the tax, the 98875
price of tangible personal property or services purchased by, or 98876
of tangible personal property produced by, the permit holder shall 98877
be determined under division (G) of section 5741.01 of the Revised 98878
Code. Except as otherwise provided in division (E) of section 98879
5739.033 of the Revised Code, the situs of any purchase 98880
transaction made by the permit holder is the location where the 98881
tangible personal property or service is received by the permit 98882
holder. 98883

(D) It shall be the duty of every permit holder required to 98884
make a return and pay its tax under this section to keep and 98885
preserve suitable records of purchases together with invoices of 98886
purchases, bills of lading, asset ledgers, depreciation schedules, 98887
transfer journals, and such other primary and secondary records 98888
and documents in such form as the commissioner requires. All such 98889
records and other documents shall be open during business hours to 98890
the inspection of the tax commissioner, and shall be preserved for 98891

a period of four years, unless the commissioner, in writing, has 98892
authorized their destruction or disposal at an earlier date, or by 98893
order or by reason of a waiver of the four-year time limitation 98894
pursuant to section 5739.16 of the Revised Code requires that they 98895
be kept longer. 98896

(E) A permit granted pursuant to this section shall continue 98897
to be valid until surrendered by the holder or canceled for cause 98898
by the tax commissioner. 98899

(F) Persons who hold a direct payment permit that has not 98900
been canceled shall not be required to issue exemption 98901
certificates and shall not be required to pay the tax as 98902
prescribed in sections 5739.03, 5739.033, and 5741.12 of the 98903
Revised Code. Such persons shall notify vendors and sellers from 98904
whom purchases of tangible personal property or services are made, 98905
of their direct payment permit number and that the tax is being 98906
paid directly to the state. Upon receipt of such notice, such 98907
vendor or seller shall be absolved from all duties and liabilities 98908
imposed by section 5739.03 or 5741.04 of the Revised Code with 98909
respect to sales of tangible personal property or services to such 98910
permit holder. 98911

Vendors and sellers who make sales upon which the tax is not 98912
collected by reason of the provisions of this section shall 98913
maintain records in such manner that the amount involved and 98914
identity of the purchaser may be ascertained. The receipts from 98915
such sales shall not be subject to the tax levied in section 98916
5739.10 of the Revised Code. 98917

Upon the cancellation or surrender of a direct payment 98918
permit, the provisions of sections 5739.03, 5741.04, and 5741.12 98919
of the Revised Code shall immediately apply to all purchases made 98920
subsequent to such cancellation or surrender by the person who 98921
previously held such permit, and such person shall so notify 98922
vendors and sellers from whom purchases of tangible personal 98923

property or services are made, in writing, prior to or at the time 98924
of the first purchase after such cancellation or surrender. Upon 98925
receipt of such notice, the vendor shall be subject to the 98926
provisions of sections 5739.03 and 5739.10 of the Revised Code and 98927
the seller shall be subject to the provisions of section 5741.04 98928
of the Revised Code, with respect to all sales subsequently made 98929
to such person. Failure of any such person to notify vendors or 98930
sellers from whom purchases of tangible personal property or 98931
services are made of the cancellation or surrender of a direct 98932
payment permit shall be considered as a refusal to pay the tax by 98933
the person required to issue such notice. 98934

Sec. 5739.033. (A) The amount of tax due pursuant to sections 98935
5739.02, 5739.021, 5739.023, 5739.024, and 5739.026 of the Revised 98936
Code is the sum of the taxes imposed pursuant to those sections at 98937
the sourcing location of the sale as determined under this section 98938
or, if applicable, under division (C) of section 5739.031 or 98939
section 5739.034 of the Revised Code. This section applies only to 98940
a vendor's or seller's obligation to collect and remit sales taxes 98941
under section 5739.02, 5739.021, 5739.023, 5739.024, or 5739.026 98942
of the Revised Code or use taxes under section 5741.02, 5741.021, 98943
5741.022, ~~or 5741.023~~, or 5741.024 of the Revised Code. Division 98944
(A) of this section does not apply in determining the jurisdiction 98945
for which sellers are required to collect the use tax under 98946
section 5741.05 of the Revised Code. This section does not affect 98947
the obligation of a consumer to remit use taxes on the storage, 98948
use, or other consumption of tangible personal property or on the 98949
benefit realized of any service provided, to the jurisdiction of 98950
that storage, use, or consumption, or benefit realized. 98951

(B)(1) Beginning January 1, 2010, retail sales, excluding the 98953
lease or rental, of tangible personal property or digital goods 98954
shall be sourced to the location where the vendor receives an 98955

order for the sale of such property or goods if: 98956

(a) The vendor receives the order in this state and the 98957
consumer receives the property or goods in this state; 98958

(b) The location where the consumer receives the property or 98959
goods is determined under division (C)(2), (3), or (4) of this 98960
section; and 98961

(c) The record-keeping system used by the vendor to calculate 98962
the tax imposed captures the location where the order is received 98963
at the time the order is received. 98964

(2) A consumer has no additional liability to this state 98965
under this chapter or Chapter 5741. of the Revised Code for tax, 98966
penalty, or interest on a sale for which the consumer remits tax 98967
to the vendor in the amount invoiced by the vendor if the invoice 98968
amount is calculated at either the rate applicable to the location 98969
where the consumer receives the property or digital good or at the 98970
rate applicable to the location where the order is received by the 98971
vendor. A consumer may rely on a written representation by the 98972
vendor as to the location where the order for the sale was 98973
received by the vendor. If the consumer does not have a written 98974
representation by the vendor as to the location where the order 98975
was received by the vendor, the consumer may use a location 98976
indicated by a business address for the vendor that is available 98977
from records that are maintained in the ordinary course of the 98978
consumer's business to determine the rate applicable to the 98979
location where the order was received. 98980

(3) For the purposes of division (B) of this section, the 98981
location where an order is received by or on behalf of a vendor 98982
means the physical location of the vendor or a third party such as 98983
an established outlet, office location, or automated order receipt 98984
system operated by or on behalf of the vendor, where an order is 98985
initially received by or on behalf of the vendor, and not where 98986

the order may be subsequently accepted, completed, or fulfilled. 98987
An order is received when all necessary information to determine 98988
whether the order can be accepted has been received by or on 98989
behalf of the vendor. The location from which the property or 98990
digital good is shipped shall not be used to determine the 98991
location where the order is received by the vendor. 98992

(4) For the purposes of division (B) of this section, if 98993
services subject to taxation under this chapter or Chapter 5741. 98994
of the Revised Code are sold with tangible personal property or 98995
digital goods pursuant to a single contract or in the same 98996
transaction, the services are billed on the same billing statement 98997
or invoice, and, because of the application of division (B) of 98998
this section, the transaction would be sourced to more than one 98999
jurisdiction, the situs of the transaction shall be the location 99000
where the order is received by or on behalf of the vendor. 99001

(C) Except for sales, other than leases, of titled motor 99002
vehicles, titled watercraft, or titled outboard motors as provided 99003
in section 5741.05 of the Revised Code, or as otherwise provided 99004
in this section and section 5739.034 of the Revised Code, all 99005
sales shall be sourced as follows: 99006

(1) If the consumer or a donee designated by the consumer 99007
receives tangible personal property or a service at a vendor's 99008
place of business, the sale shall be sourced to that place of 99009
business. 99010

(2) When the tangible personal property or service is not 99011
received at a vendor's place of business, the sale shall be 99012
sourced to the location known to the vendor where the consumer or 99013
the donee designated by the consumer receives the tangible 99014
personal property or service, including the location indicated by 99015
instructions for delivery to the consumer or the consumer's donee. 99016

(3) If divisions (C)(1) and (2) of this section do not apply, 99017

the sale shall be sourced to the location indicated by an address 99018
for the consumer that is available from the vendor's business 99019
records that are maintained in the ordinary course of the vendor's 99020
business, when use of that address does not constitute bad faith. 99021

(4) If divisions (C)(1), (2), and (3) of this section do not 99022
apply, the sale shall be sourced to the location indicated by an 99023
address for the consumer obtained during the consummation of the 99024
sale, including the address associated with the consumer's payment 99025
instrument, if no other address is available, when use of that 99026
address does not constitute bad faith. 99027

(5) If divisions (C)(1), (2), (3), and (4) of this section do 99028
not apply, including in the circumstance where the vendor is 99029
without sufficient information to apply any of those divisions, 99030
the sale shall be sourced to the address from which tangible 99031
personal property was shipped, or from which the service was 99032
provided, disregarding any location that merely provided the 99033
electronic transfer of the property sold or service provided. 99034

(6) As used in division (C) of this section, "receive" means 99035
taking possession of tangible personal property or making first 99036
use of a service. "Receive" does not include possession by a 99037
shipping company on behalf of a consumer. 99038

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 99039
section, a business consumer that is not a holder of a direct 99040
payment permit granted under section 5739.031 of the Revised Code, 99041
that purchases a digital good, computer software, except computer 99042
software received in person by a business consumer at a vendor's 99043
place of business, or a service, and that knows at the time of 99044
purchase that such digital good, software, or service will be 99045
concurrently available for use in more than one taxing 99046
jurisdiction shall deliver to the vendor in conjunction with its 99047
purchase an exemption certificate claiming multiple points of use, 99048
or shall meet the requirements of division (D)(2) of this section. 99049

On receipt of the exemption certificate claiming multiple points 99050
of use, the vendor is relieved of its obligation to collect, pay, 99051
or remit the tax due, and the business consumer must pay the tax 99052
directly to the state. 99053

(b) A business consumer that delivers the exemption 99054
certificate claiming multiple points of use to a vendor may use 99055
any reasonable, consistent, and uniform method of apportioning the 99056
tax due on the digital good, computer software, or service that is 99057
supported by the consumer's business records as they existed at 99058
the time of the sale. The business consumer shall report and pay 99059
the appropriate tax to each jurisdiction where concurrent use 99060
occurs. The tax due shall be calculated as if the apportioned 99061
amount of the digital good, computer software, or service had been 99062
delivered to each jurisdiction to which the sale is apportioned 99063
under this division. 99064

(c) The exemption certificate claiming multiple points of use 99065
shall remain in effect for all future sales by the vendor to the 99066
business consumer until it is revoked in writing by the business 99067
consumer, except as to the business consumer's specific 99068
apportionment of a subsequent sale under division (D)(1)(b) of 99069
this section and the facts existing at the time of the sale. 99070

(2) When the vendor knows that a digital good, computer 99071
software, or service sold will be concurrently available for use 99072
by the business consumer in more than one jurisdiction, but the 99073
business consumer does not provide an exemption certificate 99074
claiming multiple points of use as required by division (D)(1) of 99075
this section, the vendor may work with the business consumer to 99076
produce the correct apportionment. Governed by the principles of 99077
division (D)(1)(b) of this section, the vendor and business 99078
consumer may use any reasonable, but consistent and uniform, 99079
method of apportionment that is supported by the vendor's and 99080
business consumer's books and records as they exist at the time 99081

the sale is reported for purposes of the taxes levied under this 99082
chapter. If the business consumer certifies to the accuracy of the 99083
apportionment and the vendor accepts the certification, the vendor 99084
shall collect and remit the tax accordingly. In the absence of bad 99085
faith, the vendor is relieved of any further obligation to collect 99086
tax on any transaction where the vendor has collected tax pursuant 99087
to the information certified by the business consumer. 99088

(3) When the vendor knows that the digital good, computer 99089
software, or service will be concurrently available for use in 99090
more than one jurisdiction, and the business consumer does not 99091
have a direct pay permit and does not provide to the vendor an 99092
exemption certificate claiming multiple points of use as required 99093
in division (D)(1) of this section, or certification pursuant to 99094
division (D)(2) of this section, the vendor shall collect and 99095
remit the tax based on division (C) of this section. 99096

(4) Nothing in this section shall limit a person's obligation 99097
for sales or use tax to any state in which a digital good, 99098
computer software, or service is concurrently available for use, 99099
nor limit a person's ability under local, state, or federal law, 99100
to claim a credit for sales or use taxes legally due and paid to 99101
other jurisdictions. 99102

(E) A person who holds a direct payment permit issued under 99103
section 5739.031 of the Revised Code is not required to deliver an 99104
exemption certificate claiming multiple points of use to a vendor. 99105
But such permit holder shall comply with division (D)(2) of this 99106
section in apportioning the tax due on a digital good, computer 99107
software, or a service for use in business that will be 99108
concurrently available for use in more than one taxing 99109
jurisdiction. 99110

(F)(1) Notwithstanding divisions (C)(1) to (5) of this 99111
section, the consumer of direct mail that is not a holder of a 99112
direct payment permit shall provide to the vendor in conjunction 99113

with the sale either an exemption certificate claiming direct mail 99114
prescribed by the tax commissioner, or information to show the 99115
jurisdictions to which the direct mail is delivered to recipients. 99116

(2) Upon receipt of such exemption certificate, the vendor is 99117
relieved of all obligations to collect, pay, or remit the 99118
applicable tax and the consumer is obligated to pay that tax on a 99119
direct pay basis. An exemption certificate claiming direct mail 99120
shall remain in effect for all future sales of direct mail by the 99121
vendor to the consumer until it is revoked in writing. 99122

(3) Upon receipt of information from the consumer showing the 99123
jurisdictions to which the direct mail is delivered to recipients, 99124
the vendor shall collect the tax according to the delivery 99125
information provided by the consumer. In the absence of bad faith, 99126
the vendor is relieved of any further obligation to collect tax on 99127
any transaction where the vendor has collected tax pursuant to the 99128
delivery information provided by the consumer. 99129

(4) If the consumer of direct mail does not have a direct 99130
payment permit and does not provide the vendor with either an 99131
exemption certificate claiming direct mail or delivery information 99132
as required by division (F)(1) of this section, the vendor shall 99133
collect the tax according to division (C)(5) of this section. 99134
Nothing in division (F)(4) of this section shall limit a 99135
consumer's obligation to pay sales or use tax to any state to 99136
which the direct mail is delivered. 99137

(5) If a consumer of direct mail provides the vendor with 99138
documentation of direct payment authority, the consumer shall not 99139
be required to provide an exemption certificate claiming direct 99140
mail or delivery information to the vendor. 99141

(G) If the vendor provides lodging to transient guests as 99142
specified in division (B)(2) of section 5739.01 of the Revised 99143
Code, the sale shall be sourced to the location where the lodging 99144

is located. 99145

(H)(1) As used in this division and division (I) of this 99146
section, "transportation equipment" means any of the following: 99147

(a) Locomotives and railcars that are utilized for the 99148
carriage of persons or property in interstate commerce. 99149

(b) Trucks and truck-tractors with a gross vehicle weight 99150
rating of greater than ten thousand pounds, trailers, 99151
semi-trailers, or passenger buses that are registered through the 99152
international registration plan and are operated under authority 99153
of a carrier authorized and certificated by the United States 99154
department of transportation or another federal authority to 99155
engage in the carriage of persons or property in interstate 99156
commerce. 99157

(c) Aircraft that are operated by air carriers authorized and 99158
certificated by the United States department of transportation or 99159
another federal authority to engage in the carriage of persons or 99160
property in interstate or foreign commerce. 99161

(d) Containers designed for use on and component parts 99162
attached to or secured on the items set forth in division 99163
(H)(1)(a), (b), or (c) of this section. 99164

(2) A sale, lease, or rental of transportation equipment 99165
shall be sourced pursuant to division (C) of this section. 99166

(I)(1) A lease or rental of tangible personal property that 99167
does not require recurring periodic payments shall be sourced 99168
pursuant to division (C) of this section. 99169

(2) A lease or rental of tangible personal property that 99170
requires recurring periodic payments shall be sourced as follows: 99171

(a) In the case of a motor vehicle, other than a motor 99172
vehicle that is transportation equipment, or an aircraft, other 99173
than an aircraft that is transportation equipment, such lease or 99174

rental shall be sourced as follows: 99175

(i) An accelerated tax payment on a lease or rental taxed 99176
pursuant to division (A)(2) of section 5739.02 of the Revised Code 99177
shall be sourced to the primary property location at the time the 99178
lease or rental is consummated. Any subsequent taxable charges on 99179
the lease or rental shall be sourced to the primary property 99180
location for the period in which the charges are incurred. 99181

(ii) For a lease or rental taxed pursuant to division (A)(3) 99182
of section 5739.02 of the Revised Code, each lease or rental 99183
installment shall be sourced to the primary property location for 99184
the period covered by the installment. 99185

(b) In the case of a lease or rental of all other tangible 99186
personal property, other than transportation equipment, such lease 99187
or rental shall be sourced as follows: 99188

(i) An accelerated tax payment on a lease or rental that is 99189
taxed pursuant to division (A)(2) of section 5739.02 of the 99190
Revised Code shall be sourced pursuant to division (C) of this 99191
section at the time the lease or rental is consummated. Any 99192
subsequent taxable charges on the lease or rental shall be sourced 99193
to the primary property location for the period in which the 99194
charges are incurred. 99195

(ii) For a lease or rental that is taxed pursuant to division 99196
(A)(3) of section 5739.02 of the Revised Code, the initial lease 99197
or rental installment shall be sourced pursuant to division (C) of 99198
this section. Each subsequent installment shall be sourced to the 99199
primary property location for the period covered by the 99200
installment. 99201

(3) As used in division (I) of this section, "primary 99202
property location" means an address for tangible personal property 99203
provided by the lessee or renter that is available to the lessor 99204
or owner from its records maintained in the ordinary course of 99205

business, when use of that address does not constitute bad faith. 99206

(J) If the vendor provides a service specified in division 99207
(B)(11) of section 5739.01 of the Revised Code, the situs of the 99208
sale is the location of the enrollee for whom a medicaid health 99209
insurance corporation receives managed care premiums. Such sales 99210
shall be sourced to the locations of the enrollees in the same 99211
proportion as the managed care premiums received by the medicaid 99212
health insuring corporation on behalf of enrollees located in a 99213
particular taxing jurisdiction in Ohio as compared to all managed 99214
care premiums received by the medicaid health insuring 99215
corporation. 99216

Sec. 5739.034. (A) As used in this section: 99217

(1) "Air-to-ground radiotelephone service" means a radio 99218
service, as defined in 47 C.F.R. 22.99, in which common carriers 99219
are authorized to offer and provide radio telecommunications 99220
service for hire to subscribers in aircraft. 99221

(2) "Call-by-call basis" means any method of charging for 99222
telecommunications services where the price is measured by 99223
individual calls. 99224

(3) "Customer" means the person or entity that contracts with 99225
a seller of telecommunications service. If the end user of 99226
telecommunications service is not the contracting party, the end 99227
user of the telecommunications service is the customer of the 99228
telecommunications service. "Customer" does not include a reseller 99229
of telecommunications service or of mobile telecommunications 99230
service of a serving carrier under an agreement to serve the 99231
customer outside the home service provider's licensed service 99232
area. 99233

(4) "End user" means the person who utilizes the 99234
telecommunications service. In the case of a person other than an 99235

individual, "end user" means the individual who utilizes the 99236
service on behalf of the person. 99237

(5) "Home service provider" has the same meaning as in the 99238
"Mobile Telecommunications Sourcing Act," Pub. L. No. 106-252, 114 99239
Stat. 631 (2000), 4 U.S.C. 124(5), as amended. 99240

(6) "Place of primary use" means the street address 99241
representative of where the customer's use of the 99242
telecommunications service primarily occurs, which must be the 99243
residential street address or the primary business street address 99244
of the customer. In the case of mobile telecommunications 99245
services, "place of primary use" must be within the licensed 99246
service area of the home service provider. 99247

(7) "Post-paid calling service" means the telecommunications 99248
service obtained by making a payment on a call-by-call basis 99249
either through the use of a credit card or payment mechanism such 99250
as a bank card, travel card, credit card, or debit card, or by 99251
charge made to a telephone number that is not associated with the 99252
origination or termination of the telecommunications service. 99253
"Post-paid calling service" includes a telecommunications service, 99254
except a prepaid wireless calling service, that would be a prepaid 99255
calling service, but for the fact that it is not exclusively a 99256
telecommunications service. 99257

(8) "Prepaid calling service" and "prepaid wireless calling 99258
service" have the same meanings as in section 5739.01 of the 99259
Revised Code. 99260

(9) "Service address" means: 99261

(a) The location of the telecommunications equipment to which 99262
a customer's call is charged and from which the call originates or 99263
terminates, regardless of where the call is billed or paid. 99264

(b) If the location in division (A)(9)(a) of this section is 99265
not known, "service address" means the origination point of the 99266

signal of the telecommunications service first identified by 99267
either the seller's telecommunications system or in information 99268
received by the seller from its service provider, where the system 99269
used to transport such signals is not that of the seller. 99270

(c) If the locations in divisions (A)(9)(a) and (b) of this 99271
section are not known, "service address" means the location of the 99272
customer's place of primary use. 99273

(10) "Private communication service" means a 99274
telecommunications service that entitles a customer to exclusive 99275
or priority use of a communications channel or group of channels 99276
between or among termination points, regardless of the manner in 99277
which the channel or channels are connected, and includes 99278
switching capacity, extension lines, stations, and any other 99279
associated services that are provided in connection with the use 99280
of such channel or channels. 99281

(B) The amount of tax due pursuant to sections 5739.02, 99282
5739.021, 5739.023, 5739.024, and 5739.026 of the Revised Code on 99283
sales of telecommunications service, information service, or 99284
mobile telecommunications service, is the sum of the taxes imposed 99285
pursuant to those sections at the sourcing location of the sale as 99286
determined under this section. 99287

(C) Except for the telecommunications services described in 99288
division (E) of this section, the sale of telecommunications 99289
service sold on a call-by-call basis shall be sourced to each 99290
level of taxing jurisdiction where the call originates and 99291
terminates in that jurisdiction, or each level of taxing 99292
jurisdiction where the call either originates or terminates and in 99293
which the service address also is located. 99294

(D) Except for the telecommunications services described in 99295
division (E) of this section, a sale of telecommunications 99296
services sold on a basis other than a call-by-call basis shall be 99297

sourced to the customer's place of primary use. 99298

(E) The sale of the following telecommunications services 99299
shall be sourced to each level of taxing jurisdiction, as follows: 99300

(1) A sale of mobile telecommunications service, other than 99301
air-to-ground radiotelephone service and prepaid calling service, 99302
shall be sourced to the customer's place of primary use as 99303
required by the Mobile Telecommunications Sourcing Act. 99304

(2) A sale of post-paid calling service shall be sourced to 99305
the origination point of the telecommunications signal as first 99306
identified by the service provider's telecommunications system, or 99307
information received by the seller from its service provider, 99308
where the system used to transport such signals is not that of the 99309
seller. 99310

(3) A sale of prepaid calling service or prepaid wireless 99311
calling service shall be sourced under division (C) of section 99312
5739.033 of the Revised Code. But in the case of prepaid wireless 99313
calling service, in lieu of sourcing the sale of the service under 99314
division (C)(5) of section 5739.033 of the Revised Code, the 99315
service provider may elect to source the sale to the location 99316
associated with the mobile telephone number. 99317

(4) A sale of a private communication service shall be 99318
sourced as follows: 99319

(a) Service for a separate charge related to a customer 99320
channel termination point shall be sourced to each level of 99321
jurisdiction in which the customer channel termination point is 99322
located; 99323

(b) Service where all customer channel termination points are 99324
located entirely within one jurisdiction or level of jurisdiction 99325
shall be sourced in the jurisdiction in which the customer channel 99326
termination points are located; 99327

(c) Service for segments of a channel between two customer 99328
channel termination points located in different jurisdictions and 99329
which segments of a channel are separately charged shall be 99330
sourced fifty per cent in each level of jurisdiction in which the 99331
customer channel termination points are located; 99332

(d) Service for segments of a channel located in more than 99333
one jurisdiction or level of jurisdiction and which segments are 99334
not separately billed shall be sourced in each jurisdiction based 99335
on the percentage determined by dividing the number of customer 99336
channel termination points in the jurisdiction by the total number 99337
of customer channel termination points. 99338

Sec. 5739.04. If modification of a county's jurisdictional 99339
boundaries ~~or~~, a transit authority's territory, or a tourism 99340
development district's territory results in a change in the tax 99341
rate levied under section 5739.021, 5739.023, 5739.024, or 99342
5739.026 of the Revised Code, the tax commissioner, within thirty 99343
days of such change, shall notify any vendor or the vendor's 99344
certified service provider, if the vendor has selected one, of 99345
such change. The rate change shall not apply to sales made by such 99346
vendor until the first day of a calendar quarter following the 99347
expiration of sixty days from the date of notice by the 99348
commissioner. 99349

Sec. 5739.05. (A) The tax commissioner shall enforce and 99350
administer sections 5739.01 to 5739.31 of the Revised Code, which 99351
are hereby declared to be sections which the commissioner is 99352
required to administer within the meaning of sections 5703.17 to 99353
5703.37, 5703.39, 5703.41, and 5703.45 of the Revised Code. The 99354
commissioner may adopt and promulgate, in accordance with sections 99355
119.01 to 119.13 of the Revised Code, such rules as the 99356
commissioner deems necessary to administer sections 5739.01 to 99357
5739.31 of the Revised Code. 99358

(B) Upon application, the commissioner may authorize a vendor 99359
to pay on a predetermined basis the tax levied by or pursuant to 99360
section 5739.02, 5739.021, 5739.023, 5739.024, or 5739.026 of the 99361
Revised Code upon sales of things produced or distributed or 99362
services provided by such vendor, and the commissioner may waive 99363
the collection of the tax from the consumer. The commissioner 99364
shall not grant such authority unless the commissioner finds that 99365
the granting of the authority would improve compliance and 99366
increase the efficiency of the administration of the tax. The 99367
person to whom such authority is granted shall post a notice, if 99368
required by the commissioner, at the location where the product is 99369
offered for sale that the tax is included in the selling price. 99370
The commissioner may adopt rules to administer this division. 99371

(C) Upon application, the commissioner may authorize a vendor 99372
to remit, on the basis of a prearranged agreement under this 99373
division, the tax levied by section 5739.02 or pursuant to section 99374
5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code. The 99375
proportions and ratios in a prearranged agreement shall be 99376
determined either by a test check conducted by the commissioner 99377
under terms and conditions agreed to by the commissioner and the 99378
vendor or by any other method agreed upon by the vendor and the 99379
commissioner. If the parties are unable to agree to the terms and 99380
conditions of the test check or other method, the application 99381
shall be denied. 99382

If used, the test check shall determine the proportion that 99383
taxable retail sales bear to all of the vendor's retail sales and 99384
the ratio which the tax required to be collected under sections 99385
5739.02, 5739.021, 5739.023, 5739.024, and 5739.026 of the Revised 99386
Code bears to the receipts from the vendor's taxable retail sales. 99387

The vendor's liability for remitting the tax shall be based 99388
solely upon the proportions and ratios established in the 99389
agreement until such time that the vendor or the commissioner 99390

believes that the nature of the vendor's business has so changed 99391
as to make the agreement no longer representative. The 99392
commissioner may give notice to the vendor at any time that the 99393
authorization is revoked or the vendor may notify the commissioner 99394
that the vendor no longer elects to report under the 99395
authorization. Such notice shall be delivered to the other party 99396
personally or by registered mail. The revocation or cancellation 99397
is effective the last day of the month in which the vendor or the 99398
commissioner receives the notice. 99399

Sec. 5739.051. (A) The tax commissioner shall issue a direct 99400
payment permit to a medicaid health insuring corporation that 99401
authorizes the medicaid health insuring corporation to pay all 99402
taxes due on sales described in division (B)(11) of section 99403
5739.01 of the Revised Code directly to the state. Each medicaid 99404
health insuring corporation shall pay pursuant to such direct 99405
payment authority all sales tax levied on such sales by sections 99406
5739.02, 5739.021, 5739.023, 5739.024, and 5739.026 of the Revised 99407
Code and all use tax levied on such sales pursuant to sections 99408
5741.02, 5741.021, 5741.022, ~~and 5741.023~~, and 5741.024 of the 99409
Revised Code, unless division (B)(11)(b) of section 5739.01 of the 99410
Revised Code applies. 99411

(B) Each medicaid health insuring corporation shall, on or 99412
before the twenty-third day of each month, file a return for the 99413
preceding month on a form prescribed by the tax commissioner and 99414
shall pay the tax shown on the return to be due, unless division 99415
(B)(11)(b) of section 5739.01 of the Revised Code applies. The 99416
return shall show the amount of tax due from the medicaid health 99417
care insuring corporation for the period covered by the return and 99418
other such information as the commissioner deems necessary. Upon 99419
written request, the commissioner may extend the time for filing 99420
the return and paying the tax. The commissioner may require each 99421
medicaid health insuring corporation to file returns and remit 99422

payment by electronic means as provided in section 5739.032 of the Revised Code. 99423
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Sec. 5739.061. (A) As used in this section, "origin-based sourcing requirements" means the manner in which intrastate sales are to be sourced under division (B)(1) of section 5739.033 of the Revised Code. 99425
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(B) On and after July 1, 2009, a vendor that received temporary compensation under section 5739.123 of the Revised Code as that section existed before its repeal by H.B. 429 of the 127th general assembly may apply for compensation to assist the vendor in complying with the origin-based sourcing requirements. The vendor shall file an application in accordance with division (C) of this section. The compensation shall be a one-time payment equal to the actual total costs the vendor incurred in complying with the origin-based sourcing requirements, not to exceed one thousand dollars for vendors that were required to comply with divisions (C) to (I) of section 5739.033 of the Revised Code before the effective date of this section, and six hundred dollars for vendors that irrevocably elected to comply with divisions (C) to (I) of that section before the effective date of this section. In no event shall a vendor receive compensation that exceeds its total cost of complying with the origin-based sourcing requirements. 99429
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(C) To be considered for compensation under this section, a vendor shall file an application with the tax commissioner on a form prescribed by the commissioner. The commissioner shall determine the amount of compensation to which the vendor is entitled, and if that amount is equal to or greater than the amount claimed on the application, the commissioner shall certify that amount to the director of budget and management and the treasurer of state for payment from the general revenue fund. If 99446
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the commissioner determines that the amount of compensation to 99454
which the vendor is entitled is less than the amount claimed on 99455
the vendor's application, the commissioner shall proceed in 99456
accordance with section 5703.70 of the Revised Code. 99457

(D) The compensation provided under this section shall not 99458
reduce the amount required to be returned to counties, municipal 99459
corporations, townships, and transit authorities under section 99460
5739.21 of the Revised Code. 99461

Sec. 5739.09. (A)(1) A board of county commissioners may, by 99462
resolution adopted by a majority of the members of the board, levy 99463
an excise tax not to exceed three per cent on transactions by 99464
which lodging by a hotel is or is to be furnished to transient 99465
guests. The board shall establish all regulations necessary to 99466
provide for the administration and allocation of the tax. The 99467
regulations may prescribe the time for payment of the tax, and may 99468
provide for the imposition of a penalty or interest, or both, for 99469
late payments, provided that the penalty does not exceed ten per 99470
cent of the amount of tax due, and the rate at which interest 99471
accrues does not exceed the rate per annum prescribed pursuant to 99472
section 5703.47 of the Revised Code. Except as provided in 99473
divisions (A)(2), (3), (4), (5), (6), ~~and~~ (7), (8), and (9) of 99474
this section, the regulations shall provide, after deducting the 99475
real and actual costs of administering the tax, for the return to 99476
each municipal corporation or township that does not levy an 99477
excise tax on the transactions, a uniform percentage of the tax 99478
collected in the municipal corporation or in the unincorporated 99479
portion of the township from each transaction, not to exceed 99480
thirty-three and one-third per cent. The remainder of the revenue 99481
arising from the tax shall be deposited in a separate fund and 99482
shall be spent solely to make contributions to the convention and 99483
visitors' bureau operating within the county, including a pledge 99484
and contribution of any portion of the remainder pursuant to an 99485

agreement authorized by section 307.678 or 307.695 of the Revised Code, provided that if the board of county commissioners of an eligible county as defined in section 307.678 or 307.695 of the Revised Code adopts a resolution amending a resolution levying a tax under this division to provide that revenue from the tax shall be used by the board as described in either division (D) of section 307.678 or division (H) of section 307.695 of the Revised Code, the remainder of the revenue shall be used as described in the resolution making that amendment. Except as provided in division (A)(2), (3), (4), (5), (6), ~~or (7)~~, or (8) or (H) of this section, on and after May 10, 1994, a board of county commissioners may not levy an excise tax pursuant to this division in any municipal corporation or township located wholly or partly within the county that has in effect an ordinance or resolution levying an excise tax pursuant to division (B) of this section. The board of a county that has levied a tax under division (C) of this section may, by resolution adopted within ninety days after July 15, 1985, by a majority of the members of the board, amend the resolution levying a tax under this division to provide for a portion of that tax to be pledged and contributed in accordance with an agreement entered into under section 307.695 of the Revised Code. A tax, any revenue from which is pledged pursuant to such an agreement, shall remain in effect at the rate at which it is imposed for the duration of the period for which the revenue from the tax has been so pledged.

The board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code may, by resolution adopted by a majority of the members of the board, amend a resolution levying a tax under this division to provide that the revenue from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code, in which case the tax shall remain in effect at the rate at which it was imposed for the duration of any agreement entered into by the board under

section 307.695 of the Revised Code, the duration during which any 99519
securities issued by the board under that section are outstanding, 99520
or the duration of the period during which the board owns a 99521
project as defined in section 307.695 of the Revised Code, 99522
whichever duration is longest. 99523

The board of county commissioners of an eligible county as 99524
defined in section 307.678 of the Revised Code may, by resolution, 99525
amend a resolution levying a tax under this division to provide 99526
that revenue from the tax, not to exceed five hundred thousand 99527
dollars each year, may be used as described in division (D) of 99528
section 307.678 of the Revised Code. 99529

(2) A board of county commissioners that levies an excise tax 99530
under division (A)(1) of this section on June 30, 1997, at a rate 99531
of three per cent, and that has pledged revenue from the tax to an 99532
agreement entered into under section 307.695 of the Revised Code 99533
or, in the case of the board of county commissioners of an 99534
eligible county as defined in section 307.695 of the Revised Code, 99535
has amended a resolution levying a tax under division (C) of this 99536
section to provide that proceeds from the tax shall be used by the 99537
board as described in division (H) of section 307.695 of the 99538
Revised Code, may, at any time by a resolution adopted by a 99539
majority of the members of the board, amend the resolution levying 99540
a tax under division (A)(1) of this section to provide for an 99541
increase in the rate of that tax up to seven per cent on each 99542
transaction; to provide that revenue from the increase in the rate 99543
shall be used as described in division (H) of section 307.695 of 99544
the Revised Code or be spent solely to make contributions to the 99545
convention and visitors' bureau operating within the county to be 99546
used specifically for promotion, advertising, and marketing of the 99547
region in which the county is located; and to provide that the 99548
rate in excess of the three per cent levied under division (A)(1) 99549
of this section shall remain in effect at the rate at which it is 99550

imposed for the duration of the period during which any agreement 99551
is in effect that was entered into under section 307.695 of the 99552
Revised Code by the board of county commissioners levying a tax 99553
under division (A)(1) of this section, the duration of the period 99554
during which any securities issued by the board under division (I) 99555
of section 307.695 of the Revised Code are outstanding, or the 99556
duration of the period during which the board owns a project as 99557
defined in section 307.695 of the Revised Code, whichever duration 99558
is longest. The amendment also shall provide that no portion of 99559
that revenue need be returned to townships or municipal 99560
corporations as would otherwise be required under division (A)(1) 99561
of this section. 99562

(3) A board of county commissioners that levies a tax under 99563
division (A)(1) of this section on March 18, 1999, at a rate of 99564
three per cent may, by resolution adopted not later than 99565
forty-five days after March 18, 1999, amend the resolution levying 99566
the tax to provide for all of the following: 99567

(a) That the rate of the tax shall be increased by not more 99568
than an additional four per cent on each transaction; 99569

(b) That all of the revenue from the increase in the rate 99570
shall be pledged and contributed to a convention facilities 99571
authority established by the board of county commissioners under 99572
Chapter 351. of the Revised Code on or before November 15, 1998, 99573
and used to pay costs of constructing, maintaining, operating, and 99574
promoting a facility in the county, including paying bonds, or 99575
notes issued in anticipation of bonds, as provided by that 99576
chapter; 99577

(c) That no portion of the revenue arising from the increase 99578
in rate need be returned to municipal corporations or townships as 99579
otherwise required under division (A)(1) of this section; 99580

(d) That the increase in rate shall not be subject to 99581

diminution by initiative or referendum or by law while any bonds, 99582
or notes in anticipation of bonds, issued by the authority under 99583
Chapter 351. of the Revised Code to which the revenue is pledged, 99584
remain outstanding in accordance with their terms, unless 99585
provision is made by law or by the board of county commissioners 99586
for an adequate substitute therefor that is satisfactory to the 99587
trustee if a trust agreement secures the bonds. 99588

Division (A)(3) of this section does not apply to the board 99589
of county commissioners of any county in which a convention center 99590
or facility exists or is being constructed on November 15, 1998, 99591
or of any county in which a convention facilities authority levies 99592
a tax pursuant to section 351.021 of the Revised Code on that 99593
date. 99594

As used in division (A)(3) of this section, "cost" and 99595
"facility" have the same meanings as in section 351.01 of the 99596
Revised Code, and "convention center" has the same meaning as in 99597
section 307.695 of the Revised Code. 99598

(4)(a) A board of county commissioners that levies a tax 99599
under division (A)(1) of this section on June 30, 2002, at a rate 99600
of three per cent may, by resolution adopted not later than 99601
September 30, 2002, amend the resolution levying the tax to 99602
provide for all of the following: 99603

(i) That the rate of the tax shall be increased by not more 99604
than an additional three and one-half per cent on each 99605
transaction; 99606

(ii) That all of the revenue from the increase in rate shall 99607
be pledged and contributed to a convention facilities authority 99608
established by the board of county commissioners under Chapter 99609
351. of the Revised Code on or before May 15, 2002, and be used to 99610
pay costs of constructing, expanding, maintaining, operating, or 99611
promoting a convention center in the county, including paying 99612

bonds, or notes issued in anticipation of bonds, as provided by 99613
that chapter; 99614

(iii) That no portion of the revenue arising from the 99615
increase in rate need be returned to municipal corporations or 99616
townships as otherwise required under division (A)(1) of this 99617
section; 99618

(iv) That the increase in rate shall not be subject to 99619
diminution by initiative or referendum or by law while any bonds, 99620
or notes in anticipation of bonds, issued by the authority under 99621
Chapter 351. of the Revised Code to which the revenue is pledged, 99622
remain outstanding in accordance with their terms, unless 99623
provision is made by law or by the board of county commissioners 99624
for an adequate substitute therefor that is satisfactory to the 99625
trustee if a trust agreement secures the bonds. 99626

(b) Any board of county commissioners that, pursuant to 99627
division (A)(4)(a) of this section, has amended a resolution 99628
levying the tax authorized by division (A)(1) of this section may 99629
further amend the resolution to provide that the revenue referred 99630
to in division (A)(4)(a)(ii) of this section shall be pledged and 99631
contributed both to a convention facilities authority to pay the 99632
costs of constructing, expanding, maintaining, or operating one or 99633
more convention centers in the county, including paying bonds, or 99634
notes issued in anticipation of bonds, as provided in Chapter 351. 99635
of the Revised Code, and to a convention and visitors' bureau to 99636
pay the costs of promoting one or more convention centers in the 99637
county. 99638

As used in division (A)(4) of this section, "cost" has the 99639
same meaning as in section 351.01 of the Revised Code, and 99640
"convention center" has the same meaning as in section 307.695 of 99641
the Revised Code. 99642

(5)(a) As used in division (A)(5) of this section: 99643

(i) "Port authority" means a port authority created under Chapter 4582. of the Revised Code.

(ii) "Port authority military-use facility" means port authority facilities on which or adjacent to which is located an installation of the armed forces of the United States, a reserve component thereof, or the national guard and at least part of which is made available for use, for consideration, by the armed forces of the United States, a reserve component thereof, or the national guard.

(b) For the purpose of contributing revenue to pay operating expenses of a port authority that operates a port authority military-use facility, the board of county commissioners of a county that created, participated in the creation of, or has joined such a port authority may do one or both of the following:

(i) Amend a resolution previously adopted under division (A)(1) of this section to designate some or all of the revenue from the tax levied under the resolution to be used for that purpose, notwithstanding that division;

(ii) Amend a resolution previously adopted under division (A)(1) of this section to increase the rate of the tax by not more than an additional two per cent and use the revenue from the increase exclusively for that purpose.

(c) If a board of county commissioners amends a resolution to increase the rate of a tax as authorized in division (A)(5)(b)(ii) of this section, the board also may amend the resolution to specify that the increase in rate of the tax does not apply to "hotels," as otherwise defined in section 5739.01 of the Revised Code, having fewer rooms used for the accommodation of guests than a number of rooms specified by the board.

(6) A board of county commissioners of a county organized under a county charter adopted pursuant to Article X, Section 3,

Ohio Constitution, and that levies an excise tax under division 99675
(A)(1) of this section at a rate of three per cent and levies an 99676
additional excise tax under division (E) of this section at a rate 99677
of one and one-half per cent may, by resolution adopted not later 99678
than January 1, 2008, by a majority of the members of the board, 99679
amend the resolution levying a tax under division (A)(1) of this 99680
section to provide for an increase in the rate of that tax by not 99681
more than an additional one per cent on transactions by which 99682
lodging by a hotel is or is to be furnished to transient guests. 99683
Notwithstanding divisions (A)(1) and (E) of this section, the 99684
resolution shall provide that all of the revenue from the increase 99685
in rate, after deducting the real and actual costs of 99686
administering the tax, shall be used to pay the costs of 99687
improving, expanding, equipping, financing, or operating a 99688
convention center by a convention and visitors' bureau in the 99689
county. The increase in rate shall remain in effect for the period 99690
specified in the resolution, not to exceed ten years. The increase 99691
in rate shall be subject to the regulations adopted under division 99692
(A)(1) of this section, except that the resolution may provide 99693
that no portion of the revenue from the increase in the rate shall 99694
be returned to townships or municipal corporations as would 99695
otherwise be required under that division. 99696

(7) Division (A)(7) of this section applies only to a county 99697
with a population greater than sixty-five thousand and less than 99698
seventy thousand according to the most recent federal decennial 99699
census and in which, on December 31, 2006, an excise tax is levied 99700
under division (A)(1) of this section at a rate not less than and 99701
not greater than three per cent, and in which the most recent 99702
increase in the rate of that tax was enacted or took effect in 99703
November 1984. 99704

The board of county commissioners of a county to which this 99705
division applies, by resolution adopted by a majority of the 99706

members of the board, may increase the rate of the tax by not more than one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The increase in rate shall be for the purpose of paying expenses deemed necessary by the convention and visitors' bureau operating in the county to promote travel and tourism. The increase in rate shall remain in effect for the period specified in the resolution, not to exceed twenty years, provided that the increase in rate may not continue beyond the time when the purpose for which the increase is levied ceases to exist. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless provision is made by law or by the board of county commissioners for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges. The increase in rate shall be subject to the regulations adopted under division (A)(1) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A)(1) of this section. A resolution adopted under division (A)(7) of this section is subject to referendum under sections 305.31 to 305.99 of the Revised Code.

(8)(a) Division (A)(8) of this section applies only to a county satisfying all of the following:

(i) The population of the county is greater than one hundred seventy-five thousand and less than two hundred twenty-five thousand according to the most recent federal decennial census.

(ii) An amusement park with an average yearly attendance in excess of two million guests is located in the county.

(iii) On December 31, 2014, an excise tax was levied in the

county under division (A)(1) of this section at a rate of three 99739
per cent. 99740

(b) The board of county commissioners of a county to which 99741
this division applies, by resolution adopted by a majority of the 99742
members of the board, may increase the rate of the tax by not more 99743
than one per cent on transactions by which lodging by a hotel is 99744
or is to be furnished to transient guests. The increase in rate 99745
shall be for the purpose of paying the costs of constructing and 99746
maintaining county-owned facilities designed to host sporting 99747
events and paying expenses deemed necessary by the convention and 99748
visitors' bureau operating in the county to promote travel and 99749
tourism with reference to the sports facilities. The increase in 99750
rate shall remain in effect for the period specified in the 99751
resolution. The increase in the rate of the tax shall be subject 99752
to referendum as provided under section 305.31 of the Revised 99753
Code. If revenue from the increase in rate is pledged to the 99754
payment of debt charges on securities, the increase in rate is not 99755
subject to diminution by initiative or referendum or by law for so 99756
long as the securities are outstanding, unless provision is made 99757
by law or by the board of county commissioners for an adequate 99758
substitute for that revenue that is satisfactory to the trustee if 99759
a trust agreement secures payment of the debt charges. The 99760
increase in rate shall be subject to the regulations adopted under 99761
division (A)(1) of this section, except that the resolution may 99762
provide that no portion of the revenue from the increase in the 99763
rate shall be returned to townships or municipal corporations as 99764
would otherwise be required under division (A)(1) of this section. 99765

(9) The board of county commissioners of a county with a 99766
population greater than seventy-five thousand and less than 99767
seventy-eight thousand, by resolution adopted by a majority of the 99768
members of the board not later than October 15, 2015, may increase 99769
the rate of the tax by not more than one per cent on transactions 99770

by which lodging by a hotel is or is to be furnished to transient 99771
guests. The increase in rate shall be for the purposes described 99772
in section 307.679 of the Revised Code or for the promotion of 99773
travel and tourism in the county, including travel and tourism to 99774
sports facilities. The increase in rate shall remain in effect for 99775
the period specified in the resolution and as necessary to fulfill 99776
the county's obligations under a cooperative agreement entered 99777
into under section 307.679 of the Revised Code. If the resolution 99778
is adopted by the board before the effective date of the enactment 99779
of this division but after that enactment becomes law, the 99780
increase in rate shall become effective beginning on the effective 99781
date of the enactment of this division. If revenue from the 99782
increase in rate is pledged to the payment of debt charges on 99783
securities, or to substitute for other revenues pledged to the 99784
payment of such debt, the increase in rate is not subject to 99785
diminution by initiative or referendum or by law for so long as 99786
the securities are outstanding, unless provision is made by law or 99787
by the board of county commissioners for an adequate substitute 99788
for that revenue that is satisfactory to the trustee if a trust 99789
agreement secures payment of the debt charges. The increase in 99790
rate shall be subject to the regulations adopted under division 99791
(A)(1) of this section, except that no portion of the revenue from 99792
the increase in the rate shall be returned to townships or 99793
municipal corporations as would otherwise be required under 99794
division (A)(1) of this section. 99795

(B)(1) The legislative authority of a municipal corporation 99796
or the board of trustees of a township that is not wholly or 99797
partly located in a county that has in effect a resolution levying 99798
an excise tax pursuant to division (A)(1) of this section may, by 99799
ordinance or resolution, levy an excise tax not to exceed three 99800
per cent on transactions by which lodging by a hotel is or is to 99801
be furnished to transient guests. The legislative authority of the 99802
municipal corporation or the board of trustees of the township 99803

shall deposit at least fifty per cent of the revenue from the tax 99804
levied pursuant to this division into a separate fund, which shall 99805
be spent solely to make contributions to convention and visitors' 99806
bureaus operating within the county in which the municipal 99807
corporation or township is wholly or partly located, and the 99808
balance of that revenue shall be deposited in the general fund. 99809
The municipal corporation or township shall establish all 99810
regulations necessary to provide for the administration and 99811
allocation of the tax. The regulations may prescribe the time for 99812
payment of the tax, and may provide for the imposition of a 99813
penalty or interest, or both, for late payments, provided that the 99814
penalty does not exceed ten per cent of the amount of tax due, and 99815
the rate at which interest accrues does not exceed the rate per 99816
annum prescribed pursuant to section 5703.47 of the Revised Code. 99817
The levy of a tax under this division is in addition to any tax 99818
imposed on the same transaction by a municipal corporation or a 99819
township as authorized by division (A) of section 5739.08 of the 99820
Revised Code. 99821

(2)(a) The legislative authority of the most populous 99822
municipal corporation located wholly or partly in a county in 99823
which the board of county commissioners has levied a tax under 99824
division (A)(4) of this section may amend, on or before September 99825
30, 2002, that municipal corporation's ordinance or resolution 99826
that levies an excise tax on transactions by which lodging by a 99827
hotel is or is to be furnished to transient guests, to provide for 99828
all of the following: 99829

(i) That the rate of the tax shall be increased by not more 99830
than an additional one per cent on each transaction; 99831

(ii) That all of the revenue from the increase in rate shall 99832
be pledged and contributed to a convention facilities authority 99833
established by the board of county commissioners under Chapter 99834
351. of the Revised Code on or before May 15, 2002, and be used to 99835

pay costs of constructing, expanding, maintaining, operating, or 99836
promoting a convention center in the county, including paying 99837
bonds, or notes issued in anticipation of bonds, as provided by 99838
that chapter; 99839

(iii) That the increase in rate shall not be subject to 99840
diminution by initiative or referendum or by law while any bonds, 99841
or notes in anticipation of bonds, issued by the authority under 99842
Chapter 351. of the Revised Code to which the revenue is pledged, 99843
remain outstanding in accordance with their terms, unless 99844
provision is made by law, by the board of county commissioners, or 99845
by the legislative authority, for an adequate substitute therefor 99846
that is satisfactory to the trustee if a trust agreement secures 99847
the bonds. 99848

(b) The legislative authority of a municipal corporation 99849
that, pursuant to division (B)(2)(a) of this section, has amended 99850
its ordinance or resolution to increase the rate of the tax 99851
authorized by division (B)(1) of this section may further amend 99852
the ordinance or resolution to provide that the revenue referred 99853
to in division (B)(2)(a)(ii) of this section shall be pledged and 99854
contributed both to a convention facilities authority to pay the 99855
costs of constructing, expanding, maintaining, or operating one or 99856
more convention centers in the county, including paying bonds, or 99857
notes issued in anticipation of bonds, as provided in Chapter 351. 99858
of the Revised Code, and to a convention and visitors' bureau to 99859
pay the costs of promoting one or more convention centers in the 99860
county. 99861

As used in division (B)(2) of this section, "cost" has the 99862
same meaning as in section 351.01 of the Revised Code, and 99863
"convention center" has the same meaning as in section 307.695 of 99864
the Revised Code. 99865

(C) For the purposes described in section 307.695 of the 99866
Revised Code and to cover the costs of administering the tax, a 99867

board of county commissioners of a county where a tax imposed 99868
under division (A)(1) of this section is in effect may, by 99869
resolution adopted within ninety days after July 15, 1985, by a 99870
majority of the members of the board, levy an additional excise 99871
tax not to exceed three per cent on transactions by which lodging 99872
by a hotel is or is to be furnished to transient guests. The tax 99873
authorized by this division shall be in addition to any tax that 99874
is levied pursuant to division (A) of this section, but it shall 99875
not apply to transactions subject to a tax levied by a municipal 99876
corporation or township pursuant to the authorization granted by 99877
division (A) of section 5739.08 of the Revised Code. The board 99878
shall establish all regulations necessary to provide for the 99879
administration and allocation of the tax. The regulations may 99880
prescribe the time for payment of the tax, and may provide for the 99881
imposition of a penalty or interest, or both, for late payments, 99882
provided that the penalty does not exceed ten per cent of the 99883
amount of tax due, and the rate at which interest accrues does not 99884
exceed the rate per annum prescribed pursuant to section 5703.47 99885
of the Revised Code. All revenues arising from the tax shall be 99886
expended in accordance with section 307.695 of the Revised Code. 99887
The board of county commissioners of an eligible county as defined 99888
in section 307.695 of the Revised Code may, by resolution adopted 99889
by a majority of the members of the board, amend the resolution 99890
levying a tax under this division to provide that the revenue from 99891
the tax shall be used by the board as described in division (H) of 99892
section 307.695 of the Revised Code. A tax imposed under this 99893
division shall remain in effect at the rate at which it is imposed 99894
for the duration of the period during which any agreement entered 99895
into by the board under section 307.695 of the Revised Code is in 99896
effect, the duration of the period during which any securities 99897
issued by the board under division (I) of section 307.695 of the 99898
Revised Code are outstanding, or the duration of the period during 99899
which the board owns a project as defined in section 307.695 of 99900

the Revised Code, whichever duration is longest. 99901

(D) For the purpose of providing contributions under division 99902
(B)(1) of section 307.671 of the Revised Code to enable the 99903
acquisition, construction, and equipping of a port authority 99904
educational and cultural facility in the county and, to the extent 99905
provided for in the cooperative agreement authorized by that 99906
section, for the purpose of paying debt service charges on bonds, 99907
or notes in anticipation of bonds, described in division (B)(1)(b) 99908
of that section, a board of county commissioners, by resolution 99909
adopted within ninety days after December 22, 1992, by a majority 99910
of the members of the board, may levy an additional excise tax not 99911
to exceed one and one-half per cent on transactions by which 99912
lodging by a hotel is or is to be furnished to transient guests. 99913
The excise tax authorized by this division shall be in addition to 99914
any tax that is levied pursuant to divisions (A), (B), and (C) of 99915
this section, to any excise tax levied pursuant to section 5739.08 99916
of the Revised Code, and to any excise tax levied pursuant to 99917
section 351.021 of the Revised Code. The board of county 99918
commissioners shall establish all regulations necessary to provide 99919
for the administration and allocation of the tax that are not 99920
inconsistent with this section or section 307.671 of the Revised 99921
Code. The regulations may prescribe the time for payment of the 99922
tax, and may provide for the imposition of a penalty or interest, 99923
or both, for late payments, provided that the penalty does not 99924
exceed ten per cent of the amount of tax due, and the rate at 99925
which interest accrues does not exceed the rate per annum 99926
prescribed pursuant to section 5703.47 of the Revised Code. All 99927
revenues arising from the tax shall be expended in accordance with 99928
section 307.671 of the Revised Code and division (D) of this 99929
section. The levy of a tax imposed under this division may not 99930
commence prior to the first day of the month next following the 99931
execution of the cooperative agreement authorized by section 99932
307.671 of the Revised Code by all parties to that agreement. The 99933

tax shall remain in effect at the rate at which it is imposed for 99934
the period of time described in division (C) of section 307.671 of 99935
the Revised Code for which the revenue from the tax has been 99936
pledged by the county to the corporation pursuant to that section, 99937
but, to any extent provided for in the cooperative agreement, for 99938
no lesser period than the period of time required for payment of 99939
the debt service charges on bonds, or notes in anticipation of 99940
bonds, described in division (B)(1)(b) of that section. 99941

(E) For the purpose of paying the costs of acquiring, 99942
constructing, equipping, and improving a municipal educational and 99943
cultural facility, including debt service charges on bonds 99944
provided for in division (B) of section 307.672 of the Revised 99945
Code, and for any additional purposes determined by the county in 99946
the resolution levying the tax or amendments to the resolution, 99947
including subsequent amendments providing for paying costs of 99948
acquiring, constructing, renovating, rehabilitating, equipping, 99949
and improving a port authority educational and cultural performing 99950
arts facility, as defined in section 307.674 of the Revised Code, 99951
and including debt service charges on bonds provided for in 99952
division (B) of section 307.674 of the Revised Code, the 99953
legislative authority of a county, by resolution adopted within 99954
ninety days after June 30, 1993, by a majority of the members of 99955
the legislative authority, may levy an additional excise tax not 99956
to exceed one and one-half per cent on transactions by which 99957
lodging by a hotel is or is to be furnished to transient guests. 99958
The excise tax authorized by this division shall be in addition to 99959
any tax that is levied pursuant to divisions (A), (B), (C), and 99960
(D) of this section, to any excise tax levied pursuant to section 99961
5739.08 of the Revised Code, and to any excise tax levied pursuant 99962
to section 351.021 of the Revised Code. The legislative authority 99963
of the county shall establish all regulations necessary to provide 99964
for the administration and allocation of the tax. The regulations 99965
may prescribe the time for payment of the tax, and may provide for 99966

the imposition of a penalty or interest, or both, for late 99967
payments, provided that the penalty does not exceed ten per cent 99968
of the amount of tax due, and the rate at which interest accrues 99969
does not exceed the rate per annum prescribed pursuant to section 99970
5703.47 of the Revised Code. All revenues arising from the tax 99971
shall be expended in accordance with section 307.672 of the 99972
Revised Code and this division. The levy of a tax imposed under 99973
this division shall not commence prior to the first day of the 99974
month next following the execution of the cooperative agreement 99975
authorized by section 307.672 of the Revised Code by all parties 99976
to that agreement. The tax shall remain in effect at the rate at 99977
which it is imposed for the period of time determined by the 99978
legislative authority of the county. That period of time shall not 99979
exceed fifteen years, except that the legislative authority of a 99980
county with a population of less than two hundred fifty thousand 99981
according to the most recent federal decennial census, by 99982
resolution adopted by a majority of its members before the 99983
original tax expires, may extend the duration of the tax for an 99984
additional period of time. The additional period of time by which 99985
a legislative authority extends a tax levied under this division 99986
shall not exceed fifteen years. 99987

(F) The legislative authority of a county that has levied a 99988
tax under division (E) of this section may, by resolution adopted 99989
within one hundred eighty days after January 4, 2001, by a 99990
majority of the members of the legislative authority, amend the 99991
resolution levying a tax under that division to provide for the 99992
use of the proceeds of that tax, to the extent that it is no 99993
longer needed for its original purpose as determined by the 99994
parties to a cooperative agreement amendment pursuant to division 99995
(D) of section 307.672 of the Revised Code, to pay costs of 99996
acquiring, constructing, renovating, rehabilitating, equipping, 99997
and improving a port authority educational and cultural performing 99998
arts facility, including debt service charges on bonds provided 99999

for in division (B) of section 307.674 of the Revised Code, and to 100000
pay all obligations under any guaranty agreements, reimbursement 100001
agreements, or other credit enhancement agreements described in 100002
division (C) of section 307.674 of the Revised Code. The 100003
resolution may also provide for the extension of the tax at the 100004
same rate for the longer of the period of time determined by the 100005
legislative authority of the county, but not to exceed an 100006
additional twenty-five years, or the period of time required to 100007
pay all debt service charges on bonds provided for in division (B) 100008
of section 307.672 of the Revised Code and on port authority 100009
revenue bonds provided for in division (B) of section 307.674 of 100010
the Revised Code. All revenues arising from the amendment and 100011
extension of the tax shall be expended in accordance with section 100012
307.674 of the Revised Code, this division, and division (E) of 100013
this section. 100014

(G) For purposes of a tax levied by a county, township, or 100015
municipal corporation under this section or section 5739.08 of the 100016
Revised Code, a board of county commissioners, board of township 100017
trustees, or the legislative authority of a municipal corporation 100018
may adopt a resolution or ordinance at any time specifying that 100019
"hotel," as otherwise defined in section 5739.01 of the Revised 100020
Code, includes the following: 100021

(1) Establishments in which fewer than five rooms are used 100022
for the accommodation of guests. 100023

(2) Establishments at which rooms are used for the 100024
accommodation of guests regardless of whether each room is 100025
accessible through its own keyed entry or several rooms are 100026
accessible through the same keyed entry; and, in determining the 100027
number of rooms, all rooms are included regardless of the number 100028
of structures in which the rooms are situated or the number of 100029
parcels of land on which the structures are located if the 100030
structures are under the same ownership and the structures are not 100031

identified in advertisements of the accommodations as distinct 100032
establishments. For the purposes of division (G)(2) of this 100033
section, two or more structures are under the same ownership if 100034
they are owned by the same person, or if they are owned by two or 100035
more persons the majority of the ownership interests of which are 100036
owned by the same person. 100037

The resolution or ordinance may apply to a tax imposed 100038
pursuant to this section prior to the adoption of the resolution 100039
or ordinance if the resolution or ordinance so states, but the tax 100040
shall not apply to transactions by which lodging by such an 100041
establishment is provided to transient guests prior to the 100042
adoption of the resolution or ordinance. 100043

(H)(1) As used in this division: 100044

(a) "Convention facilities authority" has the same meaning as 100045
in section 351.01 of the Revised Code. 100046

(b) "Convention center" has the same meaning as in section 100047
307.695 of the Revised Code. 100048

(2) Notwithstanding any contrary provision of division (D) of 100049
this section, the legislative authority of a county with a 100050
population of one million or more according to the most recent 100051
federal decennial census that has levied a tax under division (D) 100052
of this section may, by resolution adopted by a majority of the 100053
members of the legislative authority, provide for the extension of 100054
such levy and may provide that the proceeds of that tax, to the 100055
extent that they are no longer needed for their original purpose 100056
as defined by a cooperative agreement entered into under section 100057
307.671 of the Revised Code, shall be deposited into the county 100058
general revenue fund. The resolution shall provide for the 100059
extension of the tax at a rate not to exceed the rate specified in 100060
division (D) of this section for a period of time determined by 100061
the legislative authority of the county, but not to exceed an 100062

additional forty years. 100063

(3) The legislative authority of a county with a population 100064
of one million or more that has levied a tax under division (A)(1) 100065
of this section may, by resolution adopted by a majority of the 100066
members of the legislative authority, increase the rate of the tax 100067
levied by such county under division (A)(1) of this section to a 100068
rate not to exceed five per cent on transactions by which lodging 100069
by a hotel is or is to be furnished to transient guests. 100070
Notwithstanding any contrary provision of division (A)(1) of this 100071
section, the resolution may provide that all collections resulting 100072
from the rate levied in excess of three per cent, after deducting 100073
the real and actual costs of administering the tax, shall be 100074
deposited in the county general fund. 100075

(4) The legislative authority of a county with a population 100076
of one million or more that has levied a tax under division (A)(1) 100077
of this section may, by resolution adopted on or before August 30, 100078
2004, by a majority of the members of the legislative authority, 100079
provide that all or a portion of the proceeds of the tax levied 100080
under division (A)(1) of this section, after deducting the real 100081
and actual costs of administering the tax and the amounts required 100082
to be returned to townships and municipal corporations with 100083
respect to the first three per cent levied under division (A)(1) 100084
of this section, shall be deposited in the county general fund, 100085
provided that such proceeds shall be used to satisfy any pledges 100086
made in connection with an agreement entered into under section 100087
307.695 of the Revised Code. 100088

(5) No amount collected from a tax levied, extended, or 100089
required to be deposited in the county general fund under division 100090
(H) of this section shall be contributed to a convention 100091
facilities authority, corporation, or other entity created after 100092
July 1, 2003, for the principal purpose of constructing, 100093
improving, expanding, equipping, financing, or operating a 100094

convention center unless the mayor of the municipal corporation in 100095
which the convention center is to be operated by that convention 100096
facilities authority, corporation, or other entity has consented 100097
to the creation of that convention facilities authority, 100098
corporation, or entity. Notwithstanding any contrary provision of 100099
section 351.04 of the Revised Code, if a tax is levied by a county 100100
under division (H) of this section, the board of county 100101
commissioners of that county may determine the manner of 100102
selection, the qualifications, the number, and terms of office of 100103
the members of the board of directors of any convention facilities 100104
authority, corporation, or other entity described in division 100105
(H)(5) of this section. 100106

(6)(a) No amount collected from a tax levied, extended, or 100107
required to be deposited in the county general fund under division 100108
(H) of this section may be used for any purpose other than paying 100109
the direct and indirect costs of constructing, improving, 100110
expanding, equipping, financing, or operating a convention center 100111
and for the real and actual costs of administering the tax, 100112
unless, prior to the adoption of the resolution of the legislative 100113
authority of the county authorizing the levy, extension, increase, 100114
or deposit, the county and the mayor of the most populous 100115
municipal corporation in that county have entered into an 100116
agreement as to the use of such amounts, provided that such 100117
agreement has been approved by a majority of the mayors of the 100118
other municipal corporations in that county. The agreement shall 100119
provide that the amounts to be used for purposes other than paying 100120
the convention center or administrative costs described in 100121
division (H)(6)(a) of this section be used only for the direct and 100122
indirect costs of capital improvements, including the financing of 100123
capital improvements. 100124

(b) If the county in which the tax is levied has an 100125
association of mayors and city managers, the approval of that 100126

association of an agreement described in division (H)(6)(a) of 100127
this section shall be considered to be the approval of the 100128
majority of the mayors of the other municipal corporations for 100129
purposes of that division. 100130

(7) Each year, the auditor of state shall conduct an audit of 100131
the uses of any amounts collected from taxes levied, extended, or 100132
deposited under division (H) of this section and shall prepare a 100133
report of the auditor of state's findings. The auditor of state 100134
shall submit the report to the legislative authority of the county 100135
that has levied, extended, or deposited the tax, the speaker of 100136
the house of representatives, the president of the senate, and the 100137
leaders of the minority parties of the house of representatives 100138
and the senate. 100139

(I)(1) As used in this division: 100140

(a) "Convention facilities authority" has the same meaning as 100141
in section 351.01 of the Revised Code. 100142

(b) "Convention center" has the same meaning as in section 100143
307.695 of the Revised Code. 100144

(2) Notwithstanding any contrary provision of division (D) of 100145
this section, the legislative authority of a county with a 100146
population of one million two hundred thousand or more according 100147
to the most recent federal decennial census or the most recent 100148
annual population estimate published or released by the United 100149
States census bureau at the time the resolution is adopted placing 100150
the levy on the ballot, that has levied a tax under division (D) 100151
of this section may, by resolution adopted by a majority of the 100152
members of the legislative authority, provide for the extension of 100153
such levy and may provide that the proceeds of that tax, to the 100154
extent that the proceeds are no longer needed for their original 100155
purpose as defined by a cooperative agreement entered into under 100156
section 307.671 of the Revised Code and after deducting the real 100157

and actual costs of administering the tax, shall be used for 100158
paying the direct and indirect costs of constructing, improving, 100159
expanding, equipping, financing, or operating a convention center. 100160
The resolution shall provide for the extension of the tax at a 100161
rate not to exceed the rate specified in division (D) of this 100162
section for a period of time determined by the legislative 100163
authority of the county, but not to exceed an additional forty 100164
years. 100165

(3) The legislative authority of a county with a population 100166
of one million two hundred thousand or more that has levied a tax 100167
under division (A)(1) of this section may, by resolution adopted 100168
by a majority of the members of the legislative authority, 100169
increase the rate of the tax levied by such county under division 100170
(A)(1) of this section to a rate not to exceed five per cent on 100171
transactions by which lodging by a hotel is or is to be furnished 100172
to transient guests. Notwithstanding any contrary provision of 100173
division (A)(1) of this section, the resolution shall provide that 100174
all collections resulting from the rate levied in excess of three 100175
per cent, after deducting the real and actual costs of 100176
administering the tax, shall be used for paying the direct and 100177
indirect costs of constructing, improving, expanding, equipping, 100178
financing, or operating a convention center. 100179

(4) The legislative authority of a county with a population 100180
of one million two hundred thousand or more that has levied a tax 100181
under division (A)(1) of this section may, by resolution adopted 100182
on or before July 1, 2008, by a majority of the members of the 100183
legislative authority, provide that all or a portion of the 100184
proceeds of the tax levied under division (A)(1) of this section, 100185
after deducting the real and actual costs of administering the tax 100186
and the amounts required to be returned to townships and municipal 100187
corporations with respect to the first three per cent levied under 100188
division (A)(1) of this section, shall be used to satisfy any 100189

pledges made in connection with an agreement entered into under 100190
section 307.695 of the Revised Code or shall otherwise be used for 100191
paying the direct and indirect costs of constructing, improving, 100192
expanding, equipping, financing, or operating a convention center. 100193

(5) Any amount collected from a tax levied or extended under 100194
division (I) of this section may be contributed to a convention 100195
facilities authority created before July 1, 2005, but no amount 100196
collected from a tax levied or extended under division (I) of this 100197
section may be contributed to a convention facilities authority, 100198
corporation, or other entity created after July 1, 2005, unless 100199
the mayor of the municipal corporation in which the convention 100200
center is to be operated by that convention facilities authority, 100201
corporation, or other entity has consented to the creation of that 100202
convention facilities authority, corporation, or entity. 100203

(J)(1) Except as provided in division (J)(2) of this section, 100204
money collected by a county and distributed under this section to 100205
a convention and visitors' bureau in existence as of June 30, 100206
2013, the effective date of H.B. 59 of the 130th general assembly, 100207
except for any such money pledged, as of that effective date, to 100208
the payment of debt service charges on bonds, notes, securities, 100209
or lease agreements, shall be used solely for tourism sales, 100210
marketing and promotion, and their associated costs, including, 100211
but not limited to, operational and administrative costs of the 100212
bureau, sales and marketing, and maintenance of the physical 100213
bureau structure. 100214

(2) A convention and visitors' bureau that has entered into 100215
an agreement under section 307.678 of the Revised Code may use 100216
revenue it receives from a tax levied under division (A)(1) of 100217
this section as described in division (D) of section 307.678 of 100218
the Revised Code. 100219

(K) The board of county commissioners of a county with a 100220
population between one hundred three thousand and one hundred 100221

seven thousand according to the most recent federal decennial 100222
census, by resolution adopted by a majority of the members of the 100223
board within six months after September 15, 2014, the effective 100224
date of H.B. 483 of the 130th general assembly, may levy a tax not 100225
to exceed three per cent on transactions by which a hotel is or is 100226
to be furnished to transient guests. The purpose of the tax shall 100227
be to pay the costs of expanding, maintaining, or operating a 100228
soldiers' memorial and the costs of administering the tax. All 100229
revenue arising from the tax shall be credited to one or more 100230
special funds in the county treasury and shall be spent solely for 100231
the purposes of paying those costs. The board of county 100232
commissioners shall adopt all rules necessary to provide for the 100233
administration of the tax subject to the same limitations on 100234
imposing penalty or interest under division (A)(1) of this 100235
section. 100236

As used in this division "soldiers' memorial" means a 100237
memorial constructed and funded under Chapter 345. of the Revised 100238
Code. 100239

(L) A board of county commissioners of an eligible county, by 100240
resolution adopted by a majority of the members of the board, may 100241
levy an excise tax at the rate of up to three per cent on 100242
transactions by which lodging by a hotel is or is to be furnished 100243
to transient guests for the purpose of paying the costs of 100244
permanent improvements at sites at which one or more agricultural 100245
societies conduct fairs or exhibits, paying the costs of 100246
maintaining or operating such permanent improvements, and paying 100247
the costs of administering the tax. A resolution adopted under 100248
this division shall direct the board of elections to submit the 100249
question of the proposed lodging tax to the electors of the county 100250
at a special election held on the date specified by the board in 100251
the resolution, provided that the election occurs not less than 100252
ninety days after a certified copy of the resolution is 100253

transmitted to the board of elections. A resolution submitted to 100254
the electors under this division shall not go into effect unless 100255
it is approved by a majority of those voting upon it. The 100256
resolution takes effect on the date the board of county 100257
commissioners receives notification from the board of elections of 100258
an affirmative vote. 100259

The tax shall remain in effect for the period specified in 100260
the resolution, not to exceed five years. All revenue arising from 100261
the tax shall be credited to one or more special funds in the 100262
county treasury and shall be spent solely for the purposes of 100263
paying the costs of such permanent improvements and maintaining or 100264
operating the improvements. Revenue allocated for the use of a 100265
county agricultural society may be credited to the county 100266
agricultural society fund created in section 1711.16 of the 100267
Revised Code upon appropriation by the board. If revenue is 100268
credited to that fund, it shall be expended only as provided in 100269
that section. 100270

The board of county commissioners shall adopt all rules 100271
necessary to provide for the administration of the tax. The rules 100272
may prescribe the time for payment of the tax, and may provide for 100273
the imposition or penalty or interest, or both, for late payments, 100274
provided that the penalty does not exceed ten per cent of the 100275
amount of tax due, and the rate at which interest accrues does not 100276
exceed the rate per annum prescribed in section 5703.47 of the 100277
Revised Code. 100278

As used in this division, "eligible county" means a county in 100279
which a county agricultural society or independent agricultural 100280
society is organized under section 1711.01 or 1711.02 of the 100281
Revised Code, provided the agricultural society owns a facility or 100282
site in the county at which an annual harness horse race is 100283
conducted where one-day attendance equals at least forty thousand 100284
attendees. 100285

(M) As used in this division, "eligible county" means a county in which a tax is levied under division (A) of this section at a rate of three per cent and whose territory includes a part of Lake Erie the shoreline of which represents at least fifty per cent of the linear length of the county's border with other counties of this state. 100286
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The board of county commissioners of an eligible county that has entered into an agreement with a port authority in the county under section 4582.56 of the Revised Code may levy an additional lodging tax on transactions by which lodging by a hotel is or is to be furnished to transient guests for the purpose of financing lakeshore improvement projects constructed or financed by the port authority under that section. The resolution levying the tax shall specify the purpose of the tax, the rate of the tax, which shall not exceed two per cent, and the number of years the tax will be levied or that it will be levied for a continuing period of time. The tax shall be administered pursuant to the regulations adopted by the board under division (A) of this section, except that all the proceeds of the tax levied under this division shall be pledged to the payment of the costs, including debt charges, of lakeshore improvements undertaken by a port authority pursuant to the agreement under section 4582.56 of the Revised Code. No revenue from the tax may be used to pay the current expenses of the port authority. 100292
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A resolution levying a tax under this division is subject to referendum under sections 305.31 to 305.41 and 305.99 of the Revised Code. 100310
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Sec. 5739.10. (A) In addition to the tax levied by section 5739.02 of the Revised Code and any tax levied pursuant to section 5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code, and to secure the same objectives specified in those sections, there 100313
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is hereby levied upon the privilege of engaging in the business of 100317
making retail sales, an excise tax equal to the tax levied by 100318
section 5739.02 of the Revised Code, or, in the case of retail 100319
sales subject to a tax levied pursuant to section 5739.021, 100320
5739.023, 5739.024, or 5739.026 of the Revised Code, a percentage 100321
equal to the aggregate rate of such taxes and the tax levied by 100322
section 5739.02 of the Revised Code of the receipts derived from 100323
all retail sales, except those to which the excise tax imposed by 100324
section 5739.02 of the Revised Code is made inapplicable by 100325
division (B) of that section. 100326

(B) For the purpose of this section, no vendor shall be 100327
required to maintain records of sales of food for human 100328
consumption off the premises where sold, and no assessment shall 100329
be made against any vendor for sales of food for human consumption 100330
off the premises where sold, solely because the vendor has no 100331
records of, or has inadequate records of, such sales; provided 100332
that where a vendor does not have adequate records of receipts 100333
from the vendor's sales of food for human consumption on the 100334
premises where sold, the tax commissioner may refuse to accept the 100335
vendor's return and, upon the basis of test checks of the vendor's 100336
business for a representative period, and other information 100337
relating to the sales made by such vendor, determine the 100338
proportion that taxable retail sales bear to all of the vendor's 100339
retail sales. The tax imposed by this section shall be determined 100340
by deducting from the sum representing five and three-fourths per 100341
cent, as applicable under division (A) of this section, or, in the 100342
case of retail sales subject to a tax levied pursuant to section 100343
5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code, a 100344
percentage equal to the aggregate rate of such taxes and the tax 100345
levied by section 5739.02 of the Revised Code of the receipts from 100346
such retail sales, the amount of tax paid to the state or to a 100347
clerk of a court of common pleas. The section does not affect any 100348
duty of the vendor under sections 5739.01 to 5739.19 and 5739.26 100349

to 5739.31 of the Revised Code, nor the liability of any consumer 100350
to pay any tax imposed by or pursuant to section 5739.02, 100351
5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code. 100352

Sec. 5739.12. (A)(1) Each person who has or is required to 100353
have a vendor's license, on or before the twenty-third day of each 100354
month, shall make and file a return for the preceding month in the 100355
form prescribed by the tax commissioner, and shall pay the tax 100356
shown on the return to be due. The return shall be filed 100357
electronically using the Ohio business gateway, as defined in 100358
section 718.01 of the Revised Code, the Ohio telefile system, or 100359
any other electronic means prescribed by the commissioner. Payment 100360
of the tax shown on the return to be due shall be made 100361
electronically in a manner approved by the commissioner. The 100362
commissioner may require a vendor that operates from multiple 100363
locations or has multiple vendor's licenses to report all tax 100364
liabilities on one consolidated return. The return shall show the 100365
amount of tax due from the vendor to the state for the period 100366
covered by the return and such other information as the 100367
commissioner deems necessary for the proper administration of this 100368
chapter. The commissioner may extend the time for making and 100369
filing returns and paying the tax, and may require that the return 100370
for the last month of any annual or semiannual period, as 100371
determined by the commissioner, be a reconciliation return 100372
detailing the vendor's sales activity for the preceding annual or 100373
semiannual period. The reconciliation return shall be filed by the 100374
last day of the month following the last month of the annual or 100375
semiannual period. The commissioner may remit all or any part of 100376
amounts or penalties that may become due under this chapter and 100377
may adopt rules relating thereto. Such return shall be filed 100378
electronically as directed by the tax commissioner, and payment of 100379
the amount of tax shown to be due thereon, after deduction of any 100380
discount provided for under this section, shall be made 100381

electronically in a manner approved by the tax commissioner. 100382

(2) Any person required to file returns and make payments 100383
electronically under division (A)(1) of this section may apply to 100384
the tax commissioner on a form prescribed by the commissioner to 100385
be excused from that requirement. For good cause shown, the 100386
commissioner may excuse the person from that requirement and may 100387
permit the person to file the returns and make the payments 100388
required by this section by nonelectronic means. 100389

(B)(1) If the return is filed and the amount of tax shown 100390
thereon to be due is paid on or before the date such return is 100391
required to be filed, the vendor shall be entitled to a discount 100392
of three-fourths of one per cent of the amount shown to be due on 100393
the return. 100394

(2) A vendor that has selected a certified service provider 100395
as its agent shall not be entitled to the discount if the 100396
certified service provider receives a monetary allowance pursuant 100397
to section 5739.06 of the Revised Code for performing the vendor's 100398
sales and use tax functions in this state. Amounts paid to the 100399
clerk of courts pursuant to section 4505.06 of the Revised Code 100400
shall be subject to the applicable discount. The discount shall be 100401
in consideration for prompt payment to the clerk of courts and for 100402
other services performed by the vendor in the collection of the 100403
tax. 100404

(C)(1) Upon application to the tax commissioner, a vendor who 100405
is required to file monthly returns may be relieved of the 100406
requirement to report and pay the actual tax due, provided that 100407
the vendor agrees to remit to the commissioner payment of not less 100408
than an amount determined by the commissioner to be the average 100409
monthly tax liability of the vendor, based upon a review of the 100410
returns or other information pertaining to such vendor for a 100411
period of not less than six months nor more than two years 100412
immediately preceding the filing of the application. Vendors who 100413

agree to the above conditions shall make and file an annual or 100414
semiannual reconciliation return, as prescribed by the 100415
commissioner. The reconciliation return shall be filed 100416
electronically as directed by the tax commissioner, and payment of 100417
the amount of tax shown to be due thereon, after deduction of any 100418
discount provided in this section, shall be made electronically in 100419
a manner approved by the commissioner. Failure of a vendor to 100420
comply with any of the above conditions may result in immediate 100421
reinstatement of the requirement of reporting and paying the 100422
actual tax liability on each monthly return, and the commissioner 100423
may at the commissioner's discretion deny the vendor the right to 100424
report and pay based upon the average monthly liability for a 100425
period not to exceed two years. The amount ascertained by the 100426
commissioner to be the average monthly tax liability of a vendor 100427
may be adjusted, based upon a review of the returns or other 100428
information pertaining to the vendor for a period of not less than 100429
six months nor more than two years preceding such adjustment. 100430

(2) The commissioner may authorize vendors whose tax 100431
liability is not such as to merit monthly returns, as ascertained 100432
by the commissioner upon the basis of administrative costs to the 100433
state, to make and file returns at less frequent intervals. When 100434
returns are filed at less frequent intervals in accordance with 100435
such authorization, the vendor shall be allowed the discount 100436
provided in this section in consideration for prompt payment with 100437
the return, provided the return is filed and payment is made of 100438
the amount of tax shown to be due thereon, at the time specified 100439
by the commissioner, but a vendor that has selected a certified 100440
service provider as its agent shall not be entitled to the 100441
discount. 100442

(D) Any vendor who fails to file a return or to pay the full 100443
amount of the tax shown on the return to be due in the manner 100444
prescribed under this section and the rules of the commissioner 100445

may, for each such return, be required to forfeit and pay into the state treasury an additional charge not exceeding fifty dollars or ten per cent of the tax required to be paid for the reporting period, whichever is greater, as revenue arising from the tax imposed by this chapter, and such sum may be collected by assessment in the manner provided in section 5739.13 of the Revised Code. The commissioner may remit all or a portion of the additional charge and may adopt rules relating to the imposition and remission of the additional charge.

(E) If the amount required to be collected by a vendor from consumers is in excess of the applicable percentage of the vendor's receipts from sales that are taxable under section 5739.02 of the Revised Code, or in the case of sales subject to a tax levied pursuant to section 5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code, in excess of the percentage equal to the aggregate rate of such taxes and the tax levied by section 5739.02 of the Revised Code, such excess shall be remitted along with the remittance of the amount of tax due under section 5739.10 of the Revised Code.

(F) The commissioner, if the commissioner deems it necessary in order to insure the payment of the tax imposed by this chapter, may require returns and payments to be made for other than monthly periods.

(G) Any vendor required to file a return and pay the tax under this section whose total payment for a year equals or exceeds the amount shown in division (A) of section 5739.122 of the Revised Code is subject to the accelerated tax payment requirements in divisions (B) and (C) of that section. For a vendor that operates from multiple locations or has multiple vendor's licenses, in determining whether the vendor's total payment equals or exceeds the amount shown in division (A) of that section, the vendor's total payment amount shall be the amount of

the vendor's total tax liability for the previous calendar year 100478
for all of the vendor's locations or licenses. 100479

Sec. 5739.13. (A) If any vendor collects the tax imposed by 100480
or pursuant to section 5739.02, 5739.021, 5739.023, 5739.024, or 100481
5739.026 of the Revised Code, and fails to remit the tax to the 100482
state as prescribed, or on the sale of a motor vehicle, 100483
watercraft, or outboard motor required to be titled, fails to 100484
remit payment ~~to a clerk of a court of common pleas~~ as provided in 100485
section 1548.06 or 4505.06 of the Revised Code, the vendor shall 100486
be personally liable for any tax collected and not remitted. The 100487
tax commissioner may make an assessment against such vendor based 100488
upon any information in the commissioner's possession. 100489

If any vendor fails to collect the tax or any consumer fails 100490
to pay the tax imposed by or pursuant to section 5739.02, 100491
5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code, on 100492
any transaction subject to the tax, the vendor or consumer shall 100493
be personally liable for the amount of the tax applicable to the 100494
transaction. The commissioner may make an assessment against 100495
either the vendor or consumer, as the facts may require, based 100496
upon any information in the commissioner's possession. 100497

An assessment against a vendor when the tax imposed by or 100498
pursuant to section 5739.02, 5739.021, 5739.023, 5739.024, or 100499
5739.026 of the Revised Code has not been collected or paid, shall 100500
not discharge the purchaser's or consumer's liability to reimburse 100501
the vendor for the tax applicable to such transaction. 100502

An assessment issued against either, pursuant to this 100503
section, shall not be considered an election of remedies, nor a 100504
bar to an assessment against the other for the tax applicable to 100505
the same transaction, provided that no assessment shall be issued 100506
against any person for the tax due on a particular transaction if 100507
the tax on that transaction actually has been paid by another. 100508

The commissioner may make an assessment against any vendor 100509
who fails to file a return or remit the proper amount of tax 100510
required by this chapter, or against any consumer who fails to pay 100511
the proper amount of tax required by this chapter. When 100512
information in the possession of the commissioner indicates that 100513
the amount required to be collected or paid under this chapter is 100514
greater than the amount remitted by the vendor or paid by the 100515
consumer, the commissioner may audit a sample of the vendor's 100516
sales or the consumer's purchases for a representative period, to 100517
ascertain the per cent of exempt or taxable transactions or the 100518
effective tax rate and may issue an assessment based on the audit. 100519
The commissioner shall make a good faith effort to reach agreement 100520
with the vendor or consumer in selecting a representative sample. 100521

The commissioner may make an assessment, based on any 100522
information in the commissioner's possession, against any person 100523
who fails to file a return or remit the proper amount of tax 100524
required by section 5739.102 of the Revised Code. 100525

The commissioner may issue an assessment on any transaction 100526
for which any tax imposed under this chapter or Chapter 5741. of 100527
the Revised Code was due and unpaid on the date the vendor or 100528
consumer was informed by an agent of the tax commissioner of an 100529
investigation or audit. If the vendor or consumer remits any 100530
payment of the tax for the period covered by the assessment after 100531
the vendor or consumer was informed of the investigation or audit, 100532
the payment shall be credited against the amount of the 100533
assessment. 100534

The commissioner shall give the party assessed written notice 100535
of the assessment in the manner provided in section 5703.37 of the 100536
Revised Code. With the notice, the commissioner shall provide 100537
instructions on how to petition for reassessment and request a 100538
hearing on the petition. 100539

(B) Unless the party assessed files with the commissioner 100540

within sixty days after service of the notice of assessment, 100541
either personally or by certified mail, a written petition for 100542
reassessment, signed by the party assessed or that party's 100543
authorized agent having knowledge of the facts, the assessment 100544
becomes final and the amount of the assessment is due from the 100545
party assessed and payable to the treasurer of state and remitted 100546
to the tax commissioner. The petition shall indicate the 100547
objections of the party assessed, but additional objections may be 100548
raised in writing if received by the commissioner prior to the 100549
date shown on the final determination. If the petition has been 100550
properly filed, the commissioner shall proceed under section 100551
5703.60 of the Revised Code. 100552

(C) After an assessment becomes final, if any portion of the 100553
assessment remains unpaid, including accrued interest, a certified 100554
copy of the commissioner's entry making the assessment final may 100555
be filed in the office of the clerk of the court of common pleas 100556
in the county in which the place of business of the party assessed 100557
is located or the county in which the party assessed resides. If 100558
the party assessed maintains no place of business in this state 100559
and is not a resident of this state, the certified copy of the 100560
entry may be filed in the office of the clerk of the court of 100561
common pleas of Franklin county. 100562

Immediately upon the filing of the entry, the clerk shall 100563
enter a judgment for the state against the party assessed in the 100564
amount shown on the entry. The judgment may be filed by the clerk 100565
in a loose-leaf book entitled "~~special judgments for state,~~ 100566
~~county, and transit authority~~ and local retail sales tax" or, if 100567
appropriate, "special judgments for resort area excise tax," and 100568
shall have the same effect as other judgments. Execution shall 100569
issue upon the judgment upon the request of the tax commissioner, 100570
and all laws applicable to sales on execution shall apply to sales 100571
made under the judgment except as otherwise provided in this 100572

chapter. 100573

If the assessment is not paid in its entirety within sixty 100574
days after the date the assessment was issued, the portion of the 100575
assessment consisting of tax due shall bear interest at the rate 100576
per annum prescribed by section 5703.47 of the Revised Code from 100577
the day the tax commissioner issues the assessment until the 100578
assessment is paid or until it is certified to the attorney 100579
general for collection under section 131.02 of the Revised Code, 100580
whichever comes first. If the unpaid portion of the assessment is 100581
certified to the attorney general for collection, the entire 100582
unpaid portion of the assessment shall bear interest at the rate 100583
per annum prescribed by section 5703.47 of the Revised Code from 100584
the date of certification until the date it is paid in its 100585
entirety. Interest shall be paid in the same manner as the tax and 100586
may be collected by issuing an assessment under this section. 100587

(D) All money collected by the tax commissioner under this 100588
section shall be paid to the treasurer of state, and when paid 100589
shall be considered as revenue arising from the taxes imposed by 100590
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 100591

Sec. 5739.16. (A) Except as otherwise provided in this 100592
section, no assessment shall be made or issued against a vendor or 100593
consumer for any tax imposed by or pursuant to section 5739.02, 100594
5739.021, 5739.023, 5739.024, 5739.026, or 5739.10 of the Revised 100595
Code more than four years after the return date for the period in 100596
which the sale or purchase was made, or more than four years after 100597
the return for such period is filed, whichever is later. A 100598
consumer who provides a fully completed exemption certificate 100599
pursuant to division (B) of section 5739.03 of the Revised Code 100600
may be assessed any tax imposed by or pursuant to section 5739.02, 100601
5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code that 100602
results from denial of the claimed exemption within the later of a 100603

period otherwise allowed by this section or one year after the 100604
date the certificate was provided. This division does not bar an 100605
assessment: 100606

(1) When the tax commissioner has substantial evidence of 100607
amounts of taxes collected by a vendor from consumers on retail 100608
sales, which were not returned to the state; 100609

(2) When the vendor assessed failed to file a return as 100610
required by section 5739.12 of the Revised Code; 100611

(3) When the vendor or consumer and the commissioner waive in 100612
writing the time limitation. 100613

(B) No assessment shall be made or issued against a vendor or 100614
consumer for any tax imposed by or pursuant to section 5739.02, 100615
5739.021, 5739.023, 5739.024, 5739.026, or 5739.10 of the Revised 100616
Code for any period during which there was in full force and 100617
effect a rule of the tax commissioner under or by virtue of which 100618
the collection or payment of any such tax was not required. This 100619
division does not bar an assessment when the tax commissioner has 100620
substantial evidence of amounts of taxes collected by a vendor 100621
from consumers on retail sales which were not returned to the 100622
state. 100623

(C) No assessment shall be made or issued against a person 100624
for any tax imposed pursuant to section 5739.101 of the Revised 100625
Code more than four years after the return date for the period in 100626
which the tax is imposed on the person's gross receipts, or more 100627
than four years after the return for such period is filed, 100628
whichever is later. This division does not bar an assessment when 100629
the person assessed failed to file a return as required under 100630
section 5739.102 of the Revised Code, or when the person and the 100631
commissioner waive in writing the time limitation. 100632

Sec. 5739.17. (A) No person shall engage in making retail 100633

sales subject to a tax imposed by or pursuant to section 5739.02, 100634
5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code as a 100635
business without having a license therefor, except as otherwise 100636
provided in divisions (A)(1), (2), and (3) of this section. 100637

(1) In the dissolution of a partnership by death, the 100638
surviving partner may operate under the license of the partnership 100639
for a period of sixty days. 100640

(2) The heirs or legal representatives of deceased persons, 100641
and receivers and trustees in bankruptcy, appointed by any 100642
competent authority, may operate under the license of the person 100643
so succeeded in possession. 100644

(3) Two or more persons who are not partners may operate a 100645
single place of business under one license. In such case neither 100646
the retirement of any such person from business at that place of 100647
business, nor the entrance of any person, under an existing 100648
arrangement, shall affect the license or require the issuance of a 100649
new license, unless the person retiring from the business is the 100650
individual named on the vendor's license. 100651

Except as otherwise provided in this section, each applicant 100652
for a license shall make out and deliver to the county auditor of 100653
each county in which the applicant desires to engage in business, 100654
upon a blank to be furnished by such auditor for that purpose, a 100655
statement showing the name of the applicant, each place of 100656
business in the county where the applicant will make retail sales, 100657
the nature of the business, and any other information the tax 100658
commissioner reasonably prescribes in the form of a statement 100659
prescribed by the commissioner. 100660

At the time of making the application, the applicant shall 100661
pay into the county treasury a license fee in the sum of 100662
twenty-five dollars for each fixed place of business in the county 100663
that will be the situs of retail sales. Upon receipt of the 100664

application and exhibition of the county treasurer's receipt, 100665
showing the payment of the license fee, the county auditor shall 100666
issue to the applicant a license for each fixed place of business 100667
designated in the application, authorizing the applicant to engage 100668
in business at that location. 100669

(B) If a vendor's identity changes, the vendor shall apply 100670
for a new license. If a vendor wishes to move an existing fixed 100671
place of business to a new location within the same county, the 100672
vendor shall obtain a new vendor's license or submit a request to 100673
the commissioner to transfer the existing vendor's license to the 100674
new location. When the new location has been verified as being 100675
within the same county, the commissioner shall authorize the 100676
transfer and notify the county auditor of the change of location. 100677
If a vendor wishes to move an existing fixed place of business to 100678
another county, the vendor's license shall not transfer and the 100679
vendor shall obtain a new vendor's license from the county in 100680
which the business is to be located. The form of the license shall 100681
be prescribed by the commissioner. The fees collected shall be 100682
credited to the general fund of the county. If a vendor fails to 100683
notify the commissioner of a change of location of its fixed place 100684
of business or that its business has closed, the commissioner may 100685
cancel the vendor's license if ordinary mail sent to the location 100686
shown on the license is returned because of an undeliverable 100687
address. 100688

(C) The commissioner may establish or participate in a 100689
registration system whereby any vendor may obtain a vendor's 100690
license by submitting to the commissioner a vendor's license 100691
application and a license fee of twenty-five dollars for each 100692
fixed place of business at which the vendor intends to make retail 100693
sales. Under this registration system, the commissioner shall 100694
issue a vendor's license to the applicant on behalf of the county 100695
auditor of the county in which the applicant desires to engage in 100696

business, and shall forward a copy of the application and license fee to that county. All such license fees received by the commissioner for the issuance of vendor's licenses shall be deposited into the vendor's license application fund, which is hereby created in the state treasury. The commissioner shall certify to the director of budget and management within ten business days after the close of a month the license fees to be transmitted to each county from the vendor's license application fund for vendor's license applications received by the commissioner during that month. License fees transmitted to a county for which payment was not received by the commissioner may be netted against a future distribution to that county, including distributions made pursuant to section 5739.21 of the Revised Code.

A vendor that makes retail sales subject to tax under Chapter 5739. of the Revised Code pursuant to a permit issued by the division of liquor control shall obtain a vendor's license in the identical name and for the identical address as shown on the permit.

Except as otherwise provided in this section, if a vendor has no fixed place of business and sells from a vehicle, each vehicle intended to be used within a county constitutes a place of business for the purpose of this section.

(D) As used in this section, "transient vendor" means any person who makes sales of tangible personal property from vending machines located on land owned by others, who leases titled motor vehicles, titled watercraft, or titled outboard motors, who effectuates leases that are taxed according to division (A)(2) of section 5739.02 of the Revised Code, or who, in the usual course of the person's business, transports inventory, stock of goods, or similar tangible personal property to a temporary place of business or temporary exhibition, show, fair, flea market, or

similar event in a county in which the person has no fixed place 100729
of business, for the purpose of making retail sales of such 100730
property. A "temporary place of business" means any public or 100731
quasi-public place including, but not limited to, a hotel, rooming 100732
house, storeroom, building, part of a building, tent, vacant lot, 100733
railroad car, or motor vehicle that is temporarily occupied for 100734
the purpose of making retail sales of goods to the public. A place 100735
of business is not temporary if the same person conducted business 100736
at the place continuously for more than six months or occupied the 100737
premises as the person's permanent residence for more than six 100738
months, or if the person intends it to be a fixed place of 100739
business. 100740

Any transient vendor, in lieu of obtaining a vendor's license 100741
under division (A) of this section for counties in which the 100742
transient vendor has no fixed place of business, may apply to the 100743
tax commissioner, on a form prescribed by the commissioner, for a 100744
transient vendor's license. The transient vendor's license 100745
authorizes the transient vendor to make retail sales in any county 100746
in which the transient vendor does not maintain a fixed place of 100747
business. Any holder of a transient vendor's license shall not be 100748
required to obtain a separate vendor's license from the county 100749
auditor in that county. Upon the commissioner's determination that 100750
an applicant is a transient vendor, the applicant shall pay a 100751
license fee in the amount of twenty-five dollars, at which time 100752
the tax commissioner shall issue the license. The tax commissioner 100753
may require a vendor to be licensed as a transient vendor if, in 100754
the opinion of the commissioner, such licensing is necessary for 100755
the efficient administration of the tax. 100756

Any holder of a valid transient vendor's license may make 100757
retail sales at a temporary place of business or temporary 100758
exhibition, show, fair, flea market, or similar event, held 100759
anywhere in the state without complying with any provision of 100760

section 311.37 of the Revised Code. Any holder of a valid vendor's license may make retail sales as a transient vendor at a temporary place of business or temporary exhibition, show, fair, flea market, or similar event held in any county in which the vendor maintains a fixed place of business for which the vendor holds a vendor's license without obtaining a transient vendor's license.

(E) Any vendor who is issued a license pursuant to this section shall display the license or a copy of it prominently, in plain view, at every place of business of the vendor.

(F) No owner, organizer, or promoter who operates a fair, flea market, show, exhibition, convention, or similar event at which transient vendors are present shall fail to keep a comprehensive record of all such vendors, listing the vendor's name, permanent address, vendor's license number, and the type of goods sold. Such records shall be kept for four years and shall be open to inspection by the commissioner.

(G) The commissioner may issue additional types of licenses if required to efficiently administer the tax imposed by this chapter.

Sec. 5739.21. (A) One hundred per cent of all money deposited into the state treasury under sections 5739.01 to 5739.31 of the Revised Code that is not required to be distributed as provided in section 5739.102 of the Revised Code or division (B) of this section shall be credited to the general revenue fund.

(B)(1) In any case where any county, municipal corporation, township, or transit authority has levied a tax or taxes pursuant to section 5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code, the tax commissioner shall, within forty-five days after the end of each month, determine and certify to the director of budget and management the amount of the proceeds of such tax or taxes received during that month from billings and assessments, or

associated with tax returns or reports filed during that month, to 100792
be returned to the ~~county or transit authority~~ subdivision levying 100793
the tax or taxes. The amount to be returned to each ~~county and~~ 100794
~~transit authority~~ subdivision shall be a fraction of the aggregate 100795
amount of money collected with respect to each area in which one 100796
or more of such taxes are concurrently in effect with the tax 100797
levied by section 5739.02 of the Revised Code, adjusted as 100798
required under section 5739.54 of the Revised Code. The numerator 100799
of the fraction is the rate of the tax levied by the ~~county or~~ 100800
~~transit authority~~ subdivision and the denominator of the fraction 100801
is the aggregate rate of such taxes applicable to such area. The 100802
amount to be returned to each ~~county or transit authority~~ 100803
subdivision shall be reduced by the amount of any refunds of 100804
~~county or transit authority~~ such tax paid pursuant to section 100805
5739.07 of the Revised Code during the same month, or transfers 100806
made pursuant to division (B)(2) of section 5703.052 of the 100807
Revised Code. 100808

(2) On a periodic basis, using the best information 100809
available, the tax commissioner shall distribute any amount of 100810
such a ~~county or transit authority~~ tax that cannot be distributed 100811
under division (B)(1) of this section. Through audit or other 100812
means, the commissioner shall attempt to obtain the information 100813
necessary to make the distribution as provided under that division 100814
and, on receipt of that information, shall make adjustments to 100815
distributions previously made under this division. 100816

(3) Beginning July 1, 2008, eight and thirty-three 100817
one-hundredths of one per cent of the revenue collected from the 100818
tax due under division (A) of section 5739.029 of the Revised Code 100819
shall be distributed to the county where the sale of the motor 100820
vehicle is sitused under section 5739.035 of the Revised Code. The 100821
amount to be so distributed to the county shall be apportioned on 100822
the basis of the rates of taxes the county levies pursuant to 100823

sections 5739.021 and 5739.026 of the Revised Code, as applicable, 100824
and shall be credited to the funds of the county as provided in 100825
divisions (A) and (B) of section 5739.211 of the Revised Code. 100826

(C) The aggregate amount to be returned to any ~~county or~~ 100827
~~transit authority~~ subdivision shall be reduced by one per cent, 100828
which shall be certified directly to the credit of the local sales 100829
tax administrative fund, which is hereby created in the state 100830
treasury. For the purpose of determining the amount to be returned 100831
to a county and transit authority in which the rate of tax imposed 100832
by the transit authority has been reduced under section 5739.028 100833
of the Revised Code, the tax commissioner shall use the respective 100834
rates of tax imposed by the county or transit authority that 100835
results from the change in the rates authorized under that 100836
section. 100837

(D) The director of budget and management shall transfer, 100838
from the same funds and in the same proportions specified in 100839
division (A) of this section, to the permissive tax distribution 100840
fund created by division (B)(1) of section 4301.423 of the Revised 100841
Code and to the local sales tax administrative fund, the amounts 100842
certified by the tax commissioner. The tax commissioner shall 100843
then, on or before the twentieth day of the month in which such 100844
certification is made, provide for payment of such respective 100845
amounts to the county treasurer and to the fiscal officer of the 100846
municipal corporation, township, or transit authority levying the 100847
tax or taxes. The amount transferred to the local sales tax 100848
administrative fund is for use by the tax commissioner in 100849
defraying costs incurred in administering such taxes levied by a 100850
county, municipal corporation, township, or transit authority. 100851

Sec. 5739.211. (A) The moneys received by a county levying an 100852
additional sales tax pursuant to section 5739.021 of the Revised 100853
Code shall be deposited in the county general fund to be expended 100854

for any purpose for which general fund moneys of the county may be used, including the acquisition or construction of permanent improvements or to make payments in accordance with section 333.06 or 333.07 of the Revised Code, or in the bond retirement fund for the payment of debt service charges on notes or bonds of the county issued for the acquisition or construction of permanent improvements. The amounts to be deposited in each of such funds shall be determined by the board of county commissioners.

(B) The moneys received by a county levying an additional sales tax pursuant to section 5739.026 of the Revised Code shall be deposited in a separate fund, which shall be allocated and distributed in accordance with the resolution adopted under such section. Moneys allocated for the purpose of division (A)(4) of section 5739.026 of the Revised Code shall be transferred to and disbursed from the community improvements fund in the county treasury. Notwithstanding section 135.351 of the Revised Code, if an allocation of moneys to a convention facilities authority or a transit authority is required pursuant to division (C) of section 5739.026 of the Revised Code, the county shall pay and distribute each authority's share of any such moneys to its fiscal officer within five business days of the date of their receipt by the county. If the moneys allocated under such division are not so paid, the county shall pay to such authority any interest that the county has received or will receive on such moneys that accrues from the date the county received the moneys, together with the principal amount of such moneys.

(C) The moneys received by a transit authority levying an additional sales tax pursuant to section 5739.023 of the Revised Code shall be deposited in such fund or funds of the transit authority as determined by the legislative authority of the transit authority to be expended for any purpose for which a

county transit board or the board of county commissioners 100887
operating a county transit system, in the case of a county, or the 100888
board of trustees of a regional transit authority, in the case of 100889
a regional transit authority, may expend moneys under their 100890
control, including the purchase, acquisition, construction, 100891
replacement, improvement, extension, or enlargement of permanent 100892
improvements and for the payment of debt service charges on notes 100893
or bonds of the transit authority. 100894

(D) Money received by a municipal corporation or township 100895
levying an additional sales tax pursuant to section 5739.024 of 100896
the Revised Code shall be deposited in a special fund in the 100897
subdivision's treasury created by the legislative authority of the 100898
subdivision. The municipal corporation or township may use such 100899
revenue solely for the purpose of fostering and developing tourism 100900
in the tourism development district in which the tax is levied. 100901

Sec. 5739.34. The levy of any excise, income, or property tax 100902
by the state or any political subdivision thereof shall not be 100903
construed as preempting the power of a county, municipal 100904
corporation, township, or transit authority to levy an additional 100905
sales tax pursuant to section 5739.021, 5739.023, 5739.024, or 100906
5739.026 of the Revised Code. No tax levied by a board of county 100907
commissioners pursuant to section 5739.023 of the Revised Code 100908
shall become effective at any time while a tax levied by the board 100909
of trustees of a regional transit authority pursuant to such 100910
section is in effect in any part of such county. 100911

Sec. 5739.36. (A) For the purpose of tracking the growth and 100912
overall economic impact of the travel and tourism industry in this 100913
state, the tax commissioner shall prepare a report summarizing the 100914
amount of tax revenue collected during each semiannual period 100915
ending on the last day of June or December, annually. The 100916
commissioner shall prepare the report by industry classification 100917

using business activity codes. The report shall include the 100918
combined total statewide collections from the taxes levied under 100919
sections 5739.02, 5739.021, 5739.023, 5739.024, 5739.026, 5741.02, 100920
5741.021, 5741.022, ~~and~~ 5741.023, and 5741.024 of the Revised Code 100921
as reported by taxpayers with respect to collections during the 100922
semiannual period. The report shall reflect all industries 100923
included in the industrial classification system used by the 100924
commissioner the activities of which relate in any way to travel 100925
and tourism, including, but not limited to, industries such as 100926
bars and restaurants; hotels, motels, and other lodging 100927
establishments; and other industries related to travel and 100928
tourism. The first report shall be for the semiannual period 100929
ending December 31, 2005. 100930

(B) The tax commissioner shall file a copy of the report 100931
required under this section with the governor, the president of 100932
the senate, the speaker of the house of representatives, and the 100933
legislative service commission. The reports shall be filed on or 100934
before the first day of May or November, annually, that 100935
immediately follows the semiannual period to which the report 100936
relates. A copy of the commissioner's most recent report shall be 100937
made available to the public through the department of taxation's 100938
official internet web site. 100939

(C) The commissioner shall adopt rules that are necessary to 100940
administer this section. 100941

Sec. 5739.50. (A) As used in this section: 100942

(1) "Business" means a sole proprietorship, a corporation for 100943
profit, a pass-through entity as defined in section 5733.04 of the 100944
Revised Code, the federal government, the state, the state's 100945
political subdivisions, a nonprofit organization, or a school 100946
district. A business "operates within the proposed district" if 100947
the business conducts retail sales that would be subject to a tax 100948

levied in the proposed tourism development district pursuant to 100949
section 5739.024 of the Revised Code. 100950

(2) "Owner" means a partner of a partnership, a member of a 100951
limited liability company, a majority shareholder of an S 100952
corporation, a person with a majority ownership interest in a 100953
pass-through entity, or any officer, employee, or agent with the 100954
authority to make decisions legally binding upon a business. The 100955
signature of any owner of a business operates as the signature of 100956
the business. 100957

(3) "Eligible subdivision" means a municipal corporation or 100958
township wholly or partly located in a county having a population 100959
greater than three hundred seventy-five thousand but less than 100960
four hundred thousand that levies taxes under section 5739.021 or 100961
5739.026 of the Revised Code, the aggregate rate of which do not 100962
exceed one-half of one per cent on the effective date of the 100963
enactment of this section. 100964

(B)(1) The legislative authority of an eligible subdivision, 100965
by ordinance or resolution, may declare an area of the eligible 100966
subdivision to be a tourism development district for the purpose 100967
of fostering and developing tourism in the district, if all of the 100968
following criteria are met: 100969

(a) The district's area does not exceed two hundred acres. 100970

(b) All territory in the district is contiguous. 100971

(c) Before adopting that resolution or ordinance, the 100972
subdivision's legislative authority holds at least two public 100973
hearings concerning the creation of the tourism development 100974
district. 100975

(d) Before adopting that resolution or ordinance, the 100976
subdivision's legislative authority receives a petition signed by 100977
every record owner of a parcel of real property located in the 100978
proposed district and the owner of every business that operates in 100979

the proposed district. 100980

(e) The legislative authority adopts the ordinance or resolution on or before December 31, 2018. 100981
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(2) The petition described in division (B)(1)(d) of this section shall include an explanation of the taxes and charges that may be levied or imposed in the proposed district. 100983
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(3) The subdivision's legislative authority shall certify the resolution or ordinance described in division (B)(1) of this section to the tax commissioner within five days after its adoption, along with a description of the boundaries of the district authorized in the resolution or ordinance. 100986
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(4) Subject to the limitations of division (B)(1)(a) and (b) of this section, a legislative authority may enlarge the territory of an existing tourism development district in the manner prescribed for the creation of a district under divisions (B)(1) to (3) of this section, except that the petition described in division (B)(1)(d) of this section must be signed by every record owner of a parcel of real property located in the area proposed to be added to the district and the owner of every business that operates in the area proposed to be added to the district. 100991
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(C) For the purpose of fostering and developing tourism in a tourism development district, a lessor leasing real property in a tourism development district may impose and collect a uniform fee on each parcel of real property leased by the lessor, to be paid by each of the person's lessees. A lessee is subject to such a fee only if the lease separately states the amount of the fee. Before a lessor may impose and collect such a fee, the lessor shall file a copy of such lease with the fiscal officer of the eligible subdivision that designated the tourism development district. A lessor that imposes such a fee shall remit all collections of the fee to the township or municipal corporation in which the real 101000
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property is located. 101011

The legislative authority shall establish all regulations 101012
necessary to provide for the administration and remittance of such 101013
fees. The regulations may prescribe the time for payment of the 101014
fee, and may provide for the imposition of a penalty or interest, 101015
or both, for late remittances, provided that the penalty does not 101016
exceed ten per cent of the amount of fee due, and the rate at 101017
which interest accrues does not exceed the rate per annum 101018
prescribed pursuant to section 5703.47 of the Revised Code. The 101019
regulations shall provide, after deducting the real and actual 101020
costs of administering the fee, that the revenue be used 101021
exclusively for fostering and developing tourism within the 101022
tourism development district. 101023

(D) The legislative authority of an eligible subdivision that 101024
has designated a tourism development district under this section 101025
may levy the taxes authorized under sections 5739.024 and 5741.024 101026
of the Revised Code. A legislative authority of a township that 101027
has designated a tourism development district may levy the tax 101028
authorized under sections 5739.51 to 5739.54 of the Revised Code. 101029
Nothing in this section limits the power of the legislative 101030
authority of a municipal corporation to levy a tax on the basis of 101031
admissions in a tourism development district pursuant to its 101032
powers of local self government conferred by Section 3 of Article 101033
XVIII, Ohio Constitution. 101034

Sec. 5739.51. As used in sections 5739.51 to 5739.54 of the 101035
Revised Code, "admission" means the right or privilege to enter 101036
into a place. 101037

Sec. 5739.52. (A) For the purpose of fostering and developing 101038
tourism within a tourism development district and paying the costs 101039
of administering the tax, the legislative authority of a township 101040

may, by resolution, levy a tax upon all of the following: 101041

(1) Amounts paid for admission to any place, including 101042
parking lots and facilities, located in the territory of a tourism 101043
development district created by the township; 101044

(2) Amounts paid for tickets or cards of admission to 101045
theaters, operas, and other places of amusement located in the 101046
territory of a tourism development district, sold at places other 101047
than the ticket offices of such places, over and above the amounts 101048
representing the established price therefor at such ticket 101049
offices; 101050

(3) Amounts paid for admission to any public performance at 101051
any roof garden, cabaret, or other similar entertainment venue 101052
located in the territory of a tourism development district, in 101053
which the charge for admission is a service or cover charge; 101054

(4) Amounts paid as annual membership dues by every club or 101055
organization maintaining a golf course located in the territory of 101056
a tourism development district; 101057

(5) Green fees paid to a golf course located in the territory 101058
of a tourism development district either under club or private 101059
ownership. 101060

(B) The rate of a tax levied under this section shall not 101061
exceed five per cent of the admission charge, membership dues, or 101062
green fees. Every person receiving any payment on which a tax is 101063
levied under this section shall collect the amount of the tax from 101064
the person making the admission payment. 101065

Sec. 5739.53. The legislative authority of a township levying 101066
a tax pursuant to section 5739.52 of the Revised Code shall 101067
establish all regulations necessary to provide for the 101068
administration of the tax. The regulations may prescribe the time 101069
for payment of the tax, and may provide for the imposition of a 101070

penalty or interest, or both, for late payments, provided that the 101071
penalty does not exceed ten per cent of the amount of tax due, and 101072
the rate at which interest accrues does not exceed the rate per 101073
annum prescribed pursuant to section 5703.47 of the Revised Code. 101074
The regulations shall provide, after deducting the real and actual 101075
costs of administering the tax, that the revenue be used 101076
exclusively for fostering and developing tourism within the 101077
tourism development district in which the tax is levied. 101078

Sec. 5739.54. (A) As used in this section: 101079

(1) "Qualifying tourism development district" means a tourism 101080
development district for which a tax levied by the legislative 101081
authority of a municipal corporation or township under section 101082
5739.024 of the Revised Code is not in effect. 101083

(2) "Base revenue" means one of the following: 101084

(a) If the tax commissioner receives certification from the 101085
legislative authority of a county under division (D)(2) of this 101086
section, the revenue collected from the taxes imposed under 101087
sections 5739.021 and 5739.026 of the Revised Code during the 101088
three-month period ending on the last day of the immediately 101089
preceding calendar quarter from sales made in a qualifying tourism 101090
development district; 101091

(b) If the tax commissioner receives certification from the 101092
legislative authority of a transit authority under division (D)(3) 101093
of this section, the revenue collected from the tax imposed under 101094
section 5739.023 of the Revised Code during the three-month period 101095
ending on the last day of the immediately preceding calendar 101096
quarter from sales made in the district; 101097

(c) If the tax commissioner receives certification from the 101098
legislative authorities of a county and transit authority under 101099
divisions (D)(2) and (3) of this section, the revenue collected 101100

from the taxes imposed under sections 5739.021, 5739.023, and 101101
5739.026 of the Revised Code during the three-month period ending 101102
on the last day of the immediately preceding calendar quarter from 101103
sales made in the district. 101104

(B) For every qualifying tourism development district on the 101105
basis of which the tax commissioner receives a certification under 101106
division (D)(2) or (3) of this section, the commissioner shall 101107
certify to the director of budget and management, on or before the 101108
twentieth day of March, June, September, and December of each year 101109
the difference, if greater than zero, between (1) the applicable 101110
base revenue minus (2) one-fourth of revenue collected from the 101111
same taxes on the basis of which such revenue is calculated from 101112
sales made in the qualifying tourism development district during 101113
the calendar year preceding the year in which the district is 101114
designated or enlarged under section 5739.50 of the Revised Code. 101115

On or before the last day of March, June, September, and 101116
December of each year, the director of budget and management shall 101117
pay from the general revenue fund to the municipal corporation or 101118
township that created the qualifying tourism development district 101119
the amount certified by the commissioner. The legislative 101120
authority of a municipal corporation or township receiving such 101121
revenue shall create a special fund in the subdivision's treasury 101122
to which all such revenue shall be deposited. A municipal 101123
corporation or township may use such revenue solely for the 101124
purpose of fostering and developing tourism in the qualifying 101125
tourism development district. 101126

(C) The director of budget and management, after making a 101127
payment from the general revenue fund under division (B) of this 101128
section, shall reduce by the amount of that payment the next 101129
payment required to made under division (B)(1) of section 5739.21 101130
of the Revised Code to any county or county transit authority that 101131
makes a certification to the commissioner under division (D)(2) or 101132

(3) of this section. If both a county and a transit authority make those certifications, the director shall reduce that payment in proportion to the base revenue attributable to taxes levied by each subdivision under section 5739.021, 5739.023, or 5739.026 of the Revised Code.

(D)(1) Before a township or municipal corporation may receive money under division (B) of this section, the legislative authority of the municipal corporation or township must obtain the approval of the legislative authority of the county or transit authority. To obtain such approval, the legislative authority of the municipal corporation or township shall adopt and certify an ordinance or resolution to the legislative authority of the county and, if applicable, the transit authority in which a qualifying tourism development district is located. The resolution shall specify the municipal corporation's or township's intent to obtain revenue under division (B) of this section.

(2) The legislative authority of a county, within thirty days after receiving a certification under division (D)(1) of this section, may adopt and certify a resolution to the tax commissioner approving of the municipal corporation's or township's intent to obtain revenue under division (B) of this section.

(3) The legislative authority of a transit authority, within thirty days after receiving a certification under division (D)(1) of this section, may adopt and certify a resolution to the tax commissioner approving of the municipal corporation's or township's intent to obtain revenue under division (B) of this section.

Sec. 5739.99. (A) Whoever violates section 5739.26 or 5739.29 of the Revised Code shall be fined not less than twenty-five nor more than one hundred dollars for a first offense; for each

subsequent offense such person shall, if a corporation, be fined 101164
not less than one hundred nor more than five hundred dollars, or 101165
if an individual, or a member of a partnership, firm, or 101166
association, be fined not less than twenty-five nor more than one 101167
hundred dollars, or imprisoned not more than sixty days, or both. 101168
101169

(B) Whoever violates division (A) of section 5739.30 of the 101170
Revised Code shall be fined not less than one hundred nor more 101171
than one thousand dollars, or imprisoned not more than sixty days, 101172
or both. 101173

(C)(1) Whoever violates division (A)(1) of section 5739.31 of 101174
the Revised Code shall be fined not less than twenty-five nor more 101175
than one hundred dollars. If the offender previously has been 101176
convicted of a violation of division (A)(1) of section 5739.31 of 101177
the Revised Code, the offender is guilty of a felony of the fourth 101178
degree. 101179

(2) Whoever violates division (A)(2) of section 5739.31 of 101180
the Revised Code shall be fined not less than one hundred dollars 101181
nor more than five hundred dollars, or imprisoned for not more 101182
than ten days, or both, for the first offense; for each subsequent 101183
offense, each such person shall be fined not less than one 101184
thousand dollars nor more than twenty-five hundred dollars, or 101185
imprisoned not more than thirty days, or both. The motor vehicles 101186
and goods of any person charged with violating division (A)(2) of 101187
section 5739.31 of the Revised Code may be impounded and held 101188
pending the disposition of the charge, and may be sold at auction 101189
by the county sheriff in the manner prescribed by law to satisfy 101190
any fine imposed by this division. 101191

(3) Whoever violates division (B) of section 5739.31 of the 101192
Revised Code is guilty of a felony of the fourth degree. Each day 101193
that business is conducted while a vendor's license is suspended 101194
constitutes a separate offense. 101195

(D) Except as otherwise provided in this section, whoever violates sections 5739.01 to 5739.31 of the Revised Code, or any lawful rule promulgated by the department of taxation under authority of such sections, shall be fined not less than twenty-five nor more than one hundred dollars.

(E) Whoever violates section 5739.12 of the Revised Code by recklessly failing to remit to the state the tax collected under section 5739.02, 5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code is guilty of a felony of the fourth degree and shall suffer the loss of the person's vendor's license as required by section 5739.17 of the Revised Code. A person shall not be eligible for a vendor's license for two years following conviction.

(F) Whoever violates division (E) of section 5739.17 of the Revised Code is guilty of failure to display a transient vendor's license, a minor misdemeanor. A sheriff or police officer in a municipal corporation may enforce this division. The prosecuting attorney of a county shall inform the tax commissioner of any instance when a complaint is brought against a transient vendor pursuant to this division.

(G) Whoever violates section 5739.103 of the Revised Code shall be fined not less than twenty-five nor more than one hundred dollars. If the offender previously has been convicted of violating that section, the offender is guilty of a felony of the fourth degree.

(H) The penalties provided in this section are in addition to any penalties imposed by the tax commissioner under section 5739.133 of the Revised Code.

Sec. 5740.01. As used in this chapter:

(A) "Agreement" means the streamlined sales and use tax

agreement as amended and adopted on January 27, 2001, by the national conference of state legislatures' special task force on state and local taxation of telecommunications and electronic commerce, and unanimously adopted by the national conference of state legislatures' executive committee, and as subsequently amended and adopted by the member states.

(B) "Certified automated system" means software certified jointly by the member states to calculate the sales or use tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state, and maintain a record of the transaction.

(C) "Certified service provider" means an agent certified jointly by the member states to perform all of the seller's sales and use tax functions.

(D) "Member state" means any state that is a signatory to the agreement.

(E) "Person" means an individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation, or any other legal entity.

(F) "Sales tax" means the tax levied by section 5739.02, 5739.021, 5739.023, 5739.024, 5739.026, or 5739.10 of the Revised Code.

(G) "Seller" means any person making sales, leases, or rentals of personal property or services.

(H) "State" means any state of the United States and the District of Columbia.

(I) "Use tax" means the tax levied by section 5741.02, 5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code.

Sec. 5740.09. (A) No cause of action shall accrue against a seller for over-collection of the taxes levied by section 5739.02,

5739.021, 5739.023, 5739.024, 5739.026, 5741.02, 5741.021, 101256
5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code until the 101257
purchaser has provided written notice of the over-collection to 101258
the seller and the seller has had sixty days after the notice was 101259
mailed to respond. The notice must contain the information 101260
necessary to determine the validity of the request. In no case 101261
shall a cause of action accrue against a seller for the 101262
over-collection of such taxes if either the purchaser or the 101263
seller has filed a refund claim for the over-collection pursuant 101264
to section 5739.07 or 5741.10 of the Revised Code. 101265

(B) In connection with a purchaser's request from a seller of 101266
over-collected taxes under division (A) of this section, a seller 101267
shall be presumed to have a reasonable business practice if, in 101268
the collection of the taxes, the seller does both of the 101269
following: 101270

(1) Uses either a certified service provider or a certified 101271
automated system, including a proprietary system; and 101272

(2) Has remitted to the state all taxes collected, less any 101273
deductions or collection allowances provided by section 5739.12 or 101274
5741.12 of the Revised Code. 101275

Sec. 5741.01. As used in this chapter: 101276

(A) "Person" includes individuals, receivers, assignees, 101277
trustees in bankruptcy, estates, firms, partnerships, 101278
associations, joint-stock companies, joint ventures, clubs, 101279
societies, corporations, business trusts, governments, and 101280
combinations of individuals of any form. 101281

(B) "Storage" means and includes any keeping or retention in 101282
this state for use or other consumption in this state. 101283

(C) "Use" means and includes the exercise of any right or 101284
power incidental to the ownership of the thing used. A thing is 101285

also "used" in this state if its consumer gives or otherwise 101286
distributes it, without charge, to recipients in this state. 101287

(D) "Purchase" means acquired or received for a 101288
consideration, whether such acquisition or receipt was effected by 101289
a transfer of title, or of possession, or of both, or a license to 101290
use or consume; whether such transfer was absolute or conditional, 101291
and by whatever means the transfer was effected; and whether the 101292
consideration was money, credit, barter, or exchange. Purchase 101293
includes production, even though the article produced was used, 101294
stored, or consumed by the producer. The transfer of copyrighted 101295
motion picture films for exhibition purposes is not a purchase, 101296
except such films as are used solely for advertising purposes. 101297

(E) "Seller" means the person from whom a purchase is made, 101298
and includes every person engaged in this state or elsewhere in 101299
the business of selling tangible personal property or providing a 101300
service for storage, use, or other consumption or benefit in this 101301
state; and when, in the opinion of the tax commissioner, it is 101302
necessary for the efficient administration of this chapter, to 101303
regard any salesperson, representative, peddler, or canvasser as 101304
the agent of a dealer, distributor, supervisor, or employer under 101305
whom the person operates, or from whom the person obtains tangible 101306
personal property, sold by the person for storage, use, or other 101307
consumption in this state, irrespective of whether or not the 101308
person is making such sales on the person's own behalf, or on 101309
behalf of such dealer, distributor, supervisor, or employer, the 101310
commissioner may regard the person as such agent, and may regard 101311
such dealer, distributor, supervisor, or employer as the seller. 101312
"Seller" does not include any person to the extent the person 101313
provides a communications medium, such as, but not limited to, 101314
newspapers, magazines, radio, television, or cable television, by 101315
means of which sellers solicit purchases of their goods or 101316
services. 101317

(F) "Consumer" means any person who has purchased tangible personal property or has been provided a service for storage, use, or other consumption or benefit in this state. "Consumer" does not include a person who receives, without charge, tangible personal property or a service.

A person who performs a facility management or similar service contract for a contractee is a consumer of all tangible personal property and services purchased for use in connection with the performance of such contract, regardless of whether title to any such property vests in the contractee. The purchase of such property and services is not subject to the exception for resale under division (E) of section 5739.01 of the Revised Code.

(G)(1) "Price," except as provided in divisions (G)(2) to (6) of this section, has the same meaning as in division (H)(1) of section 5739.01 of the Revised Code.

(2) In the case of watercraft, outboard motors, or new motor vehicles, "price" has the same meaning as in divisions (H)(2) and (3) of section 5739.01 of the Revised Code.

(3) In the case of a nonresident business consumer that purchases and uses tangible personal property outside this state and subsequently temporarily stores, uses, or otherwise consumes such tangible personal property in the conduct of business in this state, the consumer or the tax commissioner may determine the price based on the value of the temporary storage, use, or other consumption, in lieu of determining the price pursuant to division (G)(1) of this section. A price determination made by the consumer is subject to review and redetermination by the commissioner.

(4) In the case of tangible personal property held in this state as inventory for sale or lease, and that is temporarily stored, used, or otherwise consumed in a taxable manner, the price is the value of the temporary use. A price determination made by

the consumer is subject to review and redetermination by the commissioner. 101349
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(5) In the case of tangible personal property originally purchased and used by the consumer outside this state, and that becomes permanently stored, used, or otherwise consumed in this state more than six months after its acquisition by the consumer, the consumer or the commissioner may determine the price based on the current value of such tangible personal property, in lieu of determining the price pursuant to division (G)(1) of this section. A price determination made by the consumer is subject to review and redetermination by the commissioner. 101351
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(6) If a consumer produces tangible personal property for sale and removes that property from inventory for the consumer's own use, the price is the produced cost of that tangible personal property. 101360
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(H) "Nexus with this state" means that the seller engages in continuous and widespread solicitation of purchases from residents of this state or otherwise purposefully directs its business activities at residents of this state. 101364
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(I)(1) "Substantial nexus with this state" means that the seller has sufficient contact with this state, in accordance with Section 8 of Article I of the Constitution of the United States, to allow the state to require the seller to collect and remit use tax on sales of tangible personal property or services made to consumers in this state. ~~"Substantial~~ 101368
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(2) "Substantial nexus with this state" exists is presumed to exist when the seller does any of the following: 101374
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~~(1) Maintains a~~ (a) Uses an office, distribution facility, warehouse, storage facility, or similar place of business within this state, whether operated by ~~employees or agents of the seller,~~ by a member of an affiliated group, as defined in division 101376
101377
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~~(B)(3)(c) of section 5739.01 of the Revised Code, of which the~~ 101380
~~seller is a member, or by a franchisee using a trade name of the~~ 101381
~~seller; or any other person, other than a common carrier acting in~~ 101382
~~its capacity as a common carrier.~~ 101383

~~(2)(b) Regularly has uses employees, agents, representatives,~~ 101384
~~solicitors, installers, repairmen, salesmen repairers,~~ 101385
~~salespersons, or other individuals persons in this state for the~~ 101386
~~purpose of conducting the business of the seller; or either to~~ 101387
~~engage in a business with the same or a similar industry~~ 101388
~~classification as the seller selling a similar product or line of~~ 101389
~~products as the seller, or to use trademarks, service marks, or~~ 101390
~~trade names in this state that are the same or substantially~~ 101391
~~similar to those used by the seller.~~ 101392

~~(3)(c) Uses a any person, other than a common carrier acting~~ 101393
~~in its capacity as a common carrier, in this state for any of the~~ 101394
~~purpose of receiving following purposes:~~ 101395

~~(i) Receiving or processing orders of the seller's goods or~~ 101396
~~services;~~ 101397

~~(ii) Using that person's employees or facilities in this~~ 101398
~~state to advertise, promote, or facilitate sales by the seller to~~ 101399
~~customers;~~ 101400

~~(iii) Delivering, installing, assembling, or performing~~ 101401
~~maintenance services for the seller's customers;~~ 101402

~~(iv) Facilitating the seller's delivery of tangible personal~~ 101403
~~property to customers in this state by allowing the seller's~~ 101404
~~customers to pick up property sold by the seller at an office,~~ 101405
~~distribution facility, warehouse, storage facility, or similar~~ 101406
~~place of business.~~ 101407

~~(4)(d) Makes regular deliveries of tangible personal property~~ 101408
~~into this state by means other than common carrier;.~~ 101409

~~(5)(e) Has membership in an affiliated group, as described in 101410
division (B)(3)(e) of section 5739.01 of the Revised Code, at 101411
least one other member of which person that has substantial nexus 101412
with this state; 101413~~

~~(6)(f) Owns tangible personal property that is rented or 101414
leased to a consumer in this state, or offers tangible personal 101415
property, on approval, to consumers in this state; 101416~~

~~(7) Except as provided in section 5703.65 of the Revised 101417
Code, is registered with the secretary of state to do business in 101418
this state or is registered or licensed by any state agency, 101419
board, or commission to transact business in this state or to make 101420
sales to persons in this state; 101421~~

~~(8) Has any other contact with this state that would allow 101422
this state to require the seller to collect and remit use tax 101423
under Section 8 of Article I of the Constitution of the United 101424
States. 101425~~

~~(g) Enters into an agreement with one or more residents of 101426
this state under which the resident, for a commission or other 101427
consideration, directly or indirectly refers potential customers 101428
to the seller, whether by a link on a web site, an in-person oral 101429
presentation, telemarketing, or otherwise, provided the cumulative 101430
gross receipts from sales to consumers referred to the seller by 101431
all such residents exceeded ten thousand dollars during the 101432
preceding twelve months. 101433~~

~~(h) Furnishes hotel intermediary service by brokering, 101434
coordinating, or otherwise arranging for the purchase, sale, use, 101435
or possession of lodging at hotels located in this state. 101436~~

~~(3) A seller presumed to have substantial nexus with this 101437
state under divisions (I)(2)(a) to (f) of this section may rebut 101438
that presumption by demonstrating that activities described in any 101439
of those divisions that are conducted by a person in this state on 101440~~

the seller's behalf are not significantly associated with the 101441
seller's ability to establish or maintain a market in this state 101442
for the seller's sales. 101443

(4) A seller presumed to have substantial nexus with this 101444
state under division (I)(2)(g) of this section may rebut that 101445
presumption by submitting proof that each resident engaged by the 101446
seller as described in that division did not engage in any 101447
activity within this state during the preceding twelve months that 101448
was significantly associated with the seller's ability to 101449
establish or maintain the seller's market in this state during the 101450
preceding twelve months. Such proof may consist of sworn written 101451
statements from all the residents with whom the seller has an 101452
agreement stating that the resident did not engage in any 101453
solicitation in this state on behalf of the seller during the 101454
preceding twelve months if such statements are provided and 101455
obtained in good faith. 101456

(5) A seller that does not have substantial nexus with this 101457
state, and any affiliated person of the seller, before selling or 101458
leasing tangible personal property or services to a state agency, 101459
shall register with the tax commissioner in the same manner as a 101460
seller described in division (A)(1) of section 5741.17 of the 101461
Revised Code. 101462

(6) As used in division (I) of this section: 101463

(a) "Affiliated person" means any person that is a member of 101464
the same controlled group of corporations as the seller or any 101465
other person that, notwithstanding the form of organization, bears 101466
the same ownership relationship to the seller as a corporation 101467
that is a member of the same controlled group of corporations. 101468

(b) "Controlled group of corporations" has the same meaning 101469
as in section 1563(a) of the Internal Revenue Code. 101470

(c) "State agency" has the same meaning as in section 1.60 of 101471

the Revised Code. 101472

(J) "Fiscal officer" means, with respect to a regional 101473
transit authority, the secretary-treasurer thereof, and with 101474
respect to a county which is a transit authority, the fiscal 101475
officer of the county transit board appointed pursuant to section 101476
306.03 of the Revised Code or, if the board of county 101477
commissioners operates the county transit system, the county 101478
auditor. "Fiscal officer," with respect to a municipal corporation 101479
or township, has the same meaning as in section 5705.01 of the 101480
Revised Code. 101481

(K) "Territory of the transit authority" means all of the 101482
area included within the territorial boundaries of a transit 101483
authority as they from time to time exist. Such territorial 101484
boundaries must at all times include all the area of a single 101485
county or all the area of the most populous county which is a part 101486
of such transit authority. County population shall be measured by 101487
the most recent census taken by the United States census bureau. 101488

(L) "Transit authority" means a regional transit authority 101489
created pursuant to section 306.31 of the Revised Code or a county 101490
in which a county transit system is created pursuant to section 101491
306.01 of the Revised Code. For the purposes of this chapter, a 101492
transit authority must extend to at least the entire area of a 101493
single county. A transit authority which includes territory in 101494
more than one county must include all the area of the most 101495
populous county which is a part of such transit authority. County 101496
population shall be measured by the most recent census taken by 101497
the United States census bureau. 101498

(M) "Providing a service" has the same meaning as in ~~division~~ 101499
~~(X)~~ of section 5739.01 of the Revised Code. 101500

(N) "Other consumption" includes receiving the benefits of a 101501
service. 101502

(O) "Lease" or "rental" has the same meaning as in ~~division~~ 101503
~~(UU)~~ of section 5739.01 of the Revised Code. 101504

(P) "Certified service provider" has the same meaning as in 101505
section 5740.01 of the Revised Code. 101506

(Q) "Remote sale" means a sale for which the seller could not 101507
be legally required to pay, collect, or remit a tax imposed under 101508
this chapter or Chapter 5739. of the Revised Code, unless 101509
otherwise provided by the laws of the United States. 101510

(R) "Remote seller" means a seller that ~~makes remote sales to~~ 101511
~~one or more consumers~~ lacks substantial nexus with this state but 101512
is required to register with the tax commissioner under section 101513
5741.17 of the Revised Code pursuant to federal law authorizing 101514
states to require such sellers to register, collect, and remit use 101515
tax. A seller that is not required to register with the 101516
commissioner under division (A) of section 5741.17 of the Revised 101517
Code but registers voluntarily under division (B) of that section 101518
is not a "remote seller." A seller that registers with the 101519
commissioner under section 5741.17 of the Revised Code after the 101520
effective date of any federal law that authorizes states to 101521
require sellers that lack substantial nexus with the state to 101522
register, collect, and remit use tax is presumed to be a "remote 101523
seller." The seller or the commissioner may rebut this presumption 101524
with evidence that the seller has substantial nexus with this 101525
state. 101526

(S) "Remote small seller" means a remote seller that has 101527
gross annual receipts from remote sales in the United States not 101528
exceeding one million dollars for the preceding calendar year. For 101529
the purposes of determining whether a person is a small remote 101530
seller, the sales of all persons related within the meaning of 101531
subsection (b) or (c) of section 267 or section 707(b)(1) of the 101532
Internal Revenue Code shall be aggregated, and persons with one or 101533
more ownership relationships shall be aggregated if those 101534

relationships were designed with the principal purpose to qualify 101535
as a remote small seller. 101536

(T) "Territory of the tourism development district" means all 101537
of the area included within the territorial boundaries of a 101538
tourism development district. 101539

(U) "Tourism development district" has the same meaning as in 101540
section 5739.01 of the Revised Code. 101541

(V) "Hotel intermediary service," "hotel," and "transient 101542
guest" have the same meanings as in section 5739.01 of the Revised 101543
Code. 101544

Sec. 5741.02. (A)(1) For the use of the general revenue fund 101545
of the state, an excise tax is hereby levied on the storage, use, 101546
or other consumption in this state of tangible personal property 101547
or the benefit realized in this state of any service provided. The 101548
tax shall be collected as provided in section 5739.025 of the 101549
Revised Code. The rate of the tax shall be five and three-fourths 101550
per cent. 101551

(2) In the case of the lease or rental, with a fixed term of 101552
more than thirty days or an indefinite term with a minimum period 101553
of more than thirty days, of any motor vehicles designed by the 101554
manufacturer to carry a load of not more than one ton, watercraft, 101555
outboard motor, or aircraft, or of any tangible personal property, 101556
other than motor vehicles designed by the manufacturer to carry a 101557
load of more than one ton, to be used by the lessee or renter 101558
primarily for business purposes, the tax shall be collected by the 101559
seller at the time the lease or rental is consummated and shall be 101560
calculated by the seller on the basis of the total amount to be 101561
paid by the lessee or renter under the lease or rental agreement. 101562
If the total amount of the consideration for the lease or rental 101563
includes amounts that are not calculated at the time the lease or 101564
rental is executed, the tax shall be calculated and collected by 101565

the seller at the time such amounts are billed to the lessee or 101566
renter. In the case of an open-end lease or rental, the tax shall 101567
be calculated by the seller on the basis of the total amount to be 101568
paid during the initial fixed term of the lease or rental, and for 101569
each subsequent renewal period as it comes due. As used in this 101570
division, "motor vehicle" has the same meaning as in section 101571
4501.01 of the Revised Code, and "watercraft" includes an outdrive 101572
unit attached to the watercraft. 101573

(3) Except as provided in division (A)(2) of this section, in 101574
the case of a transaction, the price of which consists in whole or 101575
part of the lease or rental of tangible personal property, the tax 101576
shall be measured by the installments of those leases or rentals. 101577

(B) Each consumer, storing, using, or otherwise consuming in 101578
this state tangible personal property or realizing in this state 101579
the benefit of any service provided, shall be liable for the tax, 101580
and such liability shall not be extinguished until the tax has 101581
been paid to this state; provided, that the consumer shall be 101582
relieved from further liability for the tax if the tax has been 101583
paid to a seller in accordance with section 5741.04 of the Revised 101584
Code or prepaid by the seller in accordance with section 5741.06 101585
of the Revised Code. 101586

(C) The tax does not apply to the storage, use, or 101587
consumption in this state of the following described tangible 101588
personal property or services, nor to the storage, use, or 101589
consumption or benefit in this state of tangible personal property 101590
or services purchased under the following described circumstances: 101591

(1) When the sale of property or service in this state is 101592
subject to the excise tax imposed by sections 5739.01 to 5739.31 101593
of the Revised Code, provided said tax has been paid; 101594

(2) Except as provided in division (D) of this section, 101595
tangible personal property or services, the acquisition of which, 101596

if made in Ohio, would be a sale not subject to the tax imposed by 101597
sections 5739.01 to 5739.31 of the Revised Code; 101598

(3) Property or services, the storage, use, or other 101599
consumption of or benefit from which this state is prohibited from 101600
taxing by the Constitution of the United States, laws of the 101601
United States, or the Constitution of this state. This exemption 101602
shall not exempt from the application of the tax imposed by this 101603
section the storage, use, or consumption of tangible personal 101604
property that was purchased in interstate commerce, but that has 101605
come to rest in this state, provided that fuel to be used or 101606
transported in carrying on interstate commerce that is stopped 101607
within this state pending transfer from one conveyance to another 101608
is exempt from the excise tax imposed by this section and section 101609
5739.02 of the Revised Code; 101610

(4) Transient use of tangible personal property in this state 101611
by a nonresident tourist or vacationer, or a nonbusiness use 101612
within this state by a nonresident of this state, if the property 101613
so used was purchased outside this state for use outside this 101614
state and is not required to be registered or licensed under the 101615
laws of this state; 101616

(5) Tangible personal property or services rendered, upon 101617
which taxes have been paid to another jurisdiction to the extent 101618
of the amount of the tax paid to such other jurisdiction. Where 101619
the amount of the tax imposed by this section and imposed pursuant 101620
to section 5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the 101621
Revised Code exceeds the amount paid to another jurisdiction, the 101622
difference shall be allocated between the tax imposed by this 101623
section and any tax imposed by a county, municipal corporation, 101624
township, or a transit authority pursuant to section 5741.021, 101625
5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code, in 101626
proportion to the respective rates of such taxes. 101627

As used in this subdivision, "taxes paid to another 101628

jurisdiction" means the total amount of retail sales or use tax or 101629
similar tax based upon the sale, purchase, or use of tangible 101630
personal property or services rendered legally, levied by and paid 101631
to another state or political subdivision thereof, or to the 101632
District of Columbia, where the payment of such tax does not 101633
entitle the taxpayer to any refund or credit for such payment. 101634

(6) The transfer of a used manufactured home or used mobile 101635
home, as defined by section 5739.0210 of the Revised Code, made on 101636
or after January 1, 2000; 101637

(7) Drugs that are or are intended to be distributed free of 101638
charge to a practitioner licensed to prescribe, dispense, and 101639
administer drugs to a human being in the course of a professional 101640
practice and that by law may be dispensed only by or upon the 101641
order of such a practitioner-; 101642

(8) Computer equipment and related software leased from a 101643
lessor located outside this state and initially received in this 101644
state on behalf of the consumer by a third party that will retain 101645
possession of such property for not more than ninety days and that 101646
will, within that ninety-day period, deliver such property to the 101647
consumer at a location outside this state. Division (C)(8) of this 101648
section does not provide exemption from taxation for any otherwise 101649
taxable charges associated with such property while it is in this 101650
state or for any subsequent storage, use, or consumption of such 101651
property in this state by or on behalf of the consumer. 101652

(9) Tangible personal property held for sale by a person but 101653
not for that person's own use and donated by that person, without 101654
charge or other compensation, to either of the following: 101655

(a) A nonprofit organization operated exclusively for 101656
charitable purposes in this state, no part of the net income of 101657
which inures to the benefit of any private shareholder or 101658
individual and no substantial part of the activities of which 101659

consists of carrying on propaganda or otherwise attempting to 101660
influence legislation; or 101661

(b) This state or any political subdivision of this state, 101662
but only if donated for exclusively public purposes. 101663

For the purposes of division (C)~~(10)~~(9) of this section, 101664
"charitable purposes" has the same meaning as in division (B)(12) 101665
of section 5739.02 of the Revised Code. 101666

(D) The tax applies to the storage, use, or other consumption 101667
in this state of tangible personal property or services, the 101668
acquisition of which at the time of sale was excepted under 101669
division (E) of section 5739.01 of the Revised Code from the tax 101670
imposed by section 5739.02 of the Revised Code, but which has 101671
subsequently been temporarily or permanently stored, used, or 101672
otherwise consumed in a taxable manner. 101673

(E)(1)(a) If any transaction is claimed to be exempt under 101674
division (E) of section 5739.01 of the Revised Code or under 101675
section 5739.02 of the Revised Code, with the exception of 101676
divisions (B)(1) to (11) or (28) of section 5739.02 of the Revised 101677
Code, the consumer shall provide to the seller, and the seller 101678
shall obtain from the consumer, a certificate specifying the 101679
reason that the transaction is not subject to the tax. The 101680
certificate shall be in such form, and shall be provided either in 101681
a hard copy form or electronic form, as the tax commissioner 101682
prescribes. 101683

(b) A seller that obtains a fully completed exemption 101684
certificate from a consumer is relieved of liability for 101685
collecting and remitting tax on any sale covered by that 101686
certificate. If it is determined the exemption was improperly 101687
claimed, the consumer shall be liable for any tax due on that sale 101688
under this chapter. Relief under this division from liability does 101689
not apply to any of the following: 101690

(i) A seller that fraudulently fails to collect tax;	101691
(ii) A seller that solicits consumers to participate in the unlawful claim of an exemption;	101692 101693
(iii) A seller that accepts an exemption certificate from a consumer that claims an exemption based on who purchases or who sells property or a service, when the subject of the transaction sought to be covered by the exemption certificate is actually received by the consumer at a location operated by the seller in this state, and this state has posted to its web site an exemption certificate form that clearly and affirmatively indicates that the claimed exemption is not available in this state;	101694 101695 101696 101697 101698 101699 101700 101701
(iv) A seller that accepts an exemption certificate from a consumer who claims a multiple points of use exemption under division (D) of section 5739.033 of the Revised Code, if the item purchased is tangible personal property, other than prewritten computer software.	101702 101703 101704 101705 101706
(2) The seller shall maintain records, including exemption certificates, of all sales on which a consumer has claimed an exemption, and provide them to the tax commissioner on request.	101707 101708 101709
(3) If no certificate is provided or obtained within ninety days after the date on which the transaction is consummated, it shall be presumed that the tax applies. Failure to have so provided or obtained a certificate shall not preclude a seller, within one hundred twenty days after the tax commissioner gives written notice of intent to levy an assessment, from either establishing that the transaction is not subject to the tax, or obtaining, in good faith, a fully completed exemption certificate.	101710 101711 101712 101713 101714 101715 101716 101717
(4) If a transaction is claimed to be exempt under division (B)(13) of section 5739.02 of the Revised Code, the contractor shall obtain certification of the claimed exemption from the contractee. This certification shall be in addition to an	101718 101719 101720 101721

exemption certificate provided by the contractor to the seller. A 101722
contractee that provides a certification under this division shall 101723
be deemed to be the consumer of all items purchased by the 101724
contractor under the claim of exemption, if it is subsequently 101725
determined that the exemption is not properly claimed. The 101726
certification shall be in such form as the tax commissioner 101727
prescribes. 101728

(F) A seller who files a petition for reassessment contesting 101729
the assessment of tax on transactions for which the seller 101730
obtained no valid exemption certificates, and for which the seller 101731
failed to establish that the transactions were not subject to the 101732
tax during the one-hundred-twenty-day period allowed under 101733
division (E) of this section, may present to the tax commissioner 101734
additional evidence to prove that the transactions were exempt. 101735
The seller shall file such evidence within ninety days of the 101736
receipt by the seller of the notice of assessment, except that, 101737
upon application and for reasonable cause, the tax commissioner 101738
may extend the period for submitting such evidence thirty days. 101739

(G) For the purpose of the proper administration of sections 101740
5741.01 to 5741.22 of the Revised Code, and to prevent the evasion 101741
of the tax hereby levied, it shall be presumed that any use, 101742
storage, or other consumption of tangible personal property in 101743
this state is subject to the tax until the contrary is 101744
established. 101745

(H) The tax collected by the seller from the consumer under 101746
this chapter is not part of the price, but is a tax collection for 101747
the benefit of the state, and of counties levying an additional 101748
use tax pursuant to section 5741.021 or 5741.023 of the Revised 101749
Code ~~and~~, of transit authorities levying an additional use tax 101750
pursuant to section 5741.022 of the Revised Code, and of municipal 101751
corporations and townships levying the additional use tax pursuant 101752
to section 5741.024 of the Revised Code. Except for the discount 101753

authorized under section 5741.12 of the Revised Code and the 101754
effects of any rounding pursuant to section 5703.055 of the 101755
Revised Code, no person other than the state or such a county, 101756
municipal corporation, township, or transit authority shall derive 101757
any benefit from the collection of such tax. 101758

Sec. 5741.021. (A) For the purpose of providing additional 101759
general revenues for the county or supporting criminal and 101760
administrative justice services in the county, or both, and to pay 101761
the expenses of administering such levy, any county which levies a 101762
tax pursuant to section 5739.021 of the Revised Code shall levy a 101763
tax at the same rate levied pursuant to section 5739.021 of the 101764
Revised Code on the storage, use, or other consumption in the 101765
county of the following: 101766

(1) Motor vehicles, and watercraft and outboard motors 101767
required to be titled in the county pursuant to Chapter 1548. of 101768
the Revised Code and acquired by a transaction subject to the tax 101769
imposed by section 5739.02 of the Revised Code; 101770

(2) In addition to the tax imposed by section 5741.02 of the 101771
Revised Code, tangible personal property and services subject to 101772
the tax levied by this state as provided in section 5741.02 of the 101773
Revised Code, and tangible personal property and services 101774
purchased in another county within this state by a transaction 101775
subject to the tax imposed by section 5739.02 of the Revised Code. 101776

The tax shall be levied pursuant to a resolution of the board 101777
of county commissioners which shall be adopted after publication 101778
of notice and hearing in the same manner as provided in section 101779
5739.021 of the Revised Code. Such resolution shall be adopted and 101780
shall become effective on the same day as the resolution adopted 101781
by the board of county commissioners levying a sales tax pursuant 101782
to section 5739.021 of the Revised Code and shall remain in effect 101783
until such sales tax is repealed. 101784

(B) The tax levied pursuant to this section on the storage, 101785
use, or other consumption of tangible personal property and on the 101786
benefit of a service realized shall be in addition to the tax 101787
levied by section 5741.02 of the Revised Code and, except as 101788
provided in division (D) of this section, any tax levied pursuant 101789
to sections 5741.022 ~~and~~, 5741.023, and 5741.024 of the Revised 101790
Code. 101791

(C) The additional tax levied by the county shall be 101792
collected pursuant to section 5739.025 of the Revised Code. If the 101793
additional tax or some portion thereof is levied for the purpose 101794
of criminal and administrative justice services, the revenue from 101795
the tax, or the amount or rate apportioned to that purpose, shall 101796
be credited to a special fund created in the county treasury for 101797
receipt of that revenue. 101798

(D) The tax levied pursuant to this section shall not be 101799
applicable to any benefit of a service realized or to any storage, 101800
use, or consumption of property not within the taxing power of a 101801
county under the constitution of the United States or the 101802
constitution of this state, or to property or services on which a 101803
tax levied by a county, municipal corporation, township, or 101804
transit authority pursuant to this section or section 5739.021, 101805
5739.023, 5739.024, 5739.026, 5741.022, ~~or~~ 5741.023, or 5741.024 101806
of the Revised Code has been paid, if the sum of the taxes paid 101807
pursuant to those sections is equal to or greater than the sum of 101808
the taxes due under this section and sections 5741.022 ~~and~~, 101809
5741.023, and 5741.024 of the Revised Code. If the sum of the 101810
taxes paid is less than the sum of the taxes due under this 101811
section and sections 5741.022 ~~and~~, 5741.023, and 5741.024 of the 101812
Revised Code, the amount of tax paid shall be credited against the 101813
amount of tax due. 101814

(E) As used in this section, "criminal and administrative 101815
justice services" has the same meaning as in section 5739.021 of 101816

the Revised Code. 101817

Sec. 5741.022. (A) For the purpose of providing additional 101818
general revenues for the transit authority and paying the expenses 101819
of administering such levy, any transit authority as defined in 101820
section 5741.01 of the Revised Code that levies a tax pursuant to 101821
section 5739.023 of the Revised Code shall levy a tax at the same 101822
rate levied pursuant to such section on the storage, use, or other 101823
consumption in the territory of the transit authority of the 101824
following: 101825

(1) Motor vehicles, and watercraft and outboard motors 101826
required to be titled in the county pursuant to Chapter 1548. of 101827
the Revised Code and acquired by a transaction subject to the tax 101828
imposed by section 5739.02 of the Revised Code; 101829

(2) In addition to the tax imposed by section 5741.02 of the 101830
Revised Code, tangible personal property and services subject to 101831
the tax levied by this state as provided in section 5741.02 of the 101832
Revised Code, and tangible personal property and services 101833
purchased in another county within this state by a transaction 101834
subject to the tax imposed by section 5739.02 of the Revised Code. 101835

The tax shall be in effect at the same time and at the same 101836
rate and shall be levied pursuant to the resolution of the 101837
legislative authority of the transit authority levying a sales tax 101838
pursuant to section 5739.023 of the Revised Code. 101839

(B) The tax levied pursuant to this section on the storage, 101840
use, or other consumption of tangible personal property and on the 101841
benefit of a service realized shall be in addition to the tax 101842
levied by section 5741.02 of the Revised Code and, except as 101843
provided in division (D) of this section, any tax levied pursuant 101844
to sections 5741.021 ~~and~~, 5741.023, and 5741.024 of the Revised 101845
Code. 101846

(C) The additional tax levied by the authority shall be collected pursuant to section 5739.025 of the Revised Code.

(D) The tax levied pursuant to this section shall not be applicable to any benefit of a service realized or to any storage, use, or consumption of property not within the taxing power of a transit authority under the constitution of the United States or the constitution of this state, or to property or services on which a tax levied by a county, municipal corporation, township, or transit authority pursuant to this section or section 5739.021, 5739.023, 5739.024, 5739.026, 5741.021, ~~or 5741.023,~~ or 5741.024 of the Revised Code has been paid, if the sum of the taxes paid pursuant to those sections is equal to or greater than the sum of the taxes due under this section and sections 5741.021 ~~and,~~ 5741.023, and 5741.024 of the Revised Code. If the sum of the taxes paid is less than the sum of the taxes due under this section and sections 5741.021 ~~and,~~ 5741.023, and 5741.024 of the Revised Code, the amount of tax paid shall be credited against the amount of tax due.

(E) The rate of a tax levied under this section is subject to reduction under section 5739.028 of the Revised Code if a ballot question is approved by voters pursuant to that section.

Sec. 5741.023. (A) For the same purposes for which it has imposed a tax under section 5739.026 of the Revised Code, any county that levies a tax pursuant to such section shall levy a tax at the same rate levied pursuant to such section on the storage, use, or other consumption in the county of the following:

(1) Motor vehicles, and watercraft and outboard motors required to be titled in the county pursuant to Chapter 1548. of the Revised Code, acquired by a transaction subject to the tax imposed by section 5739.02 of the Revised Code;

(2) In addition to the tax imposed by section 5741.02 of the

Revised Code, tangible personal property and services subject to 101878
the tax levied by this state as provided in section 5741.02 of the 101879
Revised Code, and tangible personal property and services 101880
purchased in another county within this state by a transaction 101881
subject to the tax imposed by section 5739.02 of the Revised Code. 101882

The tax shall be levied pursuant to a resolution of the board 101883
of county commissioners, which shall be adopted in the same manner 101884
as provided in section 5739.026 of the Revised Code. Such 101885
resolution shall be adopted and shall become effective on the same 101886
day as the resolution adopted by the board of county commissioners 101887
levying a sales tax pursuant to such section and shall remain in 101888
effect until such sales tax is repealed or expires. 101889

(B) The tax levied pursuant to this section shall be in 101890
addition to the tax levied by section 5741.02 of the Revised Code 101891
and, except as provided in division (D) of this section, any tax 101892
levied pursuant to sections 5741.021 ~~and~~, 5741.022, and 5741.024 101893
of the Revised Code. 101894

(C) The additional tax levied by the county shall be 101895
collected pursuant to section 5739.025 of the Revised Code. 101896

(D) The tax levied pursuant to this section shall not be 101897
applicable to any benefit of a service realized or to any storage, 101898
use, or consumption of property not within the taxing power of a 101899
county under the constitution of the United States or the 101900
constitution of this state, or to property or services on which 101901
tax levied by a county, municipal corporation, township, or 101902
transit authority pursuant to this section or section 5739.021, 101903
5739.023, 5739.024, 5739.026, 5741.021, ~~or~~ 5741.022, or 5741.024 101904
of the Revised Code has been paid, if the sum of the taxes paid 101905
pursuant to those sections is equal to or greater than the sum of 101906
the taxes due under this section and sections 5741.021 ~~and~~, 101907
5741.022, and 5741.024 of the Revised Code. If the sum of the 101908
taxes paid is less than the sum of the taxes due under this 101909

section and sections 5741.021 ~~and~~, 5741.022, and 5741.024 of the Revised Code, the amount of tax paid shall be credited against the amount of tax due.

Sec. 5741.024. (A) For the purpose of fostering and developing tourism within a tourism development district and paying the expenses of administering the levy, any legislative authority of a municipal corporation or township that levies a tax pursuant to section 5739.024 of the Revised Code in the territory of a tourism development district shall levy a tax at the same rate levied under that section on the storage, use, or other consumption in the territory of that district of tangible personal property and services subject to the tax levied by this state as provided in section 5741.02 of the Revised Code, except sales of watercraft and outboard motors required to be titled pursuant to Chapter 1548. of the Revised Code and sales of motor vehicles, and tangible personal property and services purchased in another county within this state by a transaction subject to the tax imposed by section 5739.02 of the Revised Code, except sales of watercraft and outboard motors required to be titled pursuant to Chapter 1548. of the Revised Code and sales of motor vehicles.

The tax shall be in effect at the same time and at the same rate and shall be levied pursuant to the resolution or ordinance of the legislative authority levying a sales tax pursuant to section 5739.024 of the Revised Code.

(B) The tax levied pursuant to this section on the storage, use, or other consumption of tangible personal property and on the benefit of a service realized shall be in addition to the tax levied by section 5741.02 of the Revised Code and, except as provided in division (D) of this section, any tax levied pursuant to sections 5741.021, 5741.022, and 5741.023 of the Revised Code.

(C) A tax levied pursuant to this section shall be collected

pursuant to section 5739.025 of the Revised Code. 101941

(D) The tax levied pursuant to this section shall not be 101942
applicable to property or services on which a tax levied pursuant 101943
to this section or section 5739.021, 5739.023, 5739.024, 5739.026, 101944
5741.021, 5741.022, or 5741.023 of the Revised Code has been paid, 101945
if the sum of the taxes paid pursuant to those sections is equal 101946
to or greater than the sum of the taxes due under this section and 101947
sections 5741.021, 5741.022, and 5741.023 of the Revised Code. If 101948
the sum of the taxes paid is less than the sum of the taxes due 101949
under this section and sections 5741.021, 5741.022, and 5741.023 101950
of the Revised Code, the amount of tax paid shall be credited 101951
against the amount of tax due. 101952

Sec. 5741.03. (A) One hundred per cent of all money deposited 101953
into the state treasury under sections 5741.01 to 5741.22 of the 101954
Revised Code that is not required to be distributed as provided in 101955
division (B) of this section shall be credited to the general 101956
revenue fund. 101957

(B) In any case where any county, municipal corporation, 101958
township, or transit authority has levied a tax or taxes pursuant 101959
to section 5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the 101960
Revised Code, the tax commissioner shall, within forty-five days 101961
after the end of each month, determine and certify to the director 101962
of budget and management the amount of the proceeds of such tax or 101963
taxes from billings and assessments received during that month, or 101964
shown on tax returns or reports filed during that month, to be 101965
returned to the county, municipal corporation, township, or 101966
transit authority levying the tax or taxes, which amounts shall be 101967
determined in the manner provided in section 5739.21 of the 101968
Revised Code. The director of budget and management shall 101969
transfer, from the general revenue fund, to the permissive tax 101970
distribution fund created by division (B)(1) of section 4301.423 101971

of the Revised Code and to the local sales tax administrative fund 101972
created by division (C) of section 5739.21 of the Revised Code, 101973
the amounts certified by the tax commissioner. The tax 101974
commissioner shall then, on or before the twentieth day of the 101975
month in which such certification is made, provide for payment of 101976
such respective amounts to the county treasurer or to the fiscal 101977
officer of the municipal corporation, township, or transit 101978
authority levying the tax or taxes. The amount transferred to the 101979
local sales tax administrative fund is for use by the tax 101980
commissioner in defraying costs the commissioner incurs in 101981
administering such taxes levied by a county, municipal 101982
corporation, township, or transit authority. 101983

(C)(1) Not later than the first day of each January and ~~of~~ 101984
~~July each calendar year beginning July 1, 2015~~ following the date 101985
remote sellers are first required to register, collect, and remit 101986
use tax under this chapter, the tax commissioner and the director 101987
of budget and management shall jointly determine the amount of tax 101988
imposed by section 5741.02 of the Revised Code and remitted under 101989
this chapter by remote sellers during the six-month period ending 101990
on the preceding last day of November and of May, respectively, 101991
reduced by ~~any such tax remitted by sellers pursuant to an~~ 101992
~~agreement entered into under section 5740.03 of the Revised Code~~ 101993
~~during the six month period and by~~ any refunds issued during the 101994
six-month period to remote sellers from the tax refund fund on 101995
account of that tax. 101996

(2) Not later than that ~~first~~ last day of each January and ~~of~~ 101997
~~July of the calendar year beginning July 1, 2015~~ following the 101998
date the commissioner and the director make a determination under 101999
division (C)(1) of this section, the director of budget and 102000
management shall transfer from the general revenue fund to the 102001
income tax reduction fund the amount determined under that 102002
~~division (C)(1) of this section, less one half of the amount of~~ 102003

~~that tax remitted during fiscal year 2013 by remote sellers that~~ 102004
~~voluntarily registered under section 5741.17 of the Revised Code.~~ 102005
Amounts transferred to the income tax reduction fund under this 102006
~~section~~ division shall be included in the determination of the 102007
percentage under division (B)(2) of section 131.44 of the Revised 102008
Code required to be made by the thirty-first day of July of the 102009
calendar year in which the commissioner makes the certifications 102010
under this division. 102011

Sec. 5741.031. (A) The funds received by a county levying an 102012
additional use tax pursuant to section 5741.021 of the Revised 102013
Code shall be deposited in the county general fund to be expended 102014
for any purpose for which general fund moneys of the county may be 102015
used, including the acquisition or construction of permanent 102016
improvements or to make payments in accordance with section 333.06 102017
or 333.07 of the Revised Code, or in the bond retirement fund for 102018
the payment of debt service charges on notes or bonds of the 102019
county issued for the acquisition or construction of permanent 102020
improvements. The amounts to be deposited in each of such funds 102021
shall be determined by the board of county commissioners. 102022

(B) The moneys received by a county levying an additional use 102023
tax pursuant to section 5741.023 of the Revised Code shall be 102024
deposited in a separate fund, which shall be allocated, 102025
distributed, and used in accordance with the resolution adopted 102026
under section 5739.026 of the Revised Code. Moneys allocated for 102027
the purpose of division (A)(4) of section 5739.026 of the Revised 102028
Code shall be transferred to and disbursed from the community 102029
improvements fund in the county treasury. Notwithstanding section 102030
135.351 of the Revised Code, if an allocation of moneys to a 102031
convention facilities authority or a transit authority is required 102032
pursuant to division (C) of section 5739.026 of the Revised Code, 102033
the county shall pay and distribute each authority's share of any 102034
such moneys to its fiscal officer within five business days of the 102035

date of their receipt by the county. If the moneys allocated under 102036
such division are not so paid, the county shall pay to such 102037
authority any interest that the county has received or will 102038
receive on such moneys that accrues from the date the county 102039
received the moneys, together with the principal amount of such 102040
moneys. 102041

(C) The funds received by a transit authority levying an 102042
additional use tax pursuant to section 5741.022 of the Revised 102043
Code shall be deposited in such fund or funds of the transit 102044
authority as determined by the legislative authority of the 102045
transit authority to be expended for any purpose for which a 102046
county transit board or the board of county commissioners 102047
operating a county transit system, in the case of a county, or the 102048
board of trustees of a regional transit authority, in the case of 102049
a regional transit authority, may expend moneys under their 102050
control, including the purchase, acquisition, construction, 102051
replacement, improvement, extension, or enlargement of permanent 102052
improvements or in the bond retirement fund for the payment of 102053
debt service charges on notes or bonds of the transit authority. 102054

(D) Money received by a municipal corporation or township 102055
levying an additional use tax pursuant to section 5741.024 of the 102056
Revised Code shall be deposited in a special fund in the 102057
subdivision's treasury created by the legislative authority of the 102058
subdivision. The municipal corporation or township may use such 102059
revenue solely for the purpose of fostering and developing tourism 102060
in the tourism development district in which the tax is levied. 102061

Sec. 5741.04. Every seller required to register with the tax 102062
commissioner pursuant to section 5741.17 of the Revised Code who 102063
is engaged in the business of selling tangible personal property 102064
in this state for storage, use, or other consumption in this 102065
state, to which section 5741.02 of the Revised Code applies, or 102066

which is subject to a tax levied pursuant to section 5741.021, 102067
5741.022, ~~or 5741.023~~, or 5741.024 of the Revised Code, shall, and 102068
any other seller who is authorized by rule of the tax commissioner 102069
to do so may, collect from the consumer the full and exact amount 102070
of the tax payable on each such storage, use, or consumption, in 102071
the manner and at the times provided as follows: 102072

(A) If the price is, at or prior to the delivery of 102073
possession of the thing sold to the consumer, paid in currency 102074
passed from hand to hand by the consumer or the consumer's agent, 102075
to the seller or the seller's agent, the seller or the seller's 102076
agent shall collect the tax with and at the same time as the 102077
price. 102078

(B) If the price is otherwise paid or to be paid, the seller 102079
or the seller's agent shall, at or prior to the delivery of 102080
possession of the thing sold to the consumer, charge the tax 102081
imposed by or pursuant to section 5741.02, 5741.021, 5741.022, ~~or~~ 102082
5741.023, or 5741.024 of the Revised Code to the account of the 102083
consumer, which amount shall be collected by the seller from the 102084
consumer in addition to the price. Such transaction shall be 102085
reported on the return for the period in which the transaction 102086
occurred, and the amount of tax applicable to the transaction 102087
shall be remitted with the return or, if the consumer is subject 102088
to section 5741.121 of the Revised Code, in the manner prescribed 102089
by that section. The amount of the tax shall become a legal charge 102090
in favor of the seller and against the consumer. 102091

(C) It shall be the obligation of each consumer, as required 102092
by section 5741.12 of the Revised Code, to report and pay the 102093
taxes levied by sections 5741.021, 5741.022, ~~and 5741.023~~, and 102094
5741.024 of the Revised Code, if applicable, on any storage, use, 102095
or other consumption of tangible personal property purchased in 102096
this state from a vendor required to be licensed pursuant to 102097
section 5739.17 of the Revised Code. 102098

Sec. 5741.05. (A) A seller that collects the tax levied by sections 5741.02, 5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code on transactions, other than sales of titled motor vehicles, titled watercraft, or titled outboard motors, shall determine under section 5739.033 or 5739.034 of the Revised Code the jurisdiction for which to collect the tax. A vendor or seller of motor vehicles, watercraft, or outboard motors required to be titled in this state shall collect the tax levied by section 5739.02 or 5741.02 of the Revised Code and the additional taxes levied by division (A)(1) of section 5741.021, division (A)(1) of section 5741.022, ~~and~~ division (A)(1) of section 5741.023, and division (A)(1) of section 5741.024 of the Revised Code for the consumer's county of residence as provided in section 1548.06 and division (B) of section 4505.06 of the Revised Code.

(B) A vendor or seller is not responsible for collecting or remitting additional tax if a consumer subsequently stores, uses, or consumes the tangible personal property or service in another jurisdiction with a rate of tax imposed by sections 5741.02, 5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code that is higher than the amount collected by the vendor or seller pursuant to Chapter 5739. or 5741. of the Revised Code.

Sec. 5741.06. The tax commissioner shall enforce and administer sections 5741.01 to 5741.22 of the Revised Code, which are hereby declared to be laws which ~~he~~ the commissioner is required to administer within the meaning of sections 5703.17 to 5703.39 and 5703.45 of the Revised Code. The commissioner may adopt and promulgate such rules as ~~he~~ the commissioner deems necessary to administer sections 5741.01 to 5741.22 of the Revised Code, and may authorize a seller to prepay the tax levied by or pursuant to section 5741.02, 5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code upon storage, use, or consumption of

things produced or distributed by such seller, and ~~he~~ the 102130
commissioner may waive the collection of the tax from the 102131
consumer; but no such authority shall be granted or exercised, 102132
except upon application to the commissioner and unless ~~he~~ the 102133
commissioner finds, that the conditions of the applicant's 102134
business are such as to render impracticable the collection of the 102135
tax by the seller in the manner otherwise provided by such 102136
sections; nor shall the authority so granted be exercised, nor the 102137
seller actually selling such products be exempted from sections 102138
5741.01 to 5741.22 of the Revised Code, by virtue of such an 102139
authorization, unless the person to whom such authority is granted 102140
prints plainly upon the product sold, or offered for sale, a 102141
statement to the effect that the tax has been paid in advance, or 102142
otherwise conveys said information to the consumer by written 102143
notice. The commissioner may require security to ~~his~~ the 102144
commissioner's satisfaction to be filed with ~~him~~ the commissioner, 102145
in such amount as ~~he~~ the commissioner determines to be sufficient 102146
to secure the prepayment under the provisions of this section of 102147
the taxes levied by or pursuant to section 5741.02, 5741.021, 102148
5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code in the 102149
manner desired. 102150

Sec. 5741.08. If modification of a county's jurisdictional 102151
boundaries ~~or~~, a transit authority's territory, or a tourism 102152
development district's territory results in a change in the tax 102153
rate levied under section 5741.021, 5741.022, ~~or~~ 5741.023, or 102154
5741.024 of the Revised Code, the tax commissioner, within thirty 102155
days of such change, shall notify any seller or the seller's 102156
certified service provider, if the seller has selected one, of 102157
such change. The rate change shall not apply until the first day 102158
of a calendar quarter following the expiration of sixty days from 102159
the date of notice by the commissioner. 102160

Sec. 5741.11. If any seller who is required or authorized to collect the tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code fails to do so, ~~he~~ the seller shall be liable personally for such amount as ~~he~~ the seller failed to collect. If any seller collects the tax imposed by or pursuant to any such section and fails to remit the same to the state as prescribed, ~~he~~ the seller shall be personally liable for any amount collected which ~~he~~ the seller failed to remit. The tax commissioner may make an assessment against such seller, based upon any information within ~~his~~ the commissioner's possession. The commissioner shall give to the seller written notice of such assessment. Such notice may be served upon the seller personally or by certified mail.

Sec. 5741.12. (A) Each seller required by section 5741.17 of the Revised Code to register with the tax commissioner, and any seller authorized by the commissioner to collect the tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code is subject to the same requirements and entitled to the same deductions and discount for prompt payments as are vendors under section 5739.12 of the Revised Code, and the same monetary allowances as are vendors under section 5739.06 of the Revised Code. The powers and duties of the commissioner with respect to returns and tax remittances under this section shall be identical with those prescribed in section 5739.12 of the Revised Code.

(B) Every person storing, using, or consuming tangible personal property or receiving the benefit of a service, the storage, use, consumption, or receipt of which is subject to the tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code, when such tax was not paid to a seller, shall, on or before the twenty-third day of

each month, file with the tax commissioner a return for the 102192
preceding month in such form as is prescribed by the commissioner, 102193
showing such information as the commissioner deems necessary, and 102194
shall pay the tax shown on the return to be due. Remittance shall 102195
be made payable to the treasurer of state. The commissioner may 102196
require consumers to file returns and pay the tax at other than 102197
monthly intervals, if the commissioner determines that such filing 102198
is necessary for the efficient administration of the tax. If the 102199
commissioner determines that a consumer's tax liability is not 102200
such as to merit monthly filing, the commissioner may authorize 102201
the consumer to file returns and pay tax at less frequent 102202
intervals. 102203

Any consumer required to file a return and pay the tax under 102204
this section whose payment for any year equals or exceeds the 102205
amount shown in division (A) of section 5741.121 of the Revised 102206
Code is subject to the accelerated tax payment requirements in 102207
divisions (B) and (C) of that section. 102208

(C) ~~Every~~ Except as provided in division (B)(5) of section 102209
4505.06 of the Revised Code, every person storing, using, or 102210
consuming a motor vehicle, watercraft, or outboard motor, the 102211
ownership of which must be evidenced by certificate of title, 102212
shall file the return required by this section and pay the tax due 102213
at or prior to the time of filing an application for certificate 102214
of title. 102215

Sec. 5741.15. Every seller having nexus with this state and 102216
every person receiving the benefit of services in this state or 102217
storing, using, or otherwise consuming in this state tangible 102218
personal property subject to the tax imposed by or pursuant to 102219
section 5741.02, 5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of 102220
the Revised Code shall keep such records, receipts, invoices, 102221
bills of lading, asset ledgers, depreciation schedules, transfer 102222

journals, and such primary and secondary records and documents in 102223
such form as the tax commissioner requires. Such records and other 102224
documents shall be open during business hours to the inspection of 102225
the commissioner, and shall be preserved for a period of four 102226
years, unless the commissioner consents, in writing, to their 102227
destruction within such period, or by order requires that they be 102228
kept longer. Persons refusing to provide such records and 102229
documents for inspection by the tax commissioner are subject to 102230
the penalty imposed under section 5703.19 of the Revised Code. 102231

Sec. 5741.16. (A) Except as provided in division (B) or (C) 102232
of this section, no assessment shall be made or issued against a 102233
seller or consumer for any tax imposed by or pursuant to section 102234
5741.02, 5741.021, 5741.022, ~~or 5741.023,~~ or 5741.024 of the 102235
Revised Code more than four years after the return date for the 102236
period in which the sale or purchase was made, or more than four 102237
years after the return for such period was filed, whichever date 102238
is later. 102239

(B) A consumer who provides a fully completed exemption 102240
certificate pursuant to division (B) of section 5739.03 or 102241
division (E) of section 5741.02 of the Revised Code may be 102242
assessed any tax imposed by or pursuant to section 5741.02, 102243
5741.021, 5741.022, ~~or 5741.023,~~ or 5741.024 of the Revised Code 102244
that results from denial of the claimed exemption within the later 102245
of a period allowed by division (A) of this section or one year 102246
after the date the certificate was provided. 102247

(C) This section does not bar an assessment: 102248

(1) When the tax commissioner has substantial evidence of 102249
amounts of taxes collected by a seller from consumers on 102250
purchases, which were not returned to the state by direct 102251
remittance; 102252

(2) When the person assessed failed to file a return as 102253

required by section 5741.12 of the Revised Code; 102254

(3) When the seller or consumer and the commissioner waive in 102255
writing the time limitation. 102256

Sec. 5741.17. (A)(1) Except as otherwise provided in 102257
divisions (A)(2), (3), and (4) of this section, every seller of 102258
tangible personal property or services who has substantial nexus 102259
with this state shall register with the tax commissioner and 102260
supply any information concerning the seller's contacts with this 102261
state that may be required by the commissioner. 102262

(2) A seller who is licensed as a vendor pursuant to section 102263
5739.17 of the Revised Code shall not be required to register with 102264
the commissioner pursuant to this section if all sales to 102265
consumers in this state are made under the authority of the 102266
seller's vendor's license. 102267

(3) ~~A~~ Unless the seller has substantial nexus with this state 102268
pursuant to division (I)(2)(g) of section 5741.01 of the Revised 102269
Code, a seller is not required to register under this section if 102270
the seller has no contact with this state other than an agency 102271
relationship with a person engaged in the business of 102272
telemarketing in this state and engaged by the seller exclusively 102273
for the purpose of solicitation of customers in other states. 102274

(4) A seller is not required to register under this section 102275
if the seller has no contact with this state other than the 102276
ownership of property that is located at the facility of a printer 102277
with which the seller has contracted for printing and that 102278
consists of the final printed product, property that becomes a 102279
part of the final printed product, or copy from which the final 102280
printed product is produced. 102281

(B) A seller who does not have substantial nexus with this 102282
state may voluntarily register with the commissioner. A seller who 102283

voluntarily registers with the commissioner under this section is 102284
entitled to the same benefits and is subject to the same duties 102285
and requirements as a seller required to be registered with the 102286
commissioner under this chapter. 102287

The commissioner shall maintain an alphabetical index of all 102288
sellers registered under this chapter and records of the use tax 102289
reported and paid. Upon request, this information shall be made 102290
available to the treasurer of state. 102291

(C) A remote small seller is not required to register under 102292
this section. 102293

Sec. 5741.19. No consumer shall refuse to pay the full and 102294
exact tax required by section 5741.02, 5741.021, 5741.022, ~~or~~ 102295
5741.023, or 5741.024 of the Revised Code, or refuse to comply 102296
with sections 5741.01 to 5741.22 of the Revised Code, and the 102297
rules of the tax commissioner, or present to the seller a false 102298
certificate indicating that the storage, use, or consumption of 102299
the thing transferred is not subject to the tax. 102300

Sec. 5741.21. No seller shall fail to collect the full and 102301
exact tax as required by section 5741.02, 5741.021, 5741.022, ~~or~~ 102302
5741.023, or 5741.024 of the Revised Code, or fail to comply with 102303
sections 5741.01 to 5741.22 of the Revised Code, and the rules of 102304
the tax commissioner or except as expressly authorized by such 102305
sections, refund, remit, or rebate to a consumer, directly or 102306
indirectly by whatsoever means, any of the tax, or make in any 102307
form of advertising, verbal or otherwise, any statements which 102308
might imply that ~~he~~ the seller is absorbing the tax, or paying the 102309
tax for the consumer by an adjustment of prices, or selling at a 102310
price including the tax, or rebating the tax in any other manner. 102311

Sec. 5741.23. The levy of any excise, income, or property tax 102312
by the state or by any political subdivision thereof shall not be 102313

construed as preempting the power of a county, municipal 102314
corporation, township, or transit authority to levy an additional 102315
use tax pursuant to section 5741.021, 5741.022, ~~or~~ 5741.023, or 102316
5741.024 of the Revised Code. No tax levied by a board of county 102317
commissioners pursuant to section 5741.022 of the Revised Code 102318
shall become effective at any time while a tax levied by the board 102319
of trustees of a regional transit authority pursuant to such 102320
section is in effect in any part of such county. 102321

Sec. 5743.02. To provide revenues for the general revenue 102322
fund, an excise tax on sales of cigarettes is hereby levied at the 102323
rate of ~~sixty-two~~ eighty-two and one-half mills on each cigarette. 102324

Only one sale of the same article shall be used in computing 102325
the amount of tax due. 102326

The treasurer of state shall place to the credit of the tax 102327
refund fund created by section 5703.052 of the Revised Code, out 102328
of receipts from the tax levied by this section, amounts equal to 102329
the refunds certified by the tax commissioner pursuant to section 102330
5743.05 of the Revised Code. The balance of taxes collected under 102331
such section, after the credits to the tax refund fund, shall be 102332
paid into the general revenue fund. 102333

Sec. 5743.05. The tax commissioner shall sell all stamps 102334
provided for by section 5743.03 of the Revised Code. The stamps 102335
shall be sold at their face value, except the commissioner shall, 102336
by rule, authorize the sale of stamps to wholesale dealers in this 102337
state, or to wholesale dealers outside this state, at a discount 102338
of not less than one and eight-tenths per cent or more than ten 102339
per cent of their face value, as a commission for affixing and 102340
canceling the stamps. 102341

The commissioner, by rule, shall authorize the delivery of 102342
stamps to wholesale dealers in this state and to wholesale dealers 102343

outside this state on credit. If such a dealer has not been in 102344
good credit standing with this state for five consecutive years 102345
preceding the purchase, the commissioner shall require the dealer 102346
to file with the commissioner a bond to the state in the amount 102347
and in the form prescribed by the commissioner, with surety to the 102348
satisfaction of the commissioner, conditioned on payment to the 102349
treasurer of state or the commissioner within thirty days or the 102350
following twenty-third day of June, whichever comes first for 102351
stamps delivered within that time. If such a dealer has been in 102352
good credit standing with this state for five consecutive years 102353
preceding the purchase, the commissioner shall not require that 102354
the dealer file such a bond but shall require payment for the 102355
stamps within thirty days after purchase of the stamps or the 102356
following twenty-third day of June, whichever comes first. Stamps 102357
sold to a dealer not required to file a bond shall be sold at face 102358
value. The maximum amount that may be sold on credit to a dealer 102359
not required to file a bond shall equal one hundred ten per cent 102360
of the dealer's average monthly purchases over the preceding 102361
calendar year. The maximum amount shall be adjusted to reflect any 102362
changes in the tax rate and may be adjusted, upon application to 102363
the commissioner by the dealer, to reflect changes in the business 102364
operations of the dealer. The maximum amount shall be applicable 102365
to the period ~~of~~ between the first day of July through April to 102366
the following twenty-third day of June. Payment by a dealer not 102367
required to file a bond shall be remitted by electronic funds 102368
transfer as prescribed by section 5743.051 of the Revised Code. If 102369
a dealer not required to file a bond fails to make the payment in 102370
full within the ~~thirty-day~~ required payment period, the 102371
commissioner shall not thereafter sell stamps to that dealer until 102372
the dealer pays the outstanding amount, including penalty and 102373
interest on that amount as prescribed in this chapter, and the 102374
commissioner thereafter may require the dealer to file a bond 102375
until the dealer is restored to good standing. The commissioner 102376

shall limit delivery of stamps on credit to the period running 102377
from the first day of July of the fiscal year until the ~~first~~ 102378
~~twenty-third~~ day of the following ~~May~~ June. Any discount allowed 102379
as a commission for affixing and canceling stamps shall be allowed 102380
with respect to sales of stamps on credit. 102381

The commissioner shall redeem and pay for any destroyed, 102382
unused, or spoiled tax stamps at their net value, and shall refund 102383
to wholesale dealers the net amount of state and county taxes paid 102384
erroneously or paid on cigarettes that have been sold in 102385
interstate or foreign commerce or that have become unsalable, and 102386
the net amount of county taxes that were paid on cigarettes that 102387
have been sold at retail or for retail sale outside a taxing 102388
county. 102389

An application for a refund of tax shall be filed with the 102390
commissioner, on the form prescribed by the commissioner for that 102391
purpose, within three years from the date the tax stamps are 102392
destroyed or spoiled, from the date of the erroneous payment, or 102393
from the date that cigarettes on which taxes have been paid have 102394
been sold in interstate or foreign commerce or have become 102395
unsalable. 102396

On the filing of the application, the commissioner shall 102397
determine the amount of refund to which the applicant is entitled, 102398
payable from receipts of the state tax, and, if applicable, 102399
payable from receipts of a county tax. If the amount is less than 102400
that claimed, the commissioner shall certify the amount to the 102401
director of budget and management and treasurer of state for 102402
payment from the tax refund fund created by section 5703.052 of 102403
the Revised Code. If the amount is less than that claimed, the 102404
commissioner shall proceed in accordance with section 5703.70 of 102405
the Revised Code. 102406

If a refund is granted for payment of an illegal or erroneous 102407
assessment issued by the department, the refund shall include 102408

interest on the amount of the refund from the date of the 102409
overpayment. The interest shall be computed at the rate per annum 102410
prescribed by section 5703.47 of the Revised Code. 102411

Sec. 5743.32. To provide revenue for the general revenue fund 102412
of the state, an excise tax is hereby levied on the use, 102413
consumption, or storage for consumption of cigarettes by consumers 102414
in this state at the rate of ~~sixty-two~~ eighty-two and one-half 102415
mills on each cigarette. The tax shall not apply if the tax levied 102416
by section 5743.02 of the Revised Code has been paid. 102417

The money received into the state treasury from the excise 102418
tax levied by this section shall be credited to the general 102419
revenue fund. 102420

Sec. 5743.51. (A) To provide revenue for the general revenue 102421
fund of the state, an excise tax on tobacco products is hereby 102422
levied at one of the following rates: 102423

(1) For tobacco products other than little cigars, ~~seventeen~~ 102424
twenty-two and one-half per cent of the wholesale price of the 102425
tobacco product received by a distributor or sold by a 102426
manufacturer to a retail dealer located in this state. 102427

(2) For invoices dated October 1, 2013, or later, 102428
thirty-seven per cent of the wholesale price of little cigars 102429
received by a distributor or sold by a manufacturer to a retail 102430
dealer located in this state. 102431

Each distributor who brings tobacco products, or causes 102432
tobacco products to be brought, into this state for distribution 102433
within this state, or any out-of-state distributor who sells 102434
tobacco products to wholesale or retail dealers located in this 102435
state for resale by those wholesale or retail dealers is liable 102436
for the tax imposed by this section. Only one sale of the same 102437
article shall be used in computing the amount of the tax due. 102438

(B) The treasurer of state shall place to the credit of the tax refund fund created by section 5703.052 of the Revised Code, out of the receipts from the tax levied by this section, amounts equal to the refunds certified by the tax commissioner pursuant to section 5743.53 of the Revised Code. The balance of the taxes collected under this section shall be paid into the general revenue fund.

(C) The commissioner may adopt rules as are necessary to assist in the enforcement and administration of sections 5743.51 to 5743.66 of the Revised Code, including rules providing for the remission of penalties imposed.

(D) A manufacturer is not liable for payment of the tax imposed by this section for sales of tobacco products to a retail dealer that has filed a signed statement with the manufacturer in which the retail dealer agrees to pay and be liable for the tax, as long as the manufacturer has provided a copy of the statement to the tax commissioner.

Sec. 5743.62. (A) To provide revenue for the general revenue fund of the state, an excise tax is hereby levied on the seller of tobacco products in this state at one of the following rates:

(1) For tobacco products other than little cigars, ~~seventeen~~ twenty-two and one-half per cent of the wholesale price of the tobacco product whenever the tobacco product is delivered to a consumer in this state for the storage, use, or other consumption of such tobacco products.

(2) For little cigars, thirty-seven per cent of the wholesale price of the little cigars whenever the little cigars are delivered to a consumer in this state for the storage, use, or other consumption of the little cigars.

The tax imposed by this section applies only to sellers

having nexus in this state, as defined in section 5741.01 of the Revised Code. 102469
102470

(B) A seller of tobacco products who has nexus in this state 102471
as defined in section 5741.01 of the Revised Code shall register 102472
with the tax commissioner and supply any information concerning 102473
the seller's contacts with this state as may be required by the 102474
tax commissioner. A seller who does not have nexus in this state 102475
may voluntarily register with the tax commissioner. A seller who 102476
voluntarily registers with the tax commissioner is entitled to the 102477
same benefits and is subject to the same duties and requirements 102478
as a seller required to be registered with the tax commissioner 102479
under this division. 102480

(C) Each seller of tobacco products subject to the tax levied 102481
by this section, on or before the last day of each month, shall 102482
file with the tax commissioner a return for the preceding month 102483
showing any information the tax commissioner finds necessary for 102484
the proper administration of sections 5743.51 to 5743.66 of the 102485
Revised Code, together with remittance of the tax due, payable to 102486
the treasurer of state. The return and payment of the tax required 102487
by this section shall be filed in such a manner that it is 102488
received by the tax commissioner on or before the last day of the 102489
month following the reporting period. If the return is filed and 102490
the amount of the tax shown on the return to be due is paid on or 102491
before the date the return is required to be filed, the seller is 102492
entitled to a discount equal to two and five-tenths per cent of 102493
the amount shown on the return to be due. 102494

(D) The tax commissioner shall immediately forward to the 102495
treasurer of state all money received from the tax levied by this 102496
section, and the treasurer shall credit the amount to the general 102497
revenue fund. 102498

(E) Each seller of tobacco products subject to the tax levied 102499
by this section shall mark on the invoices of tobacco products 102500

sold that the tax levied by that section has been paid and shall 102501
indicate the seller's account number as assigned by the tax 102502
commissioner. 102503

Sec. 5743.63. (A) To provide revenue for the general revenue 102504
fund of the state, an excise tax is hereby levied on the storage, 102505
use, or other consumption of tobacco products at one of the 102506
following rates: 102507

(1) For tobacco products other than little cigars, ~~seventeen~~ 102508
twenty-two and one-half per cent of the wholesale price of the 102509
tobacco product. 102510

(2) For little cigars, ~~thirty-seven~~ forty-nine per cent of 102511
the wholesale price of the little cigars. 102512

The tax levied under division (A) of this section is imposed 102513
only if the tax has not been paid by the seller as provided in 102514
section 5743.62 of the Revised Code, or by the distributor as 102515
provided in section 5743.51 of the Revised Code. 102516

(B) Each person subject to the tax levied by this section, on 102517
or before the last day of each month, shall file with the tax 102518
commissioner a return for the preceding month showing any 102519
information the tax commissioner finds necessary for the proper 102520
administration of sections 5743.51 to 5743.66 of the Revised Code, 102521
together with remittance of the tax due, payable to the treasurer 102522
of state. The return and payment of the tax required by this 102523
section shall be filed in such a manner that it is received by the 102524
tax commissioner on or before the last day of the month following 102525
the reporting period. 102526

(C) The tax commissioner shall immediately forward to the 102527
treasurer of state all money received from the tax levied by this 102528
section, and the treasurer shall credit the amount to the general 102529
revenue fund. 102530

Sec. 5747.01. Except as otherwise expressly provided or 102531
clearly appearing from the context, any term used in this chapter 102532
that is not otherwise defined in this section has the same meaning 102533
as when used in a comparable context in the laws of the United 102534
States relating to federal income taxes or if not used in a 102535
comparable context in those laws, has the same meaning as in 102536
section 5733.40 of the Revised Code. Any reference in this chapter 102537
to the Internal Revenue Code includes other laws of the United 102538
States relating to federal income taxes. 102539

As used in this chapter: 102540

(A) "Adjusted gross income" or "Ohio adjusted gross income" 102541
means federal adjusted gross income, as defined and used in the 102542
Internal Revenue Code, adjusted as provided in this section: 102543

(1) Add interest or dividends on obligations or securities of 102544
any state or of any political subdivision or authority of any 102545
state, other than this state and its subdivisions and authorities. 102546

(2) Add interest or dividends on obligations of any 102547
authority, commission, instrumentality, territory, or possession 102548
of the United States to the extent that the interest or dividends 102549
are exempt from federal income taxes but not from state income 102550
taxes. 102551

(3) Deduct interest or dividends on obligations of the United 102552
States and its territories and possessions or of any authority, 102553
commission, or instrumentality of the United States to the extent 102554
that the interest or dividends are included in federal adjusted 102555
gross income but exempt from state income taxes under the laws of 102556
the United States. 102557

(4) Deduct disability and survivor's benefits to the extent 102558
included in federal adjusted gross income. 102559

(5) Deduct benefits under Title II of the Social Security Act 102560

and tier 1 railroad retirement benefits to the extent included in 102561
federal adjusted gross income under section 86 of the Internal 102562
Revenue Code. 102563

(6) In the case of a taxpayer who is a beneficiary of a trust 102564
that makes an accumulation distribution as defined in section 665 102565
of the Internal Revenue Code, add, for the beneficiary's taxable 102566
years beginning before 2002, the portion, if any, of such 102567
distribution that does not exceed the undistributed net income of 102568
the trust for the three taxable years preceding the taxable year 102569
in which the distribution is made to the extent that the portion 102570
was not included in the trust's taxable income for any of the 102571
trust's taxable years beginning in 2002 or thereafter. 102572

"Undistributed net income of a trust" means the taxable income of 102573
the trust increased by (a)(i) the additions to adjusted gross 102574
income required under division (A) of this section and (ii) the 102575
personal exemptions allowed to the trust pursuant to section 102576
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 102577
deductions to adjusted gross income required under division (A) of 102578
this section, (ii) the amount of federal income taxes attributable 102579
to such income, and (iii) the amount of taxable income that has 102580
been included in the adjusted gross income of a beneficiary by 102581
reason of a prior accumulation distribution. Any undistributed net 102582
income included in the adjusted gross income of a beneficiary 102583
shall reduce the undistributed net income of the trust commencing 102584
with the earliest years of the accumulation period. 102585

(7) Deduct the amount of wages and salaries, if any, not 102586
otherwise allowable as a deduction but that would have been 102587
allowable as a deduction in computing federal adjusted gross 102588
income for the taxable year, had the targeted jobs credit allowed 102589
and determined under sections 38, 51, and 52 of the Internal 102590
Revenue Code not been in effect. 102591

(8) Deduct any interest or interest equivalent on public 102592

obligations and purchase obligations to the extent that the 102593
interest or interest equivalent is included in federal adjusted 102594
gross income. 102595

(9) Add any loss or deduct any gain resulting from the sale, 102596
exchange, or other disposition of public obligations to the extent 102597
that the loss has been deducted or the gain has been included in 102598
computing federal adjusted gross income. 102599

(10) Deduct or add amounts, as provided under section 5747.70 102600
of the Revised Code, related to contributions to variable college 102601
savings program accounts made or tuition units purchased pursuant 102602
to Chapter 3334. of the Revised Code. 102603

(11)(a) Deduct, to the extent not otherwise allowable as a 102604
deduction or exclusion in computing federal or Ohio adjusted gross 102605
income for the taxable year, the amount the taxpayer paid during 102606
the taxable year for medical care insurance and qualified 102607
long-term care insurance for the taxpayer, the taxpayer's spouse, 102608
and dependents. No deduction for medical care insurance under 102609
division (A)(11) of this section shall be allowed either to any 102610
taxpayer who is eligible to participate in any subsidized health 102611
plan maintained by any employer of the taxpayer or of the 102612
taxpayer's spouse, or to any taxpayer who is entitled to, or on 102613
application would be entitled to, benefits under part A of Title 102614
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 102615
301, as amended. For the purposes of division (A)(11)(a) of this 102616
section, "subsidized health plan" means a health plan for which 102617
the employer pays any portion of the plan's cost. The deduction 102618
allowed under division (A)(11)(a) of this section shall be the net 102619
of any related premium refunds, related premium reimbursements, or 102620
related insurance premium dividends received during the taxable 102621
year. 102622

(b) Deduct, to the extent not otherwise deducted or excluded 102623
in computing federal or Ohio adjusted gross income during the 102624

taxable year, the amount the taxpayer paid during the taxable 102625
year, not compensated for by any insurance or otherwise, for 102626
medical care of the taxpayer, the taxpayer's spouse, and 102627
dependents, to the extent the expenses exceed seven and one-half 102628
per cent of the taxpayer's federal adjusted gross income. 102629

(c) Deduct, to the extent not otherwise deducted or excluded 102630
in computing federal or Ohio adjusted gross income, any amount 102631
included in federal adjusted gross income under section 105 or not 102632
excluded under section 106 of the Internal Revenue Code solely 102633
because it relates to an accident and health plan for a person who 102634
otherwise would be a "qualifying relative" and thus a "dependent" 102635
under section 152 of the Internal Revenue Code but for the fact 102636
that the person fails to meet the income and support limitations 102637
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 102638

(d) For purposes of division (A)(11) of this section, 102639
"medical care" has the meaning given in section 213 of the 102640
Internal Revenue Code, subject to the special rules, limitations, 102641
and exclusions set forth therein, and "qualified long-term care" 102642
has the same meaning given in section 7702B(c) of the Internal 102643
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 102644
of this section, "dependent" includes a person who otherwise would 102645
be a "qualifying relative" and thus a "dependent" under section 102646
152 of the Internal Revenue Code but for the fact that the person 102647
fails to meet the income and support limitations under section 102648
152(d)(1)(B) and (C) of the Internal Revenue Code. 102649

(12)(a) Deduct any amount included in federal adjusted gross 102650
income solely because the amount represents a reimbursement or 102651
refund of expenses that in any year the taxpayer had deducted as 102652
an itemized deduction pursuant to section 63 of the Internal 102653
Revenue Code and applicable United States department of the 102654
treasury regulations. The deduction otherwise allowed under 102655
division (A)(12)(a) of this section shall be reduced to the extent 102656

the reimbursement is attributable to an amount the taxpayer 102657
deducted under this section in any taxable year. 102658

(b) Add any amount not otherwise included in Ohio adjusted 102659
gross income for any taxable year to the extent that the amount is 102660
attributable to the recovery during the taxable year of any amount 102661
deducted or excluded in computing federal or Ohio adjusted gross 102662
income in any taxable year. 102663

(13) Deduct any portion of the deduction described in section 102664
1341(a)(2) of the Internal Revenue Code, for repaying previously 102665
reported income received under a claim of right, that meets both 102666
of the following requirements: 102667

(a) It is allowable for repayment of an item that was 102668
included in the taxpayer's adjusted gross income for a prior 102669
taxable year and did not qualify for a credit under division (A) 102670
or (B) of section 5747.05 of the Revised Code for that year; 102671

(b) It does not otherwise reduce the taxpayer's adjusted 102672
gross income for the current or any other taxable year. 102673

(14) Deduct an amount equal to the deposits made to, and net 102674
investment earnings of, a medical savings account during the 102675
taxable year, in accordance with section 3924.66 of the Revised 102676
Code. The deduction allowed by division (A)(14) of this section 102677
does not apply to medical savings account deposits and earnings 102678
otherwise deducted or excluded for the current or any other 102679
taxable year from the taxpayer's federal adjusted gross income. 102680

(15)(a) Add an amount equal to the funds withdrawn from a 102681
medical savings account during the taxable year, and the net 102682
investment earnings on those funds, when the funds withdrawn were 102683
used for any purpose other than to reimburse an account holder 102684
for, or to pay, eligible medical expenses, in accordance with 102685
section 3924.66 of the Revised Code; 102686

(b) Add the amounts distributed from a medical savings 102687

account under division (A)(2) of section 3924.68 of the Revised Code during the taxable year. 102688
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(16) Add any amount claimed as a credit under section 5747.059 or 5747.65 of the Revised Code to the extent that such amount satisfies either of the following: 102690
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(a) The amount was deducted or excluded from the computation of the taxpayer's federal adjusted gross income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code; 102693
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(b) The amount resulted in a reduction of the taxpayer's federal adjusted gross income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code. 102697
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(17) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(17) of this section. 102700
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(18) Beginning in taxable year 2001 but not for any taxable year beginning after December 31, 2005, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of this state and is enrolled in or attending a program that 102708
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culminates in a degree or diploma at an eligible institution. The 102719
deduction may be claimed only to the extent that qualified tuition 102720
and fees are not otherwise deducted or excluded for any taxable 102721
year from federal or Ohio adjusted gross income. The deduction may 102722
not be claimed for educational expenses for which the taxpayer 102723
claims a credit under section 5747.27 of the Revised Code. 102724

(19) Add any reimbursement received during the taxable year 102725
of any amount the taxpayer deducted under division (A)(18) of this 102726
section in any previous taxable year to the extent the amount is 102727
not otherwise included in Ohio adjusted gross income. 102728

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and 102729
(v) of this section, add five-sixths of the amount of depreciation 102730
expense allowed by subsection (k) of section 168 of the Internal 102731
Revenue Code, including the taxpayer's proportionate or 102732
distributive share of the amount of depreciation expense allowed 102733
by that subsection to a pass-through entity in which the taxpayer 102734
has a direct or indirect ownership interest. 102735

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of 102736
this section, add five-sixths of the amount of qualifying section 102737
179 depreciation expense, including the taxpayer's proportionate 102738
or distributive share of the amount of qualifying section 179 102739
depreciation expense allowed to any pass-through entity in which 102740
the taxpayer has a direct or indirect ownership interest. 102741

(iii) Subject to division (A)(20)(a)(v) of this section, for 102742
taxable years beginning in 2012 or thereafter, if the increase in 102743
income taxes withheld by the taxpayer is equal to or greater than 102744
ten per cent of income taxes withheld by the taxpayer during the 102745
taxpayer's immediately preceding taxable year, "two-thirds" shall 102746
be substituted for "five-sixths" for the purpose of divisions 102747
(A)(20)(a)(i) and (ii) of this section. 102748

(iv) Subject to division (A)(20)(a)(v) of this section, for 102749

taxable years beginning in 2012 or thereafter, a taxpayer is not 102750
required to add an amount under division (A)(20) of this section 102751
if the increase in income taxes withheld by the taxpayer and by 102752
any pass-through entity in which the taxpayer has a direct or 102753
indirect ownership interest is equal to or greater than the sum of 102754
(I) the amount of qualifying section 179 depreciation expense and 102755
(II) the amount of depreciation expense allowed to the taxpayer by 102756
subsection (k) of section 168 of the Internal Revenue Code, and 102757
including the taxpayer's proportionate or distributive shares of 102758
such amounts allowed to any such pass-through entities. 102759

(v) If a taxpayer directly or indirectly incurs a net 102760
operating loss for the taxable year for federal income tax 102761
purposes, to the extent such loss resulted from depreciation 102762
expense allowed by subsection (k) of section 168 of the Internal 102763
Revenue Code and by qualifying section 179 depreciation expense, 102764
"the entire" shall be substituted for "five-sixths of the" for the 102765
purpose of divisions (A)(20)(a)(i) and (ii) of this section. 102766

The tax commissioner, under procedures established by the 102767
commissioner, may waive the add-backs related to a pass-through 102768
entity if the taxpayer owns, directly or indirectly, less than 102769
five per cent of the pass-through entity. 102770

(b) Nothing in division (A)(20) of this section shall be 102771
construed to adjust or modify the adjusted basis of any asset. 102772

(c) To the extent the add-back required under division 102773
(A)(20)(a) of this section is attributable to property generating 102774
nonbusiness income or loss allocated under section 5747.20 of the 102775
Revised Code, the add-back shall be situated to the same location 102776
as the nonbusiness income or loss generated by the property for 102777
the purpose of determining the credit under division (A) of 102778
section 5747.05 of the Revised Code. Otherwise, the add-back shall 102779
be apportioned, subject to one or more of the four alternative 102780
methods of apportionment enumerated in section 5747.21 of the 102781

Revised Code. 102782

(d) For the purposes of division (A)(20)(a)(v) of this 102783
section, net operating loss carryback and carryforward shall not 102784
include the allowance of any net operating loss deduction 102785
carryback or carryforward to the taxable year to the extent such 102786
loss resulted from depreciation allowed by section 168(k) of the 102787
Internal Revenue Code and by the qualifying section 179 102788
depreciation expense amount. 102789

(e) For the purposes of divisions (A)(20) and (21) of this 102790
section: 102791

(i) "Income taxes withheld" means the total amount withheld 102792
and remitted under sections 5747.06 and 5747.07 of the Revised 102793
Code by an employer during the employer's taxable year. 102794

(ii) "Increase in income taxes withheld" means the amount by 102795
which the amount of income taxes withheld by an employer during 102796
the employer's current taxable year exceeds the amount of income 102797
taxes withheld by that employer during the employer's immediately 102798
preceding taxable year. 102799

(iii) "Qualifying section 179 depreciation expense" means the 102800
difference between (I) the amount of depreciation expense directly 102801
or indirectly allowed to a taxpayer under section 179 of the 102802
Internal Revised Code, and (II) the amount of depreciation expense 102803
directly or indirectly allowed to the taxpayer under section 179 102804
of the Internal Revenue Code as that section existed on December 102805
31, 2002. 102806

(21)(a) If the taxpayer was required to add an amount under 102807
division (A)(20)(a) of this section for a taxable year, deduct one 102808
of the following: 102809

(i) One-fifth of the amount so added for each of the five 102810
succeeding taxable years if the amount so added was five-sixths of 102811
qualifying section 179 depreciation expense or depreciation 102812

expense allowed by subsection (k) of section 168 of the Internal Revenue Code; 102813
102814

(ii) One-half of the amount so added for each of the two succeeding taxable years if the amount so added was two-thirds of such depreciation expense; 102815
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(iii) One-sixth of the amount so added for each of the six succeeding taxable years if the entire amount of such depreciation expense was so added. 102818
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(b) If the amount deducted under division (A)(21)(a) of this section is attributable to an add-back allocated under division (A)(20)(c) of this section, the amount deducted shall be situated to the same location. Otherwise, the add-back shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code. 102821
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(c) No deduction is available under division (A)(21)(a) of this section with regard to any depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount to the extent that such depreciation results in or increases a federal net operating loss carryback or carryforward. If no such deduction is available for a taxable year, the taxpayer may carry forward the amount not deducted in such taxable year to the next taxable year and add that amount to any deduction otherwise available under division (A)(21)(a) of this section for that next taxable year. The carryforward of amounts not so deducted shall continue until the entire addition required by division (A)(20)(a) of this section has been deducted. 102829
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(d) No refund shall be allowed as a result of adjustments made by division (A)(21) of this section. 102842
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(22) Deduct, to the extent not otherwise deducted or excluded 102844
in computing federal or Ohio adjusted gross income for the taxable 102845
year, the amount the taxpayer received during the taxable year as 102846
reimbursement for life insurance premiums under section 5919.31 of 102847
the Revised Code. 102848

(23) Deduct, to the extent not otherwise deducted or excluded 102849
in computing federal or Ohio adjusted gross income for the taxable 102850
year, the amount the taxpayer received during the taxable year as 102851
a death benefit paid by the adjutant general under section 5919.33 102852
of the Revised Code. 102853

(24) Deduct, to the extent included in federal adjusted gross 102854
income and not otherwise allowable as a deduction or exclusion in 102855
computing federal or Ohio adjusted gross income for the taxable 102856
year, military pay and allowances received by the taxpayer during 102857
the taxable year for active duty service in the United States 102858
~~army, air force, navy, marine corps, or coast guard~~ uniformed 102859
services or reserve components thereof or the national guard. The 102860
deduction may not be claimed for military pay and allowances 102861
received by the taxpayer while the taxpayer is stationed in this 102862
state. 102863

(25) Deduct, to the extent not otherwise allowable as a 102864
deduction or exclusion in computing federal or Ohio adjusted gross 102865
income for the taxable year and not otherwise compensated for by 102866
any other source, the amount of qualified organ donation expenses 102867
incurred by the taxpayer during the taxable year, not to exceed 102868
ten thousand dollars. A taxpayer may deduct qualified organ 102869
donation expenses only once for all taxable years beginning with 102870
taxable years beginning in 2007. 102871

For the purposes of division (A)(25) of this section: 102872

(a) "Human organ" means all or any portion of a human liver, 102873
pancreas, kidney, intestine, or lung, and any portion of human 102874

bone marrow. 102875

(b) "Qualified organ donation expenses" means travel 102876
expenses, lodging expenses, and wages and salary forgone by a 102877
taxpayer in connection with the taxpayer's donation, while living, 102878
of one or more of the taxpayer's human organs to another human 102879
being. 102880

(26) Deduct, to the extent not otherwise deducted or excluded 102881
in computing federal or Ohio adjusted gross income for the taxable 102882
year, amounts received by the taxpayer as retired personnel pay 102883
for service in the uniformed services or reserve components 102884
thereof, or the national guard, or received by the surviving 102885
spouse or former spouse of such a taxpayer under the survivor 102886
benefit plan on account of such a taxpayer's death. If the 102887
taxpayer receives income on account of retirement paid under the 102888
federal civil service retirement system or federal employees 102889
retirement system, or under any successor retirement program 102890
enacted by the congress of the United States that is established 102891
and maintained for retired employees of the United States 102892
government, and such retirement income is based, in whole or in 102893
part, on credit for the taxpayer's uniformed service, the 102894
deduction allowed under this division shall include only that 102895
portion of such retirement income that is attributable to the 102896
taxpayer's uniformed service, to the extent that portion of such 102897
retirement income is otherwise included in federal adjusted gross 102898
income and is not otherwise deducted under this section. Any 102899
amount deducted under division (A)(26) of this section is not 102900
included in a taxpayer's adjusted gross income for the purposes of 102901
section 5747.055 of the Revised Code. No amount may be deducted 102902
under division (A)(26) of this section on the basis of which a 102903
credit was claimed under section 5747.055 of the Revised Code. 102904

(27) Deduct, to the extent not otherwise deducted or excluded 102905
in computing federal or Ohio adjusted gross income for the taxable 102906

year, the amount the taxpayer received during the taxable year 102907
from the military injury relief fund created in section ~~5101.98~~ 102908
5902.05 of the Revised Code. 102909

(28) Deduct, to the extent not otherwise deducted or excluded 102910
in computing federal or Ohio adjusted gross income for the taxable 102911
year, the amount the taxpayer received as a veterans bonus during 102912
the taxable year from the Ohio department of veterans services as 102913
authorized by Section 2r of Article VIII, Ohio Constitution. 102914

(29) Deduct, to the extent not otherwise deducted or excluded 102915
in computing federal or Ohio adjusted gross income for the taxable 102916
year, any income derived from a transfer agreement or from the 102917
enterprise transferred under that agreement under section 4313.02 102918
of the Revised Code. 102919

(30) Deduct, to the extent not otherwise deducted or excluded 102920
in computing federal or Ohio adjusted gross income for the taxable 102921
year, Ohio college opportunity or federal Pell grant amounts 102922
received by the taxpayer or the taxpayer's spouse or dependent 102923
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 102924
1070a, et seq., and used to pay room or board furnished by the 102925
educational institution for which the grant was awarded at the 102926
institution's facilities, including meal plans administered by the 102927
institution. For the purposes of this division, receipt of a grant 102928
includes the distribution of a grant directly to an educational 102929
institution and the crediting of the grant to the enrollee's 102930
account with the institution. 102931

(31) ~~Deduct~~ For taxable years beginning in 2013 and 2014, 102932
deduct one-half of the ~~taxpayer's~~ individual's Ohio small business 102933
~~investor~~ income, the deduction not to exceed sixty-two thousand 102934
five hundred dollars for each spouse if spouses file separate 102935
returns under section 5747.08 of the Revised Code or one hundred 102936
twenty-five thousand dollars for all other ~~taxpayers. No~~ 102937
~~pass-through entity may claim a deduction under this division~~ 102938

individuals. 102939

For the purposes of this division, "Ohio small business 102940
~~investor~~ income" means the portion of a ~~taxpayer's~~ an individual's 102941
adjusted gross income, computed without regard to the deduction 102942
under division (A)(31) of this section, that is business income, 102943
reduced by deductions from business income and apportioned or 102944
allocated to this state under sections 5747.21 and 5747.22 of the 102945
Revised Code, to the extent not otherwise deducted or excluded in 102946
computing federal or Ohio adjusted gross income for the taxable 102947
year. 102948

(B) "Business income" means income, including gain or loss, 102949
arising from transactions, activities, and sources in the regular 102950
course of a trade or business and includes income, gain, or loss 102951
from real property, tangible property, and intangible property if 102952
the acquisition, rental, management, and disposition of the 102953
property constitute integral parts of the regular course of a 102954
trade or business operation. "Business income" includes income, 102955
including gain or loss, from a partial or complete liquidation of 102956
a business, including, but not limited to, gain or loss from the 102957
sale or other disposition of goodwill. 102958

(C) "Nonbusiness income" means all income other than business 102959
income and may include, but is not limited to, compensation, rents 102960
and royalties from real or tangible personal property, capital 102961
gains, interest, dividends and distributions, patent or copyright 102962
royalties, or lottery winnings, prizes, and awards. 102963

(D) "Compensation" means any form of remuneration paid to an 102964
employee for personal services. 102965

(E) "Fiduciary" means a guardian, trustee, executor, 102966
administrator, receiver, conservator, or any other person acting 102967
in any fiduciary capacity for any individual, trust, or estate. 102968

(F) "Fiscal year" means an accounting period of twelve months 102969

ending on the last day of any month other than December.	102970
(G) "Individual" means any natural person.	102971
(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.	102972 102973
(I) "Resident" means any of the following, provided that division (I)(3) of this section applies only to taxable years of a trust beginning in 2002 or thereafter:	102974 102975 102976
(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;	102977 102978
(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section.	102979 102980 102981 102982
(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part.	102983 102984 102985
For the purposes of division (I)(3) of this section:	102986
(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following:	102987 102988 102989 102990 102991 102992
(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section;	102993 102994 102995 102996
(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least	102997 102998 102999

one of the trust's qualifying beneficiaries is domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year;

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

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

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

(d) For the purposes of division (I)(3)(a) of this section, the extent to which a trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred directly or indirectly, in whole or part, to the trust by any of the sources enumerated in that division shall be ascertained by multiplying the fair market value of the trust's

assets, net of related liabilities, by the qualifying ratio, which 103032
shall be computed as follows: 103033

(i) The first time the trust receives assets, the numerator 103034
of the qualifying ratio is the fair market value of those assets 103035
at that time, net of any related liabilities, from sources 103036
enumerated in division (I)(3)(a) of this section. The denominator 103037
of the qualifying ratio is the fair market value of all the 103038
trust's assets at that time, net of any related liabilities. 103039

(ii) Each subsequent time the trust receives assets, a 103040
revised qualifying ratio shall be computed. The numerator of the 103041
revised qualifying ratio is the sum of (1) the fair market value 103042
of the trust's assets immediately prior to the subsequent 103043
transfer, net of any related liabilities, multiplied by the 103044
qualifying ratio last computed without regard to the subsequent 103045
transfer, and (2) the fair market value of the subsequently 103046
transferred assets at the time transferred, net of any related 103047
liabilities, from sources enumerated in division (I)(3)(a) of this 103048
section. The denominator of the revised qualifying ratio is the 103049
fair market value of all the trust's assets immediately after the 103050
subsequent transfer, net of any related liabilities. 103051

(iii) Whether a transfer to the trust is by or from any of 103052
the sources enumerated in division (I)(3)(a) of this section shall 103053
be ascertained without regard to the domicile of the trust's 103054
beneficiaries. 103055

(e) For the purposes of division (I)(3)(a)(i) of this 103056
section: 103057

(i) A trust is described in division (I)(3)(e)(i) of this 103058
section if the trust is a testamentary trust and the testator of 103059
that testamentary trust was domiciled in this state at the time of 103060
the testator's death for purposes of the taxes levied under 103061
Chapter 5731. of the Revised Code. 103062

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

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

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

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

(iii) The transfer is made on account of a contractual relationship existing directly or indirectly between the transferor and either the decedent or the estate of the decedent at any time prior to the date of the decedent's death, and the decedent was domiciled in this state at the time of death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined and used in the Internal Revenue Code, adjusted as follows:

(1) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations or securities of any state or of any

political subdivision or authority of any state, other than this 103155
state and its subdivisions and authorities, but only to the extent 103156
that such net amount is not otherwise includible in Ohio taxable 103157
income and is described in either division (S)(1)(a) or (b) of 103158
this section: 103159

(a) The net amount is not attributable to the S portion of an 103160
electing small business trust and has not been distributed to 103161
beneficiaries for the taxable year; 103162

(b) The net amount is attributable to the S portion of an 103163
electing small business trust for the taxable year. 103164

(2) Add interest or dividends, net of ordinary, necessary, 103165
and reasonable expenses not deducted in computing federal taxable 103166
income, on obligations of any authority, commission, 103167
instrumentality, territory, or possession of the United States to 103168
the extent that the interest or dividends are exempt from federal 103169
income taxes but not from state income taxes, but only to the 103170
extent that such net amount is not otherwise includible in Ohio 103171
taxable income and is described in either division (S)(1)(a) or 103172
(b) of this section; 103173

(3) Add the amount of personal exemption allowed to the 103174
estate pursuant to section 642(b) of the Internal Revenue Code; 103175

(4) Deduct interest or dividends, net of related expenses 103176
deducted in computing federal taxable income, on obligations of 103177
the United States and its territories and possessions or of any 103178
authority, commission, or instrumentality of the United States to 103179
the extent that the interest or dividends are exempt from state 103180
taxes under the laws of the United States, but only to the extent 103181
that such amount is included in federal taxable income and is 103182
described in either division (S)(1)(a) or (b) of this section; 103183

(5) Deduct the amount of wages and salaries, if any, not 103184
otherwise allowable as a deduction but that would have been 103185

allowable as a deduction in computing federal taxable income for 103186
the taxable year, had the targeted jobs credit allowed under 103187
sections 38, 51, and 52 of the Internal Revenue Code not been in 103188
effect, but only to the extent such amount relates either to 103189
income included in federal taxable income for the taxable year or 103190
to income of the S portion of an electing small business trust for 103191
the taxable year; 103192

(6) Deduct any interest or interest equivalent, net of 103193
related expenses deducted in computing federal taxable income, on 103194
public obligations and purchase obligations, but only to the 103195
extent that such net amount relates either to income included in 103196
federal taxable income for the taxable year or to income of the S 103197
portion of an electing small business trust for the taxable year; 103198

(7) Add any loss or deduct any gain resulting from sale, 103199
exchange, or other disposition of public obligations to the extent 103200
that such loss has been deducted or such gain has been included in 103201
computing either federal taxable income or income of the S portion 103202
of an electing small business trust for the taxable year; 103203

(8) Except in the case of the final return of an estate, add 103204
any amount deducted by the taxpayer on both its Ohio estate tax 103205
return pursuant to section 5731.14 of the Revised Code, and on its 103206
federal income tax return in determining federal taxable income; 103207

(9)(a) Deduct any amount included in federal taxable income 103208
solely because the amount represents a reimbursement or refund of 103209
expenses that in a previous year the decedent had deducted as an 103210
itemized deduction pursuant to section 63 of the Internal Revenue 103211
Code and applicable treasury regulations. The deduction otherwise 103212
allowed under division (S)(9)(a) of this section shall be reduced 103213
to the extent the reimbursement is attributable to an amount the 103214
taxpayer or decedent deducted under this section in any taxable 103215
year. 103216

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

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

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

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

(11) Add any amount claimed as a credit under section 5747.059 or 5747.65 of the Revised Code to the extent that the amount satisfies either of the following:

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

(b) The amount resulted in a reduction in the taxpayer's federal taxable income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code.

(12) Deduct any amount, net of related expenses deducted in computing federal taxable income, that a trust is required to report as farm income on its federal income tax return, but only

if the assets of the trust include at least ten acres of land 103248
satisfying the definition of "land devoted exclusively to 103249
agricultural use" under section 5713.30 of the Revised Code, 103250
regardless of whether the land is valued for tax purposes as such 103251
land under sections 5713.30 to 5713.38 of the Revised Code. If the 103252
trust is a pass-through entity investor, section 5747.231 of the 103253
Revised Code applies in ascertaining if the trust is eligible to 103254
claim the deduction provided by division (S)(12) of this section 103255
in connection with the pass-through entity's farm income. 103256

Except for farm income attributable to the S portion of an 103257
electing small business trust, the deduction provided by division 103258
(S)(12) of this section is allowed only to the extent that the 103259
trust has not distributed such farm income. Division (S)(12) of 103260
this section applies only to taxable years of a trust beginning in 103261
2002 or thereafter. 103262

(13) Add the net amount of income described in section 641(c) 103263
of the Internal Revenue Code to the extent that amount is not 103264
included in federal taxable income. 103265

(14) Add or deduct the amount the taxpayer would be required 103266
to add or deduct under division (A)(20) or (21) of this section if 103267
the taxpayer's Ohio taxable income were computed in the same 103268
manner as an individual's Ohio adjusted gross income is computed 103269
under this section. In the case of a trust, division (S)(14) of 103270
this section applies only to any of the trust's taxable years 103271
beginning in 2002 or thereafter. 103272

(T) "School district income" and "school district income tax" 103273
have the same meanings as in section 5748.01 of the Revised Code. 103274

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 103275
of this section, "public obligations," "purchase obligations," and 103276
"interest or interest equivalent" have the same meanings as in 103277
section 5709.76 of the Revised Code. 103278

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

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

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

(Y) "Month" means a calendar month.

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

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

(2) "Qualified tuition and fees" means tuition and fees imposed by an eligible institution as a condition of enrollment or attendance, not exceeding two thousand five hundred dollars in each of the individual's first two years of post-secondary education. If the individual is a part-time student, "qualified tuition and fees" includes tuition and fees paid for the academic equivalent of the first two years of post-secondary education during a maximum of five taxable years, not exceeding a total of five thousand dollars. "Qualified tuition and fees" does not

include:	103310
(a) Expenses for any course or activity involving sports, games, or hobbies unless the course or activity is part of the individual's degree or diploma program;	103311 103312 103313
(b) The cost of books, room and board, student activity fees, athletic fees, insurance expenses, or other expenses unrelated to the individual's academic course of instruction;	103314 103315 103316
(c) Tuition, fees, or other expenses paid or reimbursed through an employer, scholarship, grant in aid, or other educational benefit program.	103317 103318 103319
(BB)(1) "Modified business income" means the business income included in a trust's Ohio taxable income after such taxable income is first reduced by the qualifying trust amount, if any.	103320 103321 103322
(2) "Qualifying trust amount" of a trust means capital gains and losses from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, a qualifying investee to the extent included in the trust's Ohio taxable income, but only if the following requirements are satisfied:	103323 103324 103325 103326 103327
(a) The book value of the qualifying investee's physical assets in this state and everywhere, as of the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, is available to the trust.	103328 103329 103330 103331 103332
(b) The requirements of section 5747.011 of the Revised Code are satisfied for the trust's taxable year in which the trust recognizes the gain or loss.	103333 103334 103335
Any gain or loss that is not a qualifying trust amount is modified business income, qualifying investment income, or modified nonbusiness income, as the case may be.	103336 103337 103338
(3) "Modified nonbusiness income" means a trust's Ohio	103339

taxable income other than modified business income, other than the 103340
qualifying trust amount, and other than qualifying investment 103341
income, as defined in section 5747.012 of the Revised Code, to the 103342
extent such qualifying investment income is not otherwise part of 103343
modified business income. 103344

(4) "Modified Ohio taxable income" applies only to trusts, 103345
and means the sum of the amounts described in divisions (BB)(4)(a) 103346
to (c) of this section: 103347

(a) The fraction, calculated under section 5747.013, and 103348
applying section 5747.231 of the Revised Code, multiplied by the 103349
sum of the following amounts: 103350

(i) The trust's modified business income; 103351

(ii) The trust's qualifying investment income, as defined in 103352
section 5747.012 of the Revised Code, but only to the extent the 103353
qualifying investment income does not otherwise constitute 103354
modified business income and does not otherwise constitute a 103355
qualifying trust amount. 103356

(b) The qualifying trust amount multiplied by a fraction, the 103357
numerator of which is the sum of the book value of the qualifying 103358
investee's physical assets in this state on the last day of the 103359
qualifying investee's fiscal or calendar year ending immediately 103360
prior to the day on which the trust recognizes the qualifying 103361
trust amount, and the denominator of which is the sum of the book 103362
value of the qualifying investee's total physical assets 103363
everywhere on the last day of the qualifying investee's fiscal or 103364
calendar year ending immediately prior to the day on which the 103365
trust recognizes the qualifying trust amount. If, for a taxable 103366
year, the trust recognizes a qualifying trust amount with respect 103367
to more than one qualifying investee, the amount described in 103368
division (BB)(4)(b) of this section shall equal the sum of the 103369
products so computed for each such qualifying investee. 103370

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

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

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

(5)(a) Except as set forth in division (BB)(5)(b) of this section, "qualifying investee" means a person in which a trust has an equity or ownership interest, or a person or unit of government the debt obligations of either of which are owned by a trust. For the purposes of division (BB)(2)(a) of this section and for the purpose of computing the fraction described in division (BB)(4)(b)

of this section, all of the following apply: 103403

(i) If the qualifying investee is a member of a qualifying 103404
controlled group on the last day of the qualifying investee's 103405
fiscal or calendar year ending immediately prior to the date on 103406
which the trust recognizes the gain or loss, then "qualifying 103407
investee" includes all persons in the qualifying controlled group 103408
on such last day. 103409

(ii) If the qualifying investee, or if the qualifying 103410
investee and any members of the qualifying controlled group of 103411
which the qualifying investee is a member on the last day of the 103412
qualifying investee's fiscal or calendar year ending immediately 103413
prior to the date on which the trust recognizes the gain or loss, 103414
separately or cumulatively own, directly or indirectly, on the 103415
last day of the qualifying investee's fiscal or calendar year 103416
ending immediately prior to the date on which the trust recognizes 103417
the qualifying trust amount, more than fifty per cent of the 103418
equity of a pass-through entity, then the qualifying investee and 103419
the other members are deemed to own the proportionate share of the 103420
pass-through entity's physical assets which the pass-through 103421
entity directly or indirectly owns on the last day of the 103422
pass-through entity's calendar or fiscal year ending within or 103423
with the last day of the qualifying investee's fiscal or calendar 103424
year ending immediately prior to the date on which the trust 103425
recognizes the qualifying trust amount. 103426

(iii) For the purposes of division (BB)(5)(a)(iii) of this 103427
section, "upper level pass-through entity" means a pass-through 103428
entity directly or indirectly owning any equity of another 103429
pass-through entity, and "lower level pass-through entity" means 103430
that other pass-through entity. 103431

An upper level pass-through entity, whether or not it is also 103432
a qualifying investee, is deemed to own, on the last day of the 103433
upper level pass-through entity's calendar or fiscal year, the 103434

proportionate share of the lower level pass-through entity's 103435
physical assets that the lower level pass-through entity directly 103436
or indirectly owns on the last day of the lower level pass-through 103437
entity's calendar or fiscal year ending within or with the last 103438
day of the upper level pass-through entity's fiscal or calendar 103439
year. If the upper level pass-through entity directly and 103440
indirectly owns less than fifty per cent of the equity of the 103441
lower level pass-through entity on each day of the upper level 103442
pass-through entity's calendar or fiscal year in which or with 103443
which ends the calendar or fiscal year of the lower level 103444
pass-through entity and if, based upon clear and convincing 103445
evidence, complete information about the location and cost of the 103446
physical assets of the lower pass-through entity is not available 103447
to the upper level pass-through entity, then solely for purposes 103448
of ascertaining if a gain or loss constitutes a qualifying trust 103449
amount, the upper level pass-through entity shall be deemed as 103450
owning no equity of the lower level pass-through entity for each 103451
day during the upper level pass-through entity's calendar or 103452
fiscal year in which or with which ends the lower level 103453
pass-through entity's calendar or fiscal year. Nothing in division 103454
(BB)(5)(a)(iii) of this section shall be construed to provide for 103455
any deduction or exclusion in computing any trust's Ohio taxable 103456
income. 103457

(b) With respect to a trust that is not a resident for the 103458
taxable year and with respect to a part of a trust that is not a 103459
resident for the taxable year, "qualifying investee" for that 103460
taxable year does not include a C corporation if both of the 103461
following apply: 103462

(i) During the taxable year the trust or part of the trust 103463
recognizes a gain or loss from the sale, exchange, or other 103464
disposition of equity or ownership interests in, or debt 103465
obligations of, the C corporation. 103466

(ii) Such gain or loss constitutes nonbusiness income.	103467
(6) "Available" means information is such that a person is able to learn of the information by the due date plus extensions, if any, for filing the return for the taxable year in which the trust recognizes the gain or loss.	103468 103469 103470 103471
(CC) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code.	103472 103473
(DD) "Related member" has the same meaning as in section 5733.042 of the Revised Code.	103474 103475
(EE)(1) For the purposes of division (EE) of this section:	103476
(a) "Qualifying person" means any person other than a qualifying corporation.	103477 103478
(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:	103479 103480 103481
(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;	103482 103483 103484 103485
(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.	103486 103487 103488 103489
(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.	103490 103491 103492
(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:	103493 103494
(1) "Trust" does not include a qualified pre-income tax trust.	103495 103496

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

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

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

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

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

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

(GG) "Uniformed services" has the same meaning as in 10 U.S.C. 101.

Sec. 5747.02. (A) For the purpose of providing revenue for the support of schools and local government functions, to provide relief to property taxpayers, to provide revenue for the general revenue fund, and to meet the expenses of administering the tax levied by this chapter, there is hereby levied on every individual, trust, and estate residing in or earning or receiving

income in this state, on every individual, trust, and estate 103527
earning or receiving lottery winnings, prizes, or awards pursuant 103528
to Chapter 3770. of the Revised Code, on every individual, trust, 103529
and estate earning or receiving winnings on casino gaming, and on 103530
every individual, trust, and estate otherwise having nexus with or 103531
in this state under the Constitution of the United States, an 103532
annual tax measured ~~in the case of individuals by Ohio adjusted~~ 103533
~~gross income less an exemption for the taxpayer, the taxpayer's~~ 103534
~~spouse, and each dependent as provided in section 5747.025 of the~~ 103535
~~Revised Code; measured in the case of trusts by modified Ohio~~ 103536
~~taxable income under division (D) of this section; and measured in~~ 103537
~~the case of estates by Ohio taxable income as prescribed in~~ 103538
~~divisions (A)(1) to (5) of this section.~~ 103539

(1) In the case of trusts, the tax imposed by this section 103540
shall be measured by modified Ohio taxable income under division 103541
(D) of this section and levied at the same rates prescribed in 103542
division (A)(3) of this section for individuals. 103543

(2) In the case of estates, the tax imposed by this section 103544
shall be measured by Ohio taxable income and levied at the same 103545
rates prescribed in division (A)(3) of this section for 103546
individuals. The tax imposed ~~by this section~~ on the balance thus 103547
obtained is hereby levied as follows: 103548

~~(1) For taxable years beginning in 2004:~~ 103549

~~OHIO ADJUSTED GROSS INCOME LESS~~ 103550

~~EXEMPTIONS (INDIVIDUALS)~~

~~OR~~ 103551

~~MODIFIED OHIO~~ 103552

~~TAXABLE INCOME (TRUSTS)~~ 103553

~~OR~~ 103554

~~OHIO TAXABLE INCOME (ESTATES)~~ ~~TAX~~ 103555

~~\$5,000 or less~~ ~~-.743%~~ 103556

~~More than \$5,000 but not more~~ ~~\$37.15 plus 1.486% of the amount~~ 103557

than \$10,000	in excess of \$5,000	
More than \$10,000 but not more than \$15,000	\$111.45 plus 2.972% of the amount in excess of \$10,000	103558
More than \$15,000 but not more than \$20,000	\$260.05 plus 3.715% of the amount in excess of \$15,000	103559
More than \$20,000 but not more than \$40,000	\$445.80 plus 4.457% of the amount in excess of \$20,000	103560
More than \$40,000 but not more than \$80,000	\$1,337.20 plus 5.201% of the amount in excess of \$40,000	103561
More than \$80,000 but not more than \$100,000	\$3,417.60 plus 5.943% of the amount in excess of \$80,000	103562
More than \$100,000 but not more than \$200,000	\$4,606.20 plus 6.9% of the amount in excess of \$100,000	103563
More than \$200,000	\$11,506.20 plus 7.5% of the amount in excess of \$200,000	103564
(2) For taxable years beginning in 2005:		103565
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		103566
OR		103567
MODIFIED OHIO TAXABLE INCOME (TRUSTS)		103568
OR		103569
OHIO TAXABLE INCOME (ESTATES)	TAX	103570
\$5,000 or less	-.712%	103571
More than \$5,000 but not more than \$10,000	\$35.60 plus 1.424% of the amount in excess of \$5,000	103572
More than \$10,000 but not more than \$15,000	\$106.80 plus 2.847% of the amount in excess of \$10,000	103573
More than \$15,000 but not more than \$20,000	\$249.15 plus 3.559% of the amount in excess of \$15,000	103574
More than \$20,000 but not more than \$40,000	\$427.10 plus 4.27% of the amount in excess of \$20,000	103575
More than \$40,000 but not more	\$1,281.10 plus 4.983% of the	103576
		103577

than \$80,000	amount in excess of \$40,000	
More than \$80,000 but not more than \$100,000	\$3,274.30 plus 5.693% of the amount in excess of \$80,000	103578
More than \$100,000 but not more than \$200,000	\$4,412.90 plus 6.61% of the amount in excess of \$100,000	103579
More than \$200,000	\$11,022.90 plus 7.185% of the amount in excess of \$200,000	103580
(3) For taxable years beginning in 2006:		103581
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		103582
OR		103583
MODIFIED OHIO TAXABLE INCOME (TRUSTS)		103584
OR		103585
OHIO TAXABLE INCOME (ESTATES)	TAX	103586
\$5,000 or less	.681%	103587
More than \$5,000 but not more than \$10,000	\$34.05 plus 1.361% of the amount in excess of \$5,000	103588
More than \$10,000 but not more than \$15,000	\$102.10 plus 2.722% of the amount in excess of \$10,000	103589
More than \$15,000 but not more than \$20,000	\$238.20 plus 3.403% of the amount in excess of \$15,000	103590
More than \$20,000 but not more than \$40,000	\$408.35 plus 4.083% of the amount in excess of \$20,000	103591
More than \$40,000 but not more than \$80,000	\$1,224.95 plus 4.764% of the amount in excess of \$40,000	103592
More than \$80,000 but not more than \$100,000	\$3,130.55 plus 5.444% of the amount in excess of \$80,000	103593
More than \$100,000 but not more than \$200,000	\$4,219.35 plus 6.32% of the amount in excess of \$100,000	103594
More than \$200,000	\$10,539.35 plus 6.87% of the amount in excess of \$200,000	103595
(4) For taxable years beginning in 2007:		103596
		103597

OHIO ADJUSTED GROSS INCOME LESS		103598
EXEMPTIONS (INDIVIDUALS)		
OR		103599
MODIFIED OHIO		103600
TAXABLE INCOME (TRUSTS)		103601
OR		103602
OHIO TAXABLE INCOME (ESTATES)	TAX	103603
\$5,000 or less	-.649%	103604
More than \$5,000 but not more than \$10,000	\$32.45 plus 1.299% of the amount in excess of \$5,000	103605
More than \$10,000 but not more than \$15,000	\$97.40 plus 2.598% of the amount in excess of \$10,000	103606
More than \$15,000 but not more than \$20,000	\$227.30 plus 3.247% of the amount in excess of \$15,000	103607
More than \$20,000 but not more than \$40,000	\$389.65 plus 3.895% of the amount in excess of \$20,000	103608
More than \$40,000 but not more than \$80,000	\$1,168.65 plus 4.546% of the amount in excess of \$40,000	103609
More than \$80,000 but not more than \$100,000	\$2,987.05 plus 5.194% of the amount in excess of \$80,000	103610
More than \$100,000 but not more than \$200,000	\$4,025.85 plus 6.031% of the amount in excess of \$100,000	103611
More than \$200,000	\$10,056.85 plus 6.555% of the amount in excess of \$200,000	103612
(5) For taxable years beginning in 2008, 2009, or 2010:		103613
OHIO ADJUSTED GROSS INCOME LESS		103614
EXEMPTIONS (INDIVIDUALS)		
OR		103615
MODIFIED OHIO		103616
TAXABLE INCOME (TRUSTS)		103617
OR		103618
OHIO TAXABLE INCOME (ESTATES)	TAX	103619
\$5,000 or less	-.618%	103620

More than \$5,000 but not more than \$10,000	\$30.90 plus 1.236% of the amount in excess of \$5,000	103621
More than \$10,000 but not more than \$15,000	\$92.70 plus 2.473% of the amount in excess of \$10,000	103622
More than \$15,000 but not more than \$20,000	\$216.35 plus 3.091% of the amount in excess of \$15,000	103623
More than \$20,000 but not more than \$40,000	\$370.90 plus 3.708% of the amount in excess of \$20,000	103624
More than \$40,000 but not more than \$80,000	\$1,112.50 plus 4.327% of the amount in excess of \$40,000	103625
More than \$80,000 but not more than \$100,000	\$2,843.30 plus 4.945% of the amount in excess of \$80,000	103626
More than \$100,000 but not more than \$200,000	\$3,832.30 plus 5.741% of the amount in excess of \$100,000	103627
More than \$200,000	\$9,573.30 plus 6.24% of the amount in excess of \$200,000	103628
(6) For taxable years beginning in 2011 or 2012:		103629
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		103630
OR		103631
MODIFIED OHIO		103632
TAXABLE INCOME (TRUSTS)		103633
OR		103634
OHIO TAXABLE INCOME (ESTATES)	TAX	103635
\$5,000 or less	.587%	103636
More than \$5,000 but not more than \$10,000	\$29.35 plus 1.174% of the amount in excess of \$5,000	103637
More than \$10,000 but not more than \$15,000	\$88.05 plus 2.348% of the amount in excess of \$10,000	103638
More than \$15,000 but not more than \$20,000	\$205.45 plus 2.935% of the amount in excess of \$15,000	103639
More than \$20,000 but not more than \$40,000	\$352.20 plus 3.521% of the amount in excess of \$20,000	103640

More than \$40,000 but not more than \$80,000	\$1,056.40 plus 4.109% of the amount in excess of \$40,000	103641
More than \$80,000 but not more than \$100,000	\$2,700.00 plus 4.695% of the amount in excess of \$80,000	103642
More than \$100,000 but not more than \$200,000	\$3,639.00 plus 5.451% of the amount in excess of \$100,000	103643
More than \$200,000	\$9,090.00 plus 5.925% of the amount in excess of \$200,000	103644
(7) For taxable years beginning in 2013:		103645
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		103646
OR		103647
MODIFIED OHIO		103648
TAXABLE INCOME (TRUSTS)		103649
OR		103650
OHIO TAXABLE INCOME (ESTATES)	TAX	103651
\$5,000 or less	.537%	103652
More than \$5,000 but not more than \$10,000	\$26.86 plus 1.074% of the amount in excess of \$5,000	103653
More than \$10,000 but not more than \$15,000	\$80.57 plus 2.148% of the amount in excess of \$10,000	103654
More than \$15,000 but not more than \$20,000	\$187.99 plus 2.686% of the amount in excess of \$15,000	103655
More than \$20,000 but not more than \$40,000	\$322.26 plus 3.222% of the amount in excess of \$20,000	103656
More than \$40,000 but not more than \$80,000	\$966.61 plus 3.760% of the amount in excess of \$40,000	103657
More than \$80,000 but not more than \$100,000	\$2,470.50 plus 4.296% of the amount in excess of \$80,000	103658
More than \$100,000 but not more than \$200,000	\$3,329.68 plus 4.988% of the amount in excess of \$100,000	103659
More than \$200,000	\$8,317.35 plus 5.421% of the amount in excess of \$200,000	103660

(8) For taxable years beginning in 2014 or thereafter:		103661
OHIO ADJUSTED GROSS INCOME LESS		103662
EXEMPTIONS (INDIVIDUALS)		
OR		103663
MODIFIED OHIO		103664
TAXABLE INCOME (TRUSTS)		103665
OR		103666
OHIO TAXABLE INCOME (ESTATES)	TAX	103667
\$5,000 or less	.528%	103668
More than \$5,000 but not more than \$10,000	\$26.41 plus 1.057% of the amount in excess of \$5,000	103669
More than \$10,000 but not more than \$15,000	\$79.24 plus 2.113% of the amount in excess of \$10,000	103670
More than \$15,000 but not more than \$20,000	\$184.90 plus 2.642% of the amount in excess of \$15,000	103671
More than \$20,000 but not more than \$40,000	\$316.98 plus 3.169% of the amount in excess of \$20,000	103672
More than \$40,000 but not more than \$80,000	\$950.76 plus 3.698% of the amount in excess of \$40,000	103673
More than \$80,000 but not more than \$100,000	\$2,430.00 plus 4.226% of the amount in excess of \$80,000	103674
More than \$100,000 but not more than \$200,000	\$3,275.10 plus 4.906% of the amount in excess of \$100,000	103675
More than \$200,000	\$8,181.00 plus 5.333% of the amount in excess of \$200,000	103676
<u>(3) In the case of individuals, for taxable years beginning</u>		103677
<u>in 2015 or thereafter, the tax imposed by this section on income</u>		103678
<u>other than business income shall be measured by modified Ohio</u>		103679
<u>adjusted gross income less an exemption for the taxpayer, the</u>		103680
<u>taxpayer's spouse, and each dependent as provided in section</u>		103681
<u>5747.025 of the Revised Code. The tax imposed on the balance thus</u>		103682
<u>obtained is hereby levied as follows:</u>		103683

<u>MODIFIED OHIO ADJUSTED GROSS</u>		103684
<u>INCOME LESS EXEMPTIONS</u>		
<u>(INDIVIDUALS)</u>		
<u>OR</u>		103685
<u>MODIFIED OHIO</u>		103686
<u>TAXABLE INCOME (TRUSTS)</u>		103687
<u>OR</u>		103688
<u>OHIO TAXABLE INCOME (ESTATES)</u>	<u>TAX</u>	103689
<u>\$5,000 or less</u>	<u>.495%</u>	103690
<u>More than \$5,000 but not more</u>	<u>\$24.75 plus .990% of the amount</u>	103691
<u>than \$10,000</u>	<u>in excess of \$5,000</u>	
<u>More than \$10,000 but not more</u>	<u>\$74.25 plus 1.980% of the amount</u>	103692
<u>than \$15,000</u>	<u>in excess of \$10,000</u>	
<u>More than \$15,000 but not more</u>	<u>\$173.25 plus 2.476% of the</u>	103693
<u>than \$20,000</u>	<u>amount in excess of \$15,000</u>	
<u>More than \$20,000 but not more</u>	<u>\$297.05 plus 2.969% of the</u>	103694
<u>than \$40,000</u>	<u>amount in excess of \$20,000</u>	
<u>More than \$40,000 but not more</u>	<u>\$890.85 plus 3.465% of the</u>	103695
<u>than \$80,000</u>	<u>amount in excess of \$40,000</u>	
<u>More than \$80,000 but not more</u>	<u>\$2,276.85 plus 3.960% of the</u>	103696
<u>than \$100,000</u>	<u>amount in excess of \$80,000</u>	
<u>More than \$100,000 but not more</u>	<u>\$3,068.85 plus 4.597% of the</u>	103697
<u>than \$200,000</u>	<u>amount in excess of \$100,000</u>	
<u>More than \$200,000</u>	<u>\$7,665.85 plus 4.997% of the</u>	103698
	<u>amount in excess of \$200,000</u>	
<u>(4)(a) In the case of individuals, for taxable years</u>		103699
<u>beginning in 2015 or thereafter, the tax imposed by this section</u>		103700
<u>on business income shall equal the product of the taxpayer's</u>		103701
<u>modified Ohio business income and three per cent.</u>		103702
<u>(b) If the exemptions allowed to an individual under division</u>		103703
<u>(A)(3) of this section exceed the taxpayer's modified Ohio</u>		103704
<u>adjusted gross income, the excess shall be deducted from modified</u>		103705
<u>Ohio business income before computing the tax on business income</u>		103706

under division (A)(4) of this section. 103707

Except as otherwise provided in this division, in August of 103708
each year, the tax commissioner shall make a new adjustment to the 103709
income amounts prescribed in ~~this~~ division (A)(3) of this section 103710
by multiplying the percentage increase in the gross domestic 103711
product deflator computed that year under section 5747.025 of the 103712
Revised Code by each of the income amounts resulting from the 103713
adjustment under this division in the preceding year, adding the 103714
resulting product to the corresponding income amount resulting 103715
from the adjustment in the preceding year, and rounding the 103716
resulting sum to the nearest multiple of fifty dollars. The tax 103717
commissioner also shall recompute each of the tax dollar amounts 103718
to the extent necessary to reflect the new adjustment of the 103719
income amounts. The rates of taxation shall not be adjusted. 103720

The adjusted amounts apply to taxable years beginning in the 103721
calendar year in which the adjustments are made and to taxable 103722
years beginning in each ensuing calendar year until a calendar 103723
year in which a new adjustment is made pursuant to this division. 103724
The tax commissioner shall not make a new adjustment in any year 103725
in which the amount resulting from the adjustment would be less 103726
than the amount resulting from the adjustment in the preceding 103727
year. The commissioner shall not make a new adjustment for taxable 103728
years beginning in 2013, 2014, or 2015. 103729

(B) If the director of budget and management makes a 103730
certification to the tax commissioner under division (B) of 103731
section 131.44 of the Revised Code, the amount of tax as 103732
determined under ~~division (A)~~ divisions (A)(1) to (3) of this 103733
section shall be reduced by the percentage prescribed in that 103734
certification for taxable years beginning in the calendar year in 103735
which that certification is made. 103736

(C) The levy of this tax on income does not prevent a 103737
municipal corporation, a joint economic development zone created 103738

under section 715.691, or a joint economic development district 103739
created under section 715.70 or 715.71 or sections 715.72 to 103740
715.81 of the Revised Code from levying a tax on income. 103741

(D) This division applies only to taxable years of a trust 103742
beginning in 2002 or thereafter. 103743

(1) The tax imposed by this section on a trust shall be 103744
computed by multiplying the Ohio modified taxable income of the 103745
trust by the rates prescribed by division (A) of this section. 103746

(2) A resident trust may claim a credit against the tax 103747
computed under division (D) of this section equal to the lesser of 103748
(1) the tax paid to another state or the District of Columbia on 103749
the resident trust's modified nonbusiness income, other than the 103750
portion of the resident trust's nonbusiness income that is 103751
qualifying investment income as defined in section 5747.012 of the 103752
Revised Code, or (2) the effective tax rate, based on modified 103753
Ohio taxable income, multiplied by the resident trust's modified 103754
nonbusiness income other than the portion of the resident trust's 103755
nonbusiness income that is qualifying investment income. The 103756
credit applies before any other applicable credits. 103757

(3) The credits enumerated in divisions (A)(1) to (13) of 103758
section 5747.98 of the Revised Code do not apply to a trust 103759
subject to division (D) of this section. Any credits enumerated in 103760
other divisions of section 5747.98 of the Revised Code apply to a 103761
trust subject to division (D) of this section. To the extent that 103762
the trust distributes income for the taxable year for which a 103763
credit is available to the trust, the credit shall be shared by 103764
the trust and its beneficiaries. The tax commissioner and the 103765
trust shall be guided by applicable regulations of the United 103766
States treasury regarding the sharing of credits. 103767

(E) For the purposes of this section, "trust" means any trust 103768
described in Subchapter J of Chapter 1 of the Internal Revenue 103769

Code, excluding trusts that are not irrevocable as defined in 103770
division (I)(3)(b) of section 5747.01 of the Revised Code and that 103771
have no modified Ohio taxable income for the taxable year, 103772
charitable remainder trusts, qualified funeral trusts and preneed 103773
funeral contract trusts established pursuant to sections 4717.31 103774
to 4717.38 of the Revised Code that are not qualified funeral 103775
trusts, endowment and perpetual care trusts, qualified settlement 103776
trusts and funds, designated settlement trusts and funds, and 103777
trusts exempted from taxation under section 501(a) of the Internal 103778
Revenue Code. 103779

(F) For the purposes of this section: 103780

(1) "Modified Ohio adjusted gross income" means adjusted 103781
gross income less Ohio business income, to the extent not 103782
otherwise deducted or excluded in computing federal or Ohio 103783
adjusted gross income for the taxable year. 103784

(2) "Ohio business income" means business income reduced by 103785
deductions from business income and apportioned or allocated to 103786
this state under sections 5747.21 and 5747.22 of the Revised Code. 103787

(3) "Modified Ohio business income" means Ohio business 103788
income reduced by one hundred twenty-five thousand dollars for 103789
each spouse if spouses file separate returns under section 5747.08 103790
of the Revised Code or two hundred fifty thousand dollars for all 103791
other individuals, provided that "modified Ohio business income" 103792
shall not be less than zero. 103793

Sec. 5747.05. As used in this section, "income tax" includes 103794
both a tax on net income and a tax measured by net income. 103795

The following credits shall be allowed against the income tax 103796
imposed by section 5747.02 of the Revised Code on individuals and 103797
estates: 103798

(A)(1) The amount of tax otherwise due under section 5747.02 103799

of the Revised Code on such portion of the adjusted gross income 103800
of any nonresident taxpayer that is not allocable or apportionable 103801
to this state pursuant to sections 5747.20 to 5747.23 of the 103802
Revised Code; 103803

(2) The credit provided under this division shall not exceed 103804
the portion of the total tax due under section 5747.02 of the 103805
Revised Code that the amount of the nonresident taxpayer's 103806
adjusted gross income not allocated to this state pursuant to 103807
sections 5747.20 to 5747.23 of the Revised Code bears to the total 103808
adjusted gross income of the nonresident taxpayer derived from all 103809
sources everywhere. 103810

(3) The tax commissioner may enter into an agreement with the 103811
taxing authorities of any state or of the District of Columbia 103812
that imposes an income tax to provide that compensation paid in 103813
this state to a nonresident taxpayer shall not be subject to the 103814
tax levied in section 5747.02 of the Revised Code so long as 103815
compensation paid in such other state or in the District of 103816
Columbia to a resident taxpayer shall likewise not be subject to 103817
the income tax of such other state or of the District of Columbia. 103818

(B) The lesser of division (B)(1) or (2) of this section: 103819

(1) The amount of tax otherwise due under section 5747.02 of 103820
the Revised Code on such portion of the adjusted gross income of a 103821
resident taxpayer that in another state or in the District of 103822
Columbia is subjected to an income tax. The credit provided under 103823
division (B)(1) of this section shall not exceed the portion of 103824
the total tax due under section 5747.02 of the Revised Code that 103825
the amount of the resident taxpayer's adjusted gross income 103826
subjected to an income tax in the other state or in the District 103827
of Columbia bears to the total adjusted gross income of the 103828
resident taxpayer derived from all sources everywhere. 103829

(2) The amount of income tax liability to another state or 103830

the District of Columbia on the portion of the adjusted gross 103831
income of a resident taxpayer that in another state or in the 103832
District of Columbia is subjected to an income tax. The credit 103833
provided under division (B)(2) of this section shall not exceed 103834
the amount of tax otherwise due under section 5747.02 of the 103835
Revised Code. 103836

(3) If the credit provided under division (B) of this section 103837
is affected by a change in either the portion of adjusted gross 103838
income of a resident taxpayer subjected to an income tax in 103839
another state or the District of Columbia or the amount of income 103840
tax liability that has been paid to another state or the District 103841
of Columbia, the taxpayer shall report the change to the tax 103842
commissioner within sixty days of the change in such form as the 103843
commissioner requires. 103844

(a) In the case of an underpayment, the report shall be 103845
accompanied by payment of any additional tax due as a result of 103846
the reduction in credit together with interest on the additional 103847
tax and is a return subject to assessment under section 5747.13 of 103848
the Revised Code solely for the purpose of assessing any 103849
additional tax due under this division, together with any 103850
applicable penalty and interest. It shall not reopen the 103851
computation of the taxpayer's tax liability under this chapter 103852
from a previously filed return no longer subject to assessment 103853
except to the extent that such liability is affected by an 103854
adjustment to the credit allowed by division (B) of this section. 103855

(b) In the case of an overpayment, an application for refund 103856
may be filed under this division within the sixty-day period 103857
prescribed for filing the report even if it is beyond the period 103858
prescribed in section 5747.11 of the Revised Code if it otherwise 103859
conforms to the requirements of such section. An application filed 103860
under this division shall only claim refund of overpayments 103861
resulting from an adjustment to the credit allowed by division (B) 103862

of this section unless it is also filed within the time prescribed 103863
in section 5747.11 of the Revised Code. It shall not reopen the 103864
computation of the taxpayer's tax liability except to the extent 103865
that such liability is affected by an adjustment to the credit 103866
allowed by division (B) of this section. 103867

(4) No credit shall be allowed under division (B) of this 103868
section ~~for~~: 103869

(a) For income tax paid or accrued to another state or to the 103870
District of Columbia if the taxpayer, when computing federal 103871
adjusted gross income, has directly or indirectly deducted, or was 103872
required to directly or indirectly deduct, the amount of that 103873
income tax; 103874

(b) For compensation that is not subject to the income tax of 103875
another state or the District of Columbia as the result of an 103876
agreement entered into by the tax commissioner under division 103877
(A)(3) of this section; or 103878

(c) For income tax paid or accrued to another state or the 103879
District of Columbia if the taxpayer fails to furnish such proof 103880
as the tax commissioner shall require that such income tax 103881
liability has been paid. 103882

~~(C) For a taxpayer sixty five years of age or older during 103883
the taxable year, a credit for such year equal to fifty dollars 103884
for each return required to be filed under section 5747.08 of the 103885
Revised Code.~~ 103886

~~(D) A taxpayer sixty five years of age or older during the 103887
taxable year who has received a lump sum distribution from a 103888
pension, retirement, or profit sharing plan in the taxable year 103889
may elect to receive a credit under this division in lieu of the 103890
credit to which the taxpayer is entitled under division (C) of 103891
this section. A taxpayer making such election shall receive a 103892
credit for the taxable year equal to fifty dollars times the 103893~~

~~taxpayer's expected remaining life as shown by annuity tables 103894
issued under the provisions of the Internal Revenue Code and in 103895
effect for the calendar year which includes the last day of the 103896
taxable year. A taxpayer making an election under this division is 103897
not entitled to the credit authorized under division (C) of this 103898
section in subsequent taxable years except that if such election 103899
was made prior to July 1, 1983, the taxpayer is entitled to 103900
one half the credit authorized under such division in subsequent 103901
taxable years but may not make another election under this 103902
division. 103903~~

~~(E) A taxpayer who is not sixty five years of age or older 103904
during the taxable year who has received a lump sum distribution 103905
from a pension, retirement, or profit sharing plan in a taxable 103906
year ending on or before July 31, 1991, may elect to take a credit 103907
against the tax otherwise due under this chapter for such year 103908
equal to fifty dollars times the expected remaining life of a 103909
taxpayer sixty five years of age as shown by annuity tables issued 103910
under the provisions of the Internal Revenue Code and in effect 103911
for the calendar year which includes the last day of the taxable 103912
year. A taxpayer making an election under this division is not 103913
entitled to a credit under division (C) or (D) of this section in 103914
any subsequent year except that if such election was made prior to 103915
July 1, 1983, the taxpayer is entitled to one half the credit 103916
authorized under division (C) of this section in subsequent years 103917
but may not make another election under this division. No taxpayer 103918
may make an election under this division for a taxable year ending 103919
on or after August 1, 1991. 103920~~

~~(F) A taxpayer making an election under either division (D) 103921
or (E) of this section may make only one such election in the 103922
taxpayer's lifetime. 103923~~

~~(G) An individual who is a resident for part of a taxable 103924
year and a nonresident for the remainder of the taxable year is 103925~~

allowed the credits under divisions (A) and (B) of this section in accordance with rules prescribed by the tax commissioner. In no event shall the same income be subject to both credits.

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(D) The credit allowed under division (A) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the Revised Code. The credit allowed under division (B) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the Revised Code.

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(E)(1) On a joint return filed by a husband and wife, each of whom had adjusted gross income of at least five hundred dollars, exclusive of interest, dividends and distributions, royalties, rent, and capital gains, a credit equal to the percentage shown in the table contained in this division of the amount of tax due after allowing for any other credit that precedes the credit under this division in the order required under section 5747.98 of the Revised Code.

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(2) The credit to which a taxpayer is entitled under this division in any taxable year is the percentage shown in column B that corresponds with the taxpayer's adjusted gross income, less exemptions for the taxable year:

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A.	B.	
IF THE ADJUSTED GROSS INCOME, LESS EXEMPTIONS, FOR THE TAX YEAR IS:	THE CREDIT FOR THE TAXABLE YEAR IS:	103951
\$25,000 or less	20%	103952
More than \$25,000 but not more than \$50,000	15%	103953 103954

More than \$50,000 but not more than \$75,000	10%	103955
More than \$75,000	5%	103956
(3) The credit allowed under this division shall not exceed six hundred fifty dollars in any taxable year.		103957 103958
<u>(4) The credit shall be claimed in the order required under section 5747.98 of the Revised Code.</u>		103959 103960
(H)(F) No claim for credit under this section shall be allowed unless the claimant furnishes such supporting information as the tax commissioner prescribes by rules. Each credit under this section shall be claimed in the order required under section 5747.98 of the Revised Code.		103961 103962 103963 103964 103965
(I) An individual who is a resident for part of a taxable year and a nonresident for the remainder of the taxable year is allowed the credits under divisions (A) and (B) of this section in accordance with rules prescribed by the tax commissioner. In no event shall the same income be subject to both credits.		103966 103967 103968 103969 103970
(J) The credit allowed under division (A) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the Revised Code. The credit allowed under division (B) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the Revised Code.		103971 103972 103973 103974 103975 103976 103977 103978 103979 103980
(K) No credit shall be allowed under division (B) of this section unless the taxpayer furnishes such proof as the tax commissioner shall require that the income tax liability has been paid to another state or the District of Columbia.		103981 103982 103983 103984

~~(L) No credit shall be allowed under division (B) of this section for compensation that is not subject to the income tax of another state or the District of Columbia as the result of an agreement entered into by the tax commissioner under division (A)(3) of this section.~~

Sec. 5747.055. (A) As used in this section "retirement income" means retirement benefits, annuities, or distributions that are made from or pursuant to a pension, retirement, or profit-sharing plan and that:

(1) In the case of an individual, are received by the individual on account of retirement and are included in the individual's adjusted gross income;

(2) In the case of an estate, are payable to the estate for the benefit of the surviving spouse of the decedent and are included in the estate's taxable income.

(B) A credit shall be allowed against the tax imposed by section 5747.02 of the Revised Code for taxpayers who received retirement income during the taxable year and whose adjusted gross income for the taxable year, less applicable exemptions under section 5747.025 of the Revised Code, as shown on an individual or joint annual return is less than one hundred thousand dollars.

Only one such credit shall be allowed for each return, and the amount of the credit shall be computed in accordance with the following schedule, ~~subject to the limitation provided in division (F) of this section:~~

AMOUNT OF RETIREMENT INCOME RECEIVED DURING THE TAXABLE YEAR	CREDIT FOR THE TAXABLE YEAR	
\$500 or less	\$ 0	104012
Over \$500 but not more than \$1,500	\$ 25	104013
Over \$1,500 but not more than \$3,000	\$ 50	104014
Over \$3,000 but not more than \$5,000	\$ 80	104015

Over \$5,000 but not more than \$8,000	\$130	104016
Over \$8,000	\$200	104017

(C) ~~At the election of a~~ A taxpayer who ~~receives~~ received a 104018
lump-sum distribution from a pension, retirement, or 104019
profit-sharing plan ~~within one~~ in the taxable year ~~and whose~~ 104020
adjusted gross income for the taxable year, less applicable 104021
exemptions under section 5747.025 of the Revised Code, as shown on 104022
an individual or joint annual return is less than one hundred 104023
thousand dollars, the credit allowed by this section for that year 104024
shall be may elect to receive a credit under this division in lieu 104025
of the credit allowed under division (B) of this section. A 104026
taxpayer making such an election is not entitled to the credit 104027
authorized under this division or division (B) of this section in 104028
subsequent taxable years. A taxpayer electing the credit under 104029
this division shall receive a credit for the taxable year against 104030
the tax imposed by section 5747.02 of the Revised Code computed as 104031
follows: 104032

(1) Divide the amount of retirement income received during 104033
the taxable year by the taxpayer's expected remaining life on the 104034
last day of the taxable year, as shown by annuity tables issued 104035
under the provisions of the Internal Revenue Code and in effect 104036
for the calendar year that includes the last day of the taxable 104037
year; 104038

(2) Using the quotient thus obtained as the amount of 104039
retirement income received during the taxable year, compute the 104040
credit for the taxable year in accordance with division (B) of 104041
this section; 104042

(3) Multiply the credit thus obtained by the taxpayer's 104043
expected remaining life. The product thus obtained shall be the 104044
credit under this division for the taxable year. ~~A taxpayer who~~ 104045
~~elects to receive a credit under this division is not entitled to~~ 104046
~~receive a credit under this section for any subsequent year except~~ 104047

~~as provided in divisions (D) and (E) of this section.~~ 104048

(D) If the credit under division (C) or (E) of this section 104049
exceeds the tax due for the taxable year after allowing for any 104050
other credit that precedes that credit in the order required under 104051
section 5747.98 of the Revised Code, the taxpayer may elect to 104052
receive a credit for each subsequent taxable year. The amount of 104053
the credit for each such year shall be computed as follows: 104054

(1) Determine the amount by which the unused credit elected 104055
under division (C) or (E) of this section exceeded the tax due for 104056
the taxable year after allowing for any preceding credit in the 104057
required order; 104058

(2) Divide the amount of such excess by one year less than 104059
the taxpayer's expected remaining life on the last day of the 104060
taxable year of the distribution for which the credit was allowed 104061
under division (C) or (E) of this section. The quotient thus 104062
obtained shall be the credit for each subsequent year. 104063

(E) If subsequent to the receipt of a lump-sum distribution 104064
and an election under division (C) of this section an individual 104065
receives another lump-sum distribution within one taxable year, 104066
and the taxpayer's adjusted gross income for the taxable year, 104067
less applicable exemptions under section 5747.025 of the Revised 104068
Code, as shown on an individual or joint annual return is less 104069
than one hundred thousand dollars, the taxpayer may elect to 104070
receive a credit for that taxable year. The credit shall equal the 104071
lesser of: 104072

(1) A credit computed in the manner prescribed in division 104073
(C) of this section; 104074

(2) The amount of credit, if any, to which the taxpayer would 104075
otherwise be entitled for the taxable year under division (D) of 104076
this section times the taxpayer's expected remaining life on the 104077
last day of the taxable year. A taxpayer who elects to receive a 104078

credit under this division is not entitled to a credit under this 104079
division or division (B) or (C) of this section for any subsequent 104080
year except as provided in division (D) of this section. 104081

~~(F) In the case of a taxpayer who elected to take an~~ 104082
~~exclusion under division (A)(1) or (3) of former section 5747.01~~ 104083
~~of the Revised Code based upon the taxpayer's expected remaining~~ 104084
~~life, and who was entitled immediately preceding the effective~~ 104085
~~date of this section under division (A)(2) or (3) of such section~~ 104086
~~to a further exclusion, any credit computed in accordance with the~~ 104087
~~schedule in division (B) of this section, including the credit~~ 104088
~~computed under division (C)(2) of this section, shall not exceed~~ 104089
~~the credit available upon an amount of retirement income received~~ 104090
~~during the taxable year equal to the sum of such former exclusion~~ 104091
~~plus four thousand dollars~~ A credit equal to fifty dollars for 104092
each return required to be filed under section 5747.08 of the 104093
Revised Code shall be allowed against the tax imposed by section 104094
5747.02 of the Revised Code for taxpayers sixty-five years of age 104095
or older during the taxable year whose adjusted gross income, less 104096
applicable exemptions under section 5747.025 of the Revised Code, 104097
as shown on an individual or joint annual return is less than one 104098
hundred thousand dollars for that taxable year. 104099

(G) A taxpayer sixty-five years of age or older during the 104100
taxable year who has received a lump-sum distribution from a 104101
pension, retirement, or profit-sharing plan in the taxable year, 104102
and whose adjusted gross income, less applicable exemptions under 104103
section 5747.025 of the Revised Code, as shown on an individual or 104104
joint annual return is less than one hundred thousand dollars for 104105
that taxable year may elect to receive a credit under this 104106
division in lieu of the credit to which the taxpayer is entitled 104107
under division (F) of this section. A taxpayer making such an 104108
election shall receive a credit for the taxable year against the 104109
tax imposed by section 5747.02 of the Revised Code equal to fifty 104110

dollars times the taxpayer's expected remaining life as shown by 104111
annuity tables issued under the Internal Revenue Code and in 104112
effect for the calendar year that includes the last day of the 104113
taxable year. A taxpayer making an election under this division is 104114
not entitled to the credit authorized under this division or 104115
division (F) of this section in subsequent taxable years. 104116

(H) The credits allowed by this section shall be claimed in 104117
the order required under section 5747.98 of the Revised Code. The 104118
tax commissioner may require a taxpayer to furnish any information 104119
necessary to support a claim for credit under this section, and no 104120
credit shall be allowed unless such information is provided. 104121

Sec. 5747.058. (A) A refundable income tax credit granted by 104122
the tax credit authority under section 122.17 or former division 104123
(B)(2) or (3) of section 122.171 of the Revised Code, as those 104124
divisions existed before the effective date of the amendment of 104125
this section by H.B. 64 of the 131st general assembly, may be 104126
claimed under this chapter, in the order required under section 104127
5747.98 of the Revised Code. For purposes of making tax payments 104128
under this chapter, taxes equal to the amount of the refundable 104129
credit shall be considered to be paid to this state on the first 104130
day of the taxable year. The refundable credit shall not be 104131
claimed for any taxable years ending with or following the 104132
calendar year in which a relocation of employment positions occurs 104133
in violation of an agreement entered into under section 122.17 or 104134
122.171 of the Revised Code. 104135

(B) A nonrefundable income tax credit granted by the tax 104136
credit authority under division (B)~~(1)~~ of section 122.171 of the 104137
Revised Code may be claimed under this chapter, in the order 104138
required under section 5747.98 of the Revised Code. 104139

Sec. 5747.08. An annual return with respect to the tax 104140

imposed by section 5747.02 of the Revised Code and each tax 104141
imposed under Chapter 5748. of the Revised Code shall be made by 104142
every taxpayer for any taxable year for which the taxpayer is 104143
liable for the tax imposed by that section or under that chapter, 104144
unless the total credits allowed under ~~divisions~~ division (E)~~7~~ 104145
~~(F), and (G)~~ of section 5747.05 and divisions (F) and (G) of 104146
section 5747.055 of the Revised Code for the year are equal to or 104147
exceed the tax imposed by section 5747.02 of the Revised Code, in 104148
which case no return shall be required unless the taxpayer is 104149
liable for a tax imposed pursuant to Chapter 5748. of the Revised 104150
Code. 104151

(A) If an individual is deceased, any return or notice 104152
required of that individual under this chapter shall be made and 104153
filed by that decedent's executor, administrator, or other person 104154
charged with the property of that decedent. 104155

(B) If an individual is unable to make a return or notice 104156
required by this chapter, the return or notice required of that 104157
individual shall be made and filed by the individual's duly 104158
authorized agent, guardian, conservator, fiduciary, or other 104159
person charged with the care of the person or property of that 104160
individual. 104161

(C) Returns or notices required of an estate or a trust shall 104162
be made and filed by the fiduciary of the estate or trust. 104163

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 104164
of this section, any pass-through entity may file a single return 104165
on behalf of one or more of the entity's investors other than an 104166
investor that is a person subject to the tax imposed under section 104167
5733.06 of the Revised Code. The single return shall set forth the 104168
name, address, and social security number or other identifying 104169
number of each of those pass-through entity investors and shall 104170
indicate the distributive share of each of those pass-through 104171
entity investor's income taxable in this state in accordance with 104172

sections 5747.20 to 5747.231 of the Revised Code. Such 104173
pass-through entity investors for whom the pass-through entity 104174
elects to file a single return are not entitled to the exemption 104175
or credit provided for by sections 5747.02 and 5747.022 of the 104176
Revised Code; shall calculate the tax before business credits at 104177
the highest rate of tax set forth in section 5747.02 of the 104178
Revised Code for the taxable year for which the return is filed; 104179
and are entitled to only their distributive share of the business 104180
credits as defined in division (D)(2) of this section. A single 104181
check drawn by the pass-through entity shall accompany the return 104182
in full payment of the tax due, as shown on the single return, for 104183
such investors, other than investors who are persons subject to 104184
the tax imposed under section 5733.06 of the Revised Code. 104185

(b)(i) A pass-through entity shall not include in such a 104186
single return any investor that is a trust to the extent that any 104187
direct or indirect current, future, or contingent beneficiary of 104188
the trust is a person subject to the tax imposed under section 104189
5733.06 of the Revised Code. 104190

(ii) A pass-through entity shall not include in such a single 104191
return any investor that is itself a pass-through entity to the 104192
extent that any direct or indirect investor in the second 104193
pass-through entity is a person subject to the tax imposed under 104194
section 5733.06 of the Revised Code. 104195

(c) Nothing in division (D) of this section precludes the tax 104196
commissioner from requiring such investors to file the return and 104197
make the payment of taxes and related interest, penalty, and 104198
interest penalty required by this section or section 5747.02, 104199
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 104200
of this section precludes such an investor from filing the annual 104201
return under this section, utilizing the refundable credit equal 104202
to the investor's proportionate share of the tax paid by the 104203
pass-through entity on behalf of the investor under division (I) 104204

of this section, and making the payment of taxes imposed under 104205
section 5747.02 of the Revised Code. Nothing in division (D) of 104206
this section shall be construed to provide to such an investor or 104207
pass-through entity any additional deduction or credit, other than 104208
the credit provided by division (I) of this section, solely on 104209
account of the entity's filing a return in accordance with this 104210
section. Such a pass-through entity also shall make the filing and 104211
payment of estimated taxes on behalf of the pass-through entity 104212
investors other than an investor that is a person subject to the 104213
tax imposed under section 5733.06 of the Revised Code. 104214

(2) For the purposes of this section, "business credits" 104215
means the credits listed in section 5747.98 of the Revised Code 104216
excluding the following credits: 104217

(a) The retirement income credit under division (B) of 104218
section 5747.055 of the Revised Code; 104219

(b) The senior citizen credit under division ~~(C)~~(F) of 104220
section ~~5747.05~~ 5747.055 of the Revised Code; 104221

(c) The lump sum distribution credit under division ~~(D)~~(G) of 104222
section ~~5747.05~~ 5747.055 of the Revised Code; 104223

(d) The dependent care credit under section 5747.054 of the 104224
Revised Code; 104225

(e) The lump sum retirement income credit under division (C) 104226
of section 5747.055 of the Revised Code; 104227

(f) The lump sum retirement income credit under division (D) 104228
of section 5747.055 of the Revised Code; 104229

(g) The lump sum retirement income credit under division (E) 104230
of section 5747.055 of the Revised Code; 104231

(h) The credit for displaced workers who pay for job training 104232
under section 5747.27 of the Revised Code; 104233

(i) The twenty-dollar personal exemption credit under section 104234

5747.022 of the Revised Code;	104235
(j) The joint filing credit under division (G) <u>(E)</u> of section 5747.05 of the Revised Code;	104236
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	104237
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	104238
(m) The low-income credit under section 5747.056 of the Revised Code;	104239
(n) The earned income tax credit under section 5747.71 of the Revised Code.	104242
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.	104243
(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through entity investors for unpaid or underpaid taxes, interest, interest penalty, or penalties as a result of the pass-through entity's making the election provided for under division (D) of this section. For the purposes of division (D) of this section, "correct tax due" means the tax that	104246
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would have been paid by the pass-through entity had the single return been filed in a manner reflecting the commissioner's findings. Nothing in division (D) of this section shall be construed to make or hold a pass-through entity liable for tax attributable to a pass-through entity investor's income from a source other than the pass-through entity electing to file the single return.

(E) If a husband and wife file a joint federal income tax return for a taxable year, they shall file a joint return under this section for that taxable year, and their liabilities are joint and several, but, if the federal income tax liability of either spouse is determined on a separate federal income tax return, they shall file separate returns under this section.

If either spouse is not required to file a federal income tax return and either or both are required to file a return pursuant to this chapter, they may elect to file separate or joint returns, and, pursuant to that election, their liabilities are separate or joint and several. If a husband and wife file separate returns pursuant to this chapter, each must claim the taxpayer's own exemption, but not both, as authorized under section 5747.02 of the Revised Code on the taxpayer's own return.

(F) Each return or notice required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's social security number. Each return shall be verified by a declaration under the penalties of perjury. The tax commissioner shall prescribe the form that the signature and declaration shall take.

(G) Each return or notice required to be filed under this section shall be made and filed as required by section 5747.04 of the Revised Code, on or before the fifteenth day of April of each

year, on forms that the tax commissioner shall prescribe, together 104298
with remittance made payable to the treasurer of state in the 104299
combined amount of the state and all school district income taxes 104300
shown to be due on the form. 104301

Upon good cause shown, the commissioner may extend the period 104302
for filing any notice or return required to be filed under this 104303
section and may adopt rules relating to extensions. If the 104304
extension results in an extension of time for the payment of any 104305
state or school district income tax liability with respect to 104306
which the return is filed, the taxpayer shall pay at the time the 104307
tax liability is paid an amount of interest computed at the rate 104308
per annum prescribed by section 5703.47 of the Revised Code on 104309
that liability from the time that payment is due without extension 104310
to the time of actual payment. Except as provided in section 104311
5747.132 of the Revised Code, in addition to all other interest 104312
charges and penalties, all taxes imposed under this chapter or 104313
Chapter 5748. of the Revised Code and remaining unpaid after they 104314
become due, except combined amounts due of one dollar or less, 104315
bear interest at the rate per annum prescribed by section 5703.47 104316
of the Revised Code until paid or until the day an assessment is 104317
issued under section 5747.13 of the Revised Code, whichever occurs 104318
first. 104319

If the commissioner considers it necessary in order to ensure 104320
the payment of the tax imposed by section 5747.02 of the Revised 104321
Code or any tax imposed under Chapter 5748. of the Revised Code, 104322
the commissioner may require returns and payments to be made 104323
otherwise than as provided in this section. 104324

To the extent that any provision in this division conflicts 104325
with any provision in section 5747.026 of the Revised Code, the 104326
provision in that section prevails. 104327

(H) The amounts withheld by an employer pursuant to section 104328
5747.06 of the Revised Code, a casino operator pursuant to section 104329

5747.063 of the Revised Code, or a lottery sales agent pursuant to 104330
section 5747.064 of the Revised Code shall be allowed to the 104331
recipient of the compensation casino winnings, or lottery prize 104332
award as credits against payment of the appropriate taxes imposed 104333
on the recipient by section 5747.02 and under Chapter 5748. of the 104334
Revised Code. 104335

(I) If a pass-through entity elects to file a single return 104336
under division (D) of this section and if any investor is required 104337
to file the annual return and make the payment of taxes required 104338
by this chapter on account of the investor's other income that is 104339
not included in a single return filed by a pass-through entity or 104340
any other investor elects to file the annual return, the investor 104341
is entitled to a refundable credit equal to the investor's 104342
proportionate share of the tax paid by the pass-through entity on 104343
behalf of the investor. The investor shall claim the credit for 104344
the investor's taxable year in which or with which ends the 104345
taxable year of the pass-through entity. Nothing in this chapter 104346
shall be construed to allow any credit provided in this chapter to 104347
be claimed more than once. For the purpose of computing any 104348
interest, penalty, or interest penalty, the investor shall be 104349
deemed to have paid the refundable credit provided by this 104350
division on the day that the pass-through entity paid the 104351
estimated tax or the tax giving rise to the credit. 104352

(J) The tax commissioner shall ensure that each return 104353
required to be filed under this section includes a box that the 104354
taxpayer may check to authorize a paid tax preparer who prepared 104355
the return to communicate with the department of taxation about 104356
matters pertaining to the return. The return or instructions 104357
accompanying the return shall indicate that by checking the box 104358
the taxpayer authorizes the department of taxation to contact the 104359
preparer concerning questions that arise during the processing of 104360
the return and authorizes the preparer only to provide the 104361

department with information that is missing from the return, to 104362
contact the department for information about the processing of the 104363
return or the status of the taxpayer's refund or payments, and to 104364
respond to notices about mathematical errors, offsets, or return 104365
preparation that the taxpayer has received from the department and 104366
has shown to the preparer. 104367

(K) The tax commissioner shall permit individual taxpayers to 104368
instruct the department of taxation to cause any refund of 104369
overpaid taxes to be deposited directly into a checking account, 104370
savings account, or an individual retirement account or individual 104371
retirement annuity, or preexisting college savings plan or program 104372
account offered by the Ohio tuition trust authority under Chapter 104373
3334. of the Revised Code, as designated by the taxpayer, when the 104374
taxpayer files the annual return required by this section 104375
electronically. 104376

(L) The tax commissioner may adopt rules to administer this 104377
section. 104378

Sec. 5747.113. (A) Any taxpayer claiming a refund under 104379
section 5747.11 of the Revised Code who wishes to contribute any 104380
part of the taxpayer's refund to the natural areas and preserves 104381
fund created in section 1517.11 of the Revised Code, the nongame 104382
and endangered wildlife fund created in section 1531.26 of the 104383
Revised Code, the military injury relief fund created in section 104384
~~5101.98~~ 5902.05 of the Revised Code, the Ohio historical society 104385
income tax contribution fund created in section 149.308 of the 104386
Revised Code, the breast and cervical cancer project income tax 104387
contribution fund created in section 3701.601 of the Revised Code, 104388
the wishes for sick children income tax contribution fund created 104389
in section 3701.602 of the Revised Code, or all of those funds may 104390
designate on the taxpayer's income tax return the amount that the 104391
taxpayer wishes to contribute to the fund or funds. A designated 104392

contribution is irrevocable upon the filing of the return and 104393
shall be made in the full amount designated if the refund found 104394
due the taxpayer upon the initial processing of the taxpayer's 104395
return, after any deductions including those required by section 104396
5747.12 of the Revised Code, is greater than or equal to the 104397
designated contribution. If the refund due as initially determined 104398
is less than the designated contribution, the contribution shall 104399
be made in the full amount of the refund. The tax commissioner 104400
shall subtract the amount of the contribution from the amount of 104401
the refund initially found due the taxpayer and shall certify the 104402
difference to the director of budget and management and treasurer 104403
of state for payment to the taxpayer in accordance with section 104404
5747.11 of the Revised Code. For the purpose of any subsequent 104405
determination of the taxpayer's net tax payment, the contribution 104406
shall be considered a part of the refund paid to the taxpayer. 104407

(B) The tax commissioner shall provide a space on the income 104408
tax return form in which a taxpayer may indicate that the taxpayer 104409
wishes to make a donation in accordance with this section. The tax 104410
commissioner shall also print in the instructions accompanying the 104411
income tax return form a description of the purposes for which the 104412
natural areas and preserves fund, the nongame and endangered 104413
wildlife fund, the military injury relief fund, the Ohio 104414
historical society income tax contribution fund, ~~and~~ the breast 104415
and cervical cancer project income tax contribution fund, and the 104416
wishes for sick children income tax contribution fund were created 104417
and the use of moneys from the income tax refund contribution 104418
system established in this section. No person shall designate on 104419
the person's income tax return any part of a refund claimed under 104420
section 5747.11 of the Revised Code as a contribution to any fund 104421
other than the natural areas and preserves fund, the nongame and 104422
endangered wildlife fund, the military injury relief fund, the 104423
Ohio historical society income tax contribution fund, ~~or~~ the 104424
breast and cervical cancer project income tax contribution fund, 104425

or the wishes for sick children income tax contribution fund. 104426

(C) The money collected under the income tax refund 104427
contribution system established in this section shall be deposited 104428
by the tax commissioner into the natural areas and preserves fund, 104429
the nongame and endangered wildlife fund, the military injury 104430
relief fund, the Ohio historical society income tax contribution 104431
fund, ~~and~~ the breast and cervical cancer project income tax 104432
contribution fund, and the wishes for sick children income tax 104433
contribution fund in the amounts designated on the tax returns. 104434

(D) No later than the thirtieth day of September each year, 104435
the tax commissioner shall determine the total amount contributed 104436
to each fund under this section during the preceding eight months, 104437
any adjustments to prior months, and the cost to the department of 104438
taxation of administering the income tax refund contribution 104439
system during that eight-month period. The commissioner shall make 104440
an additional determination no later than the thirty-first day of 104441
January of each year of the total amount contributed to each fund 104442
under this section during the preceding four calendar months, any 104443
adjustments to prior years made during that four-month period, and 104444
the cost to the department of taxation of administering the income 104445
tax contribution system during that period. The cost of 104446
administering the income tax contribution system shall be 104447
certified by the tax commissioner to the director of budget and 104448
management, who shall transfer an amount equal to ~~one-fifth~~ 104449
one-sixth of such administrative costs from each of the ~~five~~ six 104450
funds to the income tax contribution fund, which is hereby 104451
created, provided that the moneys that the department receives to 104452
pay the cost of administering the income tax refund contribution 104453
system in any year shall not exceed two and one-half per cent of 104454
the total amount contributed under that system during that year. 104455

(E) If the total amount contributed to a fund under this 104456
section in each of two consecutive calendar years is less than one 104457

hundred fifty thousand dollars, no person may designate a 104458
contribution to that fund for any taxable year ending after the 104459
last day of that two-year period. In such a case, the tax 104460
commissioner shall remove the space dedicated to the fund on the 104461
income tax return and the description of the fund in the 104462
instructions accompanying the income tax return. 104463

(F) The general assembly may authorize taxpayer refund 104464
contributions to no more than six funds under the income tax 104465
refund contribution system established in this section. If the 104466
general assembly authorizes income tax refund contributions to a 104467
fund other than the natural areas and preserves fund, the nongame 104468
and endangered wildlife fund, the military injury relief fund, the 104469
Ohio historical society income tax contribution fund, ~~or~~ the 104470
breast and cervical cancer project income tax contribution fund, 104471
or the wishes for sick children income tax contribution fund, such 104472
contributions may be authorized only for a period of two calendar 104473
years. 104474

With the exception of the Ohio historical society income tax 104475
contribution fund, the general assembly may authorize income tax 104476
refund contributions to a fund only if all the money in the fund 104477
will be expended or distributed by a state agency as defined in 104478
section 1.60 of the Revised Code. 104479

(G)(1) The director of natural resources, in January of every 104480
odd-numbered year, shall report to the general assembly on the 104481
effectiveness of the income tax refund contribution system as it 104482
pertains to the natural areas and preserves fund and the nongame 104483
and endangered wildlife fund. The report shall include the amount 104484
of money contributed to each fund in each of the previous five 104485
years, the amount of money contributed directly to each fund in 104486
addition to or independently of the income tax refund contribution 104487
system in each of the previous five years, and the purposes for 104488
which the money was expended. 104489

(2) The director of ~~job and family~~ veterans services, the 104490
director of the Ohio historical society, and the director of 104491
health, in January of every odd-numbered year, each shall report 104492
to the general assembly on the effectiveness of the income tax 104493
refund contribution system as it pertains to the military injury 104494
relief fund, the Ohio historical society income tax contribution 104495
fund, ~~and~~ the breast and cervical cancer project income tax 104496
contribution fund, and the wishes for sick children income tax 104497
contribution fund respectively. The report shall include the 104498
amount of money contributed to the fund in each of the previous 104499
five years, the amount of money contributed directly to the fund 104500
in addition to or independently of the income tax refund 104501
contribution system in each of the previous five years, and the 104502
purposes for which the money was expended. 104503

Sec. 5747.50. (A) As used in this section: 104504

(1) "County's proportionate share of the calendar year 2007 104505
LGF and LGRAF distributions" means the percentage computed for the 104506
county under division (B)(1)(a) of section 5747.501 of the Revised 104507
Code. 104508

(2) "County's proportionate share of the total amount of the 104509
local government fund additional revenue formula" means each 104510
county's proportionate share of the state's population as 104511
determined for and certified to the county for distributions to be 104512
made during the current calendar year under division (B)(2)(a) of 104513
section 5747.501 of the Revised Code. If prior to the first day of 104514
January of the current calendar year the federal government has 104515
issued a revision to the population figures reflected in the 104516
estimate produced pursuant to division (B)(2)(a) of section 104517
5747.501 of the Revised Code, such revised population figures 104518
shall be used for making the distributions during the current 104519
calendar year. 104520

(3) "2007 LGF and LGRAF county distribution base available in that month" means the lesser of the amounts described in division (A)(3)(a) and (b) of this section, provided that the amount shall not be less than zero:

(a) The total amount available for distribution to counties from the local government fund during the current month.

(b) The total amount distributed to counties from the local government fund and the local government revenue assistance fund to counties in calendar year 2007 less the total amount distributed to counties under division (B)(1) of this section during previous months of the current calendar year.

(4) "Local government fund additional revenue distribution base available during that month" means the total amount available for distribution to counties during the month from the local government fund, less any amounts to be distributed in that month from the local government fund under division (B)(1) of this section, provided that the local government fund additional revenue distribution base available during that month shall not be less than zero.

(5) "Total amount available for distribution to counties" means the total amount available for distribution from the local government fund during the current month less the total amount available for distribution to municipal corporations during the current month under division (C) of this section.

(B) On or before the tenth day of each month, the tax commissioner shall provide for payment to each county an amount equal to the sum of:

(1) The county's proportionate share of the calendar year 2007 LGF and LGRAF distributions multiplied by the 2007 LGF and LGRAF county distribution base available in that month, provided that if the 2007 LGF and LGRAF county distribution base available

in that month is zero, no payment shall be made under division 104552
(B)(1) of this section for the month or the remainder of the 104553
calendar year; and 104554

(2) The county's proportionate share of the total amount of 104555
the local government fund additional revenue formula multiplied by 104556
the local government fund additional revenue distribution base 104557
available during that month. 104558

Money received into the treasury of a county under this 104559
division shall be credited to the undivided local government fund 104560
in the treasury of the county on or before the fifteenth day of 104561
each month. On or before the twentieth day of each month, the 104562
county auditor shall issue warrants against all of the undivided 104563
local government fund in the county treasury in the respective 104564
amounts allowed as provided in section 5747.51 of the Revised 104565
Code, and the treasurer shall distribute and pay such sums to the 104566
subdivision therein. 104567

(C)(1) As used in division (C) of this section: 104568

(a) "Total amount available for distribution to 104569
municipalities during the current month" means the product 104570
obtained by multiplying the total amount available for 104571
distribution from the local government fund during the current 104572
month by the aggregate municipal share. 104573

(b) "Aggregate municipal share" means the quotient obtained 104574
by dividing the total amount distributed directly from the local 104575
government fund to municipal corporations during calendar year 104576
2007 by the total distributions from the local government fund and 104577
local government revenue assistance fund during calendar year 104578
2007. 104579

(2) On or before the tenth day of each month, the tax 104580
commissioner shall provide for payment from the local government 104581
fund to each municipal corporation an amount equal to the product 104582

derived by multiplying the municipal corporation's percentage of 104583
the total amount distributed to all such municipal corporations 104584
under this division during calendar year 2007 by the total amount 104585
available for distribution to municipal corporations during the 104586
current month. 104587

(3) Payments received by a municipal corporation under this 104588
division shall be paid into its general fund and may be used for 104589
any lawful purpose. 104590

(4) The amount distributed to municipal corporations under 104591
this division during any calendar year shall not exceed the amount 104592
distributed directly from the local government fund to municipal 104593
corporations during calendar year 2007. If that maximum amount is 104594
reached during any month, distributions to municipal corporations 104595
in that month shall be as provided in divisions (C)(1) and (2) of 104596
this section, but no further distributions shall be made to 104597
municipal corporations under division (C) of this section during 104598
the remainder of the calendar year. 104599

(5) Upon being informed of a municipal corporation's 104600
dissolution, the tax commissioner shall cease providing for 104601
payments to that municipal corporation under division (C) of this 104602
section. The proportionate shares of the total amount available 104603
for distribution to each of the remaining municipal corporations 104604
under this division shall be increased on a pro rata basis. 104605

The tax commissioner shall reduce payments under division (C) 104606
of this section to municipal corporations for which reduced 104607
payments are required under section 5747.502 of the Revised Code. 104608

(D) Each municipal corporation which has in effect a tax 104609
imposed under Chapter 718. of the Revised Code shall, no later 104610
than the thirty-first day of August of each year, certify to the 104611
tax commissioner, on a form prescribed by the commissioner, the 104612
amount of income tax revenue collected and refunded by such 104613

municipal corporation pursuant to such chapter during the 104614
preceding calendar year, arranged, when possible, by the type of 104615
income from which the revenue was collected or the refund was 104616
issued. The municipal corporation shall also report the amount of 104617
income tax revenue collected and refunded on behalf of a joint 104618
economic development district or a joint economic development zone 104619
that levies an income tax administered by the municipal 104620
corporation and the amount of such revenue distributed to 104621
contracting parties during the preceding calendar year. The tax 104622
commissioner may withhold payment of local government fund moneys 104623
pursuant to division (C) of this section from any municipal 104624
corporation for failure to comply with this reporting requirement. 104625

Sec. 5747.502. (A) As used in this section: 104626

(1) "Delinquent subdivision" means a municipal corporation, 104627
township, or county that has not filed a report or signed 104628
statement under section 4511.0915 of the Revised Code, as required 104629
under that section. 104630

(2) "Noncompliant subdivision" means a municipal corporation, 104631
township, or county that files a report under division (A)(1) of 104632
section 4511.0915 of the Revised Code for the most recent calendar 104633
quarter. 104634

(B)(1)(a) Upon receiving notification of a delinquent 104635
subdivision under division (C)(2) of section 4511.0915 of the 104636
Revised Code, the tax commissioner shall do both of the following: 104637

(i) If the delinquent subdivision is a municipal corporation, 104638
cease providing for payments to the municipal corporation under 104639
division (C) of section 5747.50 of the Revised Code, beginning 104640
with the next required payment; 104641

(ii) Immediately notify the county auditor and county 104642
treasurer required to provide for payments to the delinquent 104643

subdivision from a county undivided local government fund that 104644
such payments are to cease until the tax commissioner notifies the 104645
auditor and treasurer under division (B)(3)(a)(ii) of this 104646
section. 104647

(b) A county treasurer receiving the notice under division 104648
(B)(1)(a)(ii) of this section shall cease providing for payments 104649
to the delinquent subdivision from a county undivided local 104650
government fund, beginning with the next required payment. 104651

(2)(a) Upon receiving notification that a county, township, 104652
or municipal corporation is no longer a delinquent subdivision 104653
under division (C)(3) of section 4511.0915 of the Revised Code, 104654
the tax commissioner shall do both of the following: 104655

(i) If the formerly delinquent subdivision is a municipal 104656
corporation, begin providing for payments to the municipal 104657
corporation as required under division (C) of section 5747.50 of 104658
the Revised Code, beginning with the next required payment. 104659

(ii) Immediately notify the county auditor and county 104660
treasurer who ceased payments to the formerly delinquent 104661
subdivision under division (B)(1)(b) of this section that the 104662
treasurer shall begin providing for payment from a county 104663
undivided local government fund to the formerly delinquent 104664
subdivision under section 5747.51 or 5747.53 of the Revised Code. 104665

(b) A county treasurer receiving notice under division 104666
(B)(2)(a)(ii) of this section shall provide for payments to the 104667
formerly delinquent subdivision from a county undivided local 104668
government fund, beginning with the next required payment. 104669

(C)(1) Upon receiving notification of a noncompliant 104670
subdivision under division (C)(1) of section 4511.0915 of the 104671
Revised Code, the tax commissioner shall do both of the following: 104672

(a) If the delinquent subdivision is a municipal corporation, 104673
reduce the amount of each of the next three local government fund 104674

payments the noncompliant subdivision would otherwise receive 104675
under division (C) of section 5747.50 of the Revised Code in an 104676
amount equal to one-third of the gross amount of fines reported by 104677
the noncompliant subdivision on the report filed for the calendar 104678
quarter. 104679

(b) If the reduction described in division (C)(1)(a) of this 104680
section exceeds the amount of money the noncompliant subdivision 104681
would otherwise receive under division (C) of section 5747.50 of 104682
the Revised Code, immediately notify the county auditor and county 104683
treasurer required to provide for payments to the noncompliant 104684
subdivision from a county undivided local government fund that 104685
each of the next three such payments are to be reduced to that 104686
subdivision in an amount equal to one-third of that excess. 104687

(2) A county treasurer receiving notice under division 104688
(C)(1)(b) of this section shall reduce the payments to the 104689
noncompliant subdivision from a county undivided local government 104690
fund as required by the notice. 104691

(D)(1) The tax commissioner shall provide for payment of an 104692
amount equal to amounts withheld from municipal corporations under 104693
divisions (B)(1)(a)(i) and (C)(1)(a) of this section to the 104694
undivided local government fund of the county from which the 104695
municipal corporation receives payments under section 5747.51 or 104696
5747.53 of the Revised Code. The county treasurer shall distribute 104697
that money among subdivisions that are not delinquent or 104698
noncompliant subdivisions and that are entitled to receive 104699
distributions under those sections by increasing each such 104700
subdivision's distribution on a pro rata basis. 104701

(2) A county treasurer shall distribute any amount withheld 104702
from a delinquent or noncompliant subdivision under division 104703
(B)(1)(b) or (C)(2) of this section among other subdivisions that 104704
are not delinquent or noncompliant subdivisions by increasing each 104705
such subdivision's distribution from the county's undivided local 104706

government fund on a pro rata basis. 104707

(E) A county, township, or municipal corporation receiving an 104708
increased distribution under division (B) or (C) of this section 104709
shall use such money for the current operating expenses of the 104710
subdivision. 104711

Sec. 5747.51. (A) On or before the twenty-fifth day of July 104712
of each year, the tax commissioner shall make and certify to the 104713
county auditor of each county an estimate of the amount of the 104714
local government fund to be allocated to the undivided local 104715
government fund of each county for the ensuing calendar year, 104716
adjusting the total as required to account for subdivisions 104717
receiving local government funds under section 5747.502 of the 104718
Revised Code. 104719

(B) At each annual regular session of the county budget 104720
commission convened pursuant to section 5705.27 of the Revised 104721
Code, each auditor shall present to the commission the certificate 104722
of the commissioner, the annual tax budget and estimates, and the 104723
records showing the action of the commission in its last preceding 104724
regular session. The commission, after extending to the 104725
representatives of each subdivision an opportunity to be heard, 104726
under oath administered by any member of the commission, and 104727
considering all the facts and information presented to it by the 104728
auditor, shall determine the amount of the undivided local 104729
government fund needed by and to be apportioned to each 104730
subdivision for current operating expenses, as shown in the tax 104731
budget of the subdivision. This determination shall be made 104732
pursuant to divisions (C) to (I) of this section, unless the 104733
commission has provided for a formula pursuant to section 5747.53 104734
of the Revised Code. The commissioner shall reduce or increase the 104735
amount of funds from the undivided local government fund to a 104736
subdivision required to receive reduced or increased funds under 104737

section 5747.502 of the Revised Code. 104738

Nothing in this section prevents the budget commission, for 104739
the purpose of apportioning the undivided local government fund, 104740
from inquiring into the claimed needs of any subdivision as stated 104741
in its tax budget, or from adjusting claimed needs to reflect 104742
actual needs. For the purposes of this section, "current operating 104743
expenses" means the lawful expenditures of a subdivision, except 104744
those for permanent improvements and except payments for interest, 104745
sinking fund, and retirement of bonds, notes, and certificates of 104746
indebtedness of the subdivision. 104747

(C) The commission shall determine the combined total of the 104748
estimated expenditures, including transfers, from the general fund 104749
and any special funds other than special funds established for 104750
road and bridge; street construction, maintenance, and repair; 104751
state highway improvement; and gas, water, sewer, and electric 104752
public utilities operated by a subdivision, as shown in the 104753
subdivision's tax budget for the ensuing calendar year. 104754

(D) From the combined total of expenditures calculated 104755
pursuant to division (C) of this section, the commission shall 104756
deduct the following expenditures, if included in these funds in 104757
the tax budget: 104758

(1) Expenditures for permanent improvements as defined in 104759
division (E) of section 5705.01 of the Revised Code; 104760

(2) In the case of counties and townships, transfers to the 104761
road and bridge fund, and in the case of municipalities, transfers 104762
to the street construction, maintenance, and repair fund and the 104763
state highway improvement fund; 104764

(3) Expenditures for the payment of debt charges; 104765

(4) Expenditures for the payment of judgments. 104766

(E) In addition to the deductions made pursuant to division 104767

(D) of this section, revenues accruing to the general fund and any special fund considered under division (C) of this section from the following sources shall be deducted from the combined total of expenditures calculated pursuant to division (C) of this section:

(1) Taxes levied within the ten-mill limitation, as defined in section 5705.02 of the Revised Code;

(2) The budget commission allocation of estimated county public library fund revenues to be distributed pursuant to section 5747.48 of the Revised Code;

(3) Estimated unencumbered balances as shown on the tax budget as of the thirty-first day of December of the current year in the general fund, but not any estimated balance in any special fund considered in division (C) of this section;

(4) Revenue, including transfers, shown in the general fund and any special funds other than special funds established for road and bridge; street construction, maintenance, and repair; state highway improvement; and gas, water, sewer, and electric public utilities, from all other sources except those that a subdivision receives from an additional tax or service charge voted by its electorate or receives from special assessment or revenue bond collection. For the purposes of this division, where the charter of a municipal corporation prohibits the levy of an income tax, an income tax levied by the legislative authority of such municipal corporation pursuant to an amendment of the charter of that municipal corporation to authorize such a levy represents an additional tax voted by the electorate of that municipal corporation. For the purposes of this division, any measure adopted by a board of county commissioners pursuant to section 322.02, 324.02, 4504.02, or 5739.021 of the Revised Code, including those measures upheld by the electorate in a referendum conducted pursuant to section 322.021, 324.021, 4504.021, or 5739.022 of the Revised Code, shall not be considered an

additional tax voted by the electorate. 104800

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

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

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

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

(H) The relative need of each subdivision shall be multiplied by the relative need factor to determine the proportionate share

of the subdivision in the undivided local government fund of the 104831
county; provided, that the maximum proportionate share of a county 104832
shall not exceed the following maximum percentages of the total 104833
estimate of the undivided local government fund governed by the 104834
relationship of the percentage of the population of the county 104835
that resides within municipal corporations within the county to 104836
the total population of the county as reported in the reports on 104837
population in Ohio by the department of development as of the 104838
twentieth day of July of the year in which the tax budget is filed 104839
with the budget commission: 104840

Percentage of municipal 104841	Percentage share of the county	
population within the county:	shall not exceed:	
		104842
Less than forty-one per cent	Sixty per cent	104843
Forty-one per cent or more but	Fifty per cent	104844
less than eighty-one per cent		
Eighty-one per cent or more	Thirty per cent	104845

Where the proportionate share of the county exceeds the 104846
limitations established in this division, the budget commission 104847
shall adjust the proportionate shares determined pursuant to this 104848
division so that the proportionate share of the county does not 104849
exceed these limitations, and it shall increase the proportionate 104850
shares of all other subdivisions on a pro rata basis. In counties 104851
having a population of less than one hundred thousand, not less 104852
than ten per cent shall be distributed to the townships therein. 104853

(I) The proportionate share of each subdivision in the 104854
undivided local government fund determined pursuant to division 104855
(H) of this section for any calendar year shall not be less than 104856
the product of the average of the percentages of the undivided 104857
local government fund of the county as apportioned to that 104858
subdivision for the calendar years 1968, 1969, and 1970, 104859
multiplied by the total amount of the undivided local government 104860

fund of the county apportioned pursuant to former section 5735.23 104861
of the Revised Code for the calendar year 1970. For the purposes 104862
of this division, the total apportioned amount for the calendar 104863
year 1970 shall be the amount actually allocated to the county in 104864
1970 from the state collected intangible tax as levied by section 104865
5707.03 of the Revised Code and distributed pursuant to section 104866
5725.24 of the Revised Code, plus the amount received by the 104867
county in the calendar year 1970 pursuant to division (B)(1) of 104868
former section 5739.21 of the Revised Code, and distributed 104869
pursuant to former section 5739.22 of the Revised Code. If the 104870
total amount of the undivided local government fund for any 104871
calendar year is less than the amount of the undivided local 104872
government fund apportioned pursuant to former section 5739.23 of 104873
the Revised Code for the calendar year 1970, the minimum amount 104874
guaranteed to each subdivision for that calendar year pursuant to 104875
this division shall be reduced on a basis proportionate to the 104876
amount by which the amount of the undivided local government fund 104877
for that calendar year is less than the amount of the undivided 104878
local government fund apportioned for the calendar year 1970. 104879

(J) On the basis of such apportionment, the county auditor 104880
shall compute the percentage share of each such subdivision in the 104881
undivided local government fund and shall at the same time certify 104882
to the tax commissioner the percentage share of the county as a 104883
subdivision. No payment shall be made from the undivided local 104884
government fund, except in accordance with such percentage shares. 104885

Within ten days after the budget commission has made its 104886
apportionment, whether conducted pursuant to section 5747.51 or 104887
5747.53 of the Revised Code, the auditor shall publish a list of 104888
the subdivisions and the amount each is to receive from the 104889
undivided local government fund and the percentage share of each 104890
subdivision, in a newspaper or newspapers of countywide 104891
circulation, and send a copy of such allocation to the tax 104892

commissioner. 104893

The county auditor shall also send by certified mail, return 104894
receipt requested, a copy of such allocation to the fiscal officer 104895
of each subdivision entitled to participate in the allocation of 104896
the undivided local government fund of the county. This copy shall 104897
constitute the official notice of the commission action referred 104898
to in section 5705.37 of the Revised Code. 104899

All money received into the treasury of a subdivision from 104900
the undivided local government fund in a county treasury shall be 104901
paid into the general fund and used for the current operating 104902
expenses of the subdivision. 104903

If a municipal corporation maintains a municipal university, 104904
such municipal university, when the board of trustees so requests 104905
the legislative authority of the municipal corporation, shall 104906
participate in the money apportioned to such municipal corporation 104907
from the total local government fund, however created and 104908
constituted, in such amount as requested by the board of trustees, 104909
provided such sum does not exceed nine per cent of the total 104910
amount paid to the municipal corporation. 104911

If any public official fails to maintain the records required 104912
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 104913
issued by the tax commissioner, the auditor of state, or the 104914
treasurer of state pursuant to such sections, or fails to comply 104915
with any law relating to the enforcement of such sections, the 104916
local government fund money allocated to the county may be 104917
withheld until such time as the public official has complied with 104918
such sections or such law or the rules issued pursuant thereto. 104919

Sec. 5747.53. (A) As used in this section: 104920

(1) "City, located wholly or partially in the county, with 104921
the greatest population" means the city, located wholly or 104922

partially in the county, with the greatest population residing in 104923
the county; however, if the county budget commission on or before 104924
January 1, 1998, adopted an alternative method of apportionment 104925
that was approved by the legislative authority of the city, 104926
located partially in the county, with the greatest population but 104927
not the greatest population residing in the county, "city, located 104928
wholly or partially in the county, with the greatest population" 104929
means the city, located wholly or partially in the county, with 104930
the greatest population whether residing in the county or not, if 104931
this alternative meaning is adopted by action of the board of 104932
county commissioners and a majority of the boards of township 104933
trustees and legislative authorities of municipal corporations 104934
located wholly or partially in the county. 104935

(2) "Participating political subdivision" means a municipal 104936
corporation or township that satisfies all of the following: 104937

(a) It is located wholly or partially in the county. 104938

(b) It is not the city, located wholly or partially in the 104939
county, with the greatest population. 104940

(c) Undivided local government fund moneys are apportioned to 104941
it under the county's alternative method or formula of 104942
apportionment in the current calendar year. 104943

(B) In lieu of the method of apportionment of the undivided 104944
local government fund of the county provided by section 5747.51 of 104945
the Revised Code, the county budget commission may provide for the 104946
apportionment of the fund under an alternative method or on a 104947
formula basis as authorized by this section. The commissioner 104948
shall reduce or increase the amount of funds from the undivided 104949
local government fund to a subdivision required to receive reduced 104950
or increased funds under section 5747.502 of the Revised Code. 104951

Except as otherwise provided in division (C) of this section, 104952
the alternative method of apportionment shall have first been 104953

approved by all of the following governmental units: the board of 104954
county commissioners; the legislative authority of the city, 104955
located wholly or partially in the county, with the greatest 104956
population; and a majority of the boards of township trustees and 104957
legislative authorities of municipal corporations, located wholly 104958
or partially in the county, excluding the legislative authority of 104959
the city, located wholly or partially in the county, with the 104960
greatest population. In granting or denying approval for an 104961
alternative method of apportionment, the board of county 104962
commissioners, boards of township trustees, and legislative 104963
authorities of municipal corporations shall act by motion. A 104964
motion to approve shall be passed upon a majority vote of the 104965
members of a board of county commissioners, board of township 104966
trustees, or legislative authority of a municipal corporation, 104967
shall take effect immediately, and need not be published. 104968

Any alternative method of apportionment adopted and approved 104969
under this division may be revised, amended, or repealed in the 104970
same manner as it may be adopted and approved. If an alternative 104971
method of apportionment adopted and approved under this division 104972
is repealed, the undivided local government fund of the county 104973
shall be apportioned among the subdivisions eligible to 104974
participate in the fund, commencing in the ensuing calendar year, 104975
under the apportionment provided in section 5747.52 of the Revised 104976
Code, unless the repeal occurs by operation of division (C) of 104977
this section or a new method for apportionment of the fund is 104978
provided in the action of repeal. 104979

(C) This division applies only in counties in which the city, 104980
located wholly or partially in the county, with the greatest 104981
population has a population of twenty thousand or less and a 104982
population that is less than fifteen per cent of the total 104983
population of the county. In such a county, the legislative 104984
authorities or boards of township trustees of two or more 104985

participating political subdivisions, which together have a 104986
population residing in the county that is a majority of the total 104987
population of the county, each may adopt a resolution to exclude 104988
the approval otherwise required of the legislative authority of 104989
the city, located wholly or partially in the county, with the 104990
greatest population. All of the resolutions to exclude that 104991
approval shall be adopted not later than the first Monday of 104992
August of the year preceding the calendar year in which 104993
distributions are to be made under an alternative method of 104994
apportionment. 104995

A motion granting or denying approval of an alternative 104996
method of apportionment under this division shall be adopted by a 104997
majority vote of the members of the board of county commissioners 104998
and by a majority vote of a majority of the boards of township 104999
trustees and legislative authorities of the municipal corporations 105000
located wholly or partially in the county, other than the city, 105001
located wholly or partially in the county, with the greatest 105002
population, shall take effect immediately, and need not be 105003
published. The alternative method of apportionment under this 105004
division shall be adopted and approved annually, not later than 105005
the first Monday of August of the year preceding the calendar year 105006
in which distributions are to be made under it. A motion granting 105007
approval of an alternative method of apportionment under this 105008
division repeals any existing alternative method of apportionment, 105009
effective with distributions to be made from the fund in the 105010
ensuing calendar year. An alternative method of apportionment 105011
under this division shall not be revised or amended after the 105012
first Monday of August of the year preceding the calendar year in 105013
which distributions are to be made under it. 105014

(D) In determining an alternative method of apportionment 105015
authorized by this section, the county budget commission may 105016
include in the method any factor considered to be appropriate and 105017

reliable, in the sole discretion of the county budget commission. 105018

(E) The limitations set forth in section 5747.51 of the 105019
Revised Code, stating the maximum amount that the county may 105020
receive from the undivided local government fund and the minimum 105021
amount the townships in counties having a population of less than 105022
one hundred thousand may receive from the fund, are applicable to 105023
any alternative method of apportionment authorized under this 105024
section. 105025

(F) On the basis of any alternative method of apportionment 105026
adopted and approved as authorized by this section, as certified 105027
by the auditor to the county treasurer, the county treasurer shall 105028
make distribution of the money in the undivided local government 105029
fund to each subdivision eligible to participate in the fund, and 105030
the auditor, when the amount of those shares is in the custody of 105031
the treasurer in the amounts so computed to be due the respective 105032
subdivisions, shall at the same time certify to the tax 105033
commissioner the percentage share of the county as a subdivision. 105034
All money received into the treasury of a subdivision from the 105035
undivided local government fund in a county treasury shall be paid 105036
into the general fund and used for the current operating expenses 105037
of the subdivision. If a municipal corporation maintains a 105038
municipal university, the university, when the board of trustees 105039
so requests the legislative authority of the municipal 105040
corporation, shall participate in the money apportioned to the 105041
municipal corporation from the total local government fund, 105042
however created and constituted, in the amount requested by the 105043
board of trustees, provided that amount does not exceed nine per 105044
cent of the total amount paid to the municipal corporation. 105045

(G) The actions of the county budget commission taken 105046
pursuant to this section are final and may not be appealed to the 105047
board of tax appeals, except on the issues of abuse of discretion 105048
and failure to comply with the formula. 105049

Sec. 5747.71. There is hereby allowed a nonrefundable credit 105050
against the tax imposed by section 5747.02 of the Revised Code for 105051
a taxpayer who is an "eligible individual" as defined in section 105052
32 of the Internal Revenue Code. The credit shall equal five per 105053
cent of the credit allowed on the taxpayer's federal income tax 105054
return pursuant to section 32 of the Internal Revenue Code for 105055
taxable years beginning in 2013, and ten per cent of the federal 105056
credit allowed for taxable years beginning in or after 2014. If 105057
the Ohio adjusted gross income of the taxpayer, or the taxpayer 105058
and the taxpayer's spouse if the taxpayer and the taxpayer's 105059
spouse file a joint return under section 5747.08 of the Revised 105060
Code, less applicable exemptions under section 5747.025 of the 105061
Revised Code, exceeds twenty thousand dollars, the credit 105062
authorized by this section shall not exceed fifty per cent of the 105063
amount of tax otherwise due under section 5747.02 of the Revised 105064
Code after deducting any other nonrefundable credits that precede 105065
the credit allowed under this section in the order prescribed by 105066
section 5747.98 of the Revised Code except for the joint filing 105067
credit authorized under division ~~(G)~~(E) of section 5747.05 of the 105068
Revised Code. In all other cases, the credit authorized by this 105069
section shall not exceed the amount of tax otherwise due under 105070
section 5747.02 of the Revised Code after deducting any other 105071
nonrefundable credits that precede the credit allowed under this 105072
section in the order prescribed by section 5747.98 of the Revised 105073
Code. 105074

The credit shall be claimed in the order prescribed by 105075
section 5747.98 of the Revised Code. 105076

Sec. 5747.98. (A) To provide a uniform procedure for 105077
calculating the amount of tax due under section 5747.02 of the 105078
Revised Code, a taxpayer shall claim any credits to which the 105079
taxpayer is entitled in the following order: 105080

(1) The retirement income credit under division (B) of section 5747.055 of the Revised Code;	105081 105082
(2) The senior citizen credit under division (C) (F) of section 5747.05 <u>5747.055</u> of the Revised Code;	105083 105084
(3) The lump sum distribution credit under division (D) (G) of section 5747.05 <u>5747.055</u> of the Revised Code;	105085 105086
(4) The dependent care credit under section 5747.054 of the Revised Code;	105087 105088
(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	105089 105090
(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	105091 105092
(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	105093 105094
(8) The low-income credit under section 5747.056 of the Revised Code;	105095 105096
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	105097 105098
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	105099 105100
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	105101 105102
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	105103 105104
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	105105 105106
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	105107 105108
(15) The earned income credit under section 5747.71 of the	105109

Revised Code;	105110
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	105111 105112
(17) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	105113 105114
(18) The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	105115 105116
(19) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	105117 105118
(20) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	105119 105120 105121
(21) The job training credit under section 5747.39 of the Revised Code;	105122 105123
(22) The enterprise zone credit under section 5709.66 of the Revised Code;	105124 105125
(23) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	105126 105127
(24) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	105128 105129
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	105130 105131
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	105132 105133
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	105134 105135
(28) The small business investment credit under section 5747.81 of the Revised Code;	105136 105137
(29) The enterprise zone credits under section 5709.65 of the	105138

Revised Code;	105139
(30) The research and development credit under section 5747.331 of the Revised Code;	105140 105141
(31) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	105142 105143
(32) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	105144 105145
(33) The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	105146 105147
(34) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	105148 105149
(35) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	105150 105151 105152
(36) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	105153 105154 105155
(37) The refundable motion picture production credit under section 5747.66 of the Revised Code;	105156 105157
(38) The refundable credit for financial institution taxes paid by a pass-through entity granted under section 5747.65 of the Revised Code.	105158 105159 105160
(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (H) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit.	105161 105162 105163 105164 105165 105166 105167
Nothing in this chapter shall be construed to allow a taxpayer to	105168

claim, directly or indirectly, a credit more than once for a 105169
taxable year. 105170

Sec. 5749.17. Except for purposes of enforcing Chapter 1509. 105171
of the Revised Code, any information provided to the department of 105172
natural resources by the department of taxation in accordance with 105173
division (C)~~(12)~~(11) of section 5703.21 of the Revised Code shall 105174
not be disclosed publicly by the department of natural resources. 105175
However the department of natural resources may provide such 105176
information to the attorney general for purposes of enforcement of 105177
Chapter 1509. of the Revised Code. 105178

Sec. 5751.01. As used in this chapter: 105179

(A) "Person" means, but is not limited to, individuals, 105180
combinations of individuals of any form, receivers, assignees, 105181
trustees in bankruptcy, firms, companies, joint-stock companies, 105182
business trusts, estates, partnerships, limited liability 105183
partnerships, limited liability companies, associations, joint 105184
ventures, clubs, societies, for-profit corporations, S 105185
corporations, qualified subchapter S subsidiaries, qualified 105186
subchapter S trusts, trusts, entities that are disregarded for 105187
federal income tax purposes, and any other entities. 105188

(B) "Consolidated elected taxpayer" means a group of two or 105189
more persons treated as a single taxpayer for purposes of this 105190
chapter as the result of an election made under section 5751.011 105191
of the Revised Code. 105192

(C) "Combined taxpayer" means a group of two or more persons 105193
treated as a single taxpayer for purposes of this chapter under 105194
section 5751.012 of the Revised Code. 105195

(D) "Taxpayer" means any person, or any group of persons in 105196
the case of a consolidated elected taxpayer or combined taxpayer 105197
treated as one taxpayer, required to register or pay tax under 105198

this chapter. "Taxpayer" does not include excluded persons. 105199

(E) "Excluded person" means any of the following: 105200

(1) Any person with not more than one hundred fifty thousand 105201
dollars of taxable gross receipts during the calendar year. 105202
Division (E)(1) of this section does not apply to a person that is 105203
a member of a consolidated elected taxpayer; 105204

(2) A public utility that paid the excise tax imposed by 105205
section 5727.24 or 5727.30 of the Revised Code based on one or 105206
more measurement periods that include the entire tax period under 105207
this chapter, except that a public utility that is a combined 105208
company is a taxpayer with regard to the following gross receipts: 105209

(a) Taxable gross receipts directly attributed to a public 105210
utility activity, but not directly attributed to an activity that 105211
is subject to the excise tax imposed by section 5727.24 or 5727.30 105212
of the Revised Code; 105213

(b) Taxable gross receipts that cannot be directly attributed 105214
to any activity, multiplied by a fraction whose numerator is the 105215
taxable gross receipts described in division (E)(2)(a) of this 105216
section and whose denominator is the total taxable gross receipts 105217
that can be directly attributed to any activity; 105218

(c) Except for any differences resulting from the use of an 105219
accrual basis method of accounting for purposes of determining 105220
gross receipts under this chapter and the use of the cash basis 105221
method of accounting for purposes of determining gross receipts 105222
under section 5727.24 of the Revised Code, the gross receipts 105223
directly attributed to the activity of a natural gas company shall 105224
be determined in a manner consistent with division (D) of section 105225
5727.03 of the Revised Code. 105226

As used in division (E)(2) of this section, "combined 105227
company" and "public utility" have the same meanings as in section 105228
5727.01 of the Revised Code. 105229

(3) A financial institution, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter;

(4) A person directly or indirectly owned by one or more financial institutions, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter.

For the purposes of division (E)(4) of this section, a person owns another person under the following circumstances:

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

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

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

(5) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18

or Chapter 5729. of the Revised Code, or an unauthorized insurance 105261
company whose gross premiums are subject to tax under section 105262
3905.36 of the Revised Code based on one or more measurement 105263
periods that include the entire tax period under this chapter; 105264

(6) A person that solely facilitates or services one or more 105265
securitizations of phase-in-recovery property pursuant to a final 105266
financing order as those terms are defined in section 4928.23 of 105267
the Revised Code. For purposes of this division, "securitization" 105268
means transferring one or more assets to one or more persons and 105269
then issuing securities backed by the right to receive payment 105270
from the asset or assets so transferred. 105271

(7) Except as otherwise provided in this division, a 105272
pre-income tax trust as defined in division (FF)(4) of section 105273
5747.01 of the Revised Code and any pass-through entity of which 105274
such pre-income tax trust owns or controls, directly, indirectly, 105275
or constructively through related interests, more than five per 105276
cent of the ownership or equity interests. If the pre-income tax 105277
trust has made a qualifying pre-income tax trust election under 105278
division (FF)(3) of section 5747.01 of the Revised Code, then the 105279
trust and the pass-through entities of which it owns or controls, 105280
directly, indirectly, or constructively through related interests, 105281
more than five per cent of the ownership or equity interests, 105282
shall not be excluded persons for purposes of the tax imposed 105283
under section 5751.02 of the Revised Code. 105284

(8) Nonprofit organizations or the state and its agencies, 105285
instrumentalities, or political subdivisions. 105286

(F) Except as otherwise provided in divisions (F)(2), (3), 105287
and (4) of this section, "gross receipts" means the total amount 105288
realized by a person, without deduction for the cost of goods sold 105289
or other expenses incurred, that contributes to the production of 105290
gross income of the person, including the fair market value of any 105291
property and any services received, and any debt transferred or 105292

forgiven as consideration.	105293
(1) The following are examples of gross receipts:	105294
(a) Amounts realized from the sale, exchange, or other disposition of the taxpayer's property to or with another;	105295 105296
(b) Amounts realized from the taxpayer's performance of services for another;	105297 105298
(c) Amounts realized from another's use or possession of the taxpayer's property or capital;	105299 105300
(d) Any combination of the foregoing amounts.	105301
(2) "Gross receipts" excludes the following amounts:	105302
(a) Interest income except interest on credit sales;	105303
(b) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the Revised Code;	105304 105305 105306 105307
(c) Receipts from the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board.	105308 105309 105310 105311 105312 105313 105314 105315 105316 105317 105318 105319 105320 105321 105322

For the purposes of division (F)(2)(c) of this section, the actual 105323
transfer of title of real or tangible personal property to another 105324
entity is not a hedging transaction. 105325

(d) Proceeds received attributable to the repayment, 105326
maturity, or redemption of the principal of a loan, bond, mutual 105327
fund, certificate of deposit, or marketable instrument; 105328

(e) The principal amount received under a repurchase 105329
agreement or on account of any transaction properly characterized 105330
as a loan to the person; 105331

(f) Contributions received by a trust, plan, or other 105332
arrangement, any of which is described in section 501(a) of the 105333
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 105334
1, Subchapter (D) of the Internal Revenue Code applies; 105335

(g) Compensation, whether current or deferred, and whether in 105336
cash or in kind, received or to be received by an employee, former 105337
employee, or the employee's legal successor for services rendered 105338
to or for an employer, including reimbursements received by or for 105339
an individual for medical or education expenses, health insurance 105340
premiums, or employee expenses, or on account of a dependent care 105341
spending account, legal services plan, any cafeteria plan 105342
described in section 125 of the Internal Revenue Code, or any 105343
similar employee reimbursement; 105344

(h) Proceeds received from the issuance of the taxpayer's own 105345
stock, options, warrants, puts, or calls, or from the sale of the 105346
taxpayer's treasury stock; 105347

(i) Proceeds received on the account of payments from 105348
insurance policies, except those proceeds received for the loss of 105349
business revenue; 105350

(j) Gifts or charitable contributions received; membership 105351
dues received by trade, professional, homeowners', or condominium 105352
associations; and payments received for educational courses, 105353

meetings, meals, or similar payments to a trade, professional, or 105354
other similar association; and fundraising receipts received by 105355
any person when any excess receipts are donated or used 105356
exclusively for charitable purposes; 105357

(k) Damages received as the result of litigation in excess of 105358
amounts that, if received without litigation, would be gross 105359
receipts; 105360

(l) Property, money, and other amounts received or acquired 105361
by an agent on behalf of another in excess of the agent's 105362
commission, fee, or other remuneration; 105363

(m) Tax refunds, other tax benefit recoveries, and 105364
reimbursements for the tax imposed under this chapter made by 105365
entities that are part of the same combined taxpayer or 105366
consolidated elected taxpayer group, and reimbursements made by 105367
entities that are not members of a combined taxpayer or 105368
consolidated elected taxpayer group that are required to be made 105369
for economic parity among multiple owners of an entity whose tax 105370
obligation under this chapter is required to be reported and paid 105371
entirely by one owner, pursuant to the requirements of sections 105372
5751.011 and 5751.012 of the Revised Code; 105373

(n) Pension reversions; 105374

(o) Contributions to capital; 105375

(p) Sales or use taxes collected as a vendor or an 105376
out-of-state seller on behalf of the taxing jurisdiction from a 105377
consumer or other taxes the taxpayer is required by law to collect 105378
directly from a purchaser and remit to a local, state, or federal 105379
tax authority; 105380

(q) In the case of receipts from the sale of cigarettes or 105381
tobacco products by a wholesale dealer, retail dealer, 105382
distributor, manufacturer, or seller, all as defined in section 105383
5743.01 of the Revised Code, an amount equal to the federal and 105384

state excise taxes paid by any person on or for such cigarettes or 105385
tobacco products under subtitle E of the Internal Revenue Code or 105386
Chapter 5743. of the Revised Code; 105387

(r) In the case of receipts from the sale, transfer, 105388
exchange, or other disposition of motor fuel as "motor fuel" is 105389
defined in section 5736.01 of the Revised Code, an amount equal to 105390
the value of the motor fuel, including federal and state motor 105391
fuel excise taxes and receipts from billing or invoicing the tax 105392
imposed under section 5736.02 of the Revised Code to another 105393
person; 105394

(s) In the case of receipts from the sale of beer or 105395
intoxicating liquor, as defined in section 4301.01 of the Revised 105396
Code, by a person holding a permit issued under Chapter 4301. or 105397
4303. of the Revised Code, an amount equal to federal and state 105398
excise taxes paid by any person on or for such beer or 105399
intoxicating liquor under subtitle E of the Internal Revenue Code 105400
or Chapter 4301. or 4305. of the Revised Code; 105401

(t) Receipts realized by a new motor vehicle dealer or used 105402
motor vehicle dealer, as defined in section 4517.01 of the Revised 105403
Code, from the sale or other transfer of a motor vehicle, as 105404
defined in that section, to another motor vehicle dealer for the 105405
purpose of resale by the transferee motor vehicle dealer, but only 105406
if the sale or other transfer was based upon the transferee's need 105407
to meet a specific customer's preference for a motor vehicle; 105408

(u) Receipts from a financial institution described in 105409
division (E)(3) of this section for services provided to the 105410
financial institution in connection with the issuance, processing, 105411
servicing, and management of loans or credit accounts, if such 105412
financial institution and the recipient of such receipts have at 105413
least fifty per cent of their ownership interests owned or 105414
controlled, directly or constructively through related interests, 105415
by common owners; 105416

(v) Receipts realized from administering anti-neoplastic drugs and other cancer chemotherapy, biologicals, therapeutic agents, and supportive drugs in a physician's office to patients with cancer; 105417
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(w) Funds received or used by a mortgage broker that is not a dealer in intangibles, other than fees or other consideration, pursuant to a table-funding mortgage loan or warehouse-lending mortgage loan. Terms used in division (F)(2)(w) of this section have the same meanings as in section 1322.01 of the Revised Code, except "mortgage broker" means a person assisting a buyer in obtaining a mortgage loan for a fee or other consideration paid by the buyer or a lender, or a person engaged in table-funding or warehouse-lending mortgage loans that are first lien mortgage loans. 105421
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(x) Property, money, and other amounts received by a professional employer organization, as defined in section 4125.01 of the Revised Code, from a client employer, as defined in that section, in excess of the administrative fee charged by the professional employer organization to the client employer; 105431
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(y) In the case of amounts retained as commissions by a permit holder under Chapter 3769. of the Revised Code, an amount equal to the amounts specified under that chapter that must be paid to or collected by the tax commissioner as a tax and the amounts specified under that chapter to be used as purse money; 105436
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(z) Qualifying distribution center receipts. 105441

(i) For purposes of division (F)(2)(z) of this section: 105442

(I) "Qualifying distribution center receipts" means receipts of a supplier from qualified property that is delivered to a qualified distribution center, multiplied by a quantity that equals one minus the Ohio delivery percentage. If the qualified distribution center is a refining facility, "supplier" includes 105443
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all dealers, brokers, processors, sellers, vendors, cosigners, and 105448
distributors of qualified property. 105449

(II) "Qualified property" means tangible personal property 105450
delivered to a qualified distribution center that is shipped to 105451
that qualified distribution center solely for further shipping by 105452
the qualified distribution center to another location in this 105453
state or elsewhere or, in the case of gold, silver, platinum, or 105454
palladium delivered to a refining facility solely for refining to 105455
a grade and fineness acceptable for delivery to a registered 105456
commodities exchange. "Further shipping" includes storing and 105457
repackaging property into smaller or larger bundles, so long as 105458
the property is not subject to further manufacturing or 105459
processing. "Refining" is limited to extracting impurities from 105460
gold, silver, platinum, or palladium through smelting or some 105461
other process at a refining facility. 105462

(III) "Qualified distribution center" means a warehouse, a 105463
facility similar to a warehouse, or a refining facility in this 105464
state that, for the qualifying year, is operated by a person that 105465
is not part of a combined taxpayer group and that has a qualifying 105466
certificate. All warehouses or facilities similar to warehouses 105467
that are operated by persons in the same taxpayer group and that 105468
are located within one mile of each other shall be treated as one 105469
qualified distribution center. All refining facilities that are 105470
operated by persons in the same taxpayer group and that are 105471
located in the same or adjacent counties may be treated as one 105472
qualified distribution center. 105473

(IV) "Qualifying year" means the calendar year to which the 105474
qualifying certificate applies. 105475

(V) "Qualifying period" means the period of the first day of 105476
July of the second year preceding the qualifying year through the 105477
thirtieth day of June of the year preceding the qualifying year. 105478

(VI) "Qualifying certificate" means the certificate issued by 105479
the tax commissioner after the operator of a distribution center 105480
files an annual application with the commissioner. The application 105481
and annual fee shall be filed and paid for each qualified 105482
distribution center on or before the first day of September before 105483
the qualifying year or within forty-five days after the 105484
distribution center opens, whichever is later. 105485

The applicant must substantiate to the commissioner's 105486
satisfaction that, for the qualifying period, all persons 105487
operating the distribution center have more than fifty per cent of 105488
the cost of the qualified property shipped to a location such that 105489
it would be situated outside this state under the provisions of 105490
division (E) of section 5751.033 of the Revised Code. The 105491
applicant must also substantiate that the distribution center 105492
cumulatively had costs from its suppliers equal to or exceeding 105493
five hundred million dollars during the qualifying period. (For 105494
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 105495
excludes any person that is part of the consolidated elected 105496
taxpayer group, if applicable, of the operator of the qualified 105497
distribution center.) The commissioner may require the applicant 105498
to have an independent certified public accountant certify that 105499
the calculation of the minimum thresholds required for a qualified 105500
distribution center by the operator of a distribution center has 105501
been made in accordance with generally accepted accounting 105502
principles. The commissioner shall issue or deny the issuance of a 105503
certificate within sixty days after the receipt of the 105504
application. A denial is subject to appeal under section 5717.02 105505
of the Revised Code. If the operator files a timely appeal under 105506
section 5717.02 of the Revised Code, the operator shall be granted 105507
a qualifying certificate effective for the remainder of the 105508
qualifying year or until the appeal is finalized, whichever is 105509
earlier. If the operator does not prevail in the appeal, the 105510
operator shall pay the ineligible operator's supplier tax 105511

liability. 105512

(VII) "Ohio delivery percentage" means the proportion of the 105513
total property delivered to a destination inside Ohio from the 105514
qualified distribution center during the qualifying period 105515
compared with total deliveries from such distribution center 105516
everywhere during the qualifying period. 105517

(VIII) "Refining facility" means one or more buildings 105518
located in a county in the Appalachian region of this state as 105519
defined by section 107.21 of the Revised Code and utilized for 105520
refining or smelting gold, silver, platinum, or palladium to a 105521
grade and fineness acceptable for delivery to a registered 105522
commodities exchange. 105523

(IX) "Registered commodities exchange" means a board of 105524
trade, such as New York mercantile exchange, inc. or commodity 105525
exchange, inc., designated as a contract market by the commodity 105526
futures trading commission under the "Commodity Exchange Act," 7 105527
U.S.C. 1 et seq., as amended. 105528

(X) "Ineligible operator's supplier tax liability" means an 105529
amount equal to the tax liability of all suppliers of a 105530
distribution center had the distribution center not been issued a 105531
qualifying certificate for the qualifying year. Ineligible 105532
operator's supplier tax liability shall not include interest or 105533
penalties. The tax commissioner shall determine an ineligible 105534
operator's supplier tax liability based on information that the 105535
commissioner may request from the operator of the distribution 105536
center. An operator shall provide a list of all suppliers of the 105537
distribution center and the corresponding costs of qualified 105538
property for the qualifying year at issue within sixty days of a 105539
request by the commissioner under this division. 105540

(ii)(I) If the distribution center is new and was not open 105541
for the entire qualifying period, the operator of the distribution 105542

center may request that the commissioner grant a qualifying 105543
certificate. If the certificate is granted and it is later 105544
determined that more than fifty per cent of the qualified property 105545
during that year was not shipped to a location such that it would 105546
be sitused outside of this state under the provisions of division 105547
(E) of section 5751.033 of the Revised Code or if it is later 105548
determined that the person that operates the distribution center 105549
had average monthly costs from its suppliers of less than forty 105550
million dollars during that year, then the operator of the 105551
distribution center shall pay the ineligible operator's supplier 105552
tax liability. (For purposes of division (F)(2)(z)(ii) of this 105553
section, "supplier" excludes any person that is part of the 105554
consolidated elected taxpayer group, if applicable, of the 105555
operator of the qualified distribution center.) 105556

(II) The commissioner may grant a qualifying certificate to a 105557
distribution center that does not qualify as a qualified 105558
distribution center for an entire qualifying period if the 105559
operator of the distribution center demonstrates that the business 105560
operations of the distribution center have changed or will change 105561
such that the distribution center will qualify as a qualified 105562
distribution center within thirty-six months after the date the 105563
operator first applies for a certificate. If, at the end of that 105564
thirty-six-month period, the business operations of the 105565
distribution center have not changed such that the distribution 105566
center qualifies as a qualified distribution center, the operator 105567
of the distribution center shall pay the ineligible operator's 105568
supplier tax liability for each year that the distribution center 105569
received a certificate but did not qualify as a qualified 105570
distribution center. For each year the distribution center 105571
receives a certificate under division (F)(2)(z)(ii)(II) of this 105572
section, the distribution center shall pay all applicable fees 105573
required under division (F)(2)(z) of this section and shall submit 105574
an updated business plan showing the progress the distribution 105575

center made toward qualifying as a qualified distribution center 105576
during the preceding year. 105577

(III) An operator may appeal a determination under division 105578
(F)(2)(z)(ii)(I) or (II) of this section that the ineligible 105579
operator is liable for the operator's supplier tax liability as a 105580
result of not qualifying as a qualified distribution center, as 105581
provided in section 5717.02 of the Revised Code. 105582

(iii) When filing an application for a qualifying certificate 105583
under division (F)(2)(z)(i)(VI) of this section, the operator of a 105584
qualified distribution center also shall provide documentation, as 105585
the commissioner requires, for the commissioner to ascertain the 105586
Ohio delivery percentage. The commissioner, upon issuing the 105587
qualifying certificate, also shall certify the Ohio delivery 105588
percentage. The operator of the qualified distribution center may 105589
appeal the commissioner's certification of the Ohio delivery 105590
percentage in the same manner as an appeal is taken from the 105591
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 105592
of this section. 105593

(iv)(I) In the case where the distribution center is new and 105594
not open for the entire qualifying period, the operator shall make 105595
a good faith estimate of an Ohio delivery percentage for use by 105596
suppliers in their reports of taxable gross receipts for the 105597
remainder of the qualifying period. The operator of the facility 105598
shall disclose to the suppliers that such Ohio delivery percentage 105599
is an estimate and is subject to recalculation. By the due date of 105600
the next application for a qualifying certificate, the operator 105601
shall determine the actual Ohio delivery percentage for the 105602
estimated qualifying period and proceed as provided in division 105603
(F)(2)(z)(iii) of this section with respect to the calculation and 105604
recalculation of the Ohio delivery percentage. The supplier is 105605
required to file, within sixty days after receiving notice from 105606
the operator of the qualified distribution center, amended reports 105607

for the impacted calendar quarter or quarters or calendar year, 105608
whichever the case may be. Any additional tax liability or tax 105609
overpayment shall be subject to interest but shall not be subject 105610
to the imposition of any penalty so long as the amended returns 105611
are timely filed. 105612

(II) The operator of a distribution center that receives a 105613
qualifying certificate under division (F)(2)(z)(ii)(II) of this 105614
section shall make a good faith estimate of the Ohio delivery 105615
percentage that the operator estimates will apply to the 105616
distribution center at the end of the thirty-six-month period 105617
after the operator first applied for a qualifying certificate 105618
under that division. The result of the estimate shall be 105619
multiplied by a factor of one and seventy-five one-hundredths. The 105620
product of that calculation shall be the Ohio delivery percentage 105621
used by suppliers in their reports of taxable gross receipts for 105622
each qualifying year that the distribution center receives a 105623
qualifying certificate under division (F)(2)(z)(ii)(II) of this 105624
section, except that, if the product is less than five per cent, 105625
the Ohio delivery percentage used shall be five per cent and that, 105626
if the product exceeds forty-nine per cent, the Ohio delivery 105627
percentage used shall be forty-nine per cent. 105628

(v) Qualifying certificates and Ohio delivery percentages 105629
issued by the commissioner shall be open to public inspection and 105630
shall be timely published by the commissioner. A supplier relying 105631
in good faith on a certificate issued under this division shall 105632
not be subject to tax on the qualifying distribution center 105633
receipts under division (F)(2)(z) of this section. An operator 105634
receiving a qualifying certificate is liable for the ineligible 105635
operator's supplier tax liability for each year the operator 105636
received a certificate but did not qualify as a qualified 105637
distribution center. 105638

(vi) The annual fee for a qualifying certificate shall be one 105639

hundred thousand dollars for each qualified distribution center. 105640
If a qualifying certificate is not issued, the annual fee is 105641
subject to refund after the exhaustion of all appeals provided for 105642
in division (F)(2)(z)(i)(VI) of this section. The first one 105643
hundred thousand dollars of the annual application fees collected 105644
each calendar year shall be credited to the revenue enhancement 105645
fund. The remainder of the annual application fees collected shall 105646
be distributed in the same manner required under section 5751.20 105647
of the Revised Code. 105648

(vii) The tax commissioner may require that adequate security 105649
be posted by the operator of the distribution center on appeal 105650
when the commissioner disagrees that the applicant has met the 105651
minimum thresholds for a qualified distribution center as set 105652
forth in division (F)(2)(z) of this section. 105653

(aa) Receipts of an employer from payroll deductions relating 105654
to the reimbursement of the employer for advancing moneys to an 105655
unrelated third party on an employee's behalf; 105656

(bb) Cash discounts allowed and taken; 105657

(cc) Returns and allowances; 105658

(dd) Bad debts from receipts on the basis of which the tax 105659
imposed by this chapter was paid in a prior quarterly tax payment 105660
period. For the purpose of this division, "bad debts" means any 105661
debts that have become worthless or uncollectible between the 105662
preceding and current quarterly tax payment periods, have been 105663
uncollected for at least six months, and that may be claimed as a 105664
deduction under section 166 of the Internal Revenue Code and the 105665
regulations adopted under that section, or that could be claimed 105666
as such if the taxpayer kept its accounts on the accrual basis. 105667
"Bad debts" does not include repossessed property, uncollectible 105668
amounts on property that remains in the possession of the taxpayer 105669
until the full purchase price is paid, or expenses in attempting 105670

to collect any account receivable or for any portion of the debt 105671
recovered; 105672

(ee) Any amount realized from the sale of an account 105673
receivable to the extent the receipts from the underlying 105674
transaction giving rise to the account receivable were included in 105675
the gross receipts of the taxpayer; 105676

(ff) Any receipts directly attributed to a transfer agreement 105677
or to the enterprise transferred under that agreement under 105678
section 4313.02 of the Revised Code. 105679

(gg)(i) As used in this division: 105680

(I) "Qualified uranium receipts" means receipts from the 105681
sale, exchange, lease, loan, production, processing, or other 105682
disposition of uranium within a uranium enrichment zone certified 105683
by the tax commissioner under division (F)(2)(gg)(ii) of this 105684
section. "Qualified uranium receipts" does not include any 105685
receipts with a situs in this state outside a uranium enrichment 105686
zone certified by the tax commissioner under division 105687
(F)(2)(gg)(ii) of this section. 105688

(II) "Uranium enrichment zone" means all real property that 105689
is part of a uranium enrichment facility licensed by the United 105690
States nuclear regulatory commission and that was or is owned or 105691
controlled by the United States department of energy or its 105692
successor. 105693

(ii) Any person that owns, leases, or operates real or 105694
tangible personal property constituting or located within a 105695
uranium enrichment zone may apply to the tax commissioner to have 105696
the uranium enrichment zone certified for the purpose of excluding 105697
qualified uranium receipts under division (F)(2)(gg) of this 105698
section. The application shall include such information that the 105699
tax commissioner prescribes. Within sixty days after receiving the 105700
application, the tax commissioner shall certify the zone for that 105701

purpose if the commissioner determines that the property qualifies 105702
as a uranium enrichment zone as defined in division (F)(2)(gg) of 105703
this section, or, if the tax commissioner determines that the 105704
property does not qualify, the commissioner shall deny the 105705
application or request additional information from the applicant. 105706
If the tax commissioner denies an application, the commissioner 105707
shall state the reasons for the denial. The applicant may appeal 105708
the denial of an application to the board of tax appeals pursuant 105709
to section 5717.02 of the Revised Code. If the applicant files a 105710
timely appeal, the tax commissioner shall conditionally certify 105711
the applicant's property. The conditional certification shall 105712
expire when all of the applicant's appeals are exhausted. Until 105713
final resolution of the appeal, the applicant shall retain the 105714
applicant's records in accordance with section 5751.12 of the 105715
Revised Code, notwithstanding any time limit on the preservation 105716
of records under that section. 105717

(hh) In the case of amounts collected by a licensed casino 105718
operator from casino gaming, amounts in excess of the casino 105719
operator's gross casino revenue. In this division, "casino 105720
operator" and "casino gaming" have the meanings defined in section 105721
3772.01 of the Revised Code, and "gross casino revenue" has the 105722
meaning defined in section 5753.01 of the Revised Code. 105723

(ii) Receipts realized from the sale of agricultural 105724
commodities by an agricultural commodity handler, both as defined 105725
in section 926.01 of the Revised Code, that is licensed by the 105726
director of agriculture to handle agricultural commodities in this 105727
state. 105728

(jj) Qualifying integrated supply chain receipts. 105729

As used in division (F)(2)(jj) of this section: 105730

(i) "Qualifying integrated supply chain receipts" means 105731
receipts of a qualified integrated supply chain vendor from 105732

qualified property delivered to another qualified integrated supply chain vendor or a retailer. 105733
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(ii) "Qualified property" means any of the following: 105735

(I) Component parts used to hold, contain, package, or dispense qualified products; 105736
105737

(II) Work-in-process inventory that will become, comprise, or form a component part of a qualified product capable of being sold at retail; 105738
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(III) Finished goods inventory that is a qualified product capable of being sold at retail in the inventory's present form. 105741
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(iii) "Qualified integrated supply chain vendor" means a person that is a member of an integrated supply chain and that provides integrated supply chain services from a business location within this state to either another integrated supply chain vendor with a business location in this state or a retailer. 105743
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(iv) "Qualified product" means a personal care, health, or beauty product or an aromatic product, including a candle. 105748
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(v) "Integrated supply chain" means two or more qualified integrated supply chain vendors that do not share a common owner, each have a place of business in this state that is within ten miles of each other, are primarily engaged in providing integrated supply chain services to a qualified integrated supply chain vendor or a retailer, and systematically collaborate and coordinate business operations with a retailer on the flow of tangible personal property from material sourcing through manufacturing, assembly, packaging, and delivery to the retailer to improve long-term financial performance of each vendor and the supply chain that includes the retailer. 105750
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(vi) "Integrated supply chain services" means procuring raw materials or manufacturing, processing, refining, assembling, 105761
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packaging, or repackaging tangible personal property that will 105763
eventually become finished goods inventory capable of being sold 105764
at retail by a retailer. 105765

(vii) "Retailer" means a person primarily engaged in making 105766
retail sales and includes any member of the retailer's 105767
consolidated elected taxpayer group or combined taxpayer group, 105768
whether or not that member is primarily engaged in making retail 105769
sales. 105770

(kk) Any receipts for which the tax imposed by this chapter 105771
is prohibited by the constitution or laws of the United States or 105772
the constitution of this state. 105773

(3) In the case of a taxpayer when acting as a real estate 105774
broker, "gross receipts" includes only the portion of any fee for 105775
the service of a real estate broker, or service of a real estate 105776
salesperson associated with that broker, that is retained by the 105777
broker and not paid to an associated real estate salesperson or 105778
another real estate broker. For the purposes of this division, 105779
"real estate broker" and "real estate salesperson" have the same 105780
meanings as in section 4735.01 of the Revised Code. 105781

(4) A taxpayer's method of accounting for gross receipts for 105782
a tax period shall be the same as the taxpayer's method of 105783
accounting for federal income tax purposes for the taxpayer's 105784
federal taxable year that includes the tax period. If a taxpayer's 105785
method of accounting for federal income tax purposes changes, its 105786
method of accounting for gross receipts under this chapter shall 105787
be changed accordingly. 105788

(G) "Taxable gross receipts" means gross receipts situated to 105789
this state under section 5751.033 of the Revised Code. 105790

(H) A person has "substantial nexus with this state" if any 105791
of the following applies. The person: 105792

(1) Owns or uses a part or all of its capital in this state; 105793

(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;	105794 105795
(3) Has bright-line presence in this state;	105796
(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States.	105797 105798 105799
(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:	105800 105801 105802
(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge.	105803 105804 105805 105806 105807
(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following:	105808 105809 105810
(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;	105811 105812
(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and	105813 105814 105815
(c) Any amount the person pays for services performed in this state on its behalf by another.	105816 105817
(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.	105818 105819
(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts.	105820 105821 105822
(5) Is domiciled in this state as an individual or for	105823

corporate, commercial, or other business purposes. 105824

(J) "Tangible personal property" has the same meaning as in 105825
section 5739.01 of the Revised Code. 105826

(K) "Internal Revenue Code" means the Internal Revenue Code 105827
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 105828
this chapter that is not otherwise defined has the same meaning as 105829
when used in a comparable context in the laws of the United States 105830
relating to federal income taxes unless a different meaning is 105831
clearly required. Any reference in this chapter to the Internal 105832
Revenue Code includes other laws of the United States relating to 105833
federal income taxes. 105834

(L) "Calendar quarter" means a three-month period ending on 105835
the thirty-first day of March, the thirtieth day of June, the 105836
thirtieth day of September, or the thirty-first day of December. 105837

(M) "Tax period" means the calendar quarter or calendar year 105838
on the basis of which a taxpayer is required to pay the tax 105839
imposed under this chapter. 105840

(N) "Calendar year taxpayer" means a taxpayer for which the 105841
tax period is a calendar year. 105842

(O) "Calendar quarter taxpayer" means a taxpayer for which 105843
the tax period is a calendar quarter. 105844

(P) "Agent" means a person authorized by another person to 105845
act on its behalf to undertake a transaction for the other, 105846
including any of the following: 105847

(1) A person receiving a fee to sell financial instruments; 105848

(2) A person retaining only a commission from a transaction 105849
with the other proceeds from the transaction being remitted to 105850
another person; 105851

(3) A person issuing licenses and permits under section 105852
1533.13 of the Revised Code; 105853

(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code; 105854
105855

(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code. 105856
105857

(Q) "Received" includes amounts accrued under the accrual method of accounting. 105858
105859

(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group. 105860
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Sec. 5751.02. (A) For the purpose of funding the needs of this state and its local governments, there is hereby levied a commercial activity tax on each person with taxable gross receipts for the privilege of doing business in this state. For the purposes of this chapter, "doing business" means engaging in any activity, whether legal or illegal, that is conducted for, or results in, gain, profit, or income, at any time during a calendar year. Persons on which the commercial activity tax is levied include, but are not limited to, persons with substantial nexus with this state. The tax imposed under this section is not a transactional tax and is not subject to Public Law No. 86-272, 73 Stat. 555. The tax imposed under this section is in addition to any other taxes or fees imposed under the Revised Code. The tax levied under this section is imposed on the person receiving the gross receipts and is not a tax imposed directly on a purchaser. The tax imposed by this section is an annual privilege tax for the calendar year that, in the case of calendar year taxpayers, is the annual tax period and, in the case of calendar quarter taxpayers, 105867
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contains all quarterly tax periods in the calendar year. A 105885
taxpayer is subject to the annual privilege tax for doing business 105886
during any portion of such calendar year. 105887

(B) The tax imposed by this section is a tax on the taxpayer 105888
and shall not be billed or invoiced to another person. Even if the 105889
tax or any portion thereof is billed or invoiced and separately 105890
stated, such amounts remain part of the price for purposes of the 105891
sales and use taxes levied under Chapters 5739. and 5741. of the 105892
Revised Code. Nothing in division (B) of this section prohibits: 105893

(1) A person from including in the price charged for a good 105894
or service an amount sufficient to recover the tax imposed by this 105895
section; or 105896

(2) A lessor from including an amount sufficient to recover 105897
the tax imposed by this section in a lease payment charged, or 105898
from including such an amount on a billing or invoice pursuant to 105899
the terms of a written lease agreement providing for the recovery 105900
of the lessor's tax costs. The recovery of such costs shall be 105901
based on an estimate of the total tax cost of the lessor during 105902
the tax period, as the tax liability of the lessor cannot be 105903
calculated until the end of that period. 105904

(C)(1) The commercial activities tax receipts fund is hereby 105905
created in the state treasury and shall consist of money arising 105906
from the tax imposed under this chapter. Eighty-five 105907
one-hundredths of one per cent of the money credited to that fund 105908
shall be credited to the revenue enhancement fund and shall be 105909
used to defray the costs incurred by the department of taxation in 105910
administering the tax imposed by this chapter and in implementing 105911
tax reform measures. The remainder of the money in the commercial 105912
activities tax receipts fund shall first be credited to the 105913
commercial activity tax motor fuel receipts fund, pursuant to 105914
division (C)(2) of this section, and the remainder shall be 105915

credited in the following percentages each fiscal year to the 105916
general revenue fund, to the school district tangible property tax 105917
replacement fund, which is hereby created in the state treasury 105918
for the purpose of making the payments described in section 105919
5709.92 of the Revised Code, and to the local government tangible 105920
property tax replacement fund, which is hereby created in the 105921
state treasury for the purpose of making the payments described in 105922
section 5709.93 of the Revised Code, in the following percentages: 105923

<u>Fiscal year</u>	<u>General Revenue</u>	<u>School District</u>	<u>Local Government</u>	
	<u>Fund</u>	<u>Tangible</u>	<u>Tangible</u>	
		<u>Property Tax</u>	<u>Property Tax</u>	
		<u>Replacement Fund</u>	<u>Replacement Fund</u>	
<u>2014 and 2015</u>	<u>50.0%</u>	<u>35.0%</u>	<u>15.0%</u>	105925
<u>2016 and</u>	<u>75.0%</u>	<u>20.0%</u>	<u>5.0%</u>	105926
<u>thereafter</u>				

(2) Not later than the twentieth day of February, May, 105927
August, and November of each year, the commissioner shall provide 105928
for payment from the commercial activities tax receipts fund to 105929
the commercial activity tax motor fuel receipts fund an amount 105930
that bears the same ratio to the balance in the commercial 105931
activities tax receipts fund that (a) the taxable gross receipts 105932
attributed to motor fuel used for propelling vehicles on public 105933
highways as indicated by returns filed by the tenth day of that 105934
month for a liability that is due and payable on or after July 1, 105935
2013, for a tax period ending before July 1, 2014, bears to (b) 105936
all taxable gross receipts as indicated by those returns for such 105937
liabilities. 105938

(D)(1) If the total amount in the school district tangible 105939
property tax replacement fund is insufficient to make all payments 105940
under section 5709.92 of the Revised Code at the times the 105941
payments are to be made, the director of budget and management 105942
shall transfer from the general revenue fund to the school 105943

district tangible property tax replacement fund the difference 105944
between the total amount to be paid and the amount in the school 105945
district tangible property tax replacement fund. 105946

(2) If the total amount in the local government tangible 105947
property tax replacement fund is insufficient to make all payments 105948
under section 5709.93 of the Revised Code at the times the 105949
payments are to be made, the director of budget and management 105950
shall transfer from the general revenue fund to the local 105951
government tangible property tax replacement fund the difference 105952
between the total amount to be paid and the amount in the local 105953
government tangible property tax replacement fund. 105954

(E)(1) On or after the first day of June of each year, the 105955
director of budget and management may transfer any balance in the 105956
school district tangible property tax replacement fund to the 105957
general revenue fund. 105958

(2) On or after the first day of June of each year, the 105959
director of budget and management may transfer any balance in the 105960
local government tangible property tax replacement fund to the 105961
general revenue fund. 105962

(F)(1) There is hereby created in the state treasury the 105963
commercial activity tax motor fuel receipts fund. 105964

(2) On or before the fifteenth day of June of each fiscal 105965
year beginning with fiscal year 2015, the director of the Ohio 105966
public works commission shall certify to the director of budget 105967
and management the amount of debt service paid from the general 105968
revenue fund in the current fiscal year on bonds issued to finance 105969
or assist in the financing of the cost of local subdivision public 105970
infrastructure capital improvement projects, as provided for in 105971
Sections 2k, 2m, and 2p of Article VIII, Ohio Constitution, that 105972
are attributable to costs for construction, reconstruction, 105973
maintenance, or repair of public highways and bridges and other 105974

statutory highway purposes. That certification shall allocate the 105975
total amount of debt service paid from the general revenue fund 105976
and attributable to those costs in the current fiscal year 105977
according to the applicable section of the Ohio Constitution under 105978
which the bonds were originally issued. 105979

(3) On or before the thirtieth day of June of each fiscal 105980
year beginning with fiscal year 2015, the director of budget and 105981
management shall determine an amount up to but not exceeding the 105982
amount certified under division (F)(2) of this section and shall 105983
reserve that amount from the cash balance in the petroleum 105984
activity tax public highways fund or the commercial activity tax 105985
motor fuel receipts fund for transfer to the general revenue fund 105986
at times and in amounts to be determined by the director. The 105987
director shall transfer the cash balance in the petroleum activity 105988
tax public highways fund or the commercial activity tax motor fuel 105989
receipts fund in excess of the amount so reserved to the highway 105990
operating fund on or before the thirtieth day of June of the 105991
current fiscal year. 105992

Sec. 5751.20. ~~(A)~~ No determinations, computations, 105993
certifications, or payments shall be made under this section after 105994
June 30, 2015. 105995

(A) As used in sections 5751.20 to 5751.22 of the Revised 105996
Code: 105997

(1) "School district," "joint vocational school district," 105998
"local taxing unit," "recognized valuation," "fixed-rate levy," 105999
and "fixed-sum levy" have the same meanings as used in section 106000
5727.84 of the Revised Code. 106001

(2) "State education aid" for a school district means the 106002
following: 106003

(a) For fiscal years prior to fiscal year 2010, the sum of 106004

state aid amounts computed for the district under the following provisions, as they existed for the applicable fiscal year: division (A) of section 3317.022 of the Revised Code, including the amounts calculated under former section 3317.029 and section 3317.0217 of the Revised Code; divisions (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; divisions (B), (C), and (D) of section 3317.023; divisions (L) and (N) of section 3317.024; section 3317.0216; and any unit payments for gifted student services paid under section 3317.05 and former sections 3317.052 and 3317.053 of the Revised Code; except that, for fiscal years 2008 and 2009, the amount computed for the district under Section 269.20.80 of H.B. 119 of the 127th general assembly and as that section subsequently may be amended shall be substituted for the amount computed under division (D) of section 3317.022 of the Revised Code, and the amount computed under Section 269.30.80 of H.B. 119 of the 127th general assembly and as that section subsequently may be amended shall be included.

(b) For fiscal years 2010 and 2011, the sum of the amounts computed under former sections 3306.052, 3306.12, 3306.13, 3306.19, 3306.191, and 3306.192 of the Revised Code;

(c) For fiscal years 2012 and 2013, the sum of the amounts paid under Sections 267.30.50, 267.30.53, and 267.30.56 of H.B. 153 of the 129th general assembly;

(d) For fiscal year 2014 and each fiscal year thereafter, the sum of state amounts computed for the district under section 3317.022 of the Revised Code; except that, for fiscal years 2014 and 2015, the amount computed for the district under the section of this act entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" shall be included.

(3) "State education aid" for a joint vocational school district means the following:

(a) For fiscal years prior to fiscal year 2010, the sum of the state aid computed for the district under division (N) of section 3317.024 and former section 3317.16 of the Revised Code, except that, for fiscal years 2008 and 2009, the amount computed under Section 269.30.80 of H.B. 119 of the 127th general assembly and as that section subsequently may be amended shall be included.

(b) For fiscal years 2010 and 2011, the amount paid in accordance with Section 265.30.50 of H.B. 1 of the 128th general assembly.

(c) For fiscal years 2012 and 2013, the amount paid in accordance with Section 267.30.60 of H.B. 153 of the 129th general assembly.

(d) For fiscal year 2014 and each fiscal year thereafter, the amount computed for the district under section 3317.16 of the Revised Code; except that, for fiscal years 2014 and 2015, the amount computed for the district under the section of this act entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" shall be included.

(4) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5751.21 of the Revised Code.

(5) "Machinery and equipment property tax value loss" means the amount determined under division (C)(1) of this section.

(6) "Inventory property tax value loss" means the amount determined under division (C)(2) of this section.

(7) "Furniture and fixtures property tax value loss" means the amount determined under division (C)(3) of this section.

(8) "Machinery and equipment fixed-rate levy loss" means the amount determined under division (D)(1) of this section.

(9) "Inventory fixed-rate levy loss" means the amount

determined under division (D)(2) of this section. 106066

(10) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section. 106067
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(11) "Total fixed-rate levy loss" means the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, the furniture and fixtures fixed-rate levy loss, and the telephone company fixed-rate levy loss. 106069
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(12) "Fixed-sum levy loss" means the amount determined under division (E) of this section. 106073
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(13) "Machinery and equipment" means personal property subject to the assessment rate specified in division (F) of section 5711.22 of the Revised Code. 106075
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(14) "Inventory" means personal property subject to the assessment rate specified in division (E) of section 5711.22 of the Revised Code. 106078
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(15) "Furniture and fixtures" means personal property subject to the assessment rate specified in division (G) of section 5711.22 of the Revised Code. 106081
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(16) "Qualifying levies" are levies in effect for tax year 2004 or applicable to tax year 2005 or approved at an election conducted before September 1, 2005. For the purpose of determining the rate of a qualifying levy authorized by section 5705.212 or 5705.213 of the Revised Code, the rate shall be the rate that would be in effect for tax year 2010. 106084
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(17) "Telephone property" means tangible personal property of a telephone, telegraph, or interexchange telecommunications company subject to an assessment rate specified in section 5727.111 of the Revised Code in tax year 2004. 106090
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(18) "Telephone property tax value loss" means the amount determined under division (C)(4) of this section. 106094
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- (19) "Telephone property fixed-rate levy loss" means the amount determined under division (D)(4) of this section. 106096
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- (20) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code. 106098
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- (21) "Median estate tax collections" means, in the case of a municipal corporation to which revenue from the taxes levied in Chapter 5731. of the Revised Code was distributed in each of calendar years 2006, 2007, 2008, and 2009, the median of those distributions. In the case of a municipal corporation to which no distributions were made in one or more of those years, "median estate tax collections" means zero. 106102
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- (22) "Total resources," in the case of a school district, means the sum of the amounts in divisions (A)(22)(a) to (h) of this section less any reduction required under division (A)(32) or (33) of this section. 106109
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106112
- (a) The state education aid for fiscal year 2010; 106113
- (b) The sum of the payments received by the school district in fiscal year 2010 for current expense levy losses pursuant to division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of section 5751.21 of the Revised Code, excluding the portion of such payments attributable to levies for joint vocational school district purposes; 106114
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106119
- (c) The sum of fixed-sum levy loss payments received by the school district in fiscal year 2010 pursuant to division (E)(1) of section 5727.85 and division (E)(1) of section 5751.21 of the Revised Code for fixed-sum levies charged and payable for a purpose other than paying debt charges; 106120
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106124
- (d) Fifty per cent of the school district's taxes charged and payable against all property on the tax list of real and public 106125
106126

utility property for current expense purposes for tax year 2008, 106127
including taxes charged and payable from emergency levies charged 106128
and payable under section 5709.194 of the Revised Code and 106129
excluding taxes levied for joint vocational school district 106130
purposes; 106131

(e) Fifty per cent of the school district's taxes charged and 106132
payable against all property on the tax list of real and public 106133
utility property for current expenses for tax year 2009, including 106134
taxes charged and payable from emergency levies and excluding 106135
taxes levied for joint vocational school district purposes; 106136

(f) The school district's taxes charged and payable against 106137
all property on the general tax list of personal property for 106138
current expenses for tax year 2009, including taxes charged and 106139
payable from emergency levies; 106140

(g) The amount certified for fiscal year 2010 under division 106141
(A)(2) of section 3317.08 of the Revised Code; 106142

(h) Distributions received during calendar year 2009 from 106143
taxes levied under section 718.09 of the Revised Code. 106144

(23) "Total resources," in the case of a joint vocational 106145
school district, means the sum of amounts in divisions (A)(23)(a) 106146
to (g) of this section less any reduction required under division 106147
(A)(32) of this section. 106148

(a) The state education aid for fiscal year 2010; 106149

(b) The sum of the payments received by the joint vocational 106150
school district in fiscal year 2010 for current expense levy 106151
losses pursuant to division (C)(2) of section 5727.85 and 106152
divisions (C)(8) and (9) of section 5751.21 of the Revised Code; 106153

(c) Fifty per cent of the joint vocational school district's 106154
taxes charged and payable against all property on the tax list of 106155
real and public utility property for current expense purposes for 106156

tax year 2008;	106157
(d) Fifty per cent of the joint vocational school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses for tax year 2009;	106158 106159 106160 106161
(e) Fifty per cent of a city, local, or exempted village school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses of the joint vocational school district for tax year 2008;	106162 106163 106164 106165 106166
(f) Fifty per cent of a city, local, or exempted village school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses of the joint vocational school district for tax year 2009;	106167 106168 106169 106170 106171
(g) The joint vocational school district's taxes charged and payable against all property on the general tax list of personal property for current expenses for tax year 2009.	106172 106173 106174
(24) "Total resources," in the case of county mental health and disability related functions, means the sum of the amounts in divisions (A)(24)(a) and (b) of this section less any reduction required under division (A)(32) of this section.	106175 106176 106177 106178
(a) The sum of the payments received by the county for mental health and developmental disability related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;	106179 106180 106181 106182 106183
(b) With respect to taxes levied by the county for mental health and developmental disability related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.	106184 106185 106186 106187

(25) "Total resources," in the case of county senior services 106188
related functions, means the sum of the amounts in divisions 106189
(A)(25)(a) and (b) of this section less any reduction required 106190
under division (A)(32) of this section. 106191

(a) The sum of the payments received by the county for senior 106192
services related functions in calendar year 2010 under division 106193
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 106194
5751.22 of the Revised Code as they existed at that time; 106195

(b) With respect to taxes levied by the county for senior 106196
services related purposes, the taxes charged and payable for such 106197
purposes against all property on the tax list of real and public 106198
utility property for tax year 2009. 106199

(26) "Total resources," in the case of county children's 106200
services related functions, means the sum of the amounts in 106201
divisions (A)(26)(a) and (b) of this section less any reduction 106202
required under division (A)(32) of this section. 106203

(a) The sum of the payments received by the county for 106204
children's services related functions in calendar year 2010 under 106205
division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of 106206
section 5751.22 of the Revised Code as they existed at that time; 106207

(b) With respect to taxes levied by the county for children's 106208
services related purposes, the taxes charged and payable for such 106209
purposes against all property on the tax list of real and public 106210
utility property for tax year 2009. 106211

(27) "Total resources," in the case of county public health 106212
related functions, means the sum of the amounts in divisions 106213
(A)(27)(a) and (b) of this section less any reduction required 106214
under division (A)(32) of this section. 106215

(a) The sum of the payments received by the county for public 106216
health related functions in calendar year 2010 under division 106217
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 106218

5751.22 of the Revised Code as they existed at that time; 106219

(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009. 106220
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(28) "Total resources," in the case of all county functions not included in divisions (A)(24) to (27) of this section, means the sum of the amounts in divisions (A)(28)(a) to (d) of this section less any reduction required under division (A)(32) or (33) of this section. 106224
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106228

(a) The sum of the payments received by the county for all other purposes in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time; 106229
106230
106231
106232

(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund; 106233
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(c) With respect to taxes levied by the county for all other purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009, excluding taxes charged and payable for the purpose of paying debt charges; 106240
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106244

(d) The sum of the amounts distributed to the county in calendar year 2010 for the taxes levied pursuant to sections 5739.021 and 5741.021 of the Revised Code. 106245
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(29) "Total resources," in the case of a municipal corporation, means the sum of the amounts in divisions (A)(29)(a) 106248
106249

to (g) of this section less any reduction required under division 106250
(A)(32) or (33) of this section. 106251

(a) The sum of the payments received by the municipal 106252
corporation in calendar year 2010 for current expense levy losses 106253
under division (A)(1) of section 5727.86 and divisions (A)(1) and 106254
(2) of section 5751.22 of the Revised Code as they existed at that 106255
time; 106256

(b) The municipal corporation's percentage share of county 106257
undivided local government fund allocations as certified to the 106258
tax commissioner for calendar year 2010 by the county auditor 106259
under division (J) of section 5747.51 of the Revised Code or 106260
division (F) of section 5747.53 of the Revised Code multiplied by 106261
the total amount actually distributed in calendar year 2010 from 106262
the county undivided local government fund; 106263

(c) The sum of the amounts distributed to the municipal 106264
corporation in calendar year 2010 pursuant to section 5747.50 of 106265
the Revised Code; 106266

(d) With respect to taxes levied by the municipal 106267
corporation, the taxes charged and payable against all property on 106268
the tax list of real and public utility property for current 106269
expenses, defined in division (A)(35) of this section, for tax 106270
year 2009; 106271

(e) The amount of admissions tax collected by the municipal 106272
corporation in calendar year 2008, or if such information has not 106273
yet been reported to the tax commissioner, in the most recent year 106274
before 2008 for which the municipal corporation has reported data 106275
to the commissioner; 106276

(f) The amount of income taxes collected by the municipal 106277
corporation in calendar year 2008, or if such information has not 106278
yet been reported to the tax commissioner, in the most recent year 106279
before 2008 for which the municipal corporation has reported data 106280

to the commissioner; 106281

(g) The municipal corporation's median estate tax 106282
collections. 106283

(30) "Total resources," in the case of a township, means the 106284
sum of the amounts in divisions (A)(30)(a) to (c) of this section 106285
less any reduction required under division (A)(32) or (33) of this 106286
section. 106287

(a) The sum of the payments received by the township in 106288
calendar year 2010 pursuant to division (A)(1) of section 5727.86 106289
of the Revised Code and divisions (A)(1) and (2) of section 106290
5751.22 of the Revised Code as they existed at that time, 106291
excluding payments received for debt purposes; 106292

(b) The township's percentage share of county undivided local 106293
government fund allocations as certified to the tax commissioner 106294
for calendar year 2010 by the county auditor under division (J) of 106295
section 5747.51 of the Revised Code or division (F) of section 106296
5747.53 of the Revised Code multiplied by the total amount 106297
actually distributed in calendar year 2010 from the county 106298
undivided local government fund; 106299

(c) With respect to taxes levied by the township, the taxes 106300
charged and payable against all property on the tax list of real 106301
and public utility property for tax year 2009 excluding taxes 106302
charged and payable for the purpose of paying debt charges. 106303

(31) "Total resources," in the case of a local taxing unit 106304
that is not a county, municipal corporation, or township, means 106305
the sum of the amounts in divisions (A)(31)(a) to (e) of this 106306
section less any reduction required under division (A)(32) of this 106307
section. 106308

(a) The sum of the payments received by the local taxing unit 106309
in calendar year 2010 pursuant to division (A)(1) of section 106310
5727.86 of the Revised Code and divisions (A)(1) and (2) of 106311

section 5751.22 of the Revised Code as they existed at that time; 106312

(b) The local taxing unit's percentage share of county 106313
undivided local government fund allocations as certified to the 106314
tax commissioner for calendar year 2010 by the county auditor 106315
under division (J) of section 5747.51 of the Revised Code or 106316
division (F) of section 5747.53 of the Revised Code multiplied by 106317
the total amount actually distributed in calendar year 2010 from 106318
the county undivided local government fund; 106319

(c) With respect to taxes levied by the local taxing unit, 106320
the taxes charged and payable against all property on the tax list 106321
of real and public utility property for tax year 2009 excluding 106322
taxes charged and payable for the purpose of paying debt charges; 106323

(d) The amount received from the tax commissioner during 106324
calendar year 2010 for sales or use taxes authorized under 106325
sections 5739.023 and 5741.022 of the Revised Code; 106326

(e) For institutions of higher education receiving tax 106327
revenue from a local levy, as identified in section 3358.02 of the 106328
Revised Code, the final state share of instruction allocation for 106329
fiscal year 2010 as calculated by the ~~board of regents~~ chancellor 106330
of higher education and reported to the state controlling board. 106331

(32) If a fixed-rate levy that is a qualifying levy is not 106332
charged and payable in any year after tax year 2010, "total 106333
resources" used to compute payments to be made under division 106334
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 106335
5751.22 of the Revised Code in the tax years following the last 106336
year the levy is charged and payable shall be reduced to the 106337
extent that the payments are attributable to the fixed-rate levy 106338
loss of that levy as would be computed under division (C)(2) of 106339
section 5727.85, division (A)(1) of section 5727.85, divisions 106340
(C)(8) and (9) of section 5751.21, or division (A)(1) of section 106341
5751.22 of the Revised Code. 106342

(33) In the case of a county, municipal corporation, school district, or township with fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code, "total resources" used to compute payments to be made under division (C)(3) of section 5727.85, division (A)(1)(d) of section 5727.86, division (C)(12) of section 5751.21, or division (A)(1)(c) of section 5751.22 of the Revised Code shall be reduced by the amounts described in divisions (A)(34)(a) to (c) of this section to the extent that those amounts were included in calculating the "total resources" of the school district or local taxing unit under division (A)(22), (28), (29), or (30) of this section.

(34) "Total library resources," in the case of a county, municipal corporation, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code, means the sum of the amounts in divisions (A)(34)(a) to (c) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county, municipal corporation, school district, or township public library in calendar year 2010 pursuant to sections 5727.86 and 5751.22 of the Revised Code, as they existed at that time, for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code for the benefit of the public library;

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

(c) With respect to a tax levied pursuant to section 5705.23 of the Revised Code for the benefit of the public library, the

amount of such tax that is charged and payable against all 106375
property on the tax list of real and public utility property for 106376
tax year 2009 excluding any tax that is charged and payable for 106377
the purpose of paying debt charges. 106378

(35) "Municipal current expense property tax levies" means 106379
all property tax levies of a municipality, except those with the 106380
following levy names: airport resurfacing; bond or any levy name 106381
including the word "bond"; capital improvement or any levy name 106382
including the word "capital"; debt or any levy name including the 106383
word "debt"; equipment or any levy name including the word 106384
"equipment," unless the levy is for combined operating and 106385
equipment; employee termination fund; fire pension or any levy 106386
containing the word "pension," including police pensions; 106387
fireman's fund or any practically similar name; sinking fund; road 106388
improvements or any levy containing the word "road"; fire truck or 106389
apparatus; flood or any levy containing the word "flood"; 106390
conservancy district; county health; note retirement; sewage, or 106391
any levy containing the words "sewage" or "sewer"; park 106392
improvement; parkland acquisition; storm drain; street or any levy 106393
name containing the word "street"; lighting, or any levy name 106394
containing the word "lighting"; and water. 106395

(36) "Current expense TPP allocation" means, in the case of a 106396
school district or joint vocational school district, the sum of 106397
the payments received by the school district in fiscal year 2011 106398
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 106399
Revised Code to the extent paid for current expense levies. In the 106400
case of a municipal corporation, "current expense TPP allocation" 106401
means the sum of the payments received by the municipal 106402
corporation in calendar year 2010 pursuant to divisions (A)(1) and 106403
(2) of section 5751.22 of the Revised Code to the extent paid for 106404
municipal current expense property tax levies as defined in 106405
division (A)(35) of this section, excluding any such payments 106406

received for current expense levy losses attributable to a tax 106407
levied under section 5705.23 of the Revised Code. If a fixed-rate 106408
levy that is a qualifying levy is not charged and payable in any 106409
year after tax year 2010, "current expense TPP allocation" used to 106410
compute payments to be made under division (C)(12) of section 106411
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 106412
Revised Code in the tax years following the last year the levy is 106413
charged and payable shall be reduced to the extent that the 106414
payments are attributable to the fixed-rate levy loss of that levy 106415
as would be computed under divisions (C)(10) and (11) of section 106416
5751.21 or division (A)(1) of section 5751.22 of the Revised Code. 106417

(37) "TPP allocation" means the sum of payments received by a 106418
local taxing unit in calendar year 2010 pursuant to divisions 106419
(A)(1) and (2) of section 5751.22 of the Revised Code, excluding 106420
any such payments received for fixed-rate levy losses attributable 106421
to a tax levied under section 5705.23 of the Revised Code. If a 106422
fixed-rate levy that is a qualifying levy is not charged and 106423
payable in any year after tax year 2010, "TPP allocation" used to 106424
compute payments to be made under division (A)(1)(b) or (c) of 106425
section 5751.22 of the Revised Code in the tax years following the 106426
last year the levy is charged and payable shall be reduced to the 106427
extent that the payments are attributable to the fixed-rate levy 106428
loss of that levy as would be computed under division (A)(1) of 106429
that section. 106430

(38) "Total TPP allocation" means, in the case of a school 106431
district or joint vocational school district, the sum of the 106432
amounts received in fiscal year 2011 pursuant to divisions (C)(10) 106433
and (11) and (D) of section 5751.21 of the Revised Code. In the 106434
case of a local taxing unit, "total TPP allocation" means the sum 106435
of payments received by the unit in calendar year 2010 pursuant to 106436
divisions (A)(1), (2), and (3) of section 5751.22 of the Revised 106437
Code. If a fixed-rate levy that is a qualifying levy is not 106438

charged and payable in any year after tax year 2010, "total TPP 106439
allocation" used to compute payments to be made under division 106440
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 106441
5751.22 of the Revised Code in the tax years following the last 106442
year the levy is charged and payable shall be reduced to the 106443
extent that the payments are attributable to the fixed-rate levy 106444
loss of that levy as would be computed under divisions (C)(10) and 106445
(11) of section 5751.21 or division (A)(1) of section 5751.22 of 106446
the Revised Code. 106447

(39) "Non-current expense TPP allocation" means the 106448
difference of total TPP allocation minus the sum of current 106449
expense TPP allocation and the portion of total TPP allocation 106450
constituting reimbursement for debt levies, pursuant to division 106451
(D) of section 5751.21 of the Revised Code in the case of a school 106452
district or joint vocational school district and pursuant to 106453
division (A)(3) of section 5751.22 of the Revised Code in the case 106454
of a municipal corporation. 106455

(40) "TPP allocation for library purposes" means the sum of 106456
payments received by a county, municipal corporation, school 106457
district, or township public library in calendar year 2010 106458
pursuant to section 5751.22 of the Revised Code for fixed-rate 106459
levy losses attributable to a tax levied under section 5705.23 of 106460
the Revised Code. If a fixed-rate levy authorized under section 106461
5705.23 of the Revised Code that is a qualifying levy is not 106462
charged and payable in any year after tax year 2010, "TPP 106463
allocation for library purposes" used to compute payments to be 106464
made under division (A)(1)(d) of section 5751.22 of the Revised 106465
Code in the tax years following the last year the levy is charged 106466
and payable shall be reduced to the extent that the payments are 106467
attributable to the fixed-rate levy loss of that levy as would be 106468
computed under division (A)(1) of section 5751.22 of the Revised 106469
Code. 106470

(41) "Threshold per cent" means, in the case of a school district or joint vocational school district, two per cent for fiscal year 2012 and four per cent for fiscal years 2013 and thereafter. In the case of a local taxing unit or public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code, "threshold per cent" means two per cent for tax year 2011, four per cent for tax year 2012, and six per cent for tax years 2013 and thereafter.

(B)(1) The commercial activities tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed under this chapter. Eighty-five one-hundredths of one per cent of the money credited to that fund shall be credited to the revenue enhancement fund and shall be used to defray the costs incurred by the department of taxation in administering the tax imposed by this chapter and in implementing tax reform measures. The remainder of the money in the commercial activities tax receipts fund shall first be credited to the commercial activity tax motor fuel receipts fund, pursuant to division (B)(2) of this section, and the remainder shall be credited in the following percentages each fiscal year to the general revenue fund, to the school district tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5751.21 of the Revised Code, and to the local government tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5751.22 of the Revised Code, in the following percentages:

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	106499

2007	0%	70.0%	30.0%	106500
2008	0%	70.0%	30.0%	106501
2009	0%	70.0%	30.0%	106502
2010	0%	70.0%	30.0%	106503
2011	0%	70.0%	30.0%	106504
2012	25.0%	52.5%	22.5%	106505
2013 and thereafter	50.0%	35.0%	15.0%	106506

(2) Not later than the twentieth day of February, May, August, and November of each year, the commissioner shall provide for payment from the commercial activities tax receipts fund to the commercial activity tax motor fuel receipts fund an amount that bears the same ratio to the balance in the commercial activities tax receipts fund that (a) the taxable gross receipts attributed to motor fuel used for propelling vehicles on public highways as indicated by returns filed by the tenth day of that month for a liability that is due and payable on or after July 1, 2013, for a tax period ending before July 1, 2014, bears to (b) all taxable gross receipts as indicated by those returns for such liabilities.

(C) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory property, furniture and fixtures property, and telephone property tax value losses, which are the applicable amounts described in divisions (C)(1), (2), (3), and (4) of this section, except as provided in division (C)(5) of this section:

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, thirty-three and eight-tenths per cent;

(b) For tax year 2007, sixty-one and three-tenths per cent; 106531

(c) For tax year 2008, eighty-three per cent; 106532

(d) For tax year 2009 and thereafter, one hundred per cent. 106533

(2) Inventory property tax value loss is the taxable value of 106534
inventory property as reported by taxpayers for tax year 2004 106535
multiplied by: 106536

(a) For tax year 2006, a fraction, the numerator of which is 106537
five and three-fourths and the denominator of which is 106538
twenty-three; 106539

(b) For tax year 2007, a fraction, the numerator of which is 106540
nine and one-half and the denominator of which is twenty-three; 106541

(c) For tax year 2008, a fraction, the numerator of which is 106542
thirteen and one-fourth and the denominator of which is 106543
twenty-three; 106544

(d) For tax year 2009 and thereafter a fraction, the 106545
numerator of which is seventeen and the denominator of which is 106546
twenty-three. 106547

(3) Furniture and fixtures property tax value loss is the 106548
taxable value of furniture and fixture property as reported by 106549
taxpayers for tax year 2004 multiplied by: 106550

(a) For tax year 2006, twenty-five per cent; 106551

(b) For tax year 2007, fifty per cent; 106552

(c) For tax year 2008, seventy-five per cent; 106553

(d) For tax year 2009 and thereafter, one hundred per cent. 106554

The taxable value of property reported by taxpayers used in 106555
divisions (C)(1), (2), and (3) of this section shall be such 106556
values as determined to be final by the tax commissioner as of 106557
August 31, 2005. Such determinations shall be final except for any 106558
correction of a clerical error that was made prior to August 31, 106559

2005, by the tax commissioner. 106560

(4) Telephone property tax value loss is the taxable value of 106561
telephone property as taxpayers would have reported that property 106562
for tax year 2004 if the assessment rate for all telephone 106563
property for that year were twenty-five per cent, multiplied by: 106564

(a) For tax year 2006, zero per cent; 106565

(b) For tax year 2007, zero per cent; 106566

(c) For tax year 2008, zero per cent; 106567

(d) For tax year 2009, sixty per cent; 106568

(e) For tax year 2010, eighty per cent; 106569

(f) For tax year 2011 and thereafter, one hundred per cent. 106570

(5) Division (C)(5) of this section applies to any school 106571
district, joint vocational school district, or local taxing unit 106572
in a county in which is located a facility currently or formerly 106573
devoted to the enrichment or commercialization of uranium or 106574
uranium products, and for which the total taxable value of 106575
property listed on the general tax list of personal property for 106576
any tax year from tax year 2001 to tax year 2004 was fifty per 106577
cent or less of the taxable value of such property listed on the 106578
general tax list of personal property for the next preceding tax 106579
year. 106580

In computing the fixed-rate levy losses under divisions 106581
(D)(1), (2), and (3) of this section for any school district, 106582
joint vocational school district, or local taxing unit to which 106583
division (C)(5) of this section applies, the taxable value of such 106584
property as listed on the general tax list of personal property 106585
for tax year 2000 shall be substituted for the taxable value of 106586
such property as reported by taxpayers for tax year 2004, in the 106587
taxing district containing the uranium facility, if the taxable 106588
value listed for tax year 2000 is greater than the taxable value 106589

reported by taxpayers for tax year 2004. For the purpose of making 106590
the computations under divisions (D)(1), (2), and (3) of this 106591
section, the tax year 2000 valuation is to be allocated to 106592
machinery and equipment, inventory, and furniture and fixtures 106593
property in the same proportions as the tax year 2004 values. For 106594
the purpose of the calculations in division (A) of section 5751.21 106595
of the Revised Code, the tax year 2004 taxable values shall be 106596
used. 106597

To facilitate the calculations required under division (C) of 106598
this section, the county auditor, upon request from the tax 106599
commissioner, shall provide by August 1, 2005, the values of 106600
machinery and equipment, inventory, and furniture and fixtures for 106601
all single-county personal property taxpayers for tax year 2004. 106602

(D) Not later than September 15, 2005, the tax commissioner 106603
shall determine for each tax year from 2006 through 2009 for each 106604
school district, joint vocational school district, and local 106605
taxing unit its machinery and equipment, inventory, and furniture 106606
and fixtures fixed-rate levy losses, and for each tax year from 106607
2006 through 2011 its telephone property fixed-rate levy loss. 106608
Except as provided in division (F) of this section, such losses 106609
are the applicable amounts described in divisions (D)(1), (2), 106610
(3), and (4) of this section: 106611

(1) The machinery and equipment fixed-rate levy loss is the 106612
machinery and equipment property tax value loss multiplied by the 106613
sum of the tax rates of fixed-rate qualifying levies. 106614

(2) The inventory fixed-rate loss is the inventory property 106615
tax value loss multiplied by the sum of the tax rates of 106616
fixed-rate qualifying levies. 106617

(3) The furniture and fixtures fixed-rate levy loss is the 106618
furniture and fixture property tax value loss multiplied by the 106619
sum of the tax rates of fixed-rate qualifying levies. 106620

(4) The telephone property fixed-rate levy loss is the 106621
telephone property tax value loss multiplied by the sum of the tax 106622
rates of fixed-rate qualifying levies. 106623

(E) Not later than September 15, 2005, the tax commissioner 106624
shall determine for each school district, joint vocational school 106625
district, and local taxing unit its fixed-sum levy loss. The 106626
fixed-sum levy loss is the amount obtained by subtracting the 106627
amount described in division (E)(2) of this section from the 106628
amount described in division (E)(1) of this section: 106629

(1) The sum of the machinery and equipment property tax value 106630
loss, the inventory property tax value loss, and the furniture and 106631
fixtures property tax value loss, and, for 2008 through 2010, the 106632
telephone property tax value loss of the district or unit 106633
multiplied by the sum of the fixed-sum tax rates of qualifying 106634
levies. For 2006 through 2010, this computation shall include all 106635
qualifying levies remaining in effect for the current tax year and 106636
any school district levies charged and payable under section 106637
5705.194 or 5705.213 of the Revised Code that are qualifying 106638
levies not remaining in effect for the current year. For 2011 106639
through 2017 in the case of school district levies charged and 106640
payable under section 5705.194 or 5705.213 of the Revised Code and 106641
for all years after 2010 in the case of other fixed-sum levies, 106642
this computation shall include only qualifying levies remaining in 106643
effect for the current year. For purposes of this computation, a 106644
qualifying school district levy charged and payable under section 106645
5705.194 or 5705.213 of the Revised Code remains in effect in a 106646
year after 2010 only if, for that year, the board of education 106647
levies a school district levy charged and payable under section 106648
5705.194, 5705.199, 5705.213, or 5705.219 of the Revised Code for 106649
an annual sum at least equal to the annual sum levied by the board 106650
in tax year 2004 less the amount of the payment certified under 106651
this division for 2006. 106652

(2) The total taxable value in tax year 2004 less the sum of the machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses in each school district, joint vocational school district, and local taxing unit multiplied by one-half of one mill per dollar.

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

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

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

(F) If a school district levies a tax under section 5705.219 of the Revised Code, the fixed-rate levy loss for qualifying levies, to the extent repealed under that section, shall equal the

sum of the following amounts in lieu of the amounts computed for 106685
such levies under division (D) of this section: 106686

(1) The sum of the rates of qualifying levies to the extent 106687
so repealed multiplied by the sum of the machinery and equipment, 106688
inventory, and furniture and fixtures tax value losses for 2009 as 106689
determined under that division; 106690

(2) The sum of the rates of qualifying levies to the extent 106691
so repealed multiplied by the telephone property tax value loss 106692
for 2011 as determined under that division. 106693

The fixed-rate levy losses for qualifying levies to the 106694
extent not repealed under section 5705.219 of the Revised Code 106695
shall be as determined under division (D) of this section. The 106696
revised fixed-rate levy losses determined under this division and 106697
division (D) of this section first apply in the year following the 106698
first year the district levies the tax under section 5705.219 of 106699
the Revised Code. 106700

(G) Not later than October 1, 2005, the tax commissioner 106701
shall certify to the department of education for every school 106702
district and joint vocational school district the machinery and 106703
equipment, inventory, furniture and fixtures, and telephone 106704
property tax value losses determined under division (C) of this 106705
section, the machinery and equipment, inventory, furniture and 106706
fixtures, and telephone fixed-rate levy losses determined under 106707
division (D) of this section, and the fixed-sum levy losses 106708
calculated under division (E) of this section. The calculations 106709
under divisions (D) and (E) of this section shall separately 106710
display the levy loss for each levy eligible for reimbursement. 106711

(H) Not later than October 1, 2005, the tax commissioner 106712
shall certify the amount of the fixed-sum levy losses to the 106713
county auditor of each county in which a school district, joint 106714
vocational school district, or local taxing unit with a fixed-sum 106715

levy loss reimbursement has territory. 106716

(I) Not later than the twenty-eighth day of February each 106717
year beginning in 2011 and ending in 2014, the tax commissioner 106718
shall certify to the department of education for each school 106719
district first levying a tax under section 5705.219 of the Revised 106720
Code in the preceding year the revised fixed-rate levy losses 106721
determined under divisions (D) and (F) of this section. 106722

(J)(1) There is hereby created in the state treasury the 106723
commercial activity tax motor fuel receipts fund. 106724

(2)(a) On or before June 15, 2014, the director of the Ohio 106725
public works commission shall certify to the director of budget 106726
and management the amount of debt service paid from the general 106727
revenue fund in fiscal years 2013 and 2014 on bonds issued to 106728
finance or assist in the financing of the cost of local 106729
subdivision public infrastructure capital improvement projects, as 106730
provided for in Sections 2k, 2m, and 2p of Article VIII, Ohio 106731
Constitution, that are attributable to costs for construction, 106732
reconstruction, maintenance, or repair of public highways and 106733
bridges and other statutory highway purposes. That certification 106734
shall allocate the total amount of debt service paid from the 106735
general revenue fund and attributable to those costs in each of 106736
fiscal years 2013 and 2014 according to the applicable section of 106737
the Ohio Constitution under which the bonds were originally 106738
issued. 106739

(b) On or before June 30, 2014, the director of budget and 106740
management shall determine an amount up to but not exceeding the 106741
amount certified under division (J)(2)(a) of this section and 106742
shall reserve that amount from the cash balance in the commercial 106743
activity tax motor fuel receipts fund for transfer to the general 106744
revenue fund at times and in amounts to be determined by the 106745
director. The director shall transfer the cash balance in the 106746
commercial activity tax motor fuel receipts fund in excess of the 106747

amount so reserved to the highway operating fund on or before June 30, 2014. 106748
106749

(3)(a) On or before the fifteenth day of June of each fiscal year beginning with fiscal year 2015, the director of the Ohio public works commission shall certify to the director of budget and management the amount of debt service paid from the general revenue fund in the current fiscal year on bonds issued to finance or assist in the financing of the cost of local subdivision public infrastructure capital improvement projects, as provided for in Sections 2k, 2m, and 2p of Article VIII, Ohio Constitution, that are attributable to costs for construction, reconstruction, maintenance, or repair of public highways and bridges and other statutory highway purposes. That certification shall allocate the total amount of debt service paid from the general revenue fund and attributable to those costs in the current fiscal year according to the applicable section of the Ohio Constitution under which the bonds were originally issued. 106750
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(b) On or before the thirtieth day of June of each fiscal year beginning with fiscal year 2015, the director of budget and management shall determine an amount up to but not exceeding the amount certified under division (J)(3)(a) of this section and shall reserve that amount from the cash balance in the petroleum activity tax public highways fund or the commercial activity tax motor fuel receipts fund for transfer to the general revenue fund at times and in amounts to be determined by the director. The director shall transfer the cash balance in the petroleum activity tax public highways fund or the commercial activity tax motor fuel receipts fund in excess of the amount so reserved to the highway operating fund on or before the thirtieth day of June of the current fiscal year. 106765
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Sec. 5751.21. ~~(A)~~ No determinations, computations, 106778

certifications, or payments shall be made under this section after 106779
June 30, 2015. 106780

(A) Not later than the thirtieth day of July of 2007 through 106781
2010, the department of education shall consult with the director 106782
of budget and management and determine the following for each 106783
school district and each joint vocational school district eligible 106784
for payment under division (B) of this section: 106785

(1) The state education aid offset, which, except as provided 106786
in division (A)(1)(c) of this section, is the difference obtained 106787
by subtracting the amount described in division (A)(1)(b) of this 106788
section from the amount described in division (A)(1)(a) of this 106789
section: 106790

(a) The state education aid computed for the school district 106791
or joint vocational school district for the current fiscal year as 106792
of the thirtieth day of July; 106793

(b) The state education aid that would be computed for the 106794
school district or joint vocational school district for the 106795
current fiscal year as of the thirtieth day of July if the 106796
valuation used in the calculation in division (B)(1) of section 106797
3306.13 of the Revised Code as that division existed for fiscal 106798
years 2010 and 2011 included the machinery and equipment, 106799
inventory, furniture and fixtures, and telephone property tax 106800
value losses for the school district or joint vocational school 106801
district for the second preceding tax year, and if taxes charged 106802
and payable associated with the tax value losses are accounted for 106803
in any state education aid computation dependent on taxes charged 106804
and payable. 106805

(c) The state education aid offset for fiscal year 2010 and 106806
fiscal year 2011 equals the greater of the state education aid 106807
offset calculated for that fiscal year under divisions (A)(1)(a) 106808
and (b) of this section and the state education aid offset 106809

calculated for fiscal year 2009. For fiscal ~~year~~ years 2012 and 106810
2013, the state education aid offset equals the state education 106811
aid offset for fiscal year 2011. 106812

(2) For fiscal years 2008 through 2011, the greater of zero 106813
or the difference obtained by subtracting the state education aid 106814
offset determined under division (A)(1) of this section from the 106815
sum of the machinery and equipment fixed-rate levy loss, the 106816
inventory fixed-rate levy loss, furniture and fixtures fixed-rate 106817
levy loss, and telephone property fixed-rate levy loss certified 106818
under divisions (G) and (I) of section 5751.20 of the Revised Code 106819
for all taxing districts in each school district and joint 106820
vocational school district for the second preceding tax year. 106821

By the thirtieth day of July of each such year, the 106822
department of education and the director of budget and management 106823
shall agree upon the amount to be determined under division (A)(1) 106824
of this section. 106825

(B) On or before the thirty-first day of August of 2008, 106826
2009, and 2010, the department of education shall recalculate the 106827
offset described under division (A) of this section for the 106828
previous fiscal year and recalculate the payments made under 106829
division (C) of this section in the preceding fiscal year using 106830
the offset calculated under this division. If the payments 106831
calculated under this division differ from the payments made under 106832
division (C) of this section in the preceding fiscal year, the 106833
difference shall either be paid to a school district or recaptured 106834
from a school district through an adjustment at the same times 106835
during the current fiscal year that the payments under division 106836
(C) of this section are made. In August and October of the current 106837
fiscal year, the amount of each adjustment shall be three-sevenths 106838
of the amount calculated under this division. In May of the 106839
current fiscal year, the adjustment shall be one-seventh of the 106840
amount calculated under this division. 106841

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

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

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

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

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

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

(6) On or before August 31, 2008, and October 31, 2008, forty-three per cent of the amount determined under division (A)(2) of this section for fiscal year 2009, but not less than zero, plus one-half of six-sevenths of the difference between the total fixed-rate levy loss in tax year 2008 and the total fixed-rate levy loss in tax year 2007.

(7) On or before May 31, 2009, fourteen per cent of the amount determined under division (A)(2) of this section for fiscal

year 2009, but not less than zero, plus one-seventh of the 106873
difference between the total fixed-rate levy loss for tax year 106874
2009 and the total fixed-rate levy loss for tax year 2007. 106875

(8) On or before August 31, 2009, and October 31, 2009, 106876
forty-three per cent of the amount determined under division 106877
(A)(2) of this section for fiscal year 2010, but not less than 106878
zero, plus one-half of six-sevenths of the difference between the 106879
total fixed-rate levy loss in tax year 2009 and the total 106880
fixed-rate levy loss in tax year 2008. 106881

(9) On or before May 31, 2010, fourteen per cent of the 106882
amount determined under division (A)(2) of this section for fiscal 106883
year 2010, but not less than zero, plus one-seventh of the 106884
difference between the total fixed-rate levy loss in tax year 2010 106885
and the total fixed-rate levy loss in tax year 2008. 106886

(10) On or before August 31, 2010, and October 31, 2010, 106887
forty-three per cent of the amount determined under division 106888
(A)(2) of this section for fiscal year 2011, but not less than 106889
zero, plus one-half of six-sevenths of the difference between the 106890
telephone property fixed-rate levy loss for tax year 2010 and the 106891
telephone property fixed-rate levy loss for tax year 2009. 106892

(11) On or before May 31, 2011, fourteen per cent of the 106893
amount determined under division (A)(2) of this section for fiscal 106894
year 2011, but not less than zero, plus one-seventh of the 106895
difference between the telephone property fixed-rate levy loss for 106896
tax year 2011 and the telephone property fixed-rate levy loss for 106897
tax year 2009. 106898

(12) For fiscal years 2012 and thereafter, the sum of the 106899
amounts in divisions (C)(12)(a) or (b) and (c) of this section 106900
shall be paid on or before the last day of November and the last 106901
day of May: 106902

(a) If the ratio of current expense TPP allocation to total 106903

resources is equal to or less than the threshold per cent, zero; 106904

(b) If the ratio of current expense TPP allocation to total 106905
resources is greater than the threshold per cent, fifty per cent 106906
of the difference of current expense TPP allocation minus the 106907
product of total resources multiplied by the threshold per cent; 106908

(c) Fifty per cent of the product of non-current expense TPP 106909
allocation multiplied by seventy-five per cent for fiscal year 106910
2012 and fifty per cent for fiscal years 2013 and thereafter. 106911

The department of education shall report to each school 106912
district and joint vocational school district the apportionment of 106913
the payments among the school district's or joint vocational 106914
school district's funds based on the certifications under 106915
divisions (G) and (I) of section 5751.20 of the Revised Code. 106916

(D) For taxes levied within the ten-mill limitation for debt 106917
purposes in tax year 2005, payments shall be made equal to one 106918
hundred per cent of the loss computed as if the tax were a 106919
fixed-rate levy, but those payments shall extend from fiscal year 106920
2006 through fiscal year 2018, as long as the qualifying levy 106921
continues to be used for debt purposes. If the purpose of such a 106922
qualifying levy is changed, that levy becomes subject to the 106923
payments determined in division (C) of this section. 106924

(E)(1) Not later than January 1, 2006, for each fixed-sum 106925
levy of each school district or joint vocational school district 106926
and for each year for which a determination is made under division 106927
(E) of section 5751.20 of the Revised Code that a fixed-sum levy 106928
loss is to be reimbursed, the tax commissioner shall certify to 106929
the department of education the fixed-sum levy loss determined 106930
under that division. The certification shall cover a time period 106931
sufficient to include all fixed-sum levies for which the 106932
commissioner made such a determination. On or before the last day 106933
of May of the current year, the department shall pay from the 106934

school district property tax replacement fund to the school 106935
district or joint vocational school district one-third of the 106936
fixed-sum levy loss so certified, plus one-third of the amount 106937
certified under division (I) of section 5751.20 of the Revised 106938
Code, and on or before the last day of November, two-thirds of the 106939
fixed-sum levy loss so certified, plus two-thirds of the amount 106940
certified under division (I) of section 5751.20 of the Revised 106941
Code. Payments under this division of the amounts certified under 106942
division (I) of section 5751.20 of the Revised Code shall continue 106943
until the levy adopted under section 5705.219 of the Revised Code 106944
expires. 106945

(2) Beginning in 2006, by the first day of January of each 106946
year, the tax commissioner shall review the certification 106947
originally made under division (E)(1) of this section. If the 106948
commissioner determines that a debt levy that had been scheduled 106949
to be reimbursed in the current year has expired, a revised 106950
certification for that and all subsequent years shall be made to 106951
the department of education. 106952

(F) Beginning in September 2007 and through June 2013, the 106953
director of budget and management shall transfer from the school 106954
district tangible property tax replacement fund to the general 106955
revenue fund each of the following: 106956

(1) On the first day of September, one-fourth of the amount 106957
determined for that fiscal year under division (A)(1) of this 106958
section; 106959

(2) On the first day of December, one-fourth of the amount 106960
determined for that fiscal year under division (A)(1) of this 106961
section; 106962

(3) On the first day of March, one-fourth of the amount 106963
determined for that fiscal year under division (A)(1) of this 106964
section; 106965

(4) On the first day of June, one-fourth of the amount 106966
determined for that fiscal year under division (A)(1) of this 106967
section. 106968

If, when a transfer is required under division (F)(1), (2), 106969
(3), or (4) of this section, there is not sufficient money in the 106970
school district tangible property tax replacement fund to make the 106971
transfer in the required amount, the director shall transfer the 106972
balance in the fund to the general revenue fund and may make 106973
additional transfers on later dates as determined by the director 106974
in a total amount that does not exceed one-fourth of the amount 106975
determined for the fiscal year. 106976

(G) If the total amount in the school district tangible 106977
property tax replacement fund is insufficient to make all payments 106978
under divisions (C), (D), and (E) of this section at the times the 106979
payments are to be made, the director of budget and management 106980
shall transfer from the general revenue fund to the school 106981
district tangible property tax replacement fund the difference 106982
between the total amount to be paid and the amount in the school 106983
district tangible property tax replacement fund. 106984

(H) On the fifteenth day of June of each year, the director 106985
of budget and management may transfer any balance in the school 106986
district tangible property tax replacement fund to the general 106987
revenue fund. 106988

(I) If all of the territory of a school district or joint 106989
vocational school district is merged with another district, or if 106990
a part of the territory of a school district or joint vocational 106991
school district is transferred to an existing or newly created 106992
district, the department of education, in consultation with the 106993
tax commissioner, shall adjust the payments made under this 106994
section as follows: 106995

(1) For a merger of two or more districts, the fixed-sum levy 106996

losses, total resources, current expense TPP allocation, total TPP allocation, and non-current expense TPP allocation of the successor district shall be the sum of such items for each of the districts involved in the merger.

(2) If property is transferred from one district to a previously existing district, the amount of total resources, current expense TPP allocation, total TPP allocation, and non-current expense TPP allocation that shall be transferred to the recipient district shall be an amount equal to total resources, current expense TPP allocation, total TPP allocation, and non-current expense TPP allocation of the transferor district times a fraction, the numerator of which is the number of pupils being transferred to the recipient district, measured, in the case of a school district, by formula ADM as that term is defined in section 3317.02 of the Revised Code or, in the case of a joint vocational school district, by formula ADM as defined for a joint vocational school district in that section, and the denominator of which is the formula ADM of the transferor district.

(3) After December 31, 2010, if property is transferred from one or more districts to a district that is newly created out of the transferred property, the newly created district shall be deemed not to have any total resources, current expense TPP allocation, total TPP allocation, or non-current expense TPP allocation.

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

Sec. 5751.22. ~~(A)~~ No determinations, computations, certifications, or payments shall be made under this section after June 30, 2015.

(A) Not later than January 1, 2006, the tax commissioner shall compute the payments to be made to each local taxing unit, and to each public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code, for each year according to divisions (A)(1), (2), (3), and (4) of this section as this section existed on that date, and shall distribute the payments in the manner prescribed by division (C) of this section. The calculation of the fixed-sum levy loss shall cover a time period sufficient to include all fixed-sum levies for which the commissioner determined, pursuant to division (E) of section 5751.20 of the Revised Code, that a fixed-sum levy loss is to be reimbursed.

(1) Except as provided in division (A)(3) of this section, for fixed-rate levy losses determined under division (D) of section 5751.20 of the Revised Code, payments shall be made in an amount equal to the following:

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

(b) For the payment in tax year 2011 to be made on or before the twentieth day of November, the sum of the amount in division (A)(1)(b)(i) or (ii) and division (A)(1)(b)(iii) of this section:

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

(ii) If the ratio of six-sevenths of the TPP allocation to total resources is greater than the threshold per cent, the difference of six-sevenths of the TPP allocation minus the product

of total resources multiplied by the threshold per cent; 107058

(iii) In the case of a municipal corporation, six-sevenths of 107059
the product of the non-current expense TPP allocation multiplied 107060
by seventy-five per cent. 107061

(c) For tax years 2012 and thereafter, the sum of the amount 107062
in division (A)(1)(c)(i) or (ii) and division (A)(1)(c)(iii) of 107063
this section: 107064

(i) If the ratio of TPP allocation to total resources is 107065
equal to or less than the threshold per cent, zero; 107066

(ii) If the ratio of TPP allocation to total resources is 107067
greater than the threshold per cent, the TPP allocation minus the 107068
product of total resources multiplied by the threshold per cent; 107069

(iii) In the case of a municipal corporation, non-current 107070
expense TPP allocation multiplied by fifty per cent for tax year 107071
2012 and twenty-five per cent for tax years 2013 and thereafter; 107072

(d) For tax years 2012 and thereafter, in the case of a 107073
county, school district, municipal corporation, or township public 107074
library, the amount in division (A)(1)(d)(i) or (ii) of this 107075
section: 107076

(i) If the ratio of TPP allocation for library purposes to 107077
total library resources is equal to or less than the threshold per 107078
cent, zero; 107079

(ii) If the ratio of TPP allocation for library purposes to 107080
total library resources is greater than the threshold per cent, 107081
the TPP allocation for library purposes minus the product of total 107082
library resources multiplied by the threshold per cent. 107083

(2) For fixed-sum levy losses determined under division (E) 107084
of section 5751.20 of the Revised Code, payments shall be made in 107085
the amount of one hundred per cent of the fixed-sum levy loss for 107086
payments required to be made in 2006 through 2011, except that no 107087

payments shall be made for qualifying levies that have expired. 107088
For payments required to be made in 2012 and thereafter, payments 107089
shall be made in the amount of fifty per cent of the fixed-sum 107090
levy loss until the qualifying levy has expired. 107091

(3) For taxes levied within the ten-mill limitation or 107092
pursuant to a municipal charter for debt purposes in tax year 107093
2005, payments shall be made based on the schedule in division 107094
(A)(1) of this section for each of the calendar years 2006 through 107095
2010. For each of the calendar years 2011 through 2017, the 107096
percentages for calendar year 2010 shall be used for taxes levied 107097
within the ten-mill limitation or pursuant to a municipal charter 107098
for debt purposes in tax year 2010, as long as such levies 107099
continue to be used for debt purposes. If the purpose of such a 107100
qualifying levy is changed, that levy becomes subject to the 107101
payment schedules in divisions (A)(1)(a) to (h) of this section. 107102
No payments shall be made for such levies after calendar year 107103
2017. For the purposes of this division, taxes levied pursuant to 107104
a municipal charter refer to taxes levied pursuant to a provision 107105
of a municipal charter that permits the tax to be levied without 107106
prior voter approval. 107107

(B) Beginning in 2007, by the thirty-first day of January of 107108
each year, the tax commissioner shall review the calculation 107109
originally made under division (A) of this section of the 107110
fixed-sum levy losses determined under division (E) of section 107111
5751.20 of the Revised Code. If the commissioner determines that a 107112
fixed-sum levy that had been scheduled to be reimbursed in the 107113
current year has expired, a revised calculation for that and all 107114
subsequent years shall be made. 107115

(C) Payments to local taxing units and public libraries 107116
required to be made under division (A) of this section shall be 107117
paid from the local government tangible property tax replacement 107118
fund to the county undivided income tax fund in the proper county 107119

treasury. From May 2006 through November 2010, one-seventh of the amount determined under that division shall be paid by the last day of May each year, and three-sevenths shall be paid by the last day of August and October each year. From May 2011 through November 2013, one-seventh of the amount determined under that division shall be paid on or before the last day of May each year, and six-sevenths shall be paid on or before the thirtieth day of November each year, except that in November 2011, the payment shall equal one hundred per cent of the amount calculated for that payment. Beginning in May 2014, one-half of the amount determined under that division shall be paid on or before the last day of May each year, and one-half shall be paid on or before the thirtieth day of November each year. Within thirty days after receipt of such payments, the county treasurer shall distribute amounts determined under division (A) of this section to the proper local taxing unit or public library as if they had been levied and collected as taxes, and the local taxing unit or public library shall apportion the amounts so received among its funds in the same proportions as if those amounts had been levied and collected as taxes.

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

(E) On the fifteenth day of June of each year from 2006 107153
through 2018, the director of budget and management may transfer 107154
any balance in the local government tangible property tax 107155
replacement fund to the general revenue fund. 107156

(F) If all or a part of the territories of two or more local 107157
taxing units are merged, or unincorporated territory of a township 107158
is annexed by a municipal corporation, the tax commissioner shall 107159
adjust the payments made under this section to each of the local 107160
taxing units in proportion to the square mileage of the merged or 107161
annexed territory as a percentage of the total square mileage of 107162
the jurisdiction from which the territory originated, or as 107163
otherwise provided by a written agreement between the legislative 107164
authorities of the local taxing units certified to the 107165
commissioner not later than the first day of June of the calendar 107166
year in which the payment is to be made. 107167

Sec. 5751.50. (A) For tax periods beginning on or after 107168
January 1, 2008, a refundable credit granted by the tax credit 107169
authority under section 122.17 or former division (B)(2) or (3) of 107170
section 122.171 of the Revised Code, as those divisions existed 107171
before the effective date of the amendment of this section by H.B. 107172
64 of the 131st general assembly, may be claimed under this 107173
chapter in the order required under section 5751.98 of the Revised 107174
Code. For purposes of making tax payments under this chapter, 107175
taxes equal to the amount of the refundable credit shall be 107176
considered to be paid to this state on the first day of the tax 107177
period. A credit claimed in calendar year 2008 may not be applied 107178
against the tax otherwise due for a tax period beginning before 107179
July 1, 2008. The refundable credit shall not be claimed against 107180
the tax otherwise due for any tax period beginning after the date 107181
on which a relocation of employment positions occurs in violation 107182
of an agreement entered into under section 122.17 or 122.171 of 107183
the Revised Code. 107184

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

Sec. 5902.02. The duties of the director of veterans services shall include the following:

(A) Furnishing the veterans service commissions of all counties of the state copies of the state laws, rules, and legislation relating to the operation of the commissions and their offices;

(B) Upon application, assisting the general public in obtaining records of vital statistics pertaining to veterans or their dependents;

(C) Adopting rules pursuant to Chapter 119. of the Revised Code pertaining to minimum qualifications for hiring, certifying, and accrediting county veterans service officers, pertaining to their required duties, and pertaining to revocation of the certification of county veterans service officers;

(D) Adopting rules pursuant to Chapter 119. of the Revised Code for the education, training, certification, and duties of

veterans service commissioners and for the revocation of the certification of a veterans service commissioner; 107216
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(E) Developing and monitoring programs and agreements enhancing employment and training for veterans in single or multiple county areas; 107218
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(F) Developing and monitoring programs and agreements to enable county veterans service commissions to address homelessness, indigency, and other veteran-related issues individually or jointly; 107221
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(G) Developing and monitoring programs and agreements to enable state agencies, individually or jointly, that provide services to veterans, including the veterans' homes operated under Chapter 5907. of the Revised Code and the director of job and family services, to address homelessness, indigency, employment, and other veteran-related issues; 107225
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(H) Establishing and providing statistical reporting formats and procedures for county veterans service commissions; 107231
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(I) Publishing electronically a listing of county veterans service offices and county veterans service commissioners. The listing shall include the expiration dates of commission members' terms of office and the organizations they represent; the names, addresses, and telephone numbers of county veterans service offices; and the addresses and telephone numbers of the Ohio offices and headquarters of state and national veterans service organizations. 107233
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(J) Establishing a veterans advisory committee to advise and assist the department of veterans services in its duties. Members shall include a member of the national guard association of the United States who is a resident of this state, a member of the military officers association of America who is a resident of this state, a state representative of congressionally chartered 107241
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veterans organizations referred to in section 5901.02 of the Revised Code, a representative of any other congressionally chartered state veterans organization that has at least one veterans service commissioner in the state, three representatives of the Ohio state association of county veterans service commissioners, who shall have a combined vote of one, three representatives of the state association of county veterans service officers, who shall have a combined vote of one, one representative of the county commissioners association of Ohio, who shall be a county commissioner not from the same county as any of the other county representatives, a representative of the advisory committee on women veterans, a representative of a labor organization, and a representative of the office of the attorney general. The department of veterans services shall submit to the advisory committee proposed rules for the committee's operation. The committee may review and revise these proposed rules prior to submitting them to the joint committee on agency rule review.

(K) Adopting, with the advice and assistance of the veterans advisory committee, policy and procedural guidelines that the veterans service commissions shall adhere to in the development and implementation of rules, policies, procedures, and guidelines for the administration of Chapter 5901. of the Revised Code. The department of veterans services shall adopt no guidelines or rules regulating the purposes, scope, duration, or amounts of financial assistance provided to applicants pursuant to sections 5901.01 to 5901.15 of the Revised Code. The director of veterans services may obtain opinions from the office of the attorney general regarding rules, policies, procedures, and guidelines of the veterans service commissions and may enforce compliance with Chapter 5901. of the Revised Code.

(L) Receiving copies of form DD214 filed in accordance with the director's guidelines adopted under division (L) of this

section from members of veterans service commissions appointed 107279
under section 5901.02 and from county veterans service officers 107280
employed under section 5901.07 of the Revised Code; 107281

(M) Developing and maintaining and improving a resource, such 107282
as a telephone answering point or a web site, by means of which 107283
veterans and their dependents, through a single portal, can access 107284
multiple sources of information and interaction with regard to the 107285
rights of, and the benefits available to, veterans and their 107286
dependents. The director of veterans services may enter into 107287
agreements with state and federal agencies, with agencies of 107288
political subdivisions, with state and local instrumentalities, 107289
and with private entities as necessary to make the resource as 107290
complete as is possible. 107291

(N) Planning, organizing, advertising, and conducting 107292
outreach efforts, such as conferences and fairs, at which veterans 107293
and their dependents may meet, learn about the organization and 107294
operation of the department of veterans services and of veterans 107295
service commissions, and obtain information about the rights of, 107296
and the benefits and services available to, veterans and their 107297
dependents; 107298

(O) Advertising, in print, on radio and television, and 107299
otherwise, the rights of, and the benefits and services available 107300
to, veterans and their dependents; 107301

(P) Developing and advocating improved benefits and services 107302
for, and improved delivery of benefits and services to, veterans 107303
and their dependents; 107304

(Q) Searching for, identifying, and reviewing statutory and 107305
administrative policies that relate to veterans and their 107306
dependents and reporting to the general assembly statutory and 107307
administrative policies that should be consolidated in whole or in 107308
part within the organization of the department of veterans 107309

services to unify funding, delivery, and accounting of statutory 107310
and administrative policy expressions that relate particularly to 107311
veterans and their dependents; 107312

(R) Encouraging veterans service commissions to innovate and 107313
otherwise to improve efficiency in delivering benefits and 107314
services to veterans and their dependents and to report successful 107315
innovations and efficiencies to the director of veterans services; 107316

(S) Publishing and encouraging adoption of successful 107317
innovations and efficiencies veterans service commissions have 107318
achieved in delivering benefits and services to veterans and their 107319
dependents; 107320

(T) Establishing advisory committees, in addition to the 107321
veterans advisory committee established under division (K) of this 107322
section, on veterans issues; 107323

(U) Developing and maintaining a relationship with the United 107324
States department of veterans affairs, seeking optimal federal 107325
benefits and services for Ohio veterans and their dependents, and 107326
encouraging veterans service commissions to maximize the federal 107327
benefits and services to which veterans and their dependents are 107328
entitled; 107329

(V) Developing and maintaining relationships with the several 107330
veterans organizations, encouraging the organizations in their 107331
efforts at assisting veterans and their dependents, and advocating 107332
for adequate state subsidization of the organizations; 107333

(W) Requiring the several veterans organizations that receive 107334
funding from the state annually, not later than the thirtieth day 107335
of July, to report to the director of veterans services and 107336
prescribing the form and content of the report; 107337

(X) Reviewing the reports submitted to the director under 107338
division (W) of this section within thirty days of receipt and 107339
informing the veterans organization of any deficiencies that exist 107340

in the organization's report and that funding will not be released 107341
until the deficiencies have been corrected and a satisfactory 107342
report submitted; 107343

(Y) Advising the director of budget and management when a 107344
report submitted to the director under division (W) of this 107345
section has been reviewed and determined to be satisfactory; 107346

(Z) Furnishing copies of all reports that the director of 107347
veterans services has determined have been submitted 107348
satisfactorily under division (W) of this section to the 107349
chairperson of the finance committees of the general assembly; 107350

(AA) Investigating complaints against county veterans 107351
services commissioners and county veterans service officers if the 107352
director reasonably believes the investigation to be appropriate 107353
and necessary; 107354

(BB) Developing and maintaining a web site that is accessible 107355
by veterans and their dependents and provides a link to the web 107356
site of each state agency that issues a license, certificate, or 107357
other authorization permitting an individual to engage in an 107358
occupation or occupational activity; 107359

(CC) Encouraging state agencies to conduct outreach efforts 107360
through which veterans and their dependents can learn about 107361
available job and education benefits; 107362

(DD) Informing state agencies about changes in statutes and 107363
rules that affect veterans and their dependents; 107364

(EE) Assisting licensing agencies in adopting rules under 107365
section 5903.03 of the Revised Code; 107366

(FF) Administering the provision of grants from the military 107367
injury relief fund under section 5902.05 of the Revised Code; 107368

(GG) Taking any other actions required by this chapter. 107369

Sec. ~~5101.98~~ 5902.05. (A) There is hereby created in the 107370
state treasury the military injury relief fund, which shall 107371
consist of money contributed to it under sections 4503.535 and 107372
5747.113 of the Revised Code, ~~of incentive grants authorized by~~ 107373
~~the "Jobs for Veterans Act," 116 Stat. 2033 (2002),~~ and of 107374
contributions made directly to it. Any person or entity may 107375
contribute directly to the fund in addition to or independently of 107376
the income tax refund contribution system established in section 107377
5747.113 of the Revised Code. 107378

(B) Upon application, the director of ~~job and family~~ veterans 107379
services shall grant money in the fund to individuals injured 107380
while in active service as a member of the armed forces of the 107381
United States while serving ~~under operation Iraqi freedom,~~ 107382
~~operation new dawn, or operation enduring freedom~~ after October 7, 107383
2001, and to individuals diagnosed with post-traumatic stress 107384
disorder while serving, or after having served, ~~in operation Iraqi~~ 107385
~~freedom, operation new dawn, or operation enduring freedom~~ after 107386
October 7, 2001. 107387

(C) An individual who receives a grant under this section is 107388
precluded from receiving additional grants under this section 107389
during the same state fiscal year but is not precluded from being 107390
considered for or receiving other assistance offered by the 107391
department of ~~job and family~~ veterans services. 107392

(D) The director shall adopt rules under Chapter 119. of the 107393
Revised Code establishing: 107394

(1) Forms and procedures by which individuals may apply for a 107395
grant under this section; 107396

(2) Criteria for reviewing, evaluating, and approving or 107397
denying grant applications; 107398

(3) Criteria for determining the amount of grants awarded 107399

under this section; 107400

(4) Definitions and standards applicable to determining 107401
whether an individual meets the requirements established in 107402
division (B) of this section; 107403

(5) The process for appealing eligibility determinations; and 107404

(6) Any other rules necessary to administer the grant program 107405
established in this section. 107406

(E) An eligibility determination, a grant approval, or a 107407
grant denial made under this section may not be appealed under 107408
Chapter 119., ~~section 5101.35,~~ or any other provision of the 107409
Revised Code. 107410

Sec. 5902.09. The director of veterans services, in 107411
consultation with the Ohio recorders association, shall establish 107412
material and design standards for Ohio veterans identification 107413
cards to be issued by county recorders. The material and design 107414
standards shall be prescribed in rules adopted under Chapter 119. 107415
of the Revised Code. 107416

The rules shall require that an Ohio identification card 107417
include the name of this state, a distinguishing number assigned 107418
to the cardholder, a color photograph of the cardholder, the 107419
cardholder's name and residence address, the cardholder's branch 107420
of service, dates of service, and date of discharge, the name of 107421
the issuing county, the indexing number that has been assigned to 107422
the veteran's record of discharge, and the date of the card's 107423
issuance and expiration. 107424

An Ohio veterans identification card shall not display the 107425
cardholder's social security number unless federal law requires 107426
the cardholder's social security number to be displayed on a 107427
veterans identification card." 107428

<u>Sec. 5902.10. (A) As used in this section:</u>	107429
<u>(1) "Public transportation" means publicly owned or operated transportation by bus, rail, or other conveyance, that provides to the public transit or paratransit service on a regular and continuing basis within the state, including demand responsive transportation.</u>	107430 107431 107432 107433 107434
<u>(2) "Veteran" means veteran of the armed forces of the United States whose commercial driver's license, driver's license, or identification card indicates that the person is a veteran as permitted by division (A)(12) of section 4506.11, division (A) of section 4507.13, or division (A) of section 4507.52 of the Revised Code.</u>	107435 107436 107437 107438 107439 107440
<u>(B) A veteran, upon presentation of the veteran's commercial driver's license, driver's license, or identification card, may board any mode of public transportation and travel on the public transportation without payment of any fee, fare, or charge of any kind.</u>	107441 107442 107443 107444 107445
<u>Sec. 5903.12. (A) As used in this section:</u>	107446
<u>"Continuing education" means continuing education required of a licensee by law and includes, but is not limited to, the continuing education required of licensees under sections 3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 4725.16, 4725.51 4725.47, 4730.14, 4730.49, 4731.281 4731.155, 4731.282, 4734.25, 4735.141, 4736.11, 4741.16, 4741.19, 4751.07, 4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 of the Revised Code.</u>	107447 107448 107449 107450 107451 107452 107453 107454
<u>"Reporting period" means the period of time during which a licensee must complete the number of hours of continuing education required of the licensee by law.</u>	107455 107456 107457
<u>(B) A licensee may submit an application to a licensing</u>	107458

agency, stating that the licensee requires an extension of the 107459
current reporting period because the licensee has served on active 107460
duty during the current or a prior reporting period. The licensee 107461
shall submit proper documentation certifying the active duty 107462
service and the length of that active duty service. Upon receiving 107463
the application and proper documentation, the licensing agency 107464
shall extend the current reporting period by an amount of time 107465
equal to the total number of months that the licensee spent on 107466
active duty during the current reporting period. For purposes of 107467
this division, any portion of a month served on active duty shall 107468
be considered one full month. 107469

Sec. 5904.01. (A) There is hereby created the Ohio veterans 107470
hall of fame. The department of veterans services shall serve as 107471
the veterans hall of fame's administrative agent. The veterans 107472
hall of fame shall recognize the post-military achievements of 107473
outstanding veterans and spotlight all veterans' contributions to 107474
the civilian workplace. 107475

(B) The Ohio veterans hall of fame shall have an executive 107476
committee composed of thirteen members, all of whom shall be 107477
veterans. The director of veterans services shall be an ex officio 107478
member. The department of veterans services' veterans advisory 107479
committee, the advisory committee on women veterans, the Ohio 107480
veterans hall of fame foundation, the Veterans of Foreign Wars, 107481
the Disabled American Veterans, the AMVETS, the Vietnam Veterans 107482
of America, and the American Legion shall each appoint one member. 107483

The Ohio veterans hall of fame executive committee shall 107484
appoint its final four members, one of whom shall be from any 107485
veterans organization that is incorporated in this state and that 107486
is not otherwise represented on the executive committee, one of 107487
whom was inducted into the veterans hall of fame three years 107488
before the current fiscal year, one of whom was inducted into the 107489

veterans hall of fame two years before the current fiscal year, 107490
and one of whom was inducted into the veterans hall of fame one 107491
year before the current fiscal year. 107492

(C) Terms of office of the members of the Ohio veterans hall 107493
of fame executive committee shall be for three years. Each member 107494
shall serve subsequent to the expiration of the member's term 107495
until the member's successor is appointed, or until sixty days has 107496
elapsed, whichever occurs first. No member shall serve more than 107497
two consecutive terms. 107498

(D) All vacancies in the membership of the Ohio veterans hall 107499
of fame executive committee shall be filled in the same manner as 107500
prescribed for original appointments, and the terms of the 107501
appointees shall be limited to the unexpired terms. 107502

(E) The members of the Ohio veterans hall of fame executive 107503
committee shall serve without compensation, but shall be 107504
reimbursed for their actual and necessary expenses incurred in the 107505
performance of their official duties. 107506

(F) The Ohio veterans hall of fame executive committee shall 107507
elect a chairperson and vice-chairperson from its membership. It 107508
shall meet annually to select inductees for the veterans hall of 107509
fame from the persons nominated in a manner prescribed by the 107510
executive committee. The names of selected inductees shall be 107511
submitted to the governor for final approval. The governor shall 107512
provide any final approval within thirty days after the executive 107513
committee submits the names of the selected inductees. The 107514
governor may reject any of the selected inductees for cause, but 107515
shall not make any additions to the list of those inductees. 107516

(G) ~~Except as otherwise provided in this division, all~~ All 107517
state elected officials, members of the general assembly, members 107518
of the Ohio veterans hall of fame foundation, members of the 107519
veterans hall of fame executive committee, members of the 107520

governor's staff, members of the veterans hall of fame staff, and 107521
members of any county veterans service commission, and the 107522
director of veterans services, shall not be eligible for induction 107523
into the veterans hall of fame until two years after ~~they have~~ 107524
~~left their~~ having vacated that position. The executive committee 107525
may waive the ~~two-years requirement~~ two-year moratorium for 107526
~~nominees~~ such a person who is over the age of seventy years of age 107527
and who currently holds such a position or has vacated such a 107528
position. 107529

(H) The Ohio veterans hall of fame executive committee is not 107530
subject to sections 101.82 to 101.87 of the Revised Code. 107531

Sec. 5910.08. There is hereby created in the state treasury 107532
the war orphans scholarship reserve fund. ~~Not later than the first~~ 107533
~~day of July~~ As soon as possible following the end of each fiscal 107534
year, the chancellor of ~~the Ohio board of regents~~ higher education 107535
shall certify to the director of budget and management the 107536
unencumbered balance of the general revenue fund appropriations 107537
made in the immediately preceding fiscal year for purposes of the 107538
war orphans scholarship program created in Chapter 5910. of the 107539
Revised Code. Upon receipt of the certification, the director of 107540
budget and management may transfer an amount not exceeding the 107541
certified amount from the general revenue fund to the war orphans 107542
scholarship reserve fund. Moneys in the war orphans scholarship 107543
reserve fund shall be used to pay scholarship obligations in 107544
excess of the general revenue fund appropriations made for that 107545
purpose. 107546

The director of budget and management may transfer any 107547
unencumbered balance from the war orphans scholarship reserve fund 107548
to the general revenue fund. 107549

If it is determined that general revenue fund appropriations 107550
are insufficient to meet the obligations of the war orphans 107551

scholarship in a fiscal year, the director of budget and 107552
management may transfer funds from the war orphans scholarship 107553
reserve fund to the general revenue fund in order to meet those 107554
obligations. The amount transferred is hereby appropriated. If the 107555
funds transferred from the war orphans scholarship reserve fund 107556
are not needed, the director of budget and management may transfer 107557
the unexpended balance from the general revenue fund back to the 107558
war orphans scholarship reserve fund. 107559

Sec. 5919.341. There is hereby created in the state treasury 107560
the national guard scholarship reserve fund. ~~Not later than the~~ 107561
~~first day of July~~ As soon as possible following the end of each 107562
fiscal year, the chancellor of ~~the Ohio board of regents~~ higher 107563
education shall certify to the director of budget and management 107564
the unencumbered balance of the general revenue fund 107565
appropriations made in the immediately preceding fiscal year for 107566
purposes of the Ohio national guard scholarship program created 107567
under division (B) of section 5919.34 of the Revised Code. Upon 107568
receipt of the certification, the director of budget and 107569
management may transfer an amount not exceeding the certified 107570
amount from the general revenue fund to the national guard 107571
scholarship reserve fund. Moneys in the national guard scholarship 107572
reserve fund shall be used to pay scholarship obligations in 107573
excess of the general revenue fund appropriations made for that 107574
purpose. ~~Upon request of the chancellor, the director may seek~~ 107575
~~controlling board approval to establish appropriations as~~ 107576
~~necessary.~~ 107577

The director of budget and management may transfer any 107578
unencumbered balance from the national guard scholarship reserve 107579
fund to the general revenue fund. 107580

If it is determined that general revenue fund appropriations 107581
are insufficient to meet the obligations of the national guard 107582

scholarship in a fiscal year, the director of budget and 107583
management may transfer funds from the national guard scholarship 107584
reserve fund to the general revenue fund in order to meet those 107585
obligations. The amount transferred is hereby appropriated. If the 107586
funds transferred from the national guard scholarship reserve fund 107587
are not needed, the director of budget and management may transfer 107588
the unexpended balance from the general revenue fund back to the 107589
national guard scholarship reserve fund. 107590

Sec. 6101.16. When it is determined to let the work relating 107591
to the improvements for which a conservancy district was 107592
established by contract, contracts in amounts to exceed 107593
~~twenty-five~~ fifty thousand dollars shall be advertised after 107594
notice calling for bids has been published once a week for two 107595
consecutive weeks or as provided in section 7.16 of the Revised 107596
Code, with the last publication to occur at least eight days prior 107597
to the date on which bids will be accepted, in a newspaper of 107598
general circulation within the conservancy district where the work 107599
is to be done. If the bids are for a contract for the 107600
construction, demolition, alteration, repair, or reconstruction of 107601
an improvement, the board of directors of the conservancy district 107602
may let the contract to the lowest responsive and most responsible 107603
bidder who meets the requirements of section 153.54 of the Revised 107604
Code. If the bids are for a contract for any other work relating 107605
to the improvements for which a conservancy district was 107606
established, the board of directors of the district may let the 107607
contract to the lowest responsive and most responsible bidder who 107608
gives a good and approved bond, with ample security, conditioned 107609
on the carrying out of the contract. The contract shall be in 107610
writing and shall be accompanied by or refer to plans and 107611
specifications for the work to be done prepared by the chief 107612
engineer. The plans and specifications shall at all times be made 107613
and considered a part of the contract. The contract shall be 107614

approved by the board and signed by the president of the board and 107615
by the contractor and shall be executed in duplicate. In case of 107616
sudden emergency when it is necessary in order to protect the 107617
district, the advertising of contracts may be waived upon the 107618
consent of the board, with the approval of the court or a judge of 107619
the court of common pleas of the county in which the office of the 107620
district is located. 107621

Sec. 6103.052. (A) A board of county commissioners may apply 107622
to the Ohio public works commission created by section 164.02 of 107623
the Revised Code for an advance of money from the water and sewer 107624
fund created by section 164.13 of the Revised Code in an amount 107625
equal to that portion of the costs of an improvement authorized 107626
under sections 6103.02 to 6103.30 of the Revised Code that is to 107627
be financed by assessments, including assessments attributable to 107628
tap-in charges, whose collection is deferred pursuant to division 107629
(B) of this section. The application for such an advance of money 107630
shall be made in the manner prescribed in policies and procedures 107631
established by the director of the commission. 107632

(B) At any time prior to the expiration of the five-day 107633
period provided by section 6103.05 of the Revised Code for the 107634
filing of written objections, any owner of property ~~which~~ that is 107635
classified on the general tax list of the county auditor as 107636
agricultural land and has been assessed for the extension of a 107637
main water line over or along such property under sections 6103.02 107638
to 6103.30 of the Revised Code may file with the board of county 107639
commissioners a request in writing for deferment of the collection 107640
of the owner's assessment if the main water line provides water 107641
facilities to aid in the establishment of new industrial plants, 107642
the expansion of existing industrial plants, or such other 107643
industrial development, or provides water facilities to aid in the 107644
establishment of commercial and residential developments. ~~Such~~ 107645
~~request shall identify~~ The owner of property shall ensure the 107646

request does all of the following: 107647

(1) Identifies the property in connection with which the 107648
request for deferment is made, ~~shall describe its;~~ 107649

(2) Describes the property's present use and present 107650
classification on the general tax list of the county auditor, ~~shall state its;~~ 107651
~~shall state its;~~ 107652

(3) States the property's estimated market value, showing 107653
separately the value of the land and the value of the buildings 107654
thereon, ~~shall state;~~ 107655

(4) States the reasons, if any, why a portion of the benefit 107656
of the improvement will not be realized until the use of the land 107657
is changed, ~~and shall state;~~ 107658

(5) States the amount to be deferred. ~~The~~ 107659

The board shall promptly consider such request and may order 107660
the deferment of the collection of that portion of the assessment 107661
representing a benefit from the improvement that will not be 107662
realized until the use of the land is changed. The board may, upon 107663
request of an owner whose property has been assessed for the 107664
extension of a main water line over or along such property under 107665
sections 6103.02 to 6103.31 of the Revised Code, defer all or any 107666
part of the assessment on property ~~which~~ that is classified on the 107667
general tax list of the county auditor as agricultural land, by 107668
attributing the amount of such assessment or part thereof as 107669
tap-in charges, if the main water line provides water facilities 107670
to aid in the establishment of new industrial plants, the 107671
expansion of existing industrial plants, or such other industrial 107672
development, or provides water facilities to aid in the 107673
establishment of commercial and residential developments. ~~Upon a~~ 107674
deferment under this section may be conditioned on the approval of 107675
the advance of money applied for under division (A) of this 107676
section, and a maximum length of the deferment may be fixed to 107677

coincide with the maximum time within which the advance must be 107678
repaid. The decision on the request for deferment of collection of 107679
assessments shall be made pursuant to standards prescribed in 107680
policies and procedures established by the director of the 107681
commission. 107682

Upon determination and approval of final assessments, the 107683
board of county commissioners shall certify all deferred 107684
assessments and a fee equal to two per cent of the amount of the 107685
deferred assessments to the county auditor. For purposes of this 107686
section, "assessment," "deferred assessment," or "assessment 107687
deferred under this section" mean the fee and the deferred 107688
assessment certified to the county auditor. The county auditor 107689
shall record an assessment deferred under this section in the 107690
water works record. Such record shall be kept until such time as 107691
the assessments are paid in full or certified for collection in 107692
installments as provided in this section. During the time when the 107693
assessment is deferred there shall be a lien on the property 107694
assessed, which lien shall arise at the time of recordation by the 107695
county auditor and shall be in force until the assessments are 107696
paid in full or certified for collection in installments. 107697

~~(B)~~(C) The board of county commissioners shall defer the 107698
collection of an assessment, except the amount of such assessment 107699
or part thereof attributable as tap-in charges, ~~which~~ that has 107700
been deferred pursuant to division ~~(A)~~(B) of this section on or 107701
before January 1, 1987, beyond the expiration of the maximum time 107702
for the original deferment if the property owner requests in 107703
writing, no later than six months prior to the expiration of the 107704
original deferment, that the assessment be further deferred and as 107705
long as the property owner's land could qualify for placement in 107706
an agricultural district pursuant to section 929.02 of the Revised 107707
Code. 107708

The board shall regularly review the use and ownership of the 107709

property for which the collection of assessments has been deferred 107710
pursuant to this division, and upon finding that the land could no 107711
longer qualify for placement in an agricultural district pursuant 107712
to section 929.02 of the Revised Code, the board shall immediately 107713
collect, without interest unless payment is late as determined by 107714
the board, the full amount of the assessment deferred and repay 107715
the commission the amount of any money advanced by it in regard to 107716
the assessment. The board shall pay all such amounts to the 107717
commission in one annual payment or during a longer period as 107718
approved by the commission. The board shall pay, from the general 107719
funds of the county, interest annually at the interest rate per 107720
annum equal to that rate of interest published as the 20-bond 107721
index rate in "The Bond Buyer" minus four per cent per annum or at 107722
five per cent per annum, whichever is greater, for any money not 107723
repaid to the commission pursuant to this division within one year 107724
of the date of the disqualification of the property for the 107725
continual deferment that requires such repayment. The interest 107726
rate for any money not repaid to the commission shall be 107727
calculated one year from the date of the disqualification of the 107728
property for the continual deferment that requires such repayment 107729
and annually thereafter. 107730

~~(C)~~(D) The board of county commissioners shall send a notice 107731
by regular or certified mail to all owners of property on which 107732
assessments have been deferred pursuant to division ~~(A)~~(B) of this 107733
section, which lists the expiration of the deferment, not later 107734
than two hundred ten days prior to the expiration of the deferment 107735
of those assessments. 107736

~~(D)~~ ~~The~~ (E) Except as provided in this division, the board 107737
shall collect the assessments, without interest unless payment is 107738
late as determined by the board, which that have been deferred 107739
pursuant to division ~~(A)~~(B) of this section upon expiration of the 107740
maximum time for which deferments were made; ~~provided, that for~~ 107741

and repay the commission the amount of any money advanced by it in regard to such assessments. For a property owner who requests in writing, no later than six months prior to the expiration of the deferment period, that payment of the owner's deferred assessments be in installments, the board of county commissioners upon expiration of the deferment period may by resolution further certify for collection pursuant to section 6103.16 of the Revised Code, such deferred assessments in installments over not more than twenty years, as determined by the board, together with interest thereon each year on the unpaid balance at the same rate borne by bonds of the county ~~which that~~ shall be issued in anticipation thereof as provided in Chapter 133. of the Revised Code, and the proceeds of the bond issue used to repay such deferred assessments to the commission.

Assessments ~~which that~~ have been deferred by attribution as tap-in charges under division ~~(A)~~(B) of this section shall be collected as deferred assessments at that time. As the board collects tap-in charges that are deferred assessments under division (B) of this section, it shall repay the commission the amount thereof that was advanced by it in regard to such assessments. An owner of property for which assessments have been deferred under division ~~(A)~~(B) of this section, in requesting a tap-in may, subject to the approval of the board, designate a part of an entire assessed tract as the part ~~which that~~ the tap-in is to serve, and the board shall collect the deferred assessment on that tract in the proportion that the part bears to the entire tract, on a front foot or other basis approved by the commission, but if in the judgment of the board the tap-in is reasonably intended to serve the entire tract or substantially all of the tract, it shall collect the deferred assessment for the entire tract.

Prior to the expiration of the maximum time of deferment, the

board shall regularly review the use of the property for which the 107774
collection of assessments has been deferred and upon finding, 107775
pursuant to policies and procedures established by the director of 107776
the commission, that the use of the land has changed from the use 107777
at the time of the deferment so that the benefit of the 107778
improvement can then be realized, the board shall immediately 107779
collect the full amount of the assessment for the portion of the 107780
property for which the use has so changed, without interest unless 107781
payment is late as determined by the board, and repay the 107782
commission the amount of any money advanced by it in regard to the 107783
assessment. The board shall pay all such amounts to the commission 107784
in one annual payment or during a longer period as approved by the 107785
director of the commission. The board of county commissioners 107786
shall pay, from the general funds of the county, interest annually 107787
at the interest rate per annum equal to that rate of interest 107788
published as the 20-bond index rate in "The Bond Buyer" minus four 107789
per cent per annum or at five per cent per annum, whichever is 107790
greater, for any money not repaid to the commission pursuant to 107791
this division within one year of the date of the change in the use 107792
of property requiring such repayment, or of the date on which 107793
payment of a tap-in charge is required by law to be made, 107794
whichever date is applicable. The interest rate for any money not 107795
repaid to the commission shall be calculated one year from the 107796
date of the change in the use of property requiring such repayment 107797
or from the date on which payment of a tap-in charge is required 107798
by law to be made, whichever date is applicable, and annually 107799
thereafter. 107800

Sec. 6109.21. (A) Except as provided in divisions (I) and (J) 107801
of this section, no person shall operate a public water system in 107802
this state without a license issued by the director of 107803
environmental protection. 107804

(B) A person who proposes to operate a new public water 107805

system, in addition to complying with section 6109.07 of the Revised Code and rules adopted under it, shall obtain an initial license from the director. The person shall submit an application for the initial license at least forty-five days prior to commencing the operation of the system.

(C) A license shall expire on the thirtieth day of January in the year following its issuance.

(D) A license shall be renewed annually. A person proposing to continue operating a public water system shall apply for a license renewal at least thirty days prior to the expiration date of the license.

(E) Each application for a license or license renewal shall be accompanied by the appropriate fee established under division (M) of section 3745.11 of the Revised Code. However, an applicant for an initial license who is proposing to operate a new public water system shall submit a fee that equals a prorated amount of the appropriate fee established under that division for the remainder of the licensing year.

(F) Not later than thirty days after receiving a completed application and the appropriate license fee for a license or license renewal for a public water system, the director shall do one of the following:

(1) Issue the license or license renewal for the public water system;

(2) Issue the license or license renewal subject to terms and conditions that the director determines are necessary to ensure compliance with this chapter and rules adopted under it;

(3) Deny the license or license renewal if the director finds that the public water system cannot be operated in substantial compliance with this chapter and rules adopted under it.

(G) The director may condition, suspend, or revoke a license 107836
or license renewal issued under this section at any time if the 107837
director finds that the public water system was not or will not be 107838
operated in substantial compliance with this chapter and rules 107839
adopted under it. 107840

(H) The director shall adopt rules in accordance with Chapter 107841
119. of the Revised Code establishing procedures and requirements 107842
governing both of the following: 107843

(1) Information to be included on applications for licenses 107844
and license renewals issued under this section; 107845

(2) The issuance, conditioning, suspension, revocation, and 107846
denial of licenses and license renewals under this section. 107847

(I)(1) As used in division (I) of this section, "church" 107848
means a fellowship of believers, congregation, society, 107849
corporation, convention, or association that is formed primarily 107850
or exclusively for religious purposes and that is not formed or 107851
operated for the private profit of any person. 107852

(2) This section does not apply to a church that operates or 107853
maintains a public water system solely to provide water for that 107854
church or for a campground that is owned by the church and 107855
operated primarily or exclusively for members of the church and 107856
their families. 107857

(J) This section does not apply to any public or nonpublic 107858
school that meets minimum standards of the state board of 107859
education that operates or maintains a public water system solely 107860
to provide water for that school. 107861

(K) The environmental protection agency shall collect well 107862
log filing fees on behalf of the division of ~~soil and~~ water 107863
resources in the department of natural resources in accordance 107864
with section 1521.05 of the Revised Code and rules adopted under 107865
it. The fees shall be submitted to the division quarterly as 107866

provided in those rules. 107867

Sec. 6109.30. (A) There is hereby created in the state 107868
treasury the drinking water protection fund, which shall be 107869
administered by the director of environmental protection. The fund 107870
shall consist of moneys distributed to it and shall be used for 107871
all of the following purposes: 107872

(1) Administration of this chapter and rules adopted under 107873
it; 107874

(2) Administration in this state of the "Safe Drinking Water 107875
Act"; 107876

(3) Provision of technical assistance to public water systems 107877
in this state for the purposes of this chapter and rules adopted 107878
under it; 107879

(4) Special studies conducted by the director for the 107880
monitoring and testing of drinking water quality in this state; 107881

(5) Support of programs for the prevention of contamination 107882
of surface and ground water supplies in this state that are 107883
sources of drinking water. 107884

~~Moneys in the fund shall not be used to meet any state 107885
matching requirements that are necessary to obtain federal grants.~~ 107886

(B) The director may expend not more than two hundred 107887
thousand dollars from the fund in each fiscal year for the purpose 107888
of making loans to owners and operators of public water systems 107889
for emergency remediation of threats of contamination to public 107890
water supplies. The director shall not loan more than twenty-five 107891
thousand dollars to the owner or operator of any single public 107892
water system. The director shall adopt, and may amend and rescind, 107893
rules in accordance with Chapter 119. of the Revised Code 107894
establishing application procedures and requirements for those 107895
loans. The rules shall require that an owner or operator receiving 107896

a loan under this division repay the loan to the fund not later than twelve months after receiving it. 107897
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Sec. 6109.34. The director of environmental protection or ~~his~~ the director's duly authorized representative may enter at reasonable times upon any private or public property to inspect and investigate conditions relating to the construction, maintenance, and operation of a public water system, and may take samples for analysis. If entry or inspection authorized by this section is refused, hindered, or thwarted, the director or ~~his~~ the director's authorized representative may by affidavit apply for, and any judge of a court of record may issue, an appropriate inspection warrant necessary to achieve the purposes of this chapter within the court's territorial jurisdiction. 107899
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During an emergency that requires the director or the director's authorized representative to respond to protect public health or safety or the environment or during an investigation of such an emergency, the director or the director's authorized representative may share any complete records, reports, or information or any part of a record, report, or information that has been designated as containing trade secret information in accordance with section 6111.05 of the Revised Code. A person that receives such records, reports, or information or any such part shall maintain the confidentiality of the records, reports, or information or any such part and use them only for the purposes established in division (D) of that section. 107910
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The sharing of complete records, reports, or information or any part of a record, report, or information that has been designated as containing trade secret information in accordance with division (D) of section 6111.05 of the Revised Code does not change the status of the records, reports, or information or any such part as being designated a trade secret pursuant to that 107922
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section. In addition, the sharing does not subject the records, 107928
reports, or information or any such part to public disclosure. 107929

Sec. 6111.01. As used in this chapter: 107930

(A) "Pollution" means the placing of any sewage, sludge, 107931
sludge materials, industrial waste, or other wastes in any waters 107932
of the state. 107933

(B) "Sewage" means any liquid waste containing sludge, sludge 107934
materials, or animal or vegetable matter in suspension or 107935
solution, and may include household wastes as commonly discharged 107936
from residences and from commercial, institutional, or similar 107937
facilities. 107938

(C) "Industrial waste" means any liquid, gaseous, or solid 107939
waste substance resulting from any process of industry, 107940
manufacture, trade, or business, or from the development, 107941
processing, or recovery of any natural resource, together with 107942
such sewage as is present. "Industrial waste" does not include 107943
either of the following: 107944

(1) Shale and clay products regardless of whether they are 107945
placed on the ground, placed below grade, or used in products that 107946
come into contact with the ground or are placed below grade; 107947

(2) Slag regardless of whether it is placed on the ground, 107948
placed below grade, or used in products that come into contact 107949
with the ground or are placed below grade. 107950

(D) "Other wastes" means garbage, refuse, decayed wood, 107951
sawdust, shavings, bark, and other wood debris, lime, sand, ashes, 107952
offal, night soil, oil, tar, coal dust, dredged or fill material, 107953
or silt, other substances that are not sewage, sludge, sludge 107954
materials, or industrial waste, and any other "pollutants" or 107955
"toxic pollutants" as defined in the Federal Water Pollution 107956
Control Act that are not sewage, sludge, sludge materials, or 107957

industrial waste. 107958

(E) "Sewerage system" means pipelines or conduits, pumping 107959
stations, and force mains, and all other constructions, devices, 107960
appurtenances, and facilities used for collecting or conducting 107961
water-borne sewage, industrial waste, or other wastes to a point 107962
of disposal or treatment, but does not include plumbing fixtures, 107963
building drains and subdrains, building sewers, and building storm 107964
sewers. 107965

(F) "Treatment works" means any plant, disposal field, 107966
lagoon, dam, pumping station, building sewer connected directly to 107967
treatment works, incinerator, or other works used for the purpose 107968
of treating, stabilizing, blending, composting, or holding sewage, 107969
sludge, sludge materials, industrial waste, or other wastes, 107970
except as otherwise defined. 107971

(G) "Disposal system" means a system for disposing of sewage, 107972
sludge, sludge materials, industrial waste, or other wastes and 107973
includes sewerage systems and treatment works. 107974

(H) "Waters of the state" means all streams, lakes, ponds, 107975
marshes, watercourses, waterways, wells, springs, irrigation 107976
systems, drainage systems, and other bodies or accumulations of 107977
water, surface and underground, natural or artificial, regardless 107978
of the depth of the strata in which underground water is located, 107979
that are situated wholly or partly within, or border upon, this 107980
state, or are within its jurisdiction, except those private waters 107981
that do not combine or effect a junction with natural surface or 107982
underground waters. 107983

(I) "Person" means the state, any municipal corporation, any 107984
other political subdivision of the state, any person as defined in 107985
section 1.59 of the Revised Code, any interstate body created by 107986
compact, or the federal government or any department, agency, or 107987
instrumentality thereof. 107988

(J) "Industrial water pollution control facility" means any disposal system or any treatment works, pretreatment works, appliance, equipment, machinery, pipeline or conduit, pumping station, force main, or installation constructed, used, or placed in operation primarily for the purpose of collecting or conducting industrial waste to a point of disposal or treatment; reducing, controlling, or eliminating water pollution caused by industrial waste; or reducing, controlling, or eliminating the discharge into a disposal system of industrial waste or what would be industrial waste if discharged into the waters of the state.

(K) "Schedule of compliance" means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with standards and rules adopted under sections 6111.041 and 6111.042 of the Revised Code or compliance with terms and conditions of permits set under division (J) of section 6111.03 of the Revised Code.

(L) "Federal Water Pollution Control Act" means the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean Water Act of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, and all other amendments to that act.

(M) "Historically channelized watercourse" means the portion of a watercourse on which an improvement, as defined in divisions (C)(2) to (4) of section 6131.01 of the Revised Code, was constructed pursuant to Chapter ~~1515.~~ 940., 6131., or 6133. of the Revised Code or a similar state law that preceded any of those chapters and authorized such an improvement.

(N) "Sludge" means sewage sludge and a solid, semi-solid, or liquid residue that is generated from an industrial wastewater treatment process and that is applied to land for agronomic benefit. "Sludge" does not include ash generated during the firing of sludge in a sludge incinerator, grit and screening generated

during preliminary treatment of sewage in a treatment works, 108021
animal manure, residue generated during treatment of animal 108022
manure, or domestic septage. 108023

(O) "Sludge materials" means solid, semi-solid, or liquid 108024
materials derived from sludge and includes products from a 108025
treatment works that result from the treatment, blending, or 108026
composting of sludge. 108027

(P) "Storage of sludge" means the placement of sludge on land 108028
on which the sludge remains for not longer than two years, but 108029
does not include the placement of sludge on land for treatment. 108030

(Q) "Sludge disposal program" means any program used by an 108031
entity that begins with the generation of sludge and includes 108032
treatment or disposal of the sludge, as "treatment" and "disposal" 108033
are defined in division (Y) of section 3745.11 of the Revised 108034
Code. 108035

(R) "Agronomic benefit" means any process that promotes or 108036
enhances plant growth and includes, but is not limited to, a 108037
process that increases soil fertility and moisture retention. 108038

(S) "Sludge management" means the use, storage, treatment, or 108039
disposal of, and management practices related to, sludge and 108040
sludge materials. 108041

(T) "Sludge management permit" means a permit for sludge 108042
management that is issued under division (J) of section 6111.03 of 108043
the Revised Code. 108044

(U) "Sewage sludge" has the same meaning as in division (Y) 108045
of section 3745.11 of the Revised Code. 108046

(V) "Shale and clay products" means nontoxic, nonhazardous, 108047
unwanted fired and unfired, glazed and unglazed, structural shale 108048
and clay products. 108049

(W) "Slaq" means nonmetallic product resulting from melting 108050

or smelting operations for iron or steel. 108051

Sec. 6111.02. As used in this section and sections 6111.021 108052
to 6111.028 of the Revised Code: 108053

(A) "Category 1 wetland," "category 2 wetland," or "category 108054
3 wetland" means a category 1 wetland, category 2 wetland, or 108055
category 3 wetland, respectively, as described in rule 3745-1-54 108056
of the Administrative Code, as that rule existed on July 17, 2001, 108057
and as determined to be a category 1, category 2, or category 3 108058
wetland, respectively, through application of the "Ohio rapid 108059
assessment method for wetlands version 5.0," including the Ohio 108060
rapid assessment method for wetlands version 5.0 quantitative 108061
score calibration dated August 15, 2000, unless an application for 108062
a section 401 water quality certification was submitted prior to 108063
February 28, 2001, in which case the applicant for the permit may 108064
elect to proceed in accordance with Ohio rapid assessment method 108065
for wetlands version 4.1. 108066

(B) "Creation" means the establishment of a wetland where one 108067
did not formerly exist and that involves wetland construction on 108068
nonhydric soils. 108069

(C) "Enhancement" means activities conducted in an existing 108070
wetland to improve or repair existing or natural wetland functions 108071
and values of that wetland. 108072

(D) "Fill material" means any material that is used to fill 108073
an aquatic area, to replace an aquatic area with dry land, or to 108074
change the bottom elevation of a wetland for any purpose and that 108075
consists of suitable material that is free from toxic contaminants 108076
in other than trace quantities. "Fill material" does not include 108077
either of the following: 108078

(1) Material resulting from normal farming, silviculture, and 108079
ranching activities, such as plowing, cultivating, seeding, and 108080

harvesting, for the production of food, fiber, and forest products; 108081
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(2) Material placed for the purpose of maintenance of existing structures, including emergency reconstruction of recently damaged parts of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, and bridge abutments or approaches, and transportation structures. 108083
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(E) "Filling" means the addition of fill material into a wetland for the purpose of creating upland, changing the bottom elevation of the wetland, or creating impoundments of water. "Filling" includes, without limitation, the placement of the following in wetlands: fill material that is necessary for the construction of any structure; structures or impoundments requiring rock, sand, dirt, or other material for its construction; site-development fills for recreational, industrial, commercial, residential, or other uses; causeways or road fills; dams and dikes; artificial islands, property protection, or reclamation devices such as riprap, groins, seawalls, breakwalls, and bulkheads and fills; beach nourishment; levees; sanitary landfills; fill material for structures such as sewage treatment facilities, intake and outfall pipes associated with power plants, and underwater utility lines; and artificial reefs. 108088
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(F) "Isolated wetland" means a wetland that is not subject to regulation under the Federal Water Pollution Control Act. 108103
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(G) "Mitigation" means the restoration, creation, enhancement, or, in exceptional circumstances, preservation of wetlands expressly for the purpose of compensating for wetland impacts. 108105
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(H) "Mitigation bank service area" means the designated area where a mitigation bank can reasonably be expected to provide appropriate compensation for impacts to wetlands and other aquatic 108109
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resources and that is designated as such in accordance with the 108112
process established in 33 C.F.R. 332.8 and 40 C.F.R. 230.98. 108113

(I) "Off-site mitigation" means wetland restoration, 108114
creation, enhancement, or preservation occurring farther than one 108115
mile from a project boundary, but within the same watershed. 108116

(J) "On-site mitigation" means wetland restoration, creation, 108117
enhancement, or preservation occurring within and not more than 108118
one mile from the project boundary and within the same watershed. 108119

(K) "Practicable" means available and capable of being 108120
executed with existing technology and without significant adverse 108121
effect on the economic feasibility of the project in light of the 108122
overall project purposes and in consideration of the relative 108123
environmental benefit. 108124

(L) "Preservation" means the long-term protection of 108125
ecologically important wetlands ~~in perpetuity~~ through the 108126
implementation of appropriate legal mechanisms to prevent harm to 108127
the wetlands. "Preservation" may include protection of adjacent 108128
upland areas as necessary to ensure protection of a wetland. 108129

(M) "Restoration" means the reestablishment of a previously 108130
existing wetland at a site where it has ceased to exist. 108131

(N) "State isolated wetland permit" means a permit issued in 108132
accordance with sections 6111.02 to 6111.027 of the Revised Code 108133
authorizing the filling of an isolated wetland. 108134

(O) "Watershed" means an eight-digit hydrologic unit. 108135

(P) "Wetlands" means those areas that are inundated or 108136
saturated by surface or ground water at a frequency and duration 108137
that are sufficient to support, and that under normal 108138
circumstances do support, a prevalence of vegetation typically 108139
adapted for life in saturated soil conditions. "Wetlands" includes 108140
swamps, marshes, bogs, and similar areas that are delineated in 108141

accordance with the 1987 United States army corps of engineers 108142
wetland delineation manual and any other procedures and 108143
requirements adopted by the United States army corps of engineers 108144
for delineating wetlands. 108145

(Q) "Wetland mitigation bank" means a site where wetlands 108146
have been restored, created, enhanced, or, in exceptional 108147
circumstances, preserved expressly for the purpose of providing 108148
mitigation for impacts to wetlands and that has been approved in 108149
accordance with the process established in 33 C.F.R. 332.8 and 40 108150
C.F.R. 230.98. 108151

(R) "Eight-digit hydrologic unit" means a common surface 108152
drainage area corresponding to one from the list of thirty-seven 108153
adapted from the forty-four cataloging units as depicted on the 108154
hydrologic unit map of Ohio, United States geological survey, 108155
1988, and as described in division (F)(2) of rule 3745-1-54 of the 108156
Administrative Code or as otherwise shown on map number 1 found in 108157
rule 3745-1-54 of the Administrative Code. "Eight-digit hydrologic 108158
unit" is limited to those parts of the cataloging units that 108159
geographically lie within the borders of this state. 108160

(S) "In-lieu fee mitigation" means a payment made by an 108161
applicant to satisfy a wetland mitigation requirement established 108162
in sections 6111.02 to 6111.027 of the Revised Code. 108163

Sec. 6111.027. (A) Mitigation for impacts to isolated 108164
wetlands under sections 6111.02 to 6111.027 shall be conducted in 108165
accordance with the following ratios: 108166

(1) For category 1 and category 2 isolated wetlands, other 108167
than forested category 2 isolated wetlands, mitigation located at 108168
an approved wetland mitigation bank shall be conducted, or 108169
mitigation shall be paid for under an in-lieu fee mitigation 108170
program, at a rate of two times the size of the area of isolated 108171
wetland that is being impacted. 108172

(2) For forested category 2 isolated wetlands, mitigation 108173
located at an approved wetland mitigation bank shall be conducted, 108174
or mitigation shall be paid for under an in-lieu fee mitigation 108175
program, at a rate of two and one-half times the size of the area 108176
of isolated wetland that is being impacted. 108177

(3) All other mitigation shall be subject to mitigation 108178
ratios established in division (F) of rule 3745-1-54 of the 108179
Administrative Code. 108180

(B) Mitigation that involves the enhancement or preservation 108181
of isolated wetlands shall be calculated and performed in 108182
accordance with rule 3745-1-54 of the Administrative Code. 108183

(C) An applicant for coverage under a general state isolated 108184
wetland permit or for an individual state isolated wetland permit 108185
under sections 6111.022 to 6111.024 of the Revised Code shall 108186
demonstrate that the mitigation site will be protected ~~in~~ 108187
~~perpetuity~~ long term and that appropriate practicable management 108188
measures are, or will be, in place to restrict harmful activities 108189
that jeopardize the mitigation. 108190

Sec. 6111.03. The director of environmental protection may do 108191
any of the following: 108192

(A) Develop plans and programs for the prevention, control, 108193
and abatement of new or existing pollution of the waters of the 108194
state; 108195

(B) Advise, consult, and cooperate with other agencies of the 108196
state, the federal government, other states, and interstate 108197
agencies and with affected groups, political subdivisions, and 108198
industries in furtherance of the purposes of this chapter. Before 108199
adopting, amending, or rescinding a standard or rule pursuant to 108200
division (G) of this section or section 6111.041 or 6111.042 of 108201
the Revised Code, the director shall do all of the following: 108202

(1) Mail notice to each statewide organization that the director determines represents persons who would be affected by the proposed standard or rule, amendment thereto, or rescission thereof at least thirty-five days before any public hearing thereon;

(2) Mail a copy of each proposed standard or rule, amendment thereto, or rescission thereof to any person who requests a copy, within five days after receipt of the request therefor;

(3) Consult with appropriate state and local government agencies or their representatives, including statewide organizations of local government officials, industrial representatives, and other interested persons.

Although the director is expected to discharge these duties diligently, failure to mail any such notice or copy or to so consult with any person shall not invalidate any proceeding or action of the director.

(C) Administer grants from the federal government and from other sources, public or private, for carrying out any of its functions, all such moneys to be deposited in the state treasury and kept by the treasurer of state in a separate fund subject to the lawful orders of the director;

(D) Administer state grants for the construction of sewage and waste collection and treatment works;

(E) Encourage, participate in, or conduct studies, investigations, research, and demonstrations relating to water pollution, and the causes, prevention, control, and abatement thereof, that are advisable and necessary for the discharge of the director's duties under this chapter;

(F) Collect and disseminate information relating to water pollution and prevention, control, and abatement thereof;

(G) Adopt, amend, and rescind rules in accordance with 108233
Chapter 119. of the Revised Code governing the procedure for 108234
hearings, the filing of reports, the issuance of permits, the 108235
issuance of industrial water pollution control certificates, and 108236
all other matters relating to procedure; 108237

(H) Issue, modify, or revoke orders to prevent, control, or 108238
abate water pollution by such means as the following: 108239

(1) Prohibiting or abating discharges of sewage, industrial 108240
waste, or other wastes into the waters of the state; 108241

(2) Requiring the construction of new disposal systems or any 108242
parts thereof, or the modification, extension, or alteration of 108243
existing disposal systems or any parts thereof; 108244

(3) Prohibiting additional connections to or extensions of a 108245
sewerage system when the connections or extensions would result in 108246
an increase in the polluting properties of the effluent from the 108247
system when discharged into any waters of the state; 108248

(4) Requiring compliance with any standard or rule adopted 108249
under sections 6111.01 to 6111.05 of the Revised Code or term or 108250
condition of a permit. 108251

In the making of those orders, wherever compliance with a 108252
rule adopted under section 6111.042 of the Revised Code is not 108253
involved, consistent with the Federal Water Pollution Control Act, 108254
the director shall give consideration to, and base the 108255
determination on, evidence relating to the technical feasibility 108256
and economic reasonableness of complying with those orders and to 108257
evidence relating to conditions calculated to result from 108258
compliance with those orders, and their relation to benefits to 108259
the people of the state to be derived from such compliance in 108260
accomplishing the purposes of this chapter. 108261

(I) Review plans, specifications, or other data relative to 108262
disposal systems or any part thereof in connection with the 108263

issuance of orders, permits, and industrial water pollution 108264
control certificates under this chapter; 108265

(J)(1) Issue, revoke, modify, or deny sludge management 108266
permits and permits for the discharge of sewage, industrial waste, 108267
or other wastes into the waters of the state, and for the 108268
installation or modification of disposal systems or any parts 108269
thereof in compliance with all requirements of the Federal Water 108270
Pollution Control Act and mandatory regulations adopted 108271
thereunder, including regulations adopted under section 405 of the 108272
Federal Water Pollution Control Act, and set terms and conditions 108273
of permits, including schedules of compliance, where necessary. In 108274
issuing permits for sludge management, the director shall not 108275
allow the placement of sewage sludge on frozen ground in conflict 108276
with rules adopted under this chapter. Any person who discharges, 108277
transports, or handles storm water from an animal feeding 108278
facility, as defined in section 903.01 of the Revised Code, or 108279
pollutants from a concentrated animal feeding operation, as both 108280
terms are defined in that section, is not required to obtain a 108281
permit under division (J)(1) of this section for the installation 108282
or modification of a disposal system involving pollutants or storm 108283
water or any parts of such a system on and after the date on which 108284
the director of agriculture has finalized the program required 108285
under division (A)(1) of section 903.02 of the Revised Code. In 108286
addition, any person who discharges, transports, or handles storm 108287
water from an animal feeding facility, as defined in section 108288
903.01 of the Revised Code, or pollutants from a concentrated 108289
animal feeding operation, as both terms are defined in that 108290
section, is not required to obtain a permit under division (J)(1) 108291
of this section for the discharge of storm water from an animal 108292
feeding facility or pollutants from a concentrated animal feeding 108293
operation on and after the date on which the United States 108294
environmental protection agency approves the NPDES program 108295
submitted by the director of agriculture under section 903.08 of 108296

the Revised Code. 108297

Any permit terms and conditions set by the director shall be 108298
designed to achieve and maintain full compliance with the national 108299
effluent limitations, national standards of performance for new 108300
sources, and national toxic and pretreatment effluent standards 108301
set under that act, and any other mandatory requirements of that 108302
act that are imposed by regulation of the administrator of the 108303
United States environmental protection agency. If an applicant for 108304
a sludge management permit also applies for a related permit for 108305
the discharge of sewage, industrial waste, or other wastes into 108306
the waters of the state, the director may combine the two permits 108307
and issue one permit to the applicant. 108308

A sludge management permit is not required for an entity that 108309
treats or transports sewage sludge or for a sanitary landfill when 108310
all of the following apply: 108311

(a) The entity or sanitary landfill does not generate the 108312
sewage sludge. 108313

(b) Prior to receipt at the sanitary landfill, the entity has 108314
ensured that the sewage sludge meets the requirements established 108315
in rules adopted by the director under section 3734.02 of the 108316
Revised Code concerning disposal of municipal solid waste in a 108317
sanitary landfill. 108318

(c) Disposal of the sewage sludge occurs at a sanitary 108319
landfill that complies with rules adopted by the director under 108320
section 3734.02 of the Revised Code. 108321

As used in division (J)(1) of this section, "sanitary 108322
landfill" means a sanitary landfill facility, as defined in rules 108323
adopted under section 3734.02 of the Revised Code, that is 108324
licensed as a solid waste facility under section 3734.05 of the 108325
Revised Code. 108326

(2) An application for a permit or renewal thereof shall be 108327

denied if any of the following applies: 108328

(a) The secretary of the army determines in writing that 108329
anchorage or navigation would be substantially impaired thereby; 108330

(b) The director determines that the proposed discharge or 108331
source would conflict with an areawide waste treatment management 108332
plan adopted in accordance with section 208 of the Federal Water 108333
Pollution Control Act; 108334

(c) The administrator of the United States environmental 108335
protection agency objects in writing to the issuance or renewal of 108336
the permit in accordance with section 402 (d) of the Federal Water 108337
Pollution Control Act; 108338

(d) The application is for the discharge of any radiological, 108339
chemical, or biological warfare agent or high-level radioactive 108340
waste into the waters of the United States. 108341

(3) To achieve and maintain applicable standards of quality 108342
for the waters of the state adopted pursuant to section 6111.041 108343
of the Revised Code, the director shall impose, where necessary 108344
and appropriate, as conditions of each permit, water quality 108345
related effluent limitations in accordance with sections 301, 302, 108346
306, 307, and 405 of the Federal Water Pollution Control Act and, 108347
to the extent consistent with that act, shall give consideration 108348
to, and base the determination on, evidence relating to the 108349
technical feasibility and economic reasonableness of removing the 108350
polluting properties from those wastes and to evidence relating to 108351
conditions calculated to result from that action and their 108352
relation to benefits to the people of the state and to 108353
accomplishment of the purposes of this chapter. 108354

(4) Where a discharge having a thermal component from a 108355
source that is constructed or modified on or after October 18, 108356
1972, meets national or state effluent limitations or more 108357
stringent permit conditions designed to achieve and maintain 108358

compliance with applicable standards of quality for the waters of 108359
the state, which limitations or conditions will ensure protection 108360
and propagation of a balanced, indigenous population of shellfish, 108361
fish, and wildlife in or on the body of water into which the 108362
discharge is made, taking into account the interaction of the 108363
thermal component with sewage, industrial waste, or other wastes, 108364
the director shall not impose any more stringent limitation on the 108365
thermal component of the discharge, as a condition of a permit or 108366
renewal thereof for the discharge, during a ten-year period 108367
beginning on the date of completion of the construction or 108368
modification of the source, or during the period of depreciation 108369
or amortization of the source for the purpose of section 167 or 108370
169 of the Internal Revenue Code of 1954, whichever period ends 108371
first. 108372

(5) The director shall specify in permits for the discharge 108373
of sewage, industrial waste, and other wastes, the net volume, net 108374
weight, duration, frequency, and, where necessary, concentration 108375
of the sewage, industrial waste, and other wastes that may be 108376
discharged into the waters of the state. The director shall 108377
specify in those permits and in sludge management permits that the 108378
permit is conditioned upon payment of applicable fees as required 108379
by section 3745.11 of the Revised Code and upon the right of the 108380
director's authorized representatives to enter upon the premises 108381
of the person to whom the permit has been issued for the purpose 108382
of determining compliance with this chapter, rules adopted 108383
thereunder, or the terms and conditions of a permit, order, or 108384
other determination. The director shall issue or deny an 108385
application for a sludge management permit or a permit for a new 108386
discharge, for the installation or modification of a disposal 108387
system, or for the renewal of a permit, within one hundred eighty 108388
days of the date on which a complete application with all plans, 108389
specifications, construction schedules, and other pertinent 108390
information required by the director is received. 108391

(6) The director may condition permits upon the installation 108392
of discharge or water quality monitoring equipment or devices and 108393
the filing of periodic reports on the amounts and contents of 108394
discharges and the quality of receiving waters that the director 108395
prescribes. The director shall condition each permit for a 108396
government-owned disposal system or any other "treatment works" as 108397
defined in the Federal Water Pollution Control Act upon the 108398
reporting of new introductions of industrial waste or other wastes 108399
and substantial changes in volume or character thereof being 108400
introduced into those systems or works from "industrial users" as 108401
defined in section 502 of that act, as necessary to comply with 108402
section 402(b)(8) of that act; upon the identification of the 108403
character and volume of pollutants subject to pretreatment 108404
standards being introduced into the system or works; and upon the 108405
existence of a program to ensure compliance with pretreatment 108406
standards by "industrial users" of the system or works. In 108407
requiring monitoring devices and reports, the director, to the 108408
extent consistent with the Federal Water Pollution Control Act, 108409
shall give consideration to technical feasibility and economic 108410
reasonableness and shall allow reasonable time for compliance. 108411

(7) A permit may be issued for a period not to exceed five 108412
years and may be renewed upon application for renewal. In renewing 108413
a permit, the director shall consider the compliance history of 108414
the permit holder and may deny the renewal if the director 108415
determines that the permit holder has not complied with the terms 108416
and conditions of the existing permit. A permit may be modified, 108417
suspended, or revoked for cause, including, but not limited to, 108418
violation of any condition of the permit, obtaining a permit by 108419
misrepresentation or failure to disclose fully all relevant facts 108420
of the permitted discharge or of the sludge use, storage, 108421
treatment, or disposal practice, or changes in any condition that 108422
requires either a temporary or permanent reduction or elimination 108423
of the permitted activity. No application shall be denied or 108424

permit revoked or modified without a written order stating the findings upon which the denial, revocation, or modification is based. A copy of the order shall be sent to the applicant or permit holder by certified mail.

(K) Institute or cause to be instituted in any court of competent jurisdiction proceedings to compel compliance with this chapter or with the orders of the director issued under this chapter, or to ensure compliance with sections 204(b), 307, 308, and 405 of the Federal Water Pollution Control Act;

(L) Issue, deny, revoke, or modify industrial water pollution control certificates;

(M) Certify to the government of the United States or any agency thereof that an industrial water pollution control facility is in conformity with the state program or requirements for the control of water pollution whenever the certification may be required for a taxpayer under the Internal Revenue Code of the United States, as amended;

(N) Issue, modify, and revoke orders requiring any "industrial user" of any publicly owned "treatment works" as defined in sections 212(2) and 502(18) of the Federal Water Pollution Control Act to comply with pretreatment standards; establish and maintain records; make reports; install, use, and maintain monitoring equipment or methods, including, where appropriate, biological monitoring methods; sample discharges in accordance with methods, at locations, at intervals, and in a manner that the director determines; and provide other information that is necessary to ascertain whether or not there is compliance with toxic and pretreatment effluent standards. In issuing, modifying, and revoking those orders, the director, to the extent consistent with the Federal Water Pollution Control Act, shall give consideration to technical feasibility and economic reasonableness and shall allow reasonable time for compliance.

(O) Exercise all incidental powers necessary to carry out the purposes of this chapter;	108457 108458
(P) Certify or deny certification to any applicant for a federal license or permit to conduct any activity that may result in any discharge into the waters of the state that the discharge will comply with the Federal Water Pollution Control Act;	108459 108460 108461 108462
(Q) Administer and enforce the publicly owned treatment works pretreatment program in accordance with the Federal Water Pollution Control Act. In the administration of that program, the director may do any of the following:	108463 108464 108465 108466
(1) Apply and enforce pretreatment standards;	108467
(2) Approve and deny requests for approval of publicly owned treatment works pretreatment programs, oversee those programs, and implement, in whole or in part, those programs under any of the following conditions:	108468 108469 108470 108471
(a) The director has denied a request for approval of the publicly owned treatment works pretreatment program;	108472 108473
(b) The director has revoked the publicly owned treatment works pretreatment program;	108474 108475
(c) There is no pretreatment program currently being implemented by the publicly owned treatment works;	108476 108477
(d) The publicly owned treatment works has requested the director to implement, in whole or in part, the pretreatment program.	108478 108479 108480
(3) Require that a publicly owned treatment works pretreatment program be incorporated in a permit issued to a publicly owned treatment works as required by the Federal Water Pollution Control Act, require compliance by publicly owned treatment works with those programs, and require compliance by industrial users with pretreatment standards;	108481 108482 108483 108484 108485 108486

(4) Approve and deny requests for authority to modify categorical pretreatment standards to reflect removal of pollutants achieved by publicly owned treatment works; (108487-108489)

(5) Deny and recommend approval of requests for fundamentally different factors variances submitted by industrial users; (108490-108491)

(6) Make determinations on categorization of industrial users; (108492-108493)

(7) Adopt, amend, or rescind rules and issue, modify, or revoke orders necessary for the administration and enforcement of the publicly owned treatment works pretreatment program. (108494-108496)

Any approval of a publicly owned treatment works pretreatment program may contain any terms and conditions, including schedules of compliance, that are necessary to achieve compliance with this chapter. (108497-108500)

(R) Except as otherwise provided in this division, adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures, methods, and equipment and other requirements for equipment to prevent and contain discharges of oil and hazardous substances into the waters of the state. The rules shall be consistent with and equivalent in scope, content, and coverage to section 311(j)(1)(c) of the Federal Water Pollution Control Act and regulations adopted under it. The director shall not adopt rules under this division relating to discharges of oil from oil production facilities and oil drilling and workover facilities as those terms are defined in that act and regulations adopted under it. (108501-108512)

(S)(1) Administer and enforce a program for the regulation of sludge management in this state. In administering the program, the director, in addition to exercising the authority provided in any other applicable sections of this chapter, may do any of the following: (108513-108517)

(a) Develop plans and programs for the disposal and utilization of sludge and sludge materials; 108518
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(b) Encourage, participate in, or conduct studies, investigations, research, and demonstrations relating to the disposal and use of sludge and sludge materials and the impact of sludge and sludge materials on land located in the state and on the air and waters of the state; 108520
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(c) Collect and disseminate information relating to the disposal and use of sludge and sludge materials and the impact of sludge and sludge materials on land located in the state and on the air and waters of the state; 108525
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(d) Issue, modify, or revoke orders to prevent, control, or abate the use and disposal of sludge and sludge materials or the effects of the use of sludge and sludge materials on land located in the state and on the air and waters of the state; 108529
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(e) Adopt and enforce, modify, or rescind rules necessary for the implementation of division (S) of this section. The rules reasonably shall protect public health and the environment, encourage the beneficial reuse of sludge and sludge materials, and minimize the creation of nuisance odors. 108533
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The director may specify in sludge management permits the net volume, net weight, quality, and pollutant concentration of the sludge or sludge materials that may be used, stored, treated, or disposed of, and the manner and frequency of the use, storage, treatment, or disposal, to protect public health and the environment from adverse effects relating to those activities. The director shall impose other terms and conditions to protect public health and the environment, minimize the creation of nuisance odors, and achieve compliance with this chapter and rules adopted under it and, in doing so, shall consider whether the terms and conditions are consistent with the goal of encouraging the 108538
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beneficial reuse of sludge and sludge materials. 108549

The director may condition permits on the implementation of 108550
treatment, storage, disposal, distribution, or application 108551
management methods and the filing of periodic reports on the 108552
amounts, composition, and quality of sludge and sludge materials 108553
that are disposed of, used, treated, or stored. 108554

An approval of a treatment works sludge disposal program may 108555
contain any terms and conditions, including schedules of 108556
compliance, necessary to achieve compliance with this chapter and 108557
rules adopted under it. 108558

(2) As a part of the program established under division 108559
(S)(1) of this section, the director has exclusive authority to 108560
regulate sewage sludge management in this state. For purposes of 108561
division (S)(2) of this section, that program shall be consistent 108562
with section 405 of the Federal Water Pollution Control Act and 108563
regulations adopted under it and with this section, except that 108564
the director may adopt rules under division (S) of this section 108565
that establish requirements that are more stringent than section 108566
405 of the Federal Water Pollution Control Act and regulations 108567
adopted under it with regard to monitoring sewage sludge and 108568
sewage sludge materials and establishing acceptable sewage sludge 108569
management practices and pollutant levels in sewage sludge and 108570
sewage sludge materials. 108571

This chapter authorizes the state to participate in any 108572
national sludge management program and the national pollutant 108573
discharge elimination system, to administer and enforce the 108574
publicly owned treatment works pretreatment program, and to issue 108575
permits for the discharge of dredged or fill materials, in 108576
accordance with the Federal Water Pollution Control Act. This 108577
chapter shall be administered, consistent with the laws of this 108578
state and federal law, in the same manner that the Federal Water 108579
Pollution Control Act is required to be administered. 108580

(T) Develop technical guidance and offer technical assistance, upon request, for the purpose of minimizing wind or water erosion of soil, and assist in compliance with permits for storm water management issued under this chapter and rules adopted under it.

This section does not apply to residual farm products and manure disposal systems and related management and conservation practices subject to rules adopted pursuant to division (E)(1) of section ~~1511.02~~ 939.02 of the Revised Code. For purposes of this exclusion, "residual farm products" and "manure" have the same meanings as in section ~~1511.01~~ 939.01 of the Revised Code. However, until the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, this exclusion does not apply to animal waste treatment works having a controlled direct discharge to the waters of the state or any concentrated animal feeding operation, as defined in 40 C.F.R. 122.23(b)(2). On and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, this section does not apply to storm water from an animal feeding facility, as defined in section 903.01 of the Revised Code, or to pollutants discharged from a concentrated animal feeding operation, as both terms are defined in that section. Neither of these exclusions applies to the discharge of animal waste into a publicly owned treatment works.

Not later than December 1, 2016, a publicly owned treatment works with a design flow of one million gallons per day or more, or designated as a major discharger by the director, shall be required to begin monthly monitoring of total and dissolved reactive phosphorus pursuant to a new NPDES permit, an NPDES permit renewal, or a director-initiated modification. The director

shall include in each applicable new NPDES permit, NPDES permit 108613
renewal, or director-initiated modification a requirement that 108614
such monitoring be conducted. A director-initiated modification 108615
for that purpose shall be considered and processed as a minor 108616
modification pursuant to ~~O.A.C.~~ Ohio Administrative Code 108617
3745-33-04. In addition, not later than December 1, 2017, a 108618
publicly owned treatment works with a design flow of one million 108619
gallons per day or more that, on ~~the effective date of this~~ 108620
~~amendment~~ July 3, 2015, is not subject to a phosphorus limit shall 108621
complete and submit to the director a study that evaluates the 108622
technical and financial capability of the existing treatment 108623
facility to reduce the final effluent discharge of phosphorus to 108624
one milligram per liter using possible source reduction measures, 108625
operational procedures, and unit process configurations. 108626

Sec. 6111.04. (A) Both of the following apply except as 108627
otherwise provided in division (A) or (F) of this section: 108628

(1) No person shall cause pollution or place or cause to be 108629
placed any sewage, sludge, sludge materials, industrial waste, or 108630
other wastes in a location where they cause pollution of any 108631
waters of the state. 108632

(2) Such an action prohibited under division (A)(1) of this 108633
section is hereby declared to be a public nuisance. 108634

Divisions (A)(1) and (2) of this section do not apply if the 108635
person causing pollution or placing or causing to be placed wastes 108636
in a location in which they cause pollution of any waters of the 108637
state holds a valid, unexpired permit, or renewal of a permit, 108638
governing the causing or placement as provided in sections 6111.01 108639
to 6111.08 of the Revised Code or if the person's application for 108640
renewal of such a permit is pending. 108641

(B) If the director of environmental protection administers a 108642
sludge management program pursuant to division (S) of section 108643

6111.03 of the Revised Code, both of the following apply except as 108644
otherwise provided in division (B) or (F) of this section: 108645

(1) No person, in the course of sludge management, shall 108646
place on land located in the state or release into the air of the 108647
state any sludge or sludge materials. 108648

(2) An action prohibited under division (B)(1) of this 108649
section is hereby declared to be a public nuisance. 108650

Divisions (B)(1) and (2) of this section do not apply if the 108651
person placing or releasing the sludge or sludge materials holds a 108652
valid, unexpired permit, or renewal of a permit, governing the 108653
placement or release as provided in sections 6111.01 to 6111.08 of 108654
the Revised Code or if the person's application for renewal of 108655
such a permit is pending. 108656

(C) No person to whom a permit has been issued shall place or 108657
discharge, or cause to be placed or discharged, in any waters of 108658
the state any sewage, sludge, sludge materials, industrial waste, 108659
or other wastes in excess of the permissive discharges specified 108660
under an existing permit without first receiving a permit from the 108661
director to do so. 108662

(D) No person to whom a sludge management permit has been 108663
issued shall place on the land or release into the air of the 108664
state any sludge or sludge materials in excess of the permissive 108665
amounts specified under the existing sludge management permit 108666
without first receiving a modification of the existing sludge 108667
management permit or a new sludge management permit to do so from 108668
the director. 108669

(E) The director may require the submission of plans, 108670
specifications, and other information that the director considers 108671
relevant in connection with the issuance of permits. 108672

(F) This section does not apply to any of the following: 108673

(1) Waters used in washing sand, gravel, other aggregates, or mineral products when the washing and the ultimate disposal of the water used in the washing, including any sewage, industrial waste, or other wastes contained in the waters, are entirely confined to the land under the control of the person engaged in the recovery and processing of the sand, gravel, other aggregates, or mineral products and do not result in the pollution of waters of the state;

(2) Water, gas, or other material injected into a well to facilitate, or that is incidental to, the production of oil, gas, artificial brine, or water derived in association with oil or gas production and disposed of in a well, in compliance with a permit issued under Chapter 1509. of the Revised Code, or sewage, industrial waste, or other wastes injected into a well in compliance with an injection well operating permit. Division (F)(2) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, regulation of the United States environmental protection agency.

(3) Application of any materials to land for agricultural purposes or runoff of the materials from that application or pollution by residual farm products, manure, or soil sediment, including attached substances, resulting from farming, silvicultural, or earthmoving activities regulated by Chapter 307. or ~~1511. 939.~~ 939. of the Revised Code. Division (F)(3) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, the Federal Water Pollution Control Act or regulations adopted under it. As used in division (F)(3) of this section, "residual farm products" and "manure" have the same meanings as in section ~~1511.01~~ 939.01 of the Revised Code.

(4) The excrement of domestic and farm animals defecated on

land or runoff therefrom into any waters of the state. Division 108706
(F)(4) of this section does not authorize, without a permit, any 108707
discharge that is prohibited by, or for which a permit is required 108708
by, the Federal Water Pollution Control Act or regulations adopted 108709
under it. 108710

(5) On and after the date on which the United States 108711
environmental protection agency approves the NPDES program 108712
submitted by the director of agriculture under section 903.08 of 108713
the Revised Code, any discharge that is within the scope of the 108714
approved NPDES program submitted by the director of agriculture; 108715

(6) The discharge of sewage, industrial waste, or other 108716
wastes into a sewerage system tributary to a treatment works. 108717
Division (F)(6) of this section does not authorize any discharge 108718
into a publicly owned treatment works in violation of a 108719
pretreatment program applicable to the publicly owned treatment 108720
works. 108721

(7) A household sewage treatment system or a small flow 108722
on-site sewage treatment system, as applicable, as defined in 108723
section 3718.01 of the Revised Code that is installed in 108724
compliance with Chapter 3718. of the Revised Code and rules 108725
adopted under it. Division (F)(7) of this section does not 108726
authorize, without a permit, any discharge that is prohibited by, 108727
or for which a permit is required by, regulation of the United 108728
States environmental protection agency. 108729

(8) Exceptional quality sludge generated outside of this 108730
state and contained in bags or other containers not greater than 108731
one hundred pounds in capacity. As used in division (F)(8) of this 108732
section, "exceptional quality sludge" has the same meaning as in 108733
division (Y) of section 3745.11 of the Revised Code. 108734

(G) The holder of a permit issued under section 402 (a) of 108735
the Federal Water Pollution Control Act need not obtain a permit 108736

for a discharge authorized by the permit until its expiration 108737
date. Except as otherwise provided in this division, the director 108738
of environmental protection shall administer and enforce those 108739
permits within this state and may modify their terms and 108740
conditions in accordance with division (J) of section 6111.03 of 108741
the Revised Code. On and after the date on which the United States 108742
environmental protection agency approves the NPDES program 108743
submitted by the director of agriculture under section 903.08 of 108744
the Revised Code, the director of agriculture shall administer and 108745
enforce those permits within this state that are issued for any 108746
discharge that is within the scope of the approved NPDES program 108747
submitted by the director of agriculture. 108748

Sec. 6111.044. Upon receipt of an application for an 108749
injection well drilling permit, an injection well operating 108750
permit, a renewal of an injection well operating permit, or a 108751
modification of an injection well drilling permit, operating 108752
permit, or renewal of an operating permit, the director of 108753
environmental protection shall determine whether the application 108754
is complete and demonstrates that the activities for which the 108755
permit, renewal permit, or modification is requested will comply 108756
with the Federal Water Pollution Control Act and regulations 108757
adopted under it; the "Safe Drinking Water Act," 88 Stat. 1661 108758
(1974), 42 U.S.C.A. 300(f), as amended, and regulations adopted 108759
under it; and this chapter and the rules adopted under it. If the 108760
application demonstrates that the proposed activities will not 108761
comply or will pose an unreasonable risk of inducing seismic 108762
activity, inducing geologic fracturing, or contamination of an 108763
underground source of drinking water, the director shall deny the 108764
application. If the application does not make the required 108765
demonstrations, the director shall return it to the applicant with 108766
an indication of those matters about which a required 108767
demonstration was not made. If the director determines that the 108768

application makes the required demonstrations, the director shall 108769
transmit copies of the application and all of the accompanying 108770
maps, data, samples, and information to the chief of the division 108771
of oil and gas resources management, the chief of the division of 108772
geological survey, the chief of the division of ~~soil and~~ water 108773
resources, and, if the well is or is to be located in a coal 108774
bearing township designated under section 1561.06 of the Revised 108775
Code, the chief of the division of mineral resources management in 108776
the department of natural resources. 108777

The chief of the division of geological survey shall comment 108778
upon the application if the chief determines that the proposed 108779
well or injection will present an unreasonable risk of loss or 108780
damage to valuable mineral resources. If the chief submits 108781
comments on the application, those comments shall be accompanied 108782
by an evaluation of the geological factors upon which the comments 108783
are based, including fractures, faults, earthquake potential, and 108784
the porosity and permeability of the injection zone and confining 108785
zone, and by the documentation supporting the evaluation. The 108786
director shall take into consideration the chief's comments, and 108787
the accompanying evaluation of geologic factors and supporting 108788
documentation, when considering the application. The director 108789
shall provide written notice to the chief of the director's 108790
decision on the application and, if the chief's comments are not 108791
included in the permit, renewal permit, or modification, of the 108792
director's rationale for not including them. 108793

The chief of the division of oil and gas resources management 108794
shall comment upon the application if the chief determines that 108795
the proposed well or injection will present an unreasonable risk 108796
that waste or contamination of recoverable oil or gas in the earth 108797
will occur. If the chief submits comments on the application, 108798
those comments shall be accompanied by an evaluation of the oil or 108799
gas reserves that, in the best professional judgment of the chief, 108800

are recoverable and will be adversely affected by the proposed well or injection, and by the documentation supporting the evaluation. The director shall take into consideration the chief's comments, and the accompanying evaluation and supporting documentation, when considering the application. The director shall provide written notice to the chief of the director's decision on the application and, if the chief's comments are not included in the permit, renewal permit, or modification, of the director's rationale for not including them.

The chief of the division of ~~soil and~~ water resources shall assist the director in determining whether all underground sources of drinking water in the area of review of the proposed well or injection have been identified and correctly delineated in the application. If the application fails to identify or correctly delineate an underground source of drinking water, the chief shall provide written notice of that fact to the director.

The chief of the division of mineral resources management shall review the application as follows:

If the application concerns the drilling or conversion of a well or the injection into a well that is not or is not to be located within five thousand feet of the excavation and workings of a mine, the chief of the division of mineral resources management shall note upon the application that it has been examined by the division of mineral resources management, retain a copy of the application and map, and immediately return a copy of the application to the director.

If the application concerns the drilling or conversion of a well or the injection into a well that is or is to be located within five thousand feet, but more than five hundred feet from the surface excavations and workings of a mine, the chief of the division of mineral resources management immediately shall notify the owner or lessee of the mine that the application has been

filed and send to the owner or lessee a copy of the map 108833
accompanying the application setting forth the location of the 108834
well. The chief of the division of mineral resources management 108835
shall note on the application that the notice has been sent to the 108836
owner or lessee of the mine, retain a copy of the application and 108837
map, and immediately return a copy of the application to the 108838
director with the chief's notation on it. 108839

If the application concerns the drilling or conversion of a 108840
well or the injection into a well that is or is to be located 108841
within five thousand feet of the underground excavations and 108842
workings of a mine or within five hundred feet of the surface 108843
excavations and workings of a mine, the chief of the division of 108844
mineral resources management immediately shall notify the owner or 108845
lessee of the mine that the application has been filed and send to 108846
the owner or lessee a copy of the map accompanying the application 108847
setting forth the location of the well. If the owner or lessee 108848
objects to the application, the owner or lessee shall notify the 108849
chief of the division of mineral resources management of the 108850
objection, giving the reasons, within six days after the receipt 108851
of the notice. If the chief of the division of mineral resources 108852
management receives no objections from the owner or lessee of the 108853
mine within ten days after the receipt of the notice by the owner 108854
or lessee, or if in the opinion of the chief of the division of 108855
mineral resources management the objections offered by the owner 108856
or lessee are not sufficiently well founded, the chief shall 108857
retain a copy of the application and map and return a copy of the 108858
application to the director with any applicable notes concerning 108859
it. 108860

If the chief of the division of mineral resources management 108861
receives an objection from the owner or lessee of the mine as to 108862
the application, within ten days after receipt of the notice by 108863
the owner or lessee, and if in the opinion of the chief the 108864

objection is well founded, the chief shall disapprove the 108865
application and immediately return it to the director together 108866
with the chief's reasons for the disapproval. The director 108867
promptly shall notify the applicant for the permit, renewal 108868
permit, or modification of the disapproval. The applicant may 108869
appeal the disapproval of the application by the chief of the 108870
division of mineral resources management to the reclamation 108871
commission created under section 1513.05 of the Revised Code, and 108872
the commission shall hear the appeal in accordance with section 108873
1513.13 of the Revised Code. The appeal shall be filed within 108874
thirty days from the date the applicant receives notice of the 108875
disapproval. No comments concerning or disapproval of an 108876
application shall be delayed by the chief of the division of 108877
mineral resources management for more than fifteen days from the 108878
date of sending of notice to the mine owner or lessee as required 108879
by this section. 108880

The director shall not approve an application for an 108881
injection well drilling permit, an injection well operating 108882
permit, a renewal of an injection well operating permit, or a 108883
modification of an injection well drilling permit, operating 108884
permit, or renewal of an operating permit for a well that is or is 108885
to be located within three hundred feet of any opening of any mine 108886
used as a means of ingress, egress, or ventilation for persons 108887
employed in the mine, nor within one hundred feet of any building 108888
or flammable structure connected with the mine and actually used 108889
as a part of the operating equipment of the mine, unless the chief 108890
of the division of mineral resources management determines that 108891
life or property will not be endangered by drilling and operating 108892
the well in that location. 108893

Upon review by the chief of the division of oil and gas 108894
resources management, the chief of the division of geological 108895
survey, and the chief of the division of ~~soil and~~ water resources, 108896

and if the chief of the division of mineral resources management 108897
has not disapproved the application, the director shall issue a 108898
permit, renewal permit, or modification with any terms and 108899
conditions that may be necessary to comply with the Federal Water 108900
Pollution Control Act and regulations adopted under it; the "Safe 108901
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f) as 108902
amended, and regulations adopted under it; and this chapter and 108903
the rules adopted under it. The director shall not issue a permit, 108904
renewal permit, or modification to an applicant if the applicant 108905
or persons associated with the applicant have engaged in or are 108906
engaging in a substantial violation of this chapter that is 108907
endangering or may endanger human health or the environment or if, 108908
in the case of an applicant for an injection well drilling permit, 108909
the applicant, at the time of applying for the permit, did not 108910
hold an injection well operating permit or renewal of an injection 108911
well drilling permit and failed to demonstrate sufficient 108912
expertise and competency to operate the well in compliance with 108913
the applicable provisions of this chapter. 108914

If the director receives a disapproval from the chief of the 108915
division of mineral resources management regarding an application 108916
for an injection well drilling or operating permit, renewal 108917
permit, or modification, if required, the director shall issue an 108918
order denying the application. 108919

The director need not issue a proposed action under section 108920
3745.07 of the Revised Code or hold an adjudication hearing under 108921
that section and Chapter 119. of the Revised Code before issuing 108922
or denying a permit, renewal permit, or modification of a permit 108923
or renewal permit. Before issuing or renewing a permit to drill or 108924
operate a class I injection well or a modification of it, the 108925
director shall propose the permit, renewal permit, or modification 108926
in draft form and shall hold a public hearing to receive public 108927
comment on the draft permit, renewal permit, or modification. At 108928

least fifteen days before the public hearing on a draft permit, 108929
renewal permit, or modification, the director shall publish notice 108930
of the date, time, and location of the public hearing in at least 108931
one newspaper of general circulation serving the area where the 108932
well is or is to be located. The proposing of such a draft permit, 108933
renewal permit, or modification does not constitute the issuance 108934
of a proposed action under section 3745.07 of the Revised Code, 108935
and the holding of the public hearing on such a draft permit, 108936
renewal permit, or modification does not constitute the holding of 108937
an adjudication hearing under that section and Chapter 119. of the 108938
Revised Code. Appeals of orders other than orders of the chief of 108939
the division of mineral resources management shall be taken under 108940
sections 3745.04 to 3745.08 of the Revised Code. 108941

The director may order that an injection well drilling permit 108942
or an injection well operating permit or renewal permit be 108943
suspended and that activities under it cease after determining 108944
that those activities are occurring in violation of law, rule, 108945
order, or term or condition of the permit. Upon service of a copy 108946
of the order upon the permit holder or the permit holder's 108947
authorized agent or assignee, the permit and activities under it 108948
shall be suspended immediately without prior hearing and shall 108949
remain suspended until the violation is corrected and the order of 108950
suspension is lifted. If a violation is the second within a 108951
one-year period, the director, after a hearing, may revoke the 108952
permit. 108953

The director may order that an injection well drilling permit 108954
or an injection well operating permit or renewal permit be 108955
suspended and that activities under it cease if the director has 108956
reasonable cause to believe that the permit would not have been 108957
issued if the information available at the time of suspension had 108958
been available at the time a determination was made by one of the 108959
agencies acting under authority of this section. Upon service of a 108960

copy of the order upon the permit holder or the permit holder's 108961
authorized agent or assignee, the permit and activities under it 108962
shall be suspended immediately without prior hearing, but a permit 108963
may not be suspended for that reason without prior hearing unless 108964
immediate suspension is necessary to prevent waste or 108965
contamination of oil or gas, comply with the Federal Water 108966
Pollution Control Act and regulations adopted under it; the "Safe 108967
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as 108968
amended, and regulations adopted under it; and this chapter and 108969
the rules adopted under it, or prevent damage to valuable mineral 108970
resources, prevent contamination of an underground source of 108971
drinking water, or prevent danger to human life or health. If 108972
after a hearing the director determines that the permit would not 108973
have been issued if the information available at the time of the 108974
hearing had been available at the time a determination was made by 108975
one of the agencies acting under authority of this section, the 108976
director shall revoke the permit. 108977

When a permit has been revoked, the permit holder or other 108978
person responsible for it immediately shall plug the well in the 108979
manner required by the director. 108980

The director may issue orders to prevent or require cessation 108981
of violations of this section, section 6111.043, 6111.045, 108982
6111.046, or 6111.047 of the Revised Code, rules adopted under any 108983
of those sections, and terms or conditions of permits issued under 108984
any of them. The orders may require the elimination of conditions 108985
caused by the violation. 108986

Sec. 6111.05. (A) The director of environmental protection, 108987
on the director's own initiative, may investigate or make 108988
inquiries into any alleged act of pollution or failure to comply 108989
with this chapter or any order, any rule, the terms and conditions 108990
of a permit, or any other determination pursuant thereto. However, 108991

upon written complaint by any person, the director shall conduct 108992
any investigations and make any inquiries that are required. 108993

The director or the director's duly authorized representative 108994
may enter at reasonable times upon any private or public property 108995
to inspect and investigate conditions relating to pollution of any 108996
air of the state or land located in the state related to the use, 108997
storage, treatment, or disposal of sludge or sludge materials or 108998
pollution of any waters of the state, inspect any monitoring 108999
equipment, inspect the drilling, conversion, or operation of any 109000
injection well, and sample any discharges, including discharges by 109001
"industrial users" into a publicly owned "treatment works" as 109002
those terms are defined in sections 212 and 502 of the Federal 109003
Water Pollution Control Act, and may apply to the court of common 109004
pleas having jurisdiction for a warrant permitting the entrance 109005
and inspection. 109006

(B) Any authorized representative of the director at 109007
reasonable times may examine any records or memoranda pertaining 109008
to sludge management, the operation of disposal systems, the 109009
drilling, conversion, or operation of injection wells, or 109010
discharges by "industrial users" into publicly owned "treatment 109011
works" as defined in sections 212 and 501 of the Federal Water 109012
Pollution Control Act. The director may require the maintenance of 109013
records relating to sludge management, discharges, or the 109014
operation of disposal systems or injection wells. The director may 109015
make copies of the records. Any authorized representative of a 109016
publicly owned "treatment works" may enter at reasonable times 109017
upon the premises of any "industrial user" that discharges into 109018
the works to inspect any monitoring equipment or method of the 109019
user, to sample any discharges of the user into the works, or to 109020
inspect any records or memoranda pertaining to discharges by the 109021
user into the works, in order to ascertain compliance by the user 109022
with applicable pretreatment standards. The representative may 109023

make copies of the records. Any 109024

(C) If an emergency requires the director or the director's 109025
authorized representative to respond to protect public health or 109026
safety or the environment, the director or the director's 109027
authorized representative may request any person that is 109028
responsible for causing or allowing a spill, release, or discharge 109029
of a pollutant or contaminant into or on the environment or any 109030
person having knowledge of the components or chemical identity of 109031
the pollutant or contaminant spilled, released, or discharged to 109032
disclose records, reports, or information necessary to respond to 109033
or investigate the spill, release, or discharge. Upon receiving 109034
the request, the person shall submit the records, reports, or 109035
information without undue delay. If the person disclosing the 109036
records, reports, or information designates any portion of the 109037
records, reports, or information as containing trade secret 109038
information, the person shall submit both a complete and a 109039
redacted version of the records, reports, or information. The 109040
person shall mark the redacted version "public version" and redact 109041
any trade secret information. 109042

(D) Any records, reports, or information obtained under this 109043
chapter shall be available for public inspection, except that: 109044

~~(A) Upon a showing satisfactory to the director by any person~~ 109045
~~that the (1) Any records, reports, or information, or any~~ 109046
~~particular part thereof designated as a trade secret by the person~~ 109047
~~submitting the records, reports, or information, other than data~~ 109048
~~concerning the amounts or contents of discharges or the quality of~~ 109049
~~the receiving waters, to which the director has access under this~~ 109050
~~chapter, if made public would divulge information entitled to~~ 109051
~~protection as trade secrets of the person, the director shall~~ 109052
~~consider the record, report, or information or particular portion~~ 109053
~~thereof confidential. Prior to divulging any alleged trade secret~~ 109054
~~information pursuant to this division, the director shall give ten~~ 109055

days' written notice to the person claiming trade secrecy shall be 109056
considered by the director to be a trade secret and managed by the 109057
director as confidential. The director or the director's 109058
authorized representative shall not disclose any complete records, 109059
reports, or information or any part of a record, report, or 109060
information that has been designated as containing trade secret 109061
information in accordance with this section. However, during an 109062
emergency that requires the director or the director's authorized 109063
representative to respond to protect public health or safety or 109064
the environment or during an investigation of such an emergency, 109065
the director or the director's authorized representative may share 109066
any of the complete records, reports, or information or any such 109067
part with the owner or operator of a public or private water 109068
system that needs the records, reports, or information or any such 109069
part for any of the following purposes: 109070

(a) Assessing exposure or potential exposure of persons or 109071
aquatic organisms to any component of or chemical in a pollutant 109072
or contaminant spilled, released, or discharged; 109073

(b) Conducting or assessing sampling to determine exposure 109074
levels of various population groups or aquatic organisms to any 109075
component of or chemical in a pollutant or contaminant spilled, 109076
released, or discharged; 109077

(c) Testing for any component of or chemical in a pollutant 109078
or contaminant spilled, released, or discharged. 109079

(B) Prior to sharing any complete records, reports, or 109080
information or any part of a record, report, or information that 109081
has been designated as containing trade secret information in 109082
accordance with this section, the director or the director's 109083
authorized representative shall label and identify, to the extent 109084
practicable, any of those records, reports, or information or any 109085
such part designated as a trade secret. If the director or the 109086
director's authorized representative shares any such records, 109087

reports, or information or any such part, the director shall 109088
notify the person that designated the trade secret information in 109089
accordance with division (C) of this section of that sharing as 109090
soon as practicable. Nothing in this section precludes a person 109091
that designated trade secret information in accordance with 109092
division (C) of this section from requesting a confidentiality 109093
agreement with a recipient of the records, reports, or information 109094
or any such part. 109095

During an emergency action taken to protect public health or 109096
safety or the environment, the owner or operator of a public or 109097
private water system may share complete records, reports, or 109098
information or any part of a record, report, or information 109099
received under this division that has been designated as 109100
containing trade secret information in accordance with this 109101
section with an agent, consultant, or representative of the owner 109102
or operator. The owner or operator of a public or private water 109103
system, including an agent, consultant, or representative of the 109104
owner or operator, that receives the records, reports, or 109105
information or any such part shall maintain the confidentiality of 109106
the records, reports, or information or any such part and may use 109107
the information only for the purposes specified in this division. 109108

The sharing of complete records, reports, or information or 109109
any part of a record, report, or information that has been 109110
designated as containing trade secret information in accordance 109111
with this section does not change the status of the records, 109112
reports, or information or any such part as being designated a 109113
trade secret pursuant to this section. In addition, the sharing 109114
does not subject the records, reports, or information or any such 109115
part to public disclosure. 109116

The director or the director's authorized representative may 109117
disclose to a person that seeks to obtain records, reports, or 109118
information or any part of a record, report, or information that 109119

has been designated as containing trade secret information in accordance with this section the identity of the person that has designated those records, reports, or information or any such part as containing trade secret information. The person to whom the director or the director's authorized representative discloses that identity may contact the person that designated the trade secret information.

(2) The record, report, or information may be disclosed to other officers, employees, or authorized representatives of the state, another state, or the United States when necessary to sustain an action brought pursuant to this chapter or during an adjudication hearing or when otherwise necessary to fulfill any requirement of the Federal Water Pollution Control Act.

(E) No person to whom a permit has been issued shall refuse entry to any authorized representative of the director or willfully hinder or thwart the representative in the exercise of any authority granted by this section.

(F) The director or the director's authorized representative, or, where necessary to monitor compliance with pretreatment standards, the authorized representative of a publicly owned "treatment works," may apply for, and any judge of a court of common pleas may issue, a warrant necessary to achieve the purposes of this chapter.

(G) As used in this section:

(1) "Private water system" has the same meaning as in section 3701.344 of the Revised Code.

(2) "Public water system" has the same meaning as in section 6109.01 of the Revised Code.

(3) "Trade secret" has the same meaning as in section 1333.61 of the Revised Code.

Sec. 6111.12. (A) The director of environmental protection 109150
shall establish an antidegradation policy applicable to surface 109151
waters of the state pursuant to applicable federal laws and 109152
regulations. The purpose of the policy shall be to maintain levels 109153
of water quality that are currently better than prescribed by 109154
applicable standards except in situations when a need to allow a 109155
lower level of water quality is demonstrated based on technical, 109156
social, and economic criteria. Not later than March 31, 1994, the 109157
director shall revise the existing antidegradation policy 109158
established in rules adopted under section 6111.041 of the Revised 109159
Code and revise any necessary implementation procedures to conform 109160
them to the following principles and any mandatory regulations 109161
adopted under the Federal Water Pollution Control Act: 109162

(1) The use of existing effluent quality as a method of 109163
calculating antidegradation-based limits shall be imposed only to 109164
the extent that the use is explicitly required by federal law or 109165
regulation as the only means available to implement 109166
antidegradation. 109167

(2) No degradation shall be allowed in waters for any 109168
pollutant that currently does not meet applicable standards. For 109169
all remaining waters, there shall be provisions requiring federal 109170
antidegradation requirements to be met and provisions ensuring 109171
that waters of exceptional recreational or ecological value are 109172
maintained as high quality resources for future generations. There 109173
shall be at least two categories of surface waters identified in 109174
the state for that purpose and for the purpose of establishing 109175
priorities for the administrative and technical resources expended 109176
on antidegradation reviews. 109177

(3) Whenever current ambient water quality is determined to 109178
be of a higher quality than prescribed in the standards, on a 109179
pollutant-by-pollutant basis, and the water body lacks exceptional 109180

recreational or ecological value, the director may allocate to 109181
existing sources eighty per cent of the pollutant assimilative 109182
capacity as determined by appropriate total maximum daily load 109183
procedures without further antidegradation review. The permittee 109184
for any existing source may receive an effluent limitation based 109185
on not more than one hundred per cent of the mass or concentration 109186
levels necessary to meet applicable water quality in the receiving 109187
water body as determined by appropriate total maximum daily load 109188
procedures, provided that there has been a satisfactory 109189
demonstration of the need to allow lower water quality based on 109190
technical, social, and economic criteria and the action is 109191
preceded by a public notice. Sources other than existing sources 109192
that result in ten per cent or greater change, that is, 109193
degradation, of ambient chemical water quality shall require a 109194
demonstration of technical, social, and economic need and shall be 109195
the subject of a public notice. 109196

(4) Degradation of waters identified as possessing 109197
exceptional recreational or ecological value shall be determined 109198
through an analysis of the expected perceptible change in ambient 109199
concentrations of pollutant or alternatively through an analysis 109200
of the expected change in the biological condition of the water 109201
body. Either determination shall constitute a lowering of water 109202
quality and shall require an antidegradation review. The director 109203
shall establish, by rules adopted in accordance with Chapter 119. 109204
of the Revised Code, a definition of perceptible change that shall 109205
be applicable to those waters identified in rule as possessing 109206
exceptional recreational or ecological value. Antidegradation 109207
reviews shall be required for any activity resulting in a 109208
perceptible change in ambient chemical or biological quality on 109209
waters identified as possessing exceptional recreational or 109210
ecological value. Allowances shall be made for existing sources to 109211
retain their current permit limits with no requirement to 109212
demonstrate technical, social, and economic need. 109213

(5) The director shall establish reasonable protocols for completing technical, social, and economic need demonstrations based on existing federal guidance and on input from the department of development, the regulated community, and the general public.

(B) Effluent limitations established by the director for any existing source in any permit issued under division (J) of section 6111.03 of the Revised Code prior to July 1, 1993, shall continue in effect unless the permit is modified by the director. A discharger seeking modification of antidegradation-based limitations that were based on existing quality of discharge when the permit was issued shall apply to the director for modification of the permit, consistent with rules adopted under division (A) of this section, not later than one hundred eighty days after July 1, 1993. If the permittee has filed such a timely application for modification, the director shall not pursue administrative or judicial enforcement actions for violations of antidegradation-based limitations based on the existing quality of effluent that occur after July 1, 1993.

(C) A historically channelized watercourse provides technical, social, and economic benefits. Therefore, with regard to a historically channelized watercourse, the director shall not require further antidegradation review during the review of an application for and the issuance or denial of a permit under this chapter or a water quality certification under section 401 of the Federal Water Pollution Control Act if the director finds, after public notice and opportunity for comment, and a public hearing if significant public interest is shown, that all of the following apply:

(1) Work is necessary to restore or maintain a drainage or other improvement provided by a historically channelized watercourse.

- (2) The work is performed pursuant to section ~~1515.08~~ 940.06 109246
of the Revised Code or a petition filed under section 6131.04 or 109247
6133.02 of the Revised Code. 109248
- (3) Without the work, flooding threatens public health and 109249
safety or may result in significant damage to public or private 109250
property. 109251
- (4) The work will not result in the loss of designated or 109252
existing beneficial uses as those uses are described in rules 109253
adopted under section 6111.041 of the Revised Code. 109254
- (5) The work will not harm or interfere with the protection 109255
of federal or state designated endangered or threatened species. 109256
- (6) The historically channelized watercourse is not 109257
designated as coldwater habitat, exceptional warmwater habitat, or 109258
a state resource water in rules adopted under section 6111.041 of 109259
the Revised Code. 109260
- (7) If information is available concerning resident fishery 109261
or macroinvertebrate communities, or both, in the historically 109262
channelized watercourse, the historically channelized watercourse 109263
does not support a particularly diverse or unique warmwater 109264
habitat as that term is defined in rules adopted under section 109265
6111.041 of the Revised Code. 109266
- (8) Plans for the work have been submitted to the applicable 109267
soil and water conservation district organized under Chapter ~~1515-~~ 109268
940. of the Revised Code. 109269
- (9) A storm water runoff plan has been developed for the 109270
watershed prior to or during planning and design of the work and 109271
the work is consistent with the plan. 109272
- (D) As used in this section: 109273
- (1) "Existing sources" means any treatment works that were 109274
built and operational under the terms of an NPDES permit prior to 109275

July 1, 1993, but does not include expansions or upgrades of 109276
existing treatment works authorized in rules adopted under section 109277
6111.03 of the Revised Code after that date. 109278

(2) "Appropriate total maximum daily load procedures" means 109279
the procedures, policies, and guidelines used by the director 109280
prior to July 1, 1993, or subsequent revisions to those procedures 109281
established in rules adopted in accordance with Chapter 119. of 109282
the Revised Code. 109283

(3) "Antidegradation review" means the consideration by the 109284
director of the technical, social, and economic need demonstration 109285
completed by any person requesting to lower water quality as 109286
provided in this section, including the public notice of the 109287
application and, at the discretion of the director, a public 109288
hearing on it. 109289

Sec. 6111.30. (A) Applications for a section 401 water 109290
quality certification required under division (P) of section 109291
6111.03 of the Revised Code shall be submitted on forms provided 109292
by the director of environmental protection and shall include all 109293
information required on those forms as well as all of the 109294
following: 109295

(1) A copy of a letter from the United States army corps of 109296
engineers documenting its jurisdiction over the wetlands, streams, 109297
or other waters of the state that are the subject of the section 109298
401 water quality certification application; 109299

(2) If the project involves impacts to a wetland, a wetland 109300
characterization analysis consistent with the Ohio rapid 109301
assessment method; 109302

(3) If the project involves a stream for which a specific 109303
aquatic life use designation has not been made, ~~a use~~ 109304
attainability analysis data sufficient to determine the existing 109305

<u>aquatic life use;</u>	109306
(4) A specific and detailed mitigation proposal, including	109307
the location and proposed legal <u>real estate instrument or other</u>	109308
<u>available</u> mechanism for protecting the property in perpetuity <u>long</u>	109309
<u>term</u> ;	109310
(5) Applicable fees;	109311
(6) Site photographs;	109312
(7) Adequate documentation confirming that the applicant has	109313
requested comments from the department of natural resources and	109314
the United States fish and wildlife service regarding threatened	109315
and endangered species, including the presence or absence of	109316
critical habitat;	109317
(8) Descriptions, schematics, and appropriate economic	109318
information concerning the applicant's preferred alternative,	109319
nondegradation alternatives, and minimum degradation alternatives	109320
for the design and operation of the project;	109321
(9) The applicant's investigation report of the waters of the	109322
United States in support of a section 404 permit application	109323
concerning the project;	109324
(10) A copy of the United States army corps of engineers'	109325
public notice regarding the section 404 permit application	109326
concerning the project.	109327
(B) Not later than fifteen business days after the receipt of	109328
an application for a section 401 water quality certification, the	109329
director shall review the application to determine if it is	109330
complete and shall notify the applicant in writing as to whether	109331
the application is complete. If the director fails to notify the	109332
applicant within fifteen business days regarding the completeness	109333
of the application, the application is considered complete. If the	109334
director determines that the application is not complete, the	109335

director shall include with the written notification an itemized 109336
list of the information or materials that are necessary to 109337
complete the application. If the applicant fails to provide the 109338
information or materials within sixty days after the director's 109339
receipt of the application, the director may return the incomplete 109340
application to the applicant and take no further action on the 109341
application. If the application is returned to the applicant 109342
because it is incomplete, the director shall return the review fee 109343
levied under division (A)(1), (2), or (3) of section 3745.114 of 109344
the Revised Code to the applicant, but shall retain the 109345
application fee levied under that section. 109346

(C) Not later than twenty-one days after a determination that 109347
an application is complete under division (B) of this section, the 109348
applicant shall publish public notice of the director's receipt of 109349
the complete application in a newspaper of general circulation in 109350
the county in which the project that is the subject of the 109351
application is located. The public notice shall be in a form 109352
acceptable to the director. The applicant shall promptly provide 109353
the director with proof of publication. The applicant may choose, 109354
subject to review by and approval of the director, to include in 109355
the public notice an advertisement for an antidegradation public 109356
hearing on the application pursuant to section 6111.12 of the 109357
Revised Code. There shall be a public comment period of thirty 109358
days following the publication of the public notice. 109359

(D) If the director determines that there is significant 109360
public interest in a public hearing as evidenced by the public 109361
comments received concerning the application and by other requests 109362
for a public hearing on the application, the director or the 109363
director's representative shall conduct a public hearing 109364
concerning the application. Notice of the public hearing shall be 109365
published by the applicant, subject to review and approval by the 109366
director, at least thirty days prior to the date of the hearing in 109367

a newspaper of general circulation in the county in which the project that is the subject of the application is to take place. If a public hearing is requested concerning an application, the director shall accept comments concerning the application until five business days after the public hearing. A public hearing conducted under this division shall take place not later than one hundred days after the application is determined to be complete.

(E) The director shall forward all public comments concerning an application submitted under this section that are received through the public involvement process required by rules adopted under this chapter to the applicant not later than five business days after receipt of the comments by the director.

(F) The applicant shall respond in writing to written comments or to deficiencies identified by the director during the course of reviewing the application not later than fifteen days after receiving or being notified of them.

(G) The director shall issue or deny a section 401 water quality certification not later than one hundred eighty days after the complete application for the certification is received. The director shall provide an applicant for a section 401 water quality certification with an opportunity to review the certification prior to its issuance.

(H) The director shall maintain an accessible database that includes environmentally beneficial water restoration and protection projects that may serve as potential mitigation projects for projects in the state for which a section 401 water quality certification is required. A project's inclusion in the database does not constitute an approval of the project.

(I) Mitigation required by a section 401 water quality certification may be accomplished by any of the following:

(1) Purchasing credits at a mitigation bank approved in

accordance with 33 C.F.R. 332.8; 109399

(2) Participating in an in-lieu fee mitigation program 109400
approved in accordance with 33 C.F.R. 332.8; 109401

(3) Constructing individual mitigation projects. 109402

Notwithstanding the mitigation hierarchy specified in section 109403
3745-1-54 of the Administrative Code, mitigation projects shall be 109404
approved in accordance with the hierarchy specified in 33 C.F.R. 109405
332.3 unless the director determines that the size or quality of 109406
the impacted resource necessitates reasonably identifiable, 109407
available, and practicable mitigation conducted by the applicant. 109408
The director shall adopt rules in accordance with Chapter 119. of 109409
the Revised Code consistent with the mitigation hierarchy 109410
specified in 33 C.F.R. 332.3. 109411

(J) The director may establish a program and adopt rules in 109412
accordance with Chapter 119. of the Revised Code for the purpose 109413
of certifying water quality professionals to assess streams to 109414
determine existing aquatic life use and to categorize wetlands in 109415
support of applications for section 401 water quality 109416
certification under divisions (A)(2) and (3) of this section and 109417
isolated wetland permits under sections 6111.022 to 6111.024 of 109418
the Revised Code. The director shall use information submitted by 109419
certified water quality professionals in the review of those 109420
applications. 109421

Rules adopted under this division shall do all of the 109422
following: 109423

(1) Provide for the certification of water quality 109424
professionals to conduct activities in support of applications for 109425
section 401 water quality certification and isolated wetland 109426
permits, including work necessary to determine existing aquatic 109427
life use of streams and categorize wetlands. Rules adopted under 109428
division (J)(1) of this section shall do at least all of the 109429

<u>following:</u>	109430
<u>(a) Authorize the director to require an applicant for water</u>	109431
<u>quality professional certification to submit information</u>	109432
<u>considered necessary by the director to assess a water quality</u>	109433
<u>professional's experience in conducting stream assessments and</u>	109434
<u>wetlands categorizations;</u>	109435
<u>(b) Authorize the director to establish experience</u>	109436
<u>requirements and to use tests to determine the competency of</u>	109437
<u>applicants for water quality professional certification;</u>	109438
<u>(c) Authorize the director to approve applicants for water</u>	109439
<u>quality professional certification who comply with the</u>	109440
<u>requirements established in rules and deny applicants that do not</u>	109441
<u>comply with those requirements;</u>	109442
<u>(d) Require the director to revoke the certification of a</u>	109443
<u>water quality professional if the director finds that the</u>	109444
<u>professional falsified any information on the professional's</u>	109445
<u>application for certification regarding the professional's</u>	109446
<u>credentials;</u>	109447
<u>(e) Require periodic renewal of a water quality</u>	109448
<u>professional's certification and establish continuing education</u>	109449
<u>requirements for purposes of that renewal.</u>	109450
<u>(2) Establish an annual fee to be paid by water quality</u>	109451
<u>professionals certified under rules adopted under division (J)(1)</u>	109452
<u>of this section in an amount calculated to defray the costs</u>	109453
<u>incurred by the environmental protection agency for reviewing</u>	109454
<u>applications for water quality professional certification and for</u>	109455
<u>issuing those certifications;</u>	109456
<u>(3) Authorize the director to suspend or revoke the</u>	109457
<u>certification of a water quality professional if the director</u>	109458
<u>finds that the professional's performance has resulted in</u>	109459
<u>submission of documentation that is inconsistent with standards</u>	109460

established in rules adopted under division (J)(7) of this section; 109461
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(4) Authorize the director to review documentation submitted by a certified water quality professional to ensure compliance with requirements established in rules adopted under division (J)(7) of this section; 109463
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(5) Require a certified water quality professional to submit any documentation developed in support of an application for a section 401 water quality certification or an isolated wetland permit upon the request of the director; 109467
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(6) Authorize random audits by the director of documentation developed or submitted by certified water quality professionals to ensure compliance with requirements established in rules adopted under division (J)(7) of this section; 109471
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(7) Establish technical standards to be used by certified water quality professionals in conducting stream assessments and wetlands categorizations. 109475
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(K) As used in this section and section 6111.31 of the Revised Code, "section 401 water quality certification" means certification pursuant to section 401 of the Federal Water Pollution Control Act and this chapter and rules adopted under it that any discharge, as set forth in section 401, will comply with sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act. 109478
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Sec. 6111.44. (A) Except as otherwise provided in division (B) of this section, in section 6111.14 of the Revised Code, or in rules adopted under division (G) of section 6111.03 of the Revised Code, no municipal corporation, county, public institution, corporation, or officer or employee thereof or other person shall provide or install sewerage or treatment works for sewage, sludge, 109485
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or sludge materials disposal or treatment or make a change in any 109491
sewerage or treatment works until the plans therefor have been 109492
submitted to and approved by the director of environmental 109493
protection. Sections 6111.44 to 6111.46 of the Revised Code apply 109494
to sewerage and treatment works of a municipal corporation or part 109495
thereof, an unincorporated community, a county sewer district, or 109496
other land outside of a municipal corporation or any publicly or 109497
privately owned building or group of buildings or place, used for 109498
the assemblage, entertainment, recreation, education, correction, 109499
hospitalization, housing, or employment of persons. 109500

In granting an approval, the director may stipulate 109501
modifications, conditions, and rules that the public health and 109502
prevention of pollution may require. Any action taken by the 109503
director shall be a matter of public record and shall be entered 109504
in the director's journal. Each period of thirty days that a 109505
violation of this section continues, after a conviction for the 109506
violation, constitutes a separate offense. 109507

(B) Sections 6111.45 and 6111.46 of the Revised Code and 109508
division (A) of this section do not apply to any of the following: 109509

(1) Sewerage or treatment works for sewage installed or to be 109510
installed for the use of a private residence or dwelling; 109511

(2) Sewerage systems, treatment works, or disposal systems 109512
for storm water from an animal feeding facility or manure, as 109513
"animal feeding facility" and "manure" are defined in section 109514
903.01 of the Revised Code; 109515

(3) Residual farm products and manure treatment or disposal 109516
works and related management and conservation practices that are 109517
subject to rules adopted under division (E)(1) of section ~~1511.02~~ 109518
939.02 of the Revised Code. As used in division (B)(3) of this 109519
section, "residual farm products" and "manure" have the same 109520
meanings as in section ~~1511.01~~ 939.01 of the Revised Code. 109521

(4) Sewerage or treatment works for the on-lot disposal or treatment of sewage from a small flow on-site sewage treatment system, as defined in section 3718.01 of the Revised Code, if the board of health of a city or general health district has notified the director of health and the director of environmental protection under section 3718.021 of the Revised Code that the board has chosen to regulate the system, provided that the board remains in compliance with the rules adopted under division (A)(13) of section 3718.02 of the Revised Code.

The exclusions established in divisions (B)(2) and (3) of this section do not apply to the construction or installation of disposal systems, as defined in section 6111.01 of the Revised Code, that are located at an animal feeding facility and that store, treat, or discharge wastewaters that do not include storm water or manure or that discharge to a publicly owned treatment works.

Sec. 6111.99. (A) Whoever purposely violates section 6111.04, 6111.042, 6111.05, or division (A) or (C) of section 6111.07 of the Revised Code is guilty of a felony and shall be fined not more than twenty-five thousand dollars or imprisoned not more than ~~one~~ year four years, or both. Each day of violation is a separate offense.

(B) Whoever knowingly violates section 6111.04, 6111.042, 6111.045 ~~or~~, 6111.047, 6111.05, 6111.45, or division (A) or (C) of section 6111.07 of the Revised Code is guilty of a misdemeanor and shall be fined not more than ten thousand dollars or imprisoned not more than one year, or both. Each day of violation is a separate offense.

(C) Whoever violates section ~~6111.45 or~~ 6111.46 of the Revised Code shall be fined not more than five hundred dollars.

(D) ~~Whoever violates division (C) of section 6111.07 of the~~

~~Revised Code shall be fined not more than twenty five thousand
dollars.~~ 109553
109554

~~(E)~~ Whoever violates section 6111.42 of the Revised Code 109555
shall be fined not more than one hundred dollars for a first 109556
offense; for each subsequent offense, the person shall be fined 109557
not more than one hundred fifty dollars. 109558

~~(F)~~(E) Whoever violates section 6111.44 of the Revised Code 109559
shall be fined not more than ~~one hundred~~ ten thousand dollars. 109560
Each day of violation is a separate offense. 109561

(F) If a person is convicted of or pleads guilty to a 109562
violation of any section of this chapter, in addition to the 109563
financial sanctions authorized by this chapter or section 2929.18 109564
or 2929.28 or any other section of the Revised Code, the court 109565
imposing the sentence on the person may order the person to 109566
reimburse the state agency or a political subdivision for any 109567
actual costs that it incurred in responding to the violation, 109568
including the cost of restoring affected aquatic resources or 109569
otherwise compensating for adverse impact to aquatic resources 109570
directly caused by the violation, but not including the costs of 109571
prosecution. 109572

Sec. 6112.01. As used in ~~sections 6112.01 to 6112.05,~~ 109573
~~inclusive, of the Revised Code~~ this chapter: 109574

(A) "Sewage" means any substance that contains any of the 109575
waste products or excrementitious or other discharge from the 109576
bodies of human beings or animals, which pollutes the waters of 109577
the state. 109578

(B) "Industrial waste" means any liquid, gaseous, or solid 109579
waste substance resulting from any process of industry, 109580
manufacture, trade, or business, or from the development, 109581
processing, or recovery of any natural resource, together with 109582

such sewage as is present, which pollutes the waters of the state. 109583

(C) "Other wastes" means garbage, refuse, decayed wood, 109584
sawdust shavings, bark, and other wood debris, lime (except 109585
hydrated or dehydrated lime), sand, ashes, offal, night soil, oil, 109586
tar, coal dust, or silt, and other substances ~~which~~ that are not 109587
~~included within the definitions of sewage and or industrial waste~~ 109588
~~set forth in this section,~~ which pollute the waters of the state. 109589

(D) "Sewerage system" means ~~pipe lines~~ pipelines or conduits, 109590
pumping stations, and force mains, and all other constructions, 109591
devices, appurtenances, and facilities that are used for 109592
collecting or conducting water-borne sewage, industrial waste, or 109593
other wastes to a point of disposal or treatment. 109594

(E) "Treatment works" means any plant, disposal field, 109595
lagoon, dam, pumping station, incinerator, or other works used for 109596
the purpose of treating, stabilizing, or holding sewage, 109597
industrial waste, or other wastes. 109598

(F) "Disposal system" means a system for disposing of sewage, 109599
industrial waste, or other wastes, and includes sewerage systems 109600
and treatment works. 109601

(G) "Waters of the state" mean all streams, lakes, ponds, 109602
marshes, watercourses, waterways, wells, springs, irrigation 109603
systems, drainage systems, and all other bodies or accumulations 109604
of water, surface and underground, natural or artificial, ~~which~~ 109605
that are situated wholly or partly within, or border upon, this 109606
state, or are within its jurisdiction, except those private waters 109607
~~which~~ that do not combine or effect a junction with natural 109608
surface or underground waters. 109609

~~(H) "Person" means a person, firm, partnership, association,~~ 109610
~~or corporation, other than a county, township, municipal~~ 109611
~~corporation, or other political subdivision.~~ 109612

Sec. 6112.03. Applications for approval of plans for the 109613
construction and installation of facilities under this chapter 109614
shall be made in the manner and form prescribed by the director of 109615
environmental protection and shall be accompanied by plans, 109616
specifications, and other data that the director may require 109617
relative to the facilities for which approval of plans is 109618
requested. Thereafter, the director shall review and act upon the 109619
application in accordance with law and the rules adopted ~~pursuant~~ 109620
~~thereto~~ under section 6111.03 of the Revised Code. 109621

Sec. 6112.06. (A) As used in this section: 109622

(1) "Health district" means a city or general health district 109623
as created by or under authority of Chapter 3709. of the Revised 109624
Code. 109625

(2) "Household sewage treatment system" has the same meaning 109626
as in section 3718.01 of the Revised Code and includes a household 109627
sewage disposal system as defined in rule 3701-29-01 of the 109628
Administrative Code. 109629

(3) "Property owner" means a person who owns property that is 109630
served by a household sewage treatment system. 109631

(4) "Repair" has the same meaning as in rules adopted under 109632
Chapter 3718. of the Revised Code. 109633

(B) A person that intends to design and install a sewerage 109634
system under section 6112.03 of the Revised Code simultaneously 109635
shall notify by certified mail each property owner and the board 109636
of health of the health district in which the property owner's 109637
parcel of property is located of the person's intention to design 109638
and install a sewerage system if the owner or operator of the 109639
sewerage system has determined that the parcel of property is 109640
reasonably accessible to the sewerage system and the property 109641
owner may be required to connect to it. The notice shall be sent 109642

not later than two hundred seventy days before the person submits 109643
an application for a permit to install for the sewerage system in 109644
accordance with Chapter 6111. of the Revised Code and rules 109645
adopted under it. The notice shall include a statement indicating 109646
that if the property owner chooses to postpone connection to the 109647
sewerage system after receiving the notice, the cost of connecting 109648
to the sewerage system in the future may be higher. 109649

(C) Except as provided in division (E) of this section, a 109650
property owner who receives a notice under division (B) of this 109651
section may elect to postpone connection to the sewerage system 109652
specified in the notice for a period of not more than fifteen 109653
years from the date on which the property owner receives a notice 109654
from the owner or operator of the sewerage system that the 109655
sewerage system is substantially complete in accordance with 109656
division (G) of this section if both of the following apply: 109657

(1) The property owner notifies the owner or operator of the 109658
sewerage system and the board of health of the health district in 109659
which the affected parcel of property is located that the property 109660
owner elects to postpone connection to the specified sewerage 109661
system. The notice shall be in writing and shall be sent by 109662
certified mail not later than sixty days after the property owner 109663
has received a notice under division (B) of this section. Not 109664
later than one hundred eighty days after the board of health 109665
receives the notice, the board shall evaluate the household sewage 109666
treatment system serving the affected parcel of property to 109667
determine if the system operates and is maintained in accordance 109668
with Chapter 3718. of the Revised Code and with rules adopted 109669
under that chapter by the director of health and by the board, if 109670
any. The property owner is responsible for reasonable costs of the 109671
evaluation. 109672

If the property owner is aware that the property will be 109673
vacant at any time during the one-hundred-eighty-day period, the 109674

property owner shall notify the board of health of the dates 109675
during which the property will be vacant. In order for the 109676
required inspection to occur, the property owner shall ensure that 109677
the property is occupied for at least ninety consecutive days 109678
within the one-hundred-eighty-day period and shall notify the 109679
board of health of the dates of occupancy. Failure to so notify 109680
the board or so occupy the property constitutes termination of the 109681
authorization under this section for the property owner to elect 109682
to postpone connection to the sewerage system. 109683

(2) The applicable board of health determines under division 109684
(C)(1) of this section that the household sewage treatment system 109685
operates and is maintained in accordance with Chapter 3718. of the 109686
Revised Code and with rules adopted under that chapter by the 109687
director and by the board, if any. The board shall so notify the 109688
property owner and the owner or operator of the sewerage system. 109689
However, if the board determines that a nuisance exists under 109690
section 3718.011 of the Revised Code, the board shall so notify 109691
the property owner. If the board determines that repairs will 109692
eliminate the nuisance, the person may make those repairs to the 109693
system, but shall do so within sixty days after receiving the 109694
notice. The board shall extend the sixty-day period if weather 109695
conditions prevent the repair from being made. 109696

The property owner shall connect to the sewerage system if 109697
the board of health determines either that repairs will not 109698
eliminate the nuisance or that, after repairs have been made, the 109699
nuisance has not been eliminated. 109700

(D)(1) Division (C) of this section does not apply to a 109701
household sewage treatment system that is either a discharging 109702
system or within an area subject to final findings and orders 109703
issued by the director of environmental protection under Chapter 109704
6111. or 6117. of the Revised Code. The notification required by 109705
division (B) of this section shall be issued to an applicable 109706

property owner regardless of whether the property owner's system 109707
is a discharging system or inside such an area. 109708

(2) For purposes of this section, a discharging system is one 109709
of the following: 109710

(a) A household sewage treatment system for which coverage 109711
under an NPDES permit has been issued or granted under Chapter 109712
6111. of the Revised Code and rules adopted under it; 109713

(b) A household sewage treatment system for which coverage 109714
under an NPDES permit would be required, but that has not been 109715
issued or granted such a permit. 109716

(E) A property owner that has elected to postpone connection 109717
to a sewerage system in accordance with division (C) of this 109718
section shall ensure that the household sewage treatment system 109719
serving the property is maintained and operated in accordance with 109720
Chapter 3718. of the Revised Code and rules adopted under it for 109721
fifteen years from the date on which the property owner receives 109722
notice from the owner or operator of the sewerage system that the 109723
sewerage system is substantially complete in accordance with 109724
division (G) of this section. A property owner that elects to 109725
postpone connection to a sewerage system in accordance with 109726
division (B) of this section subsequently shall abandon the 109727
household sewage treatment system serving the property in 109728
accordance with rules adopted under Chapter 3718. of the Revised 109729
Code and connect to the sewerage system not later than fifteen 109730
years from the date on which the property owner receives notice 109731
that the sewerage system is substantially complete in accordance 109732
with division (G) of this section. However, if at any time during 109733
the fifteen-year period the system is not operating in accordance 109734
with Chapter 3718. of the Revised Code or rules adopted or orders 109735
issued under that chapter, the board of health shall notify the 109736
property owner. If the system cannot be brought into compliance 109737
with the chapter, rules, or orders through a repair made within 109738

sixty days after the property owner receives the notice, the 109739
property owner shall abandon the system and connect to the 109740
sewerage system. The board shall extend the sixty-day period if 109741
weather conditions prevent the repair from being made. 109742

If the property owner transfers ownership of the affected 109743
parcel of property during the fifteen-year period and the parcel 109744
of property has not yet been connected to the sewerage system, the 109745
transferor shall notify the transferee of the requirement to 109746
connect to the sewerage system and of the date by which connection 109747
must occur. The notice shall be a written affidavit. The county 109748
recorder shall index and record a copy of the affidavit in 109749
accordance with section 317.08 of the Revised Code and in the same 109750
manner and receive the same fees as for deeds. The transferee is 109751
subject to the connection requirement established in this 109752
division. 109753

A person that fails to comply with this division is subject 109754
to the same enforcement procedures and penalties as if the person 109755
violated Chapter 3718. of the Revised Code or rules adopted or 109756
orders issued under it. 109757

(F) If a connection tap to a sewerage system is installed at 109758
a parcel of property at the time of construction of the sewerage 109759
system, the property owner, regardless of whether the property 109760
owner has elected to postpone connection to the sewerage system 109761
under this section, shall pay the costs of the installation of the 109762
connection tap in accordance with one of the following: 109763

(1) Pay the total amount at the time of the installation of 109764
the connection tap; 109765

(2) Make incremental payments in accordance with a payment 109766
plan agreed to by the applicable political subdivision that has 109767
acquired or will acquire the sewerage system; 109768

(3) Pay the total amount at any time the parcel of property 109769

is required to connect to the sewerage system under this section. 109770

(G) When a sewerage system has been substantially completed, 109771
the owner or operator of the sewerage system shall send a notice 109772
of the substantial completion to all property owners who elect to 109773
postpone connection to the sewerage system under this section. 109774

Sec. 6117.021. At any time after the formation of a county 109775
sewer district, the board of county commissioners may enter into a 109776
contract, on terms and for the period of time that are mutually 109777
agreed on, with any other public agency under which the public 109778
agency will conduct projects and activities for the purpose of 109779
complying with the requirements of phase II of the storm water 109780
program of the national pollutant discharge elimination system 109781
established in 40 C.F.R. part 122. 109782

Sec. 6117.062. (A)(1) A board of county commissioners may 109783
apply to the Ohio public works commission created by section 109784
164.02 of the Revised Code for an advance of money from the water 109785
and sewer fund created by section 164.13 of the Revised Code in an 109786
amount equal to that portion of the costs of an improvement 109787
authorized under sections 6117.01 to 6117.45 of the Revised Code 109788
that is to be financed by assessments whose collection is deferred 109789
pursuant to division (B) of this section. The application for such 109790
an advance of moneys shall be made in the manner prescribed in 109791
policies and procedures established by the director of the 109792
commission. 109793

(2) As used in this section, "assessments" includes 109794
assessments attributable to tap-in charges under this section and 109795
other tap-in fees, user charges, and any combination of such 109796
assessments, fees, and charges authorized under section 6117.06 of 109797
the Revised Code. 109798

(B) At any time prior to the expiration of the five-day 109799

period provided by section 6117.06 of the Revised Code for the 109800
filing of written objections, any owner of property ~~which~~ that is 109801
classified on the general tax list of the county auditor as 109802
agricultural land and has been assessed for the extension of a 109803
trunk sewer line over or along such property under sections 109804
6117.01 to 6117.45 of the Revised Code may file with the board of 109805
county commissioners a request in writing for deferment of the 109806
collection of the assessment if the trunk sewer line provides 109807
sewer facilities to aid in the establishment of new industrial 109808
plants, the expansion of existing industrial plants, or such other 109809
industrial development, or provides sewer facilities to aid in the 109810
establishment of commercial and residential developments. ~~Such~~ 109811
~~request shall identify~~ The owner of property shall ensure the 109812
request does all of the following: 109813

(1) Identifies the property in connection with which the 109814
request for deferment is made, ~~shall describe its;~~ 109815

(2) Describes the property's present use and present 109816
classification on the general tax list of the county auditor, ~~7~~ 109817
~~shall state its;~~ 109818

(3) States the property's estimated market value, showing 109819
separately the value of the land and the value of the buildings 109820
thereon, ~~7, shall state;~~ 109821

(4) States the reasons, if any, why a portion of the benefit 109822
of the improvement will not be realized until the use of the land 109823
is changed, ~~7, and shall state;~~ 109824

(5) States the amount to be deferred. ~~The~~ 109825

The board shall promptly consider such request and may order 109826
the deferment of the collection of that portion of the assessment 109827
representing a benefit from the improvement which will not be 109828
realized until the use of the land is changed. The board may, upon 109829
request of an owner whose property has been assessed for the 109830

extension of a trunk sewer line over or along such property under 109831
sections 6117.01 to 6117.45 of the Revised Code, defer all or any 109832
part of the assessment on property ~~which~~ that is classified on the 109833
general tax list as agricultural land, by attributing the amount 109834
of such assessment or part thereof as tap-in charges, if the trunk 109835
sewer line provides sewer facilities to aid in the establishment 109836
of new industrial plants, the expansion of existing industrial 109837
plants, or such other industrial development, or provides sewer 109838
facilities to aid in the establishment of commercial and 109839
residential developments. ~~Upon~~ A deferment under this section may 109840
be conditioned on the approval of the advance of money applied for 109841
under division (A) of this section, and a maximum length of the 109842
deferment may be fixed to coincide with the maximum time within 109843
which the advance must be repaid. The decision on the request for 109844
deferment of collection of assessments shall be made pursuant to 109845
standards prescribed in policies and procedures established by the 109846
director of the commission. 109847

Upon determination and approval of final assessments, the 109848
board of county commissioners shall certify all deferred 109849
assessments and a fee equal to two per cent of the amount of the 109850
deferred assessments to the county auditor. For purposes of this 109851
section, "assessment," "deferred assessment," or "assessment 109852
deferred under this section" mean the fee and the deferred 109853
assessment certified to the county auditor. The county auditor 109854
shall record an assessment deferred under this section in the 109855
sewer improvement record. Such record shall be kept until such 109856
time as the assessments are paid in full or certified for 109857
collection in installments as provided in this section. During the 109858
time when the assessment is deferred there shall be a lien on the 109859
property assessed, which lien shall arise at the time of 109860
recordation by the county auditor and which shall be in force 109861
until the assessments are paid in full or certified for collection 109862
in installments. 109863

~~(B)~~(C) The board of county commissioners shall defer the 109864
collection of an assessment, except the amount of such assessment 109865
or part thereof attributable as tap-in charges, ~~which~~ that has 109866
been deferred pursuant to division ~~(A)~~(B) of this section on or 109867
before January 1, 1987, beyond the expiration of the maximum time 109868
for the original deferment if the property owner requests in 109869
writing, no later than six months prior to the expiration of the 109870
original deferment, that the assessment be further deferred and as 109871
long as the property owner's land could qualify for placement in 109872
an agricultural district pursuant to section 929.02 of the Revised 109873
Code. 109874

The board shall regularly review the use and ownership of the 109875
property for which the collection of assessments has been deferred 109876
pursuant to this division, and upon finding that the land could no 109877
longer qualify for placement in an agricultural district pursuant 109878
to section 929.02 of the Revised Code, the board shall immediately 109879
collect, without interest unless payment is late as determined by 109880
the board, the full amount of the assessment deferred and repay 109881
the commission the amount of any money advanced by it in regard to 109882
the assessment. The board shall pay all such amounts to the 109883
commission in one annual payment or during a longer period as 109884
approved by the director of the commission. The board shall pay, 109885
from the general funds of the county, interest annually at the 109886
interest rate per annum equal to that rate of interest published 109887
as the 20-bond index rate in "The Bond Buyer" minus four per cent 109888
per annum or at five per cent per annum, whichever rate is 109889
greater, for any money not repaid to the commission pursuant to 109890
this division within one year of the date of the disqualification 109891
of the property for the continual deferment that requires such 109892
repayment. The interest rate for any money not repaid to the 109893
commission shall be calculated one year from the date of the 109894
disqualification of the property for the continual deferment that 109895
requires such repayment and annually thereafter. 109896

~~(C)~~(D) The board of county commissioners shall send a notice 109897
by regular or certified mail to all owners of property on which 109898
assessments have been deferred pursuant to division ~~(A)~~(B) of this 109899
section, which lists the expiration of the deferment, not later 109900
than two hundred ten days prior to the expiration of the deferment 109901
of those assessments. 109902

~~(D)~~ (E) Except as provided in this division, the board 109903
shall collect assessments, without interest unless payment is late 109904
as determined by the board, which that have been deferred pursuant 109905
to division ~~(A)~~(B) of this section upon expiration of the maximum 109906
time for which deferments were made; ~~provided that for and repay~~ 109907
the commission the amount of any money advanced by it in regard to 109908
such assessments. For a property owner who requests in writing, no 109909
later than six months prior to the expiration of the deferment 109910
period, that payment of the deferred assessments be in 109911
installments, the board of county commissioners upon expiration of 109912
the deferment period may by resolution further certify for 109913
collection pursuant to section 6117.33 of the Revised Code, such 109914
deferred assessments in installments over not more than twenty 109915
years, as determined by the board, together with interest thereon 109916
each year on the unpaid balance at the same rate borne by bonds of 109917
the county ~~which that~~ shall be issued in anticipation thereof as 109918
provided in Chapter 133. of the Revised Code, and the proceeds of 109919
the bond issue used to repay such deferred assessments to the 109920
commission. Prior to the expiration of the maximum time of 109921
deferment, the board shall regularly review the use of the 109922
property for which the collection of assessments has been deferred 109923
and upon finding, pursuant to policies and procedures established 109924
by the director of the commission, that the use of the land has 109925
changed from the use at the time of the deferment so that the 109926
benefit of the improvement can then be realized, the board shall 109927
immediately collect the full amount of the assessment for the 109928
portion of the property for which the use has so changed, without 109929

interest unless payment is late as determined by the board, and 109930
repay the commission the amount of any money advanced by it in 109931
regard to the assessment. The board shall pay all such amounts to 109932
the commission in one annual payment or during a longer period as 109933
approved by the commission. The board shall pay, from the general 109934
funds of the county, interest annually at the interest rate per 109935
annum equal to that rate of interest published as the 20-bond 109936
index rate in "The Bond Buyer" minus four per cent per annum or at 109937
five per cent per annum, whichever is greater, for any money not 109938
repaid to the commission pursuant to this division within one year 109939
of the date of the change in the use of property requiring such 109940
repayment, or of the date on which payment of a tap-in charge is 109941
required by law to be made, whichever date is applicable. The 109942
interest rate for any money not repaid to the commission shall be 109943
calculated one year from the date of the change in the use of 109944
property requiring such repayment or from the date on which 109945
payment of a tap-in charge is required by law to be made, 109946
whichever date is applicable, and annually thereafter. 109947

Sec. 6117.51. If the board of health of the health district 109948
within which a new public sewer construction project is proposed 109949
or located passes a resolution stating that the reason for the 109950
project is to reduce or eliminate an existing health problem or a 109951
hazard of water pollution, the board of county commissioners of 109952
the county, by resolution, may order the owner of any premises 109953
located in a sewer district in the county, the owner's agent, 109954
lessee, or tenant, or any other occupant of the premises to 109955
connect the premises to the sewer for the purpose of discharging 109956
sewage or other waste that the board determines is originating on 109957
the premises, to make use of the connection, and to cease the 109958
discharge of the sewage or other waste into a cesspool, ditch, 109959
private sewer, privy, septic tank, semipublic disposal system as 109960
defined in division (B)(1)(a) of section 3709.085 of the Revised 109961

Code, or other outlet if the board finds that the sewer is 109962
available for use and is accessible to the premises following a 109963
determination and certification to the board by a registered 109964
professional engineer designated by it as to the availability and 109965
accessibility of the sewer. This section does not apply to any of 109966
the following: 109967

(A) Any discharge authorized by a permit issued under 109968
division (J) of section 6111.03 of the Revised Code other than a 109969
discharge to or from a semipublic disposal system as defined in 109970
division (B)(1)(a) of section 3709.085 of the Revised Code; 109971

(B) Wastes resulting from the keeping of animals; 109972

(C) Any premises that are not served by a common sewage 109973
collection system when the foundation wall of the structure from 109974
which sewage or other waste originates is more than two hundred 109975
feet from the nearest boundary of the right-of-way within which 109976
the sewer is located; 109977

(D) Any premises that are served by a common sewage 109978
collection system when both the foundation wall of the structure 109979
from which the sewage or other waste originates and the common 109980
sewage collection system are more than two hundred feet from the 109981
nearest boundary of the right-of-way within which the public sewer 109982
is located; 109983

(E) Any dwelling house located on property that is listed on 109984
the county's agricultural land tax list as being valued for tax 109985
purposes as land devoted exclusively to agricultural use under 109986
section 5713.31 of the Revised Code, when the foundation wall of 109987
the dwelling house is two hundred feet or less from the nearest 109988
boundary of the right-of-way within which the sewer is located, if 109989
both of the following also apply: 109990

(1) The sewer right-of-way for the property on which the 109991
dwelling house is located was obtained by appropriation due to a 109992

public exigency pursuant to division (B) of section 307.08, 109993
6101.181, 6115.211, 6117.39, or 6119.11 of the Revised Code. 109994

(2) The local health department has certified that the 109995
household sewage disposal system is functioning properly. 109996

The board shall not direct an order under this section to a 109997
resident tenant unless it determines that the terms of the tenancy 109998
are such that the owner lacks sufficient rights of access to 109999
permit the owner to comply with the terms of the order. 110000

An Except as provided in section 6117.52 of the Revised Code, 110001
an owner, agent, lessee, tenant, or occupant shall comply with the 110002
order of the board within ninety days after the completion of 110003
service of the order upon that person as provided in this section. 110004
The board, upon written application filed prior to the expiration 110005
of the ninety-day period, may waive compliance with any order 110006
either temporarily or permanently and conditionally or 110007
unconditionally. 110008

The order shall include a statement indicating that if after 110009
receiving the order a person chooses to postpone connection to the 110010
public sewer in accordance with section 6117.52 of the Revised 110011
Code, the cost of connecting to the public sewer in the future may 110012
be higher. 110013

In its resolution, the board shall direct its clerk, or the 110014
clerk's designee, to serve its order upon the owner, agent, 110015
lessee, tenant, or occupant. Service of the order shall be made 110016
personally, by leaving the order at the usual place of residence 110017
with a person of suitable age and discretion then residing 110018
therein, or by certified mail addressed to the owner, agent, 110019
lessee, tenant, or occupant at that person's last known address or 110020
to the address to which tax bills are sent. If it appears by the 110021
return of service or the return of the order forwarded by 110022
certified mail that the owner, agent, lessee, tenant, or occupant 110023

cannot be found, that person shall be served by publication of the order once in a newspaper of general circulation within the county, or if that person refuses service, that person shall be served by ordinary mail addressed to that person's last known address or to the address to which tax bills are sent. The return of the person serving the order or a certified copy of the return, or a returned receipt for the order forwarded by certified mail accepted by the addressee or anyone purporting to act for the addressee, is prima-facie evidence of the service of the order under this section. The return of the person attempting to serve the order, or the return to the sender of the order forwarded by certified mail with an indication on the return of the refusal of the addressee to accept delivery, is prima-facie evidence of the refusal of service.

No owner, agent, lessee, tenant, or occupant shall violate an order issued under this section. Upon request of the board, the prosecuting attorney shall prosecute in a court of competent jurisdiction any owner, agent, lessee, tenant, or occupant who violates an order issued under this section. Each day that a violation continues after conviction for the violation of an order issued under this section and the final determination thereof is a separate offense. The court, for good cause shown, may grant a reasonable additional period of time for compliance after conviction.

Any owner, agent, lessee, tenant, or occupant violating an order issued under this section also may be enjoined from continuing in violation. Upon request of the board, the prosecuting attorney shall bring an action in a court of competent jurisdiction for an injunction against the owner, agent, lessee, tenant, or occupant violating an order.

The Ohio water development authority created under section 6121.02 of the Revised Code, in addition to its other powers, has

the same power and shall be governed by the same procedures in a 110056
waste water facilities service area, or in any area adjacent to a 110057
public sewer operated by the authority, as a board of county 110058
commissioners in a county sewer district under this section, 110059
except that the authority shall act by order, and the attorney 110060
general, upon request of the authority, shall prosecute any person 110061
who violates an order of the authority issued under this section. 110062

Sec. 6117.52. (A) As used in this section: 110063

(1) "Household sewage treatment system" has the same meaning 110064
as in section 3718.01 of the Revised Code and includes a household 110065
sewage disposal system as defined in rule 3701-29-01 of the 110066
Administrative Code. 110067

(2) "Property owner" means a person who owns property that is 110068
served by a household sewage treatment system. 110069

(3) "Repair" has the same meaning as in rules adopted under 110070
Chapter 3718. of the Revised Code. 110071

(B) Except as provided in division (D) of this section, a 110072
property owner who receives an order issued under section 6117.51 110073
of the Revised Code may elect to postpone connection to the public 110074
sewer specified in the order for a period of not more than fifteen 110075
years from the date on which the property owner receives a notice 110076
from the board of county commissioners that the public sewer is 110077
substantially complete in accordance with division (F) of this 110078
section if both of the following apply: 110079

(1) The property owner notifies the board of county 110080
commissioners and the board of health of the health district in 110081
which the property owner's parcel of property is located that the 110082
property owner elects to postpone connection to the specified 110083
public sewer. The notice shall be in writing and shall be sent by 110084
certified mail not later than sixty days after the property owner 110085

has received an order issued under section 6117.51 of the Revised Code. Not later than one hundred eighty days after the board of health receives the notice, the board shall evaluate the household sewage treatment system serving the affected parcel of property to determine if the system operates and is maintained in accordance with Chapter 3718. of the Revised Code and with rules adopted under that chapter by the director of health and by the board, if any. The property owner is responsible for reasonable costs of the evaluation. 110086
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If the property owner is aware that the property will be vacant at any time during the one-hundred-eighty-day period, the property owner shall notify the board of health of the dates during which the property will be vacant. In order for the required inspection to occur, the property owner shall ensure that the property is occupied for at least ninety consecutive days within the one-hundred-eighty-day period and shall notify the board of health of the dates of occupancy. Failure to so notify the board or so occupy the property constitutes termination of the authorization under this section for the property owner to elect to postpone connection to the public sewer. 110095
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(2) The applicable board of health determines under division (B)(1) of this section that the household sewage treatment system operates and is maintained in accordance with Chapter 3718. of the Revised Code and with rules adopted under that chapter by the director and by the board, if any. The board shall so notify the property owner and the board of county commissioners. However, if the board of health determines that a nuisance exists under section 3718.011 of the Revised Code, the board shall so notify the property owner. If the board determines that repairs will eliminate the nuisance, the property owner may make those repairs to the system, but shall do so within sixty days after receiving the notice. The board shall extend the sixty-day period if weather 110106
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conditions prevent the repair from being made. 110118

The property owner shall connect to the public sewer if the 110119
board of health determines either that repairs will not eliminate 110120
the nuisance or that, after repairs have been made, the nuisance 110121
has not been eliminated. 110122

(C)(1) Division (B) of this section does not apply to a 110123
household sewage treatment system that is either a discharging 110124
system or within an area subject to final findings and orders 110125
issued by the director of environmental protection under this 110126
chapter or Chapter 6111. of the Revised Code. 110127

(2) For purposes of this section, a discharging system is one 110128
of the following: 110129

(a) A household sewage treatment system for which coverage 110130
under an NPDES permit has been issued or granted under Chapter 110131
6111. of the Revised Code and rules adopted under it; 110132

(b) A household sewage treatment system for which coverage 110133
under an NPDES permit would be required, but that has not been 110134
issued or granted such a permit. 110135

(D) A property owner that has elected to postpone connection 110136
to a public sewer in accordance with division (B) of this section 110137
shall ensure that the household sewage treatment system serving 110138
the property is maintained and operated in accordance with Chapter 110139
3718. of the Revised Code and rules adopted under it for fifteen 110140
years from the date on which the property owner receives notice 110141
from the board of county commissioners that the public sewer is 110142
substantially complete in accordance with division (F) of this 110143
section. A property owner that elects to postpone connection to a 110144
public sewer in accordance with division (B) of this section 110145
subsequently shall abandon the household sewage treatment system 110146
serving the property in accordance with rules adopted under 110147
Chapter 3718. of the Revised Code and connect to the public sewer 110148

not later than fifteen years from the date on which the property 110149
owner receives notice that the public sewer is substantially 110150
complete in accordance with division (F) of this section. However, 110151
if at any time during the fifteen-year period the system is not 110152
operating in accordance with Chapter 3718. of the Revised Code or 110153
rules adopted or orders issued under that chapter, the board of 110154
health shall so notify the property owner. If the system cannot be 110155
brought into compliance with the chapter, rules, or orders through 110156
a repair made within sixty days after the property owner receives 110157
the notice, the property owner shall abandon the system and 110158
connect to the public sewer. The board shall extend the sixty-day 110159
period if weather conditions prevent the repair from being made. 110160

If the property owner transfers ownership of the affected 110161
parcel of property during the fifteen-year period and the parcel 110162
of property has not yet been connected to the public sewer, the 110163
transferor shall notify the transferee of the requirement to 110164
connect to the public sewer and of the date by which connection 110165
must occur. The notice shall be a written affidavit. The county 110166
recorder shall index and record a copy of the affidavit in 110167
accordance with section 317.08 of the Revised Code and in the same 110168
manner and receive the same fees as for deeds. The transferee is 110169
subject to the connection requirement established in this 110170
division. 110171

A person that fails to comply with this division is subject 110172
to the same enforcement procedures and penalties as if the person 110173
violated Chapter 3718. of the Revised Code or rules adopted or 110174
orders issued under it. 110175

(E) If a connection tap to a public sewer is installed at a 110176
parcel of property at the time of construction of the public 110177
sewer, the property owner, regardless of whether the owner has 110178
elected to postpone connection to the public sewer under this 110179
section, shall pay the costs of the installation of the connection 110180

tap in accordance with one of the following: 110181

(1) Pay the total amount at the time of the installation of 110182
the connection tap; 110183

(2) Make incremental payments in accordance with a payment 110184
plan agreed to by the board of county commissioners; 110185

(3) Pay the total amount at any time the parcel of property 110186
is required to connect to the public sewer under this section. 110187

(F) When a public sewer has been substantially completed, the 110188
applicable board of county commissioners shall send a notice of 110189
the substantial completion to all property owners who elect to 110190
postpone connection to the public sewer under this section. 110191

Sec. 6117.521. (A)(1) A board of county commissioners may 110192
apply to the Ohio public works commission created by section 110193
164.02 of the Revised Code for an advance of money from the water 110194
and sewer fund created by section 164.13 of the Revised Code in an 110195
amount equal to that portion of the costs of an improvement 110196
authorized under this chapter that is to be financed by 110197
assessments whose collection is deferred because an owner of a 110198
parcel of property has elected to postpone connection to a public 110199
sewer and is authorized to do so in accordance with section 110200
6117.52 of the Revised Code. The application for such an advance 110201
of money shall be made in the manner prescribed in policies and 110202
procedures established by the director of the commission. 110203

(2) As used in this section, "assessments" includes 110204
assessments attributable to tap-in charges under section 6117.062 110205
of the Revised Code and other tap-in charges or fees, user 110206
charges, and any combination of such assessments, fees, and 110207
charges authorized under section 6117.06 of the Revised Code. 110208

(B) The county auditor shall record an assessment deferred as 110209
described in division (A) of this section in the sewer improvement 110210

record. The record shall be kept until such time as the 110211
assessments are paid in full. During the time when an assessment 110212
is deferred, there shall be a lien on the property assessed, which 110213
shall arise at the time of recording by the county auditor and 110214
shall be in force until the assessments are paid in full. 110215

(C) The board of county commissioners regularly shall review 110216
whether property for which the collection of assessments has been 110217
deferred as described in division (A) of this section is connected 110218
to a public sewer. Upon finding that the owner of a parcel of 110219
property is required to connect to a public sewer for any reason, 110220
the board immediately shall collect, without interest unless 110221
payment is late as determined by the board, the full amount of the 110222
deferred assessment and, upon its collection, repay the commission 110223
the amount of any money advanced by it in regard to the parcel of 110224
property. The board shall pay all such amounts to the commission 110225
in one annual payment or during a longer period as approved by the 110226
director of the commission. The board shall pay, from the general 110227
funds of the county, interest annually at the interest rate per 110228
annum equal to that rate of interest published as the 20-bond 110229
index rate in "The Bond Buyer" minus four per cent per annum or at 110230
five per cent per annum, whichever rate is greater, for any money 110231
not repaid to the commission pursuant to this division within one 110232
year of the date of the disqualification of the property for the 110233
deferment that requires such repayment. The interest rate for any 110234
money not repaid to the commission shall be calculated one year 110235
from the date of the disqualification of the property for the 110236
deferment that requires such repayment and annually thereafter. 110237

(D) Unless an owner of a parcel of property is required to 110238
connect to a public sewer because either the applicable board of 110239
health determines that a nuisance exists under section 3718.011 of 110240
the Revised Code or the owner voluntarily elects to connect to the 110241
public sewer before the end of the fifteen-year period established 110242

in division (D) of section 6117.52 of the Revised Code, the board 110243
of county commissioners, not later than two hundred ten days prior 110244
to the expiration of the deferment of assessments on that 110245
property, shall send a notice by regular or certified mail to the 110246
owner of the property that specifies the expiration date of the 110247
deferment. 110248

Sec. 6117.522. A public entity with authority to levy special 110249
assessments, tap-in charges or fees, user charges, or a 110250
combination thereof on real property shall not collect an 110251
assessment, tap-in charge or fee, user charge, or a combination 110252
thereof for purposes of sewer service on real property concerning 110253
which the owner of the property is not required to connect to a 110254
public sewer in accordance with section 6117.52 of the Revised 110255
Code until the property owner is required to connect to the public 110256
sewer under that section. 110257

Sec. 6119.60. (A) As used in this section: 110258

(1) "Health district" means a city or general health district 110259
as created by or under authority of Chapter 3709. of the Revised 110260
Code. 110261

(2) "Household sewage treatment system" has the same meaning 110262
as in section 3718.01 of the Revised Code and includes a household 110263
sewage disposal system as defined in rule 3701-29-01 of the 110264
Administrative Code. 110265

(3) "Property owner" means a person who owns property that is 110266
served by a household sewage treatment system. 110267

(4) "Repair" has the same meaning as in rules adopted under 110268
Chapter 3718. of the Revised Code. 110269

(B) The board of trustees of a regional water and sewer 110270
district that orders the preparation of design plans for a 110271
sewerage system under this chapter simultaneously shall notify by 110272

certified mail each property owner and the board of health of the 110273
health district in which the property owner's parcel of property 110274
is located of the intention of the board of trustees to install 110275
the sewerage system if the board of trustees has determined that 110276
the parcel of property is reasonably accessible to the sewerage 110277
system and the property owner may be required to connect to it. 110278
The notice shall include a statement indicating that if the 110279
property owner chooses to postpone connection to the sewerage 110280
system after receiving the notice, the cost of connecting to the 110281
sewerage system in the future may be higher. 110282

(C) Except as provided in division (E) of this section, a 110283
property owner who receives a notice under division (B) of this 110284
section may elect to postpone connection to the sewerage system 110285
specified in the notice for a period of not more than fifteen 110286
years from the date on which the property owner receives a notice 110287
from the board of trustees of the regional water and sewer 110288
district that the sewerage system is substantially complete in 110289
accordance with division (G) of this section if both of the 110290
following apply: 110291

(1) The property owner notifies the board of trustees of the 110292
regional water and sewer district and the board of health of the 110293
health district in which the affected parcel of property is 110294
located that the property owner elects to postpone connection to 110295
the specified sewerage system. The notice shall be in writing and 110296
shall be sent by certified mail not later than sixty days after 110297
the property owner has received a notice under division (B) of 110298
this section. Not later than one hundred eighty days after the 110299
board of health receives the notice, the board shall evaluate the 110300
household sewage treatment system serving the affected parcel of 110301
property to determine if the system operates and is maintained in 110302
accordance with Chapter 3718. of the Revised Code and with rules 110303
adopted under that chapter by the director of health and by the 110304

board, if any. The property owner is responsible for reasonable costs of the evaluation. 110305
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If the property owner is aware that the property will be vacant at any time during the one-hundred-eighty-day period, the property owner shall notify the board of health of the dates during which the property will be vacant. In order for the required inspection to occur, the property owner shall ensure that the property is occupied for at least ninety consecutive days within the one-hundred-eighty-day period and shall notify the board of health of the dates of occupancy. Failure to so notify the board or so occupy the property constitutes termination of the authorization under this section for the property owner to elect to postpone connection to the sewerage system. 110307
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(2) The applicable board of health determines under division (C)(1) of this section that the household sewage treatment system operates and is maintained in accordance with Chapter 3718. of the Revised Code and with rules adopted under that chapter by the director and by the board, if any. The board shall so notify the property owner and the board of trustees of the regional water and sewer district. However, if the board of health determines that a nuisance exists under section 3718.011 of the Revised Code, the board shall so notify the property owner. If the board determines that repairs will eliminate the nuisance, the person may make those repairs to the system, but shall do so within sixty days after receiving the notice. The board shall extend the sixty-day period if weather conditions prevent the repair from being made. 110318
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The property owner shall connect to the sewerage system if the board of health determines either that repairs will not eliminate the nuisance or that, after repairs have been made, the nuisance has not been eliminated. 110331
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(D)(1) Division (C) of this section does not apply to a household sewage treatment system that is either a discharging 110335
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system or within an area subject to final findings and orders 110337
issued by the director of environmental protection under Chapter 110338
6111. or 6117. of the Revised Code. The notification required by 110339
division (B) of this section shall be issued to an applicable 110340
property owner regardless of whether the property owner's system 110341
is a discharging system or inside such an area. 110342

(2) For purposes of this section, a discharging system is one 110343
of the following: 110344

(a) A household sewage treatment system for which coverage 110345
under an NPDES permit has been issued or granted under Chapter 110346
6111. of the Revised Code and rules adopted under it; 110347

(b) A household sewage treatment system for which coverage 110348
under an NPDES permit would be required, but that has not been 110349
issued or granted such a permit. 110350

(E) A property owner that has elected to postpone connection 110351
to a sewerage system in accordance with division (C) of this 110352
section shall ensure that the household sewage treatment system 110353
serving the property is maintained and operated in accordance with 110354
Chapter 3718. of the Revised Code and rules adopted under it for 110355
fifteen years from the date on which the property owner receives 110356
notice from the board of trustees of the regional water and sewer 110357
district that the sewerage system is substantially complete in 110358
accordance with division (G) of this section. A property owner 110359
that elects to postpone connection to a sewerage system in 110360
accordance with division (C) of this section subsequently shall 110361
abandon the household sewage treatment system serving the property 110362
in accordance with rules adopted under Chapter 3718. of the 110363
Revised Code and connect to the sewerage system not later than 110364
fifteen years from the date on which the property owner receives 110365
notice that the sewerage system is substantially complete in 110366
accordance with division (G) of this section. However, if at any 110367
time during the fifteen-year period the system is not operating in 110368

accordance with Chapter 3718. of the Revised Code or rules adopted 110369
or orders issued under that chapter, the board of health shall so 110370
notify the property owner. If the system cannot be brought into 110371
compliance with the chapter, rules, or orders through a repair 110372
made within sixty days after the property owner receives the 110373
notice, the property owner shall abandon the system and connect to 110374
the sewerage system. The board shall extend the sixty-day period 110375
if weather conditions prevent the repair from being made. 110376

If the property owner transfers ownership of the affected 110377
parcel of property during the fifteen-year period and the parcel 110378
of property has not yet been connected to the sewerage system, the 110379
transferor shall notify the transferee of the requirement to 110380
connect to the sewerage system and of the date by which connection 110381
must occur. The notice shall be a written affidavit. The county 110382
recorder shall index and record a copy of the affidavit in 110383
accordance with section 317.08 of the Revised Code and in the same 110384
manner and receive the same fees as for deeds. The transferee is 110385
subject to the connection requirement established in this 110386
division. 110387

A person that fails to comply with this division is subject 110388
to the same enforcement procedures and penalties as if the person 110389
violated Chapter 3718. of the Revised Code or rules adopted or 110390
orders issued under it. 110391

(F) If a connection tap to a sewerage system is installed at 110392
a parcel of property at the time of construction of the sewerage 110393
system, the property owner, regardless of whether the owner has 110394
elected to postpone connection to the sewerage system under this 110395
section, shall pay the costs of the installation of the connection 110396
tap in accordance with one of the following: 110397

(1) Pay the total amount at the time of the installation of 110398
the connection tap; 110399

(2) Make incremental payments in accordance with a payment plan agreed to by the board of trustees of the regional water and sewer district; 110400
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(3) Pay the total amount at any time the parcel of property is required to connect to the sewerage system under this section. 110403
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(G) When a sewerage system has been substantially completed, the board of trustees of the applicable regional water and sewer district shall send a notice of the substantial completion to all property owners who elect to postpone connection to the sewerage system under this section. 110405
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Sec. 6119.601. (A)(1) The board of trustees of a regional water and sewer district may apply to the Ohio public works commission created by section 164.02 of the Revised Code for an advance of money from the water and sewer fund created by section 164.13 of the Revised Code in an amount equal to that portion of the costs of an improvement authorized under this chapter that is to be financed by assessments whose collection is deferred because an owner of a parcel of property has elected to postpone connection to a sewerage system and is authorized to do so in accordance with section 6119.60 of the Revised Code. The application for such an advance of money shall be made in the manner prescribed in policies and procedures established by the director of the commission. 110410
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(2) As used in this section, "assessments" includes rentals or other charges and any combination of such rentals or charges authorized under section 6119.06 or 6119.09 of the Revised Code. 110423
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(B) The county auditor shall record an assessment deferred as described in division (A) of this section in the sewer improvement record. The record shall be kept until such time as the assessments are paid in full. During the time when an assessment is deferred, there shall be a lien on the property assessed, which 110426
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shall arise at the time of recording by the county auditor and 110431
shall be in force until the assessments are paid in full. 110432

(C) The board of trustees of a regional water and sewer 110433
district regularly shall review whether property for which the 110434
collection of assessments has been deferred as described in 110435
division (A) of this section is connected to a sewerage system. 110436
Upon finding that the owner of a parcel of property is required to 110437
connect to a sewerage system for any reason, the board immediately 110438
shall collect, without interest unless payment is late as 110439
determined by the board, the full amount of the deferred 110440
assessment and, upon its collection, repay the commission the 110441
amount of any money advanced by it in regard to the parcel of 110442
property. The board shall pay all such amounts to the commission 110443
in one annual payment or during a longer period as approved by the 110444
director of the commission. The board shall pay interest annually 110445
at the interest rate per annum equal to that rate of interest 110446
published as the 20-bond index rate in "The Bond Buyer" minus four 110447
per cent per annum or at five per cent per annum, whichever rate 110448
is greater, for any money not repaid to the commission pursuant to 110449
this division within one year of the date of the disqualification 110450
of the property for the deferment that requires such repayment. 110451
The interest rate for any money not repaid to the commission shall 110452
be calculated one year from the date of the disqualification of 110453
the property for the deferment that requires such repayment and 110454
annually thereafter. 110455

(D) Unless an owner of a parcel of property is required to 110456
connect to a sewerage system because either the applicable board 110457
of health determines that a nuisance exists under section 3718.011 110458
of the Revised Code or the owner voluntarily elects to connect to 110459
the sewerage system before the end of the fifteen-year period 110460
established in division (E) of section 6119.60 of the Revised 110461
Code, the board of trustees of a regional water and sewer 110462

district, not later than two hundred ten days prior to the 110463
expiration of the deferment of assessments on that property, shall 110464
send a notice by regular or certified mail to the owner of the 110465
property that specifies the expiration date of the deferment. 110466

Sec. 6119.602. A public entity with authority to levy special 110467
assessments, rentals, charges, or a combination thereof on real 110468
property shall not collect an assessment, rental, charge, or 110469
combination thereof for purposes of sewer service on real property 110470
concerning which the owner of the property is not required to 110471
connect to a sewerage system in accordance with section 6119.60 of 110472
the Revised Code until the property owner is required to connect 110473
to the sewerage system under that section. 110474

Sec. 6131.23. The assessments estimated in accordance with 110475
section 6131.14 of the Revised Code shall be payable in not less 110476
than two semiannual installments. At the time of the final 110477
hearing, in the order approving the levying of the assessments, 110478
the board of county commissioners shall determine how long a 110479
period of time, in semiannual installments, as taxes are paid, 110480
shall be given the owners of land benefited to pay the assessments 110481
that are made for an improvement and whether or not bonds or notes 110482
shall be issued and sold in anticipation of such payments. If 110483
bonds or notes are to be issued, the interest shall be added to 110484
the assessments. If the estimated cost of the improvement does not 110485
exceed five hundred dollars, not more than two semiannual 110486
installments, as taxes are paid, shall be given to owners of lands 110487
benefited to pay the assessments that are made for the 110488
improvement. If the estimated cost of the improvement exceeds five 110489
hundred dollars, the board may determine the number of 110490
installments in which the assessments are to be paid. If any such 110491
assessment is twenty-five dollars or less, or whenever the unpaid 110492
balance of any such assessment is twenty-five dollars or less, the 110493

same shall be paid in full, and not in installments, at the time 110494
the first or next installment would otherwise become due. 110495

When assessments are payable in installments and county 110496
general funds are used to pay for the improvement, the assessment 110497
shall not exceed thirty semiannual installments, as computed by 110498
the county auditor pursuant to section 6131.49 of the Revised 110499
Code, and shall be payable upon completion of the contract. 110500

When assessments are made payable in installments and bonds 110501
or notes have been sold to pay for the improvement, interest shall 110502
be added to the installments of assessments at the same rate as is 110503
drawn by the bonds or notes issued to pay for the improvements. 110504
Any owner may pay the estimated assessments on the owner's land in 110505
cash within thirty days after the final hearing without paying any 110506
interest thereon. If the legislative authority of a political 110507
subdivision chooses to pay the assessments on all parcels within 110508
the subdivision, both public and private, in one installment, it 110509
shall pass a resolution so stating and shall send the resolution, 110510
or a copy thereof, to the board of county commissioners before 110511
making the payment. The legislative authority shall pay all 110512
subsequent maintenance assessments levied under section 6137.03 of 110513
the Revised Code if it chooses to pay the construction assessments 110514
on all parcels within the subdivision. 110515

Bonds may be sold for any repayment period that the board of 110516
county commissioners may determine proper, not to exceed thirty 110517
semiannual installments, except that for bonds sold by a board of 110518
county commissioners for soil and water conservation district 110519
improvements pursuant to section ~~1515.24~~ 940.33 of the Revised 110520
Code, the repayment period shall not exceed thirty semiannual 110521
installments. 110522

Sec. 6301.16. (A) Beginning January 1, 2016, each participant 110523
in an adult training or education program funded under the 110524

"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101, shall 110525
create an account with OhioMeansJobs at the time of enrollment in 110526
the program. 110527

(B) Division (A) of this section does not apply to any 110528
individual who is legally prohibited from using a computer, has a 110529
physical or visual impairment that makes the individual unable to 110530
use a computer, or has a limited ability to read, write, speak, or 110531
understand a language in which OhioMeansJobs is available. 110532

Section 101.02. That existing sections 1.05, 9.312, 9.333, 110533
9.83, 9.833, 9.90, 9.901, 102.02, 102.022, 103.412, 109.57, 110534
109.572, 109.77, 109.79, 113.06, 113.07, 118.023, 118.04, 119.04, 110535
119.06, 119.12, 120.33, 121.03, 121.04, 121.22, 121.372, 121.40, 110536
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124.15, 124.181, 124.392, 125.02, 125.04, 125.041, 125.05, 125.07, 110539
125.08, 125.081, 125.082, 125.10, 125.11, 125.112, 125.13, 125.22, 110540
125.27, 125.28, 125.31, 125.36, 125.38, 125.39, 125.42, 125.43, 110541
125.45, 125.49, 125.51, 125.58, 125.601, 125.607, 125.609, 125.76, 110542
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135.01, 135.04, 135.14, 135.143, 135.144, 135.145, 135.18, 110545
135.181, 135.35, 135.353, 135.354, 135.37, 135.74, 140.01, 141.04, 110546
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173.544, 173.545, 174.02, 183.021, 183.33, 187.03, 191.04, 191.06, 110549
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903.13, 903.16, 903.17, 903.25, 905.31, 905.323, 918.41, 929.03, 110556
931.01, 931.02, 941.14, 953.22, 955.12, 955.121, 955.14, 955.15, 110557
955.20, 955.27, 991.03, 1306.20, 1309.528, 1332.25, 1346.03, 110558
1347.08, 1349.04, 1501.01, 1501.011, 1501.022, 1501.04, 1503.99, 110559
1505.10, 1506.01, 1509.01, 1509.06, 1509.11, 1509.23, 1509.27, 110560
1509.33, 1511.02, 1511.021, 1511.022, 1511.03, 1511.05, 1511.071, 110561
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1515.183, 1515.184, 1515.185, 1515.19, 1515.191, 1515.192, 110566
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1521.062, 1521.063, 1521.064, 1521.07, 1521.10, 1521.11, 1521.12, 110569
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1522.17, 1522.18, 1522.20, 1522.21, 1523.01, 1523.02, 1523.03, 110572
1523.04, 1523.05, 1523.06, 1523.07, 1523.08, 1523.09, 1523.10, 110573
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1523.18, 1523.19, 1523.20, 1531.35, 1547.69, 1548.11, 1561.04, 110575
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3333.171, 3333.18, 3333.19, 3333.20, 3333.21, 3333.22, 3333.23, 110603
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4703.19, 4703.30, 4703.32, 4703.331, 4703.332, 4703.34, 4703.36, 110631
4703.37, 4703.41, 4703.411, 4703.46, 4703.50, 4703.52, 4703.53, 110632
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5123.163, 5123.164, 5123.166, 5123.167, 5123.169, 5123.1610, 110664
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5739.061, 5739.09, 5739.10, 5739.12, 5739.13, 5739.16, 5739.17, 110682
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5741.01, 5741.02, 5741.021, 5741.022, 5741.023, 5741.03, 5741.031, 110684
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5747.71, 5747.98, 5749.17, 5751.01, 5751.02, 5751.20, 5751.21, 110689
5751.22, 5751.50, 5902.02, 5903.12, 5904.01, 5910.08, 5919.341, 110690
6101.16, 6103.052, 6109.21, 6109.30, 6109.34, 6111.01, 6111.02, 110691
6111.027, 6111.03, 6111.04, 6111.044, 6111.05, 6111.12, 6111.30, 110692
6111.44, 6111.99, 6112.01, 6112.03, 6117.062, 6117.51, and 6131.23 110693
of the Revised Code are hereby repealed. 110694

Section 105.01. That sections 103.132, 111.181, 121.36, 110695
122.26, 122.952, 125.021, 125.022, 125.023, 125.03, 125.051, 110696
125.06, 125.17, 125.32, 125.37, 125.47, 125.48, 125.50, 125.52, 110697
125.53, 125.54, 125.55, 125.57, 125.68, 125.91, 125.92, 125.93, 110698
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1511.04, 1511.06, 1511.07, 1511.08, 1511.99, 3301.92, 3313.473, 110702
3318.33, 3326.29, 3337.11, 3734.51, 3736.04, 3769.086, 3770.061, 110703
4703.31, 4703.33, 4703.35, 4703.38, 4703.44, 4703.49, 4709.04, 110704
4709.06, 4709.27, 4725.42, 4725.43, 4725.45, 4725.46, 4725.47, 110705
4725.531, 4731.283, 4741.09, 4775.01, 4775.02, 4775.03, 4775.04, 110706
4775.05, 4775.06, 4775.07, 4775.08, 4775.09, 4775.10, 4775.11, 110707
4775.99, 5104.012, 5104.037, 5108.051, 5108.10, 5119.411, 5163.08, 110708
5165.25, 5165.26, 5168.12, and 5739.212 of the Revised Code are 110709
hereby repealed. 110710

Section 106.01. That section 125.833 of the Revised Code is 110711
hereby repealed, effectively January 1, 2016. 110712

Section 110.10. That the versions of sections 340.01, 340.03, 110713

340.15, and 5119.21 of the Revised Code that are scheduled to take effect September 15, 2016, be amended to read as follows:

Sec. 340.01. (A) As used in this chapter:

(1) "Addiction," "addiction services," "alcohol and drug addiction services," "alcoholism," "community addiction services provider," "community mental health services provider," "drug addiction," "gambling addiction services," "mental health services," and "mental illness" have the same meanings as in section 5119.01 of the Revised Code.

(2) "Medication-assisted treatment" means alcohol and drug addiction services that are accompanied by medication approved by the United States food and drug administration for the treatment of drug addiction, prevention of relapse of drug addiction, or both.

(3) "Recovery housing" means housing for individuals recovering from alcoholism or drug addiction that provides an alcohol and drug-free living environment, peer support, assistance with obtaining alcohol and drug addiction services, and other alcoholism and drug addiction recovery assistance.

(B) An alcohol, drug addiction, and mental health service district shall be established in any county or combination of counties having a population of at least fifty thousand to provide addiction services and mental health services. With the approval of the director of mental health and addiction services, any county or combination of counties having a population of less than fifty thousand may establish such a district. Districts comprising more than one county shall be known as joint-county districts.

The board of county commissioners of any county participating in a joint-county district may submit a resolution requesting withdrawal from the district together with a comprehensive plan or

plans that are in compliance with rules adopted by the director of 110744
mental health and addiction services under section 5119.22 of the 110745
Revised Code, and that provide for the equitable adjustment and 110746
division of all services, assets, property, debts, and 110747
obligations, if any, of the joint-county district to the board of 110748
alcohol, drug addiction, and mental health services, to the boards 110749
of county commissioners of each county in the district, and to the 110750
director. No county participating in a joint-county service 110751
district may withdraw from the district without the consent of the 110752
director of mental health and addiction services nor earlier than 110753
one year after the submission of such resolution unless all of the 110754
participating counties agree to an earlier withdrawal. Any county 110755
withdrawing from a joint-county district shall continue to have 110756
levied against its tax list and duplicate any tax levied by the 110757
district during the period in which the county was a member of the 110758
district until such time as the levy expires or is renewed or 110759
replaced. 110760

Sec. 340.03. (A) Subject to rules issued by the director of 110761
mental health and addiction services after consultation with 110762
relevant constituencies as required by division (A)(10) of section 110763
5119.21 of the Revised Code, the board of alcohol, drug addiction, 110764
and mental health services shall: 110765

(1) Serve as the community addiction and mental health 110766
services planning agency for the county or counties under its 110767
jurisdiction, and in so doing it shall: 110768

(a) Evaluate the need for facilities and community addiction 110769
and mental health services; 110770

(b) In cooperation with other local and regional planning and 110771
funding bodies and with relevant ethnic organizations, assess the 110772
community addiction and mental health needs, evaluate strengths 110773
and challenges, and set priorities for community addiction and 110774

mental health services, including treatment and prevention. When 110775
the board sets priorities for the operation of addiction services, 110776
the board shall consult with the county commissioners of the 110777
counties in the board's service district regarding the services 110778
described in section 340.15 of the Revised Code and shall give 110779
priority to those services, except that those services shall not 110780
have a priority over services provided to pregnant women under 110781
programs developed in relation to the mandate established in 110782
section 5119.17 of the Revised Code; 110783

(c) In accordance with guidelines issued by the director of 110784
mental health and addiction services after consultation with board 110785
representatives, annually develop and submit to the department of 110786
mental health and addiction services a community addiction and 110787
mental health services plan listing community addiction and mental 110788
health services needs, including the needs of all residents of the 110789
district currently receiving inpatient services in state-operated 110790
hospitals, the needs of other populations as required by state or 110791
federal law or programs, and the needs of all children subject to 110792
a determination made pursuant to section 121.38 of the Revised 110793
Code, and priorities for facilities and community addiction and 110794
mental health services during the period for which the plan will 110795
be in effect. 110796

In alcohol, drug addiction, and mental health service 110797
districts that have separate alcohol and drug addiction services 110798
and community mental health boards, the alcohol and drug addiction 110799
services board shall submit a community addiction services plan 110800
and the community mental health board shall submit a community 110801
mental health services plan. Each board shall consult with its 110802
counterpart in developing its plan and address the interaction 110803
between the local addiction services and mental health services 110804
systems and populations with regard to needs and priorities in 110805
developing its plan. 110806

The department shall approve or disapprove the plan, in whole or in part, according to the criteria developed pursuant to section 5119.22 of the Revised Code. Eligibility for state and federal funding shall be contingent upon an approved plan or relevant part of a plan.

If a board determines that it is necessary to amend a plan that has been approved under this division, the board shall submit a proposed amendment to the director. The director may approve or disapprove all or part of the amendment. The director shall inform the board of the reasons for disapproval of all or part of an amendment and of the criteria that must be met before the amendment may be approved. The director shall provide the board an opportunity to present its case on behalf of the amendment. The director shall give the board a reasonable time in which to meet the criteria, and shall offer the board technical assistance to help it meet the criteria.

The board shall operate in accordance with the plan approved by the department.

(d) Promote, arrange, and implement working agreements with social agencies, both public and private, and with judicial agencies.

(2) Investigate, or request another agency to investigate, any complaint alleging abuse or neglect of any person receiving services from a community addiction or mental health services provider ~~certified under section 5119.36 of the Revised Code~~ or alleging abuse or neglect of a resident receiving addiction services or with mental illness or severe mental disability residing in a residential facility licensed under section 5119.34 of the Revised Code. If the investigation substantiates the charge of abuse or neglect, the board shall take whatever action it determines is necessary to correct the situation, including notification of the appropriate authorities. Upon request, the

board shall provide information about such investigations to the department. 110839
110840

(3) For the purpose of section 5119.36 of the Revised Code, 110841
cooperate with the director of mental health and addiction 110842
services in visiting and evaluating whether the addiction or 110843
mental health services of a community addiction or mental health 110844
services provider satisfy the certification standards established 110845
by rules adopted under that section; 110846

(4) In accordance with criteria established under division 110847
(E) of section 5119.22 of the Revised Code, conduct program audits 110848
that review and evaluate the quality, effectiveness, and 110849
efficiency of addiction and mental health services provided 110850
through its community addiction and mental health ~~contracted~~ 110851
services providers and submit its findings and recommendations to 110852
the department of mental health and addiction services; 110853

(5) In accordance with section 5119.34 of the Revised Code, 110854
review an application for a residential facility license and 110855
provide to the department of mental health and addiction services 110856
any information about the applicant or facility that the board 110857
would like the department to consider in reviewing the 110858
application; 110859

(6) Audit, in accordance with rules adopted by the auditor of 110860
state pursuant to section 117.20 of the Revised Code, at least 110861
annually all programs and services provided under contract with 110862
the board. In so doing, the board may contract for or employ the 110863
services of private auditors. A copy of the fiscal audit report 110864
shall be provided to the director of mental health and addiction 110865
services, the auditor of state, and the county auditor of each 110866
county in the board's district. 110867

(7) Recruit and promote local financial support for addiction 110868
and mental health services from private and public sources; 110869

(8)(a) Enter into contracts with public and private 110870
facilities for the operation of facility services and enter into 110871
contracts with public and private community addiction and mental 110872
health ~~service~~ services providers for the provision of ~~community~~ 110873
addiction and mental health services. The board may not contract 110874
with a residential facility subject to section 5119.34 of the 110875
Revised Code unless the facility is licensed by the director of 110876
mental health and addiction services ~~and~~. The board may not 110877
contract with a community addiction or mental health services 110878
provider to provide ~~community~~ addiction or mental health services 110879
unless the services are certified by the director of mental health 110880
and addiction services under section 5119.36 of the Revised Code. 110881
Section 307.86 of the Revised Code does not apply to contracts 110882
entered into under this division. In contracting with a community 110883
addiction or mental health services provider, a board shall 110884
consider the cost effectiveness of addiction or mental health 110885
services provided by that provider and the quality and continuity 110886
of care, and may review cost elements, including salary costs, of 110887
the services to be provided. A utilization review process may be 110888
established as part of the contract for services entered into 110889
between a board and a community addiction or mental health 110890
services provider. The board may establish this process in a way 110891
that is most effective and efficient in meeting local needs. 110892

If either the board or a facility or community addiction or 110893
mental health services provider with which the board contracts 110894
under this division proposes not to renew the contract or proposes 110895
substantial changes in contract terms, the other party shall be 110896
given written notice at least one hundred twenty days before the 110897
expiration date of the contract. During the first sixty days of 110898
this one hundred twenty-day period, both parties shall attempt to 110899
resolve any dispute through good faith collaboration and 110900
negotiation in order to continue to provide services to persons in 110901
need. If the dispute has not been resolved sixty days before the 110902

expiration date of the contract, either party may notify the 110903
department of mental health and addiction services of the 110904
unresolved dispute. The director may require both parties to 110905
submit the dispute to a third party with the cost to be shared by 110906
the board and the facility or provider. The third party shall 110907
issue to the board, the facility or provider, and the department 110908
recommendations on how the dispute may be resolved twenty days 110909
prior to the expiration date of the contract, unless both parties 110910
agree to a time extension. The director shall adopt rules 110911
establishing the procedures of this dispute resolution process. 110912

(b) With the prior approval of the director of mental health 110913
and addiction services, a board may operate a facility or provide 110914
~~a community~~ an addiction or mental health service as follows, if 110915
there is no other qualified private or public facility or 110916
community addiction or mental health services provider that is 110917
immediately available and willing to operate such a facility or 110918
provide the service: 110919

(i) In an emergency situation, any board may operate a 110920
facility or provide ~~a community~~ an addiction or mental health 110921
service in order to provide essential services for the duration of 110922
the emergency~~+~~. 110923

(ii) In a service district with a population of at least one 110924
hundred thousand but less than five hundred thousand, a board may 110925
operate a facility or provide ~~a community~~ an addiction or mental 110926
health service for no longer than one year~~+~~. 110927

(iii) In a service district with a population of less than 110928
one hundred thousand, a board may operate a facility or provide a 110929
~~community~~ an addiction or mental health service for no longer than 110930
one year, except that such a board may operate a facility or 110931
provide ~~a community~~ an addiction or mental health service for more 110932
than one year with the prior approval of the director and the 110933
prior approval of the board of county commissioners, or of a 110934

majority of the boards of county commissioners if the district is 110935
a joint-county district. 110936

The director shall not give a board approval to operate a 110937
facility or provide ~~a community~~ an addiction or mental health 110938
service under division (A)(8)(b)(ii) or (iii) of this section 110939
unless the director determines that it is not feasible to have the 110940
department operate the facility or provide the service. 110941

The director shall not give a board approval to operate a 110942
facility or provide ~~a community~~ an addiction or mental health 110943
service under division (A)(8)(b)(iii) of this section unless the 110944
director determines that the board will provide greater 110945
administrative efficiency and more or better services than would 110946
be available if the board contracted with a private or public 110947
facility or community addiction or mental health services 110948
provider. 110949

The director shall not give a board approval to operate a 110950
facility previously operated by a person or other government 110951
entity unless the board has established to the director's 110952
satisfaction that the person or other government entity cannot 110953
effectively operate the facility or that the person or other 110954
government entity has requested the board to take over operation 110955
of the facility. The director shall not give a board approval to 110956
provide ~~a community~~ an addiction or mental health service 110957
previously provided by a community addiction or mental health 110958
services provider unless the board has established to the 110959
director's satisfaction that the provider cannot effectively 110960
provide the service or that the provider has requested the board 110961
take over providing the service. 110962

The director shall review and evaluate a board's operation of 110963
a facility and provision of ~~community~~ addiction or mental health 110964
~~service~~ services under division (A)(8)(b) of this section. 110965

Nothing in division (A)(8)(b) of this section authorizes a board to administer or direct the daily operation of any facility or community addiction or mental health services provider, but a facility or provider may contract with a board to receive administrative services or staff direction from the board under the direction of the governing body of the facility or provider.

(9) Approve fee schedules and related charges or adopt a unit cost schedule or other methods of payment for contract services provided by community addiction or mental health services providers in accordance with guidelines issued by the department as necessary to comply with state and federal laws pertaining to financial assistance;

(10) Submit to the director and the county commissioners of the county or counties served by the board, and make available to the public, an annual report of the services under the jurisdiction of the board, including a fiscal accounting;

(11) Establish, to the extent resources are available, a continuum of care that provides for prevention, treatment, support, and rehabilitation services and opportunities. The essential elements of the continuum of care shall include the following components:

(a) To locate persons in need of addiction or mental health services to inform them of available services and benefits;

(b) Assistance for persons receiving addiction or mental health services to obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income;

(c) Addiction and mental health services, including all of the following:

(i) Outpatient;

(ii) Residential;	110996
(iii) Partial hospitalization;	110997
(iv) Where appropriate, inpatient care;	110998
(v) Sub-acute detoxification;	110999
(vi) Intensive and other supports;	111000
(vii) Recovery support;	111001
(viii) Prevention and wellness management;	111002
(ix) In accordance with section 340.033 of the Revised Code, an array of treatment and support services for all levels of opioid and co-occurring drug addiction.	111003 111004 111005
(d) Emergency services and crisis intervention;	111006
(e) Assistance for persons receiving services to obtain vocational services and opportunities for jobs;	111007 111008
(f) The provision of services designed to develop social, community, and personal living skills;	111009 111010
(g) Access to a wide range of housing and the provision of residential treatment and support;	111011 111012
(h) Support, assistance, consultation, and education for families, friends, persons receiving addiction or mental health services, and others;	111013 111014 111015
(i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and community employment as natural supports for persons receiving addiction or mental health services;	111016 111017 111018 111019 111020
(j) Grievance procedures and protection of the rights of persons receiving addiction or mental health services;	111021 111022
(k) Community psychiatric supportive treatment services,	111023

which includes continual individualized assistance and advocacy to 111024
ensure that needed services are offered and procured; 111025

(1) Any additional component the department, pursuant to 111026
section 5119.21 of the Revised Code, determines is necessary to 111027
establish the continuum of care. 111028

(12) Establish a method for evaluating referrals for 111029
~~involuntary commitment~~ court-ordered treatment and affidavits 111030
filed pursuant to section 5122.11 of the Revised Code in order to 111031
assist the probate division of the court of common pleas in 111032
determining whether there is probable cause that a respondent is 111033
subject to ~~involuntary hospitalization~~ court-ordered treatment and 111034
~~what alternative treatment is~~ whether alternatives to 111035
hospitalization are available and appropriate, ~~if any~~; 111036

(13) Designate the treatment services, provider, facility, or 111037
other placement for each person involuntarily committed to the 111038
board pursuant to Chapter 5122. of the Revised Code. The board 111039
shall provide the least restrictive and most appropriate 111040
alternative that is available for any person involuntarily 111041
committed to it and shall assure that the listed services 111042
submitted and approved in accordance with division (B) of section 111043
340.08 of the Revised Code are available to severely mentally 111044
disabled persons residing within its service district. The board 111045
shall establish the procedure for authorizing payment for 111046
services, which may include prior authorization in appropriate 111047
circumstances. ~~The~~ In accordance with division (A)(8)(b) of this 111048
section, the board may provide for services directly to a severely 111049
mentally disabled person when life or safety is endangered and 111050
when no community mental health services provider is available to 111051
provide the service. 111052

(14) Ensure that ~~apartments or rooms~~ housing built, 111053
subsidized, renovated, rented, owned, or leased by the board or a 111054
community addiction or mental health services provider ~~have~~ has 111055

been approved as meeting minimum fire safety standards and that 111056
persons residing in the ~~rooms or apartments are receiving housing~~ 111057
have access to appropriate and necessary services, including 111058
culturally relevant services, from a community addiction or mental 111059
health services provider. This division does not apply to 111060
residential facilities licensed pursuant to section 5119.34 of the 111061
Revised Code. 111062

(15) Establish a mechanism for obtaining advice and 111063
involvement of persons receiving ~~publicly funded~~ addiction or 111064
mental health services on matters pertaining to addiction and 111065
mental health services in the alcohol, drug addiction, and mental 111066
health service district; 111067

(16) Perform the duties required by rules adopted under 111068
section 5119.22 of the Revised Code regarding referrals by the 111069
board or mental health services providers under contract with the 111070
board of individuals with mental illness or severe mental 111071
disability to residential facilities ~~as defined in division~~ 111072
~~(A)(9)(b)(iii)~~ of licensed under section 5119.34 of the Revised 111073
Code and effective arrangements for ongoing mental health services 111074
for the individuals. The board is accountable in the manner 111075
specified in the rules for ensuring that the ongoing mental health 111076
services are effectively arranged for the individuals. 111077

(17) Advocate on behalf of medicaid recipients enrolled in 111078
medicaid managed care organizations and medicaid-eligible 111079
individuals, any of whom have been identified as needing addiction 111080
or mental health services, as well as the providers of those 111081
services, for the purpose of ensuring that the behavioral health 111082
needs of those persons are addressed with their physical health 111083
needs. 111084

(B) The board shall establish such rules, operating 111085
procedures, standards, and bylaws, and perform such other duties 111086
as may be necessary or proper to carry out the purposes of this 111087

chapter. 111088

(C) A board of alcohol, drug addiction, and mental health 111089
services may receive by gift, grant, devise, or bequest any 111090
moneys, lands, or property for the benefit of the purposes for 111091
which the board is established, and may hold and apply it 111092
according to the terms of the gift, grant, or bequest. All money 111093
received, including accrued interest, by gift, grant, or bequest 111094
shall be deposited in the treasury of the county, the treasurer of 111095
which is custodian of the alcohol, drug addiction, and mental 111096
health services funds to the credit of the board and shall be 111097
available for use by the board for purposes stated by the donor or 111098
grantor. 111099

(D) No board member or employee of a board of alcohol, drug 111100
addiction, and mental health services shall be liable for injury 111101
or damages caused by any action or inaction taken within the scope 111102
of the board member's official duties or the employee's 111103
employment, whether or not such action or inaction is expressly 111104
authorized by this section or any other section of the Revised 111105
Code, unless such action or inaction constitutes willful or wanton 111106
misconduct. Chapter 2744. of the Revised Code applies to any 111107
action or inaction by a board member or employee of a board taken 111108
within the scope of the board member's official duties or 111109
employee's employment. For the purposes of this division, the 111110
conduct of a board member or employee shall not be considered 111111
willful or wanton misconduct if the board member or employee acted 111112
in good faith and in a manner that the board member or employee 111113
reasonably believed was in or was not opposed to the best 111114
interests of the board and, with respect to any criminal action or 111115
proceeding, had no reasonable cause to believe the conduct was 111116
unlawful. 111117

(E) The meetings held by any committee established by a board 111118
of alcohol, drug addiction, and mental health services shall be 111119

considered to be meetings of a public body subject to section 111120
121.22 of the Revised Code. 111121

Sec. 340.15. (A) A public children services agency that 111122
identifies a child by a risk assessment conducted pursuant to 111123
section 5153.16 of the Revised Code as being at imminent risk of 111124
being abused or neglected because of an addiction of a parent, 111125
guardian, or custodian of the child to a drug of abuse or alcohol 111126
shall refer the child's addicted parent, guardian, or custodian 111127
and, if the agency determines that the child needs alcohol or 111128
other drug addiction services, the child to a community addiction 111129
services provider ~~certified by the department of mental health and~~ 111130
~~addiction services under section 5119.36 of the Revised Code.~~ A 111131
public children services agency that is sent a court order issued 111132
pursuant to division (B) of section 2151.3514 of the Revised Code 111133
shall refer the addicted parent or other caregiver of the child 111134
identified in the court order to a community addiction services 111135
provider ~~certified by the department of mental health and~~ 111136
~~addiction services under section 5119.36 of the Revised Code.~~ On 111137
receipt of a referral under this division and to the extent 111138
funding identified under division (A)(2) of section 340.08 of the 111139
Revised Code is available, the provider shall provide the 111140
following services to the addicted parent, guardian, custodian, or 111141
caregiver and child in need of addiction services: 111142

(1) If it is determined pursuant to an initial screening to 111143
be needed, assessment and appropriate treatment; 111144

(2) Documentation of progress in accordance with a treatment 111145
plan developed for the addicted parent, guardian, custodian, 111146
caregiver, or child; 111147

(3) If the referral is based on a court order issued pursuant 111148
to division (B) of section 2151.3514 of the Revised Code and the 111149
order requires the specified parent or other caregiver of the 111150

child to submit to alcohol or other drug testing during, after, or 111151
both during and after, treatment, testing in accordance with the 111152
court order. 111153

(B) The services described in division (A) of this section 111154
shall have a priority as provided in the addiction and mental 111155
health services plan and budget established pursuant to sections 111156
340.03 and 340.08 of the Revised Code. Once a referral has been 111157
received pursuant to this section, the public children services 111158
agency and the addiction services provider shall, in accordance 111159
with 42 C.F.R. Part 2, share with each other any information 111160
concerning the persons and services described in that division 111161
that the agency and provider determine are necessary to share. If 111162
the referral is based on a court order issued pursuant to division 111163
(B) of section 2151.3514 of the Revised Code, the results and 111164
recommendations of the addiction services provider also shall be 111165
provided and used as described in division (D) of that section. 111166
Information obtained or maintained by the agency or provider 111167
pursuant to this section that could enable the identification of 111168
any person described in division (A) of this section is not a 111169
public record subject to inspection or copying under section 111170
149.43 of the Revised Code. 111171

Sec. 5119.21. (A) The department of mental health and 111172
addiction services shall: 111173

(1) To the extent the department has available resources and 111174
in consultation with boards of alcohol, drug addiction, and mental 111175
health services, support the continuum of care that the boards are 111176
required by division (A)(11) of section 340.03 of the Revised Code 111177
to establish. The department shall provide the support on a 111178
district or multi-district basis. The department shall assist in 111179
identifying resources, and may prioritize support, for one or more 111180
of the elements of the continuum of care. For the purpose of 111181

division (A)(11)~~(1)~~ of section 340.03 of the Revised Code and to 111182
the extent the department determines is necessary, the department 111183
shall define additional components to be included in the essential 111184
elements of the continuum of care. 111185

(2) Provide training, consultation, and technical assistance 111186
regarding ~~mental health and~~ addiction and mental health services 111187
and appropriate prevention, recovery, and mental health promotion 111188
activities, including those that are culturally competent, to 111189
employees of the department, community mental health and addiction 111190
services providers, boards of alcohol, drug addiction, and mental 111191
health services, and other agencies providing ~~mental health and~~ 111192
addiction and mental health services; 111193

(3) To the extent the department has available resources, 111194
promote and support a full range of ~~mental health and~~ addiction 111195
and mental health services that are available and accessible to 111196
all residents of this state, especially for severely ~~mentally~~ 111197
~~disabled~~ emotionally disturbed children, and adolescents, severely 111198
mentally disabled adults, pregnant women, parents, guardians or 111199
custodians of children at risk of abuse or neglect, and other 111200
special target populations, including racial and ethnic 111201
minorities, as determined by the department; 111202

(4) Develop standards and measures for evaluating the 111203
effectiveness of ~~mental health and~~ addiction and mental health 111204
services, including services that use methadone treatment, of 111205
gambling addiction services, and for increasing the accountability 111206
of community mental health and ~~alcohol and~~ addiction services 111207
providers ~~and of gambling addiction services providers~~; 111208

(5) Design and set criteria for the determination of priority 111209
populations; 111210

(6) Promote, direct, conduct, and coordinate scientific 111211
research, taking ethnic and racial differences into consideration, 111212

concerning the causes and prevention of mental illness and 111213
addiction, methods of providing effective services and treatment, 111214
and means of enhancing the mental health of and recovery from 111215
addiction of all residents of this state; 111216

(7) Foster the establishment and availability of vocational 111217
rehabilitation services and the creation of employment 111218
opportunities for ~~consumers of mental health and~~ individuals with 111219
addiction ~~services~~ and mental health needs, including members of 111220
racial and ethnic minorities; 111221

(8) Establish a program to protect and promote the rights of 111222
persons receiving ~~mental health and~~ addiction and mental health 111223
services, including the issuance of guidelines on informed consent 111224
and other rights; 111225

(9) Promote the involvement of persons who are receiving or 111226
have received ~~mental health and~~ addiction and mental health 111227
services, including families and other persons having a close 111228
relationship to a person receiving those services, in the 111229
planning, evaluation, delivery, and operation of ~~mental health and~~ 111230
addiction and mental health services; 111231

(10) Notify and consult with the relevant constituencies that 111232
may be affected by rules, standards, and guidelines issued by the 111233
department of mental health and addiction services. These 111234
constituencies shall include consumers of ~~mental health and~~ 111235
addiction and mental health services and their families, and may 111236
include public and private providers, employee organizations, and 111237
others when appropriate. Whenever the department proposes the 111238
adoption, amendment, or rescission of rules under Chapter 119. of 111239
the Revised Code, the notification and consultation required by 111240
this division shall occur prior to the commencement of proceedings 111241
under Chapter 119. The department shall adopt rules under Chapter 111242
119. of the Revised Code that establish procedures for the 111243
notification and consultation required by this division. 111244

(11) Provide consultation to the department of rehabilitation 111245
and correction concerning the delivery of ~~mental health and~~ 111246
addiction and mental health services in state correctional 111247
institutions-; 111248

(12) Promote and coordinate efforts in the provision of 111249
alcohol and drug addiction services and of gambling addiction 111250
services by other state agencies, as defined in section 1.60 of 111251
the Revised Code; courts; hospitals; clinics; physicians in 111252
private practice; public health authorities; boards of alcohol, 111253
drug addiction, and mental health services; ~~alcohol and drug~~ 111254
community addiction services providers; law enforcement agencies; 111255
~~gambling addiction services providers~~; and related groups; 111256

(13) Provide to each court of record, and biennially update, 111257
a list of the treatment and education programs within that court's 111258
jurisdiction that the court may require an offender, sentenced 111259
pursuant to section 4511.19 of the Revised Code, to attend; 111260

(14) Make the warning sign described in sections 3313.752, 111261
3345.41, and 3707.50 of the Revised Code available on the 111262
department's internet web site; 111263

(15) Provide a program of gambling addiction services on 111264
behalf of the state lottery commission, pursuant to an agreement 111265
entered into with the director of the commission under division 111266
(K) of section 3770.02 of the Revised Code, and provide a program 111267
of gambling addiction services on behalf of the Ohio casino 111268
control commission, under an agreement entered into with the 111269
executive director of the commission under section 3772.062 of the 111270
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 111271
Constitution, the department may enter into agreements with boards 111272
of alcohol, drug addiction, and mental health services, including 111273
boards with districts in which a casino facility is not located, 111274
and nonprofit organizations to provide gambling addiction services 111275
and ~~substance abuse~~ alcohol and drug addiction services, and with 111276

state institutions of higher education or private nonprofit 111277
institutions that possess a certificate of authorization issued 111278
under Chapter 1713. of the Revised Code to perform related 111279
research. 111280

(B) The department may accept and administer grants from 111281
public or private sources for carrying out any of the duties 111282
enumerated in this section. 111283

(C) ~~Pursuant to Chapter 119. of the Revised Code, the~~ 111284
~~department shall adopt a rule defining the term "intervention" as~~ 111285
~~it is used in this chapter in connection with alcohol and drug~~ 111286
~~addiction services and in connection with gambling addiction~~ 111287
~~services.~~ The department may adopt other rules in accordance with 111288
Chapter 119. of the Revised Code as necessary to implement the 111289
requirements of this chapter. 111290

Section 110.11. That the existing versions of sections 111291
340.01, 340.03, 340.15, and 5119.21 of the Revised Code that are 111292
scheduled to take effect September 15, 2016, are hereby repealed. 111293

Section 110.12. Sections 110.10 and 110.11 of this act shall 111294
take effect September 15, 2016. 111295

Section 110.20. That the version of section 4501.01 of the 111296
Revised Code that is scheduled to take effect January 1, 2017, be 111297
amended to read as follows: 111298

Sec. 4501.01. As used in this chapter and Chapters 4503., 111299
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 111300
Revised Code, and in the penal laws, except as otherwise provided: 111301

(A) "Vehicles" means everything on wheels or runners, 111302
including motorized bicycles, but does not mean electric personal 111303
assistive mobility devices, vehicles that are operated exclusively 111304

on rails or tracks or from overhead electric trolley wires, and 111305
vehicles that belong to any police department, municipal fire 111306
department, or volunteer fire department, or that are used by such 111307
a department in the discharge of its functions. 111308

(B) "Motor vehicle" means any vehicle, including mobile homes 111309
and recreational vehicles, that is propelled or drawn by power 111310
other than muscular power or power collected from overhead 111311
electric trolley wires. "Motor vehicle" does not include utility 111312
vehicles as defined in division (VV) of this section, under-speed 111313
vehicles as defined in division (XX) of this section, mini-trucks 111314
as defined in division (BBB) of this section, motorized bicycles, 111315
road rollers, traction engines, power shovels, power cranes, and 111316
other equipment used in construction work and not designed for or 111317
employed in general highway transportation, well-drilling 111318
machinery, ditch-digging machinery, farm machinery, and trailers 111319
that are designed and used exclusively to transport a boat between 111320
a place of storage and a marina, or in and around a marina, when 111321
drawn or towed on a public road or highway for a distance of no 111322
more than ten miles and at a speed of twenty-five miles per hour 111323
or less. 111324

(C) "Agricultural tractor" and "traction engine" mean any 111325
self-propelling vehicle that is designed or used for drawing other 111326
vehicles or wheeled machinery, but has no provisions for carrying 111327
loads independently of such other vehicles, and that is used 111328
principally for agricultural purposes. 111329

(D) "Commercial tractor," except as defined in division (C) 111330
of this section, means any motor vehicle that has motive power and 111331
either is designed or used for drawing other motor vehicles, or is 111332
designed or used for drawing another motor vehicle while carrying 111333
a portion of the other motor vehicle or its load, or both. 111334

(E) "Passenger car" means any motor vehicle that is designed 111335
and used for carrying not more than nine persons and includes any 111336

motor vehicle that is designed and used for carrying not more than 111337
fifteen persons in a ridesharing arrangement. 111338

(F) "Collector's vehicle" means any motor vehicle or 111339
agricultural tractor or traction engine that is of special 111340
interest, that has a fair market value of one hundred dollars or 111341
more, whether operable or not, and that is owned, operated, 111342
collected, preserved, restored, maintained, or used essentially as 111343
a collector's item, leisure pursuit, or investment, but not as the 111344
owner's principal means of transportation. "Licensed collector's 111345
vehicle" means a collector's vehicle, other than an agricultural 111346
tractor or traction engine, that displays current, valid license 111347
tags issued under section 4503.45 of the Revised Code, or a 111348
similar type of motor vehicle that displays current, valid license 111349
tags issued under substantially equivalent provisions in the laws 111350
of other states. 111351

(G) "Historical motor vehicle" means any motor vehicle that 111352
is over twenty-five years old and is owned solely as a collector's 111353
item and for participation in club activities, exhibitions, tours, 111354
parades, and similar uses, but that in no event is used for 111355
general transportation. 111356

(H) "Noncommercial motor vehicle" means any motor vehicle, 111357
including a farm truck as defined in section 4503.04 of the 111358
Revised Code, that is designed by the manufacturer to carry a load 111359
of no more than one ton and is used exclusively for purposes other 111360
than engaging in business for profit. 111361

(I) "Bus" means any motor vehicle that has motor power and is 111362
designed and used for carrying more than nine passengers, except 111363
any motor vehicle that is designed and used for carrying not more 111364
than fifteen passengers in a ridesharing arrangement. 111365

(J) "Commercial car" or "truck" means any motor vehicle that 111366
has motor power and is designed and used for carrying merchandise 111367

or freight, or that is used as a commercial tractor. 111368

(K) "Bicycle" means every device, other than a device that is 111369
designed solely for use as a play vehicle by a child, that is 111370
propelled solely by human power upon which a person may ride, and 111371
that has two or more wheels, any of which is more than fourteen 111372
inches in diameter. 111373

(L) "Motorized bicycle" or "moped" means any vehicle that 111374
either has two tandem wheels or one wheel in the front and two 111375
wheels in the rear, that may be pedaled, and that is equipped with 111376
a helper motor of not more than fifty cubic centimeters piston 111377
displacement that produces no more than one brake horsepower and 111378
is capable of propelling the vehicle at a speed of no greater than 111379
twenty miles per hour on a level surface. 111380

(M) "Trailer" means any vehicle without motive power that is 111381
designed or used for carrying property or persons wholly on its 111382
own structure and for being drawn by a motor vehicle, and includes 111383
any such vehicle that is formed by or operated as a combination of 111384
a semitrailer and a vehicle of the dolly type such as that 111385
commonly known as a trailer dolly, a vehicle used to transport 111386
agricultural produce or agricultural production materials between 111387
a local place of storage or supply and the farm when drawn or 111388
towed on a public road or highway at a speed greater than 111389
twenty-five miles per hour, and a vehicle that is designed and 111390
used exclusively to transport a boat between a place of storage 111391
and a marina, or in and around a marina, when drawn or towed on a 111392
public road or highway for a distance of more than ten miles or at 111393
a speed of more than twenty-five miles per hour. "Trailer" does 111394
not include a manufactured home or travel trailer. 111395

(N) "Noncommercial trailer" means any trailer, except a 111396
travel trailer or trailer that is used to transport a boat as 111397
described in division (B) of this section, but, where applicable, 111398
includes a vehicle that is used to transport a boat as described 111399

in division (M) of this section, that has a gross weight of no more than ten thousand pounds, and that is used exclusively for purposes other than engaging in business for a profit, such as the transportation of personal items for personal or recreational purposes.

(O) "Mobile home" means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Revised Code.

(P) "Semitrailer" means any vehicle of the trailer type that does not have motive power and is so designed or used with another and separate motor vehicle that in operation a part of its own weight or that of its load, or both, rests upon and is carried by the other vehicle furnishing the motive power for propelling itself and the vehicle referred to in this division, and includes, for the purpose only of registration and taxation under those chapters, any vehicle of the dolly type, such as a trailer dolly, that is designed or used for the conversion of a semitrailer into a trailer.

(Q) "Recreational vehicle" means a vehicular portable structure that meets all of the following conditions:

(1) It is designed for the sole purpose of recreational travel.

(2) It is not used for the purpose of engaging in business for profit.

(3) It is not used for the purpose of engaging in intrastate

commerce. 111431

(4) It is not used for the purpose of commerce as defined in 111432
49 C.F.R. 383.5, as amended. 111433

(5) It is not regulated by the public utilities commission 111434
pursuant to Chapter 4905., 4921., or 4923. of the Revised Code. 111435

(6) It is classed as one of the following: 111436

(a) "Travel trailer" or "house vehicle" means a 111437
nonselved-propelled recreational vehicle that does not exceed an 111438
overall length of forty feet, exclusive of bumper and tongue or 111439
coupling. "Travel trailer" includes a tent-type fold-out camping 111440
trailer as defined in section 4517.01 of the Revised Code. 111441

(b) "Motor home" means a self-propelled recreational vehicle 111442
that has no fifth wheel and is constructed with permanently 111443
installed facilities for cold storage, cooking and consuming of 111444
food, and for sleeping. 111445

(c) "Truck camper" means aonselved-propelled recreational 111446
vehicle that does not have wheels for road use and is designed to 111447
be placed upon and attached to a motor vehicle. "Truck camper" 111448
does not include truck covers that consist of walls and a roof, 111449
but do not have floors and facilities enabling them to be used as 111450
a dwelling. 111451

(d) "Fifth wheel trailer" means a vehicle that is of such 111452
size and weight as to be movable without a special highway permit, 111453
that is constructed with a raised forward section that allows a 111454
bi-level floor plan, and that is designed to be towed by a vehicle 111455
equipped with a fifth-wheel hitch ordinarily installed in the bed 111456
of a truck. 111457

(e) "Park trailer" means a vehicle that is commonly known as 111458
a park model recreational vehicle, meets the American national 111459
standard institute standard A119.5 (1988) for park trailers, is 111460

built on a single chassis, has a gross trailer area of four 111461
hundred square feet or less when set up, is designed for seasonal 111462
or temporary living quarters, and may be connected to utilities 111463
necessary for the operation of installed features and appliances. 111464

(R) "Pneumatic tires" means tires of rubber and fabric or 111465
tires of similar material, that are inflated with air. 111466

(S) "Solid tires" means tires of rubber or similar elastic 111467
material that are not dependent upon confined air for support of 111468
the load. 111469

(T) "Solid tire vehicle" means any vehicle that is equipped 111470
with two or more solid tires. 111471

(U) "Farm machinery" means all machines and tools that are 111472
used in the production, harvesting, and care of farm products, and 111473
includes trailers that are used to transport agricultural produce 111474
or agricultural production materials between a local place of 111475
storage or supply and the farm, agricultural tractors, threshing 111476
machinery, hay-baling machinery, corn shellers, hammermills, and 111477
machinery used in the production of horticultural, agricultural, 111478
and vegetable products. 111479

(V) "Owner" includes any person or firm, other than a 111480
manufacturer or dealer, that has title to a motor vehicle, except 111481
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 111482
includes in addition manufacturers and dealers. 111483

(W) "Manufacturer" and "dealer" include all persons and firms 111484
that are regularly engaged in the business of manufacturing, 111485
selling, displaying, offering for sale, or dealing in motor 111486
vehicles, at an established place of business that is used 111487
exclusively for the purpose of manufacturing, selling, displaying, 111488
offering for sale, or dealing in motor vehicles. A place of 111489
business that is used for manufacturing, selling, displaying, 111490
offering for sale, or dealing in motor vehicles shall be deemed to 111491

be used exclusively for those purposes even though snowmobiles or 111492
all-purpose vehicles are sold or displayed for sale thereat, even 111493
though farm machinery is sold or displayed for sale thereat, or 111494
even though repair, accessory, gasoline and oil, storage, parts, 111495
service, or paint departments are maintained thereat, or, in any 111496
county having a population of less than seventy-five thousand at 111497
the last federal census, even though a department in a place of 111498
business is used to dismantle, salvage, or rebuild motor vehicles 111499
by means of used parts, if such departments are operated for the 111500
purpose of furthering and assisting in the business of 111501
manufacturing, selling, displaying, offering for sale, or dealing 111502
in motor vehicles. Places of business or departments in a place of 111503
business used to dismantle, salvage, or rebuild motor vehicles by 111504
means of using used parts are not considered as being maintained 111505
for the purpose of assisting or furthering the manufacturing, 111506
selling, displaying, and offering for sale or dealing in motor 111507
vehicles. 111508

(X) "Operator" includes any person who drives or operates a 111509
motor vehicle upon the public highways. 111510

(Y) "Chauffeur" means any operator who operates a motor 111511
vehicle, other than a taxicab, as an employee for hire; or any 111512
operator whether or not the owner of a motor vehicle, other than a 111513
taxicab, who operates such vehicle for transporting, for gain, 111514
compensation, or profit, either persons or property owned by 111515
another. Any operator of a motor vehicle who is voluntarily 111516
involved in a ridesharing arrangement is not considered an 111517
employee for hire or operating such vehicle for gain, 111518
compensation, or profit. 111519

(Z) "State" includes the territories and federal districts of 111520
the United States, and the provinces of Canada. 111521

(AA) "Public roads and highways" for vehicles includes all 111522
public thoroughfares, bridges, and culverts. 111523

(BB) "Manufacturer's number" means the manufacturer's original serial number that is affixed to or imprinted upon the chassis or other part of the motor vehicle.

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(CC) "Motor number" means the manufacturer's original number that is affixed to or imprinted upon the engine or motor of the vehicle.

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(DD) "Distributor" means any person who is authorized by a motor vehicle manufacturer to distribute new motor vehicles to licensed motor vehicle dealers at an established place of business that is used exclusively for the purpose of distributing new motor vehicles to licensed motor vehicle dealers, except when the distributor also is a new motor vehicle dealer, in which case the distributor may distribute at the location of the distributor's licensed dealership.

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(EE) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools.

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(FF) "Apportionable vehicle" means any vehicle that is used or intended for use in two or more international registration plan member jurisdictions that allocate or proportionally register vehicles, that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, and that meets any of the following qualifications:

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(1) Is a power unit having a gross vehicle weight in excess of twenty-six thousand pounds;

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(2) Is a power unit having three or more axles, regardless of the gross vehicle weight;

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(3) Is a combination vehicle with a gross vehicle weight in excess of twenty-six thousand pounds.

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"Apportionable vehicle" does not include recreational 111554
vehicles, vehicles displaying restricted plates, city pick-up and 111555
delivery vehicles, ~~buses used for the transportation of chartered~~ 111556
~~parties~~, or vehicles owned and operated by the United States, this 111557
state, or any political subdivisions thereof. 111558

(GG) "Chartered party" means a group of persons who contract 111559
as a group to acquire the exclusive use of a passenger-carrying 111560
motor vehicle at a fixed charge for the vehicle in accordance with 111561
the carrier's tariff, lawfully on file with the United States 111562
department of transportation, for the purpose of group travel to a 111563
specified destination or for a particular itinerary, either agreed 111564
upon in advance or modified by the chartered group after having 111565
left the place of origin. 111566

(HH) "International registration plan" means a reciprocal 111567
agreement of member jurisdictions that is endorsed by the American 111568
association of motor vehicle administrators, and that promotes and 111569
encourages the fullest possible use of the highway system by 111570
authorizing apportioned registration of fleets of vehicles and 111571
recognizing registration of vehicles apportioned in member 111572
jurisdictions. 111573

(II) "Restricted plate" means a license plate that has a 111574
restriction of time, geographic area, mileage, or commodity, and 111575
includes license plates issued to farm trucks under division (J) 111576
of section 4503.04 of the Revised Code. 111577

(JJ) "Gross vehicle weight," with regard to any commercial 111578
car, trailer, semitrailer, or bus that is taxed at the rates 111579
established under section 4503.042 or 4503.65 of the Revised Code, 111580
means the unladen weight of the vehicle fully equipped plus the 111581
maximum weight of the load to be carried on the vehicle. 111582

(KK) "Combined gross vehicle weight" with regard to any 111583
combination of a commercial car, trailer, and semitrailer, that is 111584

taxed at the rates established under section 4503.042 or 4503.65 111585
of the Revised Code, means the total unladen weight of the 111586
combination of vehicles fully equipped plus the maximum weight of 111587
the load to be carried on that combination of vehicles. 111588

(LL) "Chauffeured limousine" means a motor vehicle that is 111589
designed to carry nine or fewer passengers and is operated for 111590
hire pursuant to a prearranged contract for the transportation of 111591
passengers on public roads and highways along a route under the 111592
control of the person hiring the vehicle and not over a defined 111593
and regular route. "Prearranged contract" means an agreement, made 111594
in advance of boarding, to provide transportation from a specific 111595
location in a chauffeured limousine. "Chauffeured limousine" does 111596
not include any vehicle that is used exclusively in the business 111597
of funeral directing. 111598

(MM) "Manufactured home" has the same meaning as in division 111599
(C)(4) of section 3781.06 of the Revised Code. 111600

(NN) "Acquired situs," with respect to a manufactured home or 111601
a mobile home, means to become located in this state by the 111602
placement of the home on real property, but does not include the 111603
placement of a manufactured home or a mobile home in the inventory 111604
of a new motor vehicle dealer or the inventory of a manufacturer, 111605
remanufacturer, or distributor of manufactured or mobile homes. 111606

(OO) "Electronic" includes electrical, digital, magnetic, 111607
optical, electromagnetic, or any other form of technology that 111608
entails capabilities similar to these technologies. 111609

(PP) "Electronic record" means a record generated, 111610
communicated, received, or stored by electronic means for use in 111611
an information system or for transmission from one information 111612
system to another. 111613

(QQ) "Electronic signature" means a signature in electronic 111614
form attached to or logically associated with an electronic 111615

record. 111616

(RR) "Financial transaction device" has the same meaning as 111617
in division (A) of section 113.40 of the Revised Code. 111618

(SS) "Electronic motor vehicle dealer" means a motor vehicle 111619
dealer licensed under Chapter 4517. of the Revised Code whom the 111620
registrar of motor vehicles determines meets the criteria 111621
designated in section 4503.035 of the Revised Code for electronic 111622
motor vehicle dealers and designates as an electronic motor 111623
vehicle dealer under that section. 111624

(TT) "Electric personal assistive mobility device" means a 111625
self-balancing two non-tandem wheeled device that is designed to 111626
transport only one person, has an electric propulsion system of an 111627
average of seven hundred fifty watts, and when ridden on a paved 111628
level surface by an operator who weighs one hundred seventy pounds 111629
has a maximum speed of less than twenty miles per hour. 111630

(UU) "Limited driving privileges" means the privilege to 111631
operate a motor vehicle that a court grants under section 4510.021 111632
of the Revised Code to a person whose driver's or commercial 111633
driver's license or permit or nonresident operating privilege has 111634
been suspended. 111635

(VV) "Utility vehicle" means a self-propelled vehicle 111636
designed with a bed, principally for the purpose of transporting 111637
material or cargo in connection with construction, agricultural, 111638
forestry, grounds maintenance, lawn and garden, materials 111639
handling, or similar activities. 111640

(WW) "Low-speed vehicle" means a three- or four-wheeled motor 111641
vehicle with an attainable speed in one mile on a paved level 111642
surface of more than twenty miles per hour but not more than 111643
twenty-five miles per hour and with a gross vehicle weight rating 111644
less than three thousand pounds. 111645

(XX) "Under-speed vehicle" means a three- or four-wheeled 111646

vehicle, including a vehicle commonly known as a golf cart, with 111647
an attainable speed on a paved level surface of not more than 111648
twenty miles per hour and with a gross vehicle weight rating less 111649
than three thousand pounds. 111650

(YY) "Motor-driven cycle or motor scooter" means any vehicle 111651
designed to travel on not more than three wheels in contact with 111652
the ground, with a seat for the driver and floor pad for the 111653
driver's feet, and is equipped with a motor with a piston 111654
displacement between fifty and one hundred fifty cubic centimeters 111655
piston displacement that produces not more than five brake 111656
horsepower and is capable of propelling the vehicle at a speed 111657
greater than twenty miles per hour on a level surface. 111658

(ZZ) "Motorcycle" means a motor vehicle with motive power 111659
having a seat or saddle for the use of the operator, designed to 111660
travel on not more than three wheels in contact with the ground, 111661
and having no occupant compartment top or occupant compartment top 111662
that can be installed or removed by the user. 111663

(AAA) "Cab-enclosed motorcycle" means a motor vehicle with 111664
motive power having a seat or saddle for the use of the operator, 111665
designed to travel on not more than three wheels in contact with 111666
the ground, and having an occupant compartment top or an occupant 111667
compartment top that can be installed or removed by the user. 111668

(BBB) "Mini-truck" means a vehicle that has four wheels, is 111669
propelled by an electric motor with a rated power of seven 111670
thousand five hundred watts or less or an internal combustion 111671
engine with a piston displacement capacity of six hundred sixty 111672
cubic centimeters or less, has a total dry weight of nine hundred 111673
to two thousand two hundred pounds, contains an enclosed cabin and 111674
a seat for the vehicle operator, resembles a pickup truck or van 111675
with a cargo area or bed located at the rear of the vehicle, and 111676
was not originally manufactured to meet federal motor vehicle 111677
safety standards. 111678

Section 110.21. That the existing version of section 4501.01 111679
of the Revised Code that is scheduled to take effect January 1, 111680
2017, is hereby repealed. 111681

Section 110.22. Sections 110.20 and 110.21 of this act shall 111682
take effect January 1, 2017. 111683

Section 115.10. That section 118.023 of the Revised Code as 111684
it results from Section 101.01 of this act be amended to read as 111685
follows: 111686

Sec. 118.023. (A) Upon determining that one or more of the 111687
conditions described in section 118.022 of the Revised Code are 111688
present, the auditor of state shall issue a written declaration of 111689
the existence of a fiscal watch to the municipal corporation, 111690
county, or township and the county budget commission. The fiscal 111691
watch shall be in effect until the auditor of state determines 111692
that none of the conditions are any longer present and cancels the 111693
watch, or until the auditor of state determines that a state of 111694
fiscal emergency exists. The auditor of state, or a designee, 111695
shall provide such technical and support services to the municipal 111696
corporation, county, or township after a fiscal watch has been 111697
declared to exist as the auditor of state considers necessary. 111698

(B) Within ninety days after the day a written declaration of 111699
the existence of a fiscal watch is issued under division (A) of 111700
this section, the mayor of the municipal corporation, the board of 111701
county commissioners of the county, or the board of township 111702
trustees of the township for which a fiscal watch was declared 111703
shall submit to the auditor of state a financial recovery plan 111704
that shall identify actions to be taken to eliminate all of the 111705
conditions described in section 118.022 of the Revised Code, and 111706
shall include a schedule detailing the approximate dates for 111707

beginning and completing the actions and a five-year forecast 111708
reflecting the effects of the actions. The financial recovery plan 111709
also shall evaluate the feasibility of entering into shared 111710
services agreements with other political subdivisions for the 111711
joint exercise of any power, performance of any function, or 111712
rendering of any service, if so authorized by statute. The 111713
financial recovery plan is subject to review and approval by the 111714
auditor of state. The auditor of state may extend the amount of 111715
time by which a financial recovery plan is required to be filed, 111716
for good cause shown. 111717

(C) ~~The~~ If a feasible financial recovery plan for a municipal 111718
corporation, county, or township for which a fiscal watch was 111719
declared is not submitted within the time period prescribed by 111720
division (B) of this section, or within any extension of time 111721
thereof, the auditor of state shall declare that a fiscal 111722
emergency condition exists under section 118.04 of the Revised 111723
Code in the municipal corporation, county, or township ~~if either 111724
of the following applies:~~ 111725

~~(1) A feasible financial recovery plan for a municipal 111726
corporation, county, or township for which a fiscal watch was 111727
declared is not submitted within the time period prescribed by 111728
division (B) of this section, or within any extension of time 111729
thereof; or 111730~~

~~(2) The auditor of state finds that a municipal corporation, 111731
county, or township for which a fiscal watch has been declared has 111732
not made reasonable proposals or otherwise taken action to 111733
discontinue or correct the fiscal practices or budgetary 111734
conditions that prompted the declaration of fiscal watch, and the 111735
auditor determines a fiscal emergency declaration is necessary to 111736
prevent further decline. 111737~~

Section 115.11. That existing section 118.023 of the Revised 111738

Code as it results from Section 101.01 of this act is hereby 111739
repealed. 111740

Section 115.12. That Sections 115.10 and 115.11 of this act 111741
take effect two years after the effective date of the amendment to 111742
section 118.023 of the Revised Code by Section 101.01 of this act. 111743

Section 125.10. That section 102.01 of the Revised Code be 111744
amended to read as follows: 111745

Sec. 102.01. As used in this chapter: 111746

(A) "Compensation" means money, thing of value, or financial 111747
benefit. "Compensation" does not include reimbursement for actual 111748
and necessary expenses incurred in the performance of official 111749
duties. 111750

(B) "Public official or employee" means any person who is 111751
elected or appointed to an office or is an employee of any public 111752
agency. "Public official or employee" does not include a person 111753
elected or appointed to the office of precinct, ward, or district 111754
committee member under section 3517.03 of the Revised Code, any 111755
presidential elector, or any delegate to a national convention. 111756
"Public official or employee" does not include a person who is a 111757
teacher, instructor, professor, or other kind of educator whose 111758
position does not involve the performance of, or authority to 111759
perform, administrative or supervisory functions. 111760

(C) "Public agency" means the general assembly, all courts, 111761
any department, division, institution, board, commission, 111762
authority, bureau or other instrumentality of the state, a county, 111763
city, village, or township, the five state retirement systems, or 111764
any other governmental entity. "Public agency" does not include a 111765
department, division, institution, board, commission, authority, 111766
or other instrumentality of the state or a county, municipal 111767

corporation, township, or other governmental entity that functions 111768
exclusively for cultural, educational, historical, humanitarian, 111769
advisory, or research purposes; that does not expend more than ten 111770
thousand dollars per calendar year, excluding salaries and wages 111771
of employees; and whose members are uncompensated. "Public agency" 111772
does not include the nonprofit corporation formed under section 111773
187.01 of the Revised Code. 111774

(D) "Immediate family" means a spouse residing in the 111775
person's household and any dependent child. 111776

(E) "Income" includes gross income as defined and used in the 111777
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 111778
amended, interest and dividends on obligations or securities of 111779
any state or of any political subdivision or authority of any 111780
state or political subdivision, and interest or dividends on 111781
obligations of any authority, commission, or instrumentality of 111782
the United States. 111783

(F) Except as otherwise provided in division (A) of section 111784
102.08 of the Revised Code, "appropriate ethics commission" means: 111785

(1) For matters relating to members of the general assembly, 111786
employees of the general assembly, employees of the legislative 111787
service commission, and candidates for the office of member of the 111788
general assembly, ~~and public members appointed to the Ohio~~ 111789
~~constitutional modernization commission under section 103.63 of~~ 111790
~~the Revised Code~~, the joint legislative ethics committee; 111791

(2) For matters relating to judicial officers and employees, 111792
and candidates for judicial office, the board of commissioners on 111793
grievances and discipline of the supreme court; 111794

(3) For matters relating to all other persons, the Ohio 111795
ethics commission. 111796

(G) "Anything of value" has the same meaning as provided in 111797
section 1.03 of the Revised Code and includes, but is not limited 111798

to, a contribution as defined in section 3517.01 of the Revised Code. 111799
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(H) "Honorarium" means any payment made in consideration for 111801
any speech given, article published, or attendance at any public 111802
or private conference, convention, meeting, social event, meal, or 111803
similar gathering. "Honorarium" does not include ceremonial gifts 111804
or awards that have insignificant monetary value; unsolicited 111805
gifts of nominal value or trivial items of informational value; or 111806
earned income from any person, other than a legislative agent, for 111807
personal services that are customarily provided in connection with 111808
the practice of a bona fide business, if that business initially 111809
began before the public official or employee conducting that 111810
business was elected or appointed to the public official's or 111811
employee's office or position of employment. 111812

(I) "Employer" means any person who, directly or indirectly, 111813
engages an executive agency lobbyist or legislative agent. 111814

(J) "Executive agency decision," "executive agency lobbyist," 111815
and "executive agency lobbying activity" have the same meanings as 111816
in section 121.60 of the Revised Code. 111817

(K) "Legislation," "legislative agent," "financial 111818
transaction," and "actively advocate" have the same meanings as in 111819
section 101.70 of the Revised Code. 111820

(L) "Expenditure" has the same meaning as in section 101.70 111821
of the Revised Code when used in relation to activities of a 111822
legislative agent, and the same meaning as in section 121.60 of 111823
the Revised Code when used in relation to activities of an 111824
executive agency lobbyist. 111825

Section 125.11. That existing section 102.01 of the Revised 111826
Code is hereby repealed. 111827

Section 125.12. That sections 103.61, 103.62, 103.63, 103.64, 111828

103.65, 103.66, and 103.67 of the Revised Code are hereby 111829
repealed. 111830

Section 125.13. Sections 125.10, 125.11, and 125.12 of this 111831
act take effect January 1, 2016. 111832

Section 201.10. Except as otherwise provided in this act, all 111833
appropriation items in this act are appropriated out of any moneys 111834
in the state treasury to the credit of the designated fund that 111835
are not otherwise appropriated. For all appropriations made in 111836
this act, the amounts in the first column are for fiscal year 2016 111837
and the amounts in the second column are for fiscal year 2017. 111838
111839

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO 111840
Dedicated Purpose Fund Group 111841
4J80 889601 CPA Education \$ 325,000 \$ 325,000 111842
Assistance
4K90 889609 Operating Expenses \$ 1,052,714 \$ 1,074,173 111843
TOTAL DPF Dedicated Purpose Fund 111844
Group \$ 1,377,714 \$ 1,399,173 111845
TOTAL ALL BUDGET FUND GROUPS \$ 1,377,714 \$ 1,399,173 111846

Section 205.10. ADJ ADJUTANT GENERAL 111848
General Revenue Fund 111849
GRF 745401 Ohio Military Reserve \$ 12,308 \$ 12,308 111850
GRF 745404 Air National Guard \$ 3,095,606 \$ 3,095,606 111851
GRF 745407 National Guard \$ 400,000 \$ 400,000 111852
Benefits
GRF 745409 Central \$ 2,682,098 \$ 2,682,098 111853
Administration
GRF 745499 Army National Guard \$ 3,689,871 \$ 3,689,871 111854

TOTAL GRF General Revenue Fund	\$	9,879,883	\$	9,879,883	111855
Dedicated Purpose Fund Group					111856
5340 745612 Property Operations Management	\$	534,304	\$	534,304	111857
5360 745605 Marksmanship Activities	\$	128,600	\$	128,600	111858
5360 745620 Camp Perry and Buckeye Inn Operations	\$	978,846	\$	978,846	111859
5370 745604 Ohio National Guard Facilities Maintenance	\$	62,000	\$	62,000	111860
5LY0 745626 Military Medal of Distinction	\$	5,000	\$	5,000	111861
5QP0 745629 Patriot Inn Lodging Operations	\$	200,000	\$	200,000	111862
5U80 745613 Community Match Armories	\$	350,000	\$	350,000	111863
TOTAL DPF Dedicated Purpose Fund Group	\$	2,258,750	\$	2,258,750	111864
Federal Fund Group					111865
3420 745616 Army National Guard Service Agreement	\$	26,000,000	\$	26,000,000	111866
3E80 745628 Air National Guard Operations and Maintenance	\$	15,642,000	\$	15,642,000	111867
3R80 745603 Counter Drug Operations	\$	15,000	\$	15,000	111868
TOTAL FED Federal Fund Group	\$	41,657,000	\$	41,657,000	111869
TOTAL ALL BUDGET FUND GROUPS	\$	53,795,633	\$	53,795,633	111870
NATIONAL GUARD BENEFITS					111871
The foregoing appropriation item 745407, National Guard					111872

Benefits, shall be used for purposes of sections 5919.31 and 111873
5919.33 of the Revised Code, and for administrative costs of the 111874
associated programs. 111875

If necessary, in order to pay benefits in a timely manner 111876
pursuant to sections 5919.31 and 5919.33 of the Revised Code, the 111877
Adjutant General may request the Director of Budget and Management 111878
transfer appropriation from any appropriation item used by the 111879
Adjutant General to appropriation item 745407, National Guard 111880
Benefits. The Adjutant General may subsequently seek Controlling 111881
Board approval to restore the appropriation in the appropriation 111882
item from which such a transfer was made. 111883

For active duty members of the Ohio National Guard who died 111884
after October 7, 2001, while performing active duty, the death 111885
benefit, pursuant to section 5919.33 of the Revised Code, shall be 111886
paid to the beneficiary or beneficiaries designated on the 111887
member's Servicemembers' Group Life Insurance Policy. 111888

STATE ACTIVE DUTY COSTS 111889

Of the foregoing appropriation item 745409, Central 111890
Administration, \$50,000 in each fiscal year shall be used for the 111891
purpose of paying expenses related to state active duty of members 111892
of the Ohio organized militia, in accordance with a proclamation 111893
of the Governor. Expenses include, but are not limited to, the 111894
cost of equipment, supplies, and services, as determined by the 111895
Adjutant General's Department. 111896

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 111897

General Revenue Fund 111898

GRF 100413 Enterprise Data Center \$ 4,252,900 \$ 4,256,500 111899

Solutions Lease Rental

Payments

GRF 100414 MARCS Lease Rental \$ 6,769,700 \$ 6,764,600 111900

		Payments					
GRF	100415	OAKS Lease Rental	\$	22,244,800	\$	22,223,800	111901
		Payments					
GRF	100416	STARS Lease Rental	\$	5,393,700	\$	7,437,400	111902
		Payments					
GRF	100447	Administrative	\$	99,641,900	\$	96,716,600	111903
		Buildings Lease Rental					
		Bond Payments					
GRF	100452	Lean Ohio	\$	1,059,624	\$	1,059,624	111904
GRF	100456	State IT Services	\$	1,772,416	\$	1,772,416	111905
GRF	100457	Equal Opportunity	\$	2,174,661	\$	2,174,661	111906
		Services					
GRF	100459	Ohio Business Gateway	\$	4,049,094	\$	4,049,094	111907
GRF	100503	Electronic Pollbooks	\$	12,750,000	\$	0	111908
GRF	130321	State Agency Support	\$	18,768,016	\$	18,878,171	111909
		Services					
TOTAL GRF		General Revenue Fund	\$	178,876,811	\$	165,332,866	111910
		Dedicated Purpose Fund Group					111911
5L70	100610	Professional	\$	2,100,000	\$	2,100,000	111912
		Development					
5MV0	100662	Theater Equipment	\$	80,891	\$	80,891	111913
		Maintenance					
5NM0	100663	911 Program	\$	290,000		290,000	111914
5V60	100619	Employee Educational	\$	800,000	\$	800,000	111915
		Development					
TOTAL DPF		Dedicated Purpose Fund	\$	3,270,891	\$	3,270,891	111916
		Group					
		Internal Service Activity Fund Group					111917
1120	100616	DAS Administration	\$	7,388,356	\$	7,071,978	111918
1150	100632	Central Service Agency	\$	1,096,906	\$	1,111,099	111919
1170	100644	General Services	\$	12,493,870	\$	12,493,870	111920
		Division - Operating					

1220	100637	Fleet Management	\$	5,182,000	\$	5,182,000	111921
1250	100622	Human Resources	\$	17,249,839	\$	17,249,839	111922
		Division - Operating					
1250	100657	Benefits Communication	\$	612,316	\$	612,316	111923
1280	100620	Office of Collective Bargaining	\$	3,479,507	\$	3,379,507	111924
1300	100606	Risk Management Reserve	\$	6,635,784	\$	12,741,616	111925
1320	100631	DAS Building Management	\$	51,157,818	\$	51,157,818	111926
1330	100607	IT Services Delivery	\$	121,336,868	\$	121,336,868	111927
1880	100649	Equal Opportunity Division - Operating	\$	991,613	\$	953,613	111928
2100	100612	State Printing	\$	21,568,075	\$	21,688,106	111929
2290	100630	IT Governance	\$	28,212,195	\$	29,134,695	111930
2290	100640	Consolidated IT Purchases	\$	6,565,639	\$	6,565,639	111931
4270	100602	Investment Recovery	\$	1,638,515	\$	1,638,515	111932
4N60	100617	Major IT Purchases	\$	56,888,635	\$	56,888,635	111933
5C20	100605	MARCS Administration	\$	14,940,712	\$	14,953,307	111934
5C30	100608	Minor Construction Project Management	\$	4,004,375	\$	4,004,375	111935
5EB0	100635	OAKS Support Organization	\$	19,813,077	\$	19,813,077	111936
5EB0	100656	OAKS Updates and Developments	\$	10,400,000	\$	6,300,000	111937
5JQ0	100658	Professionals Licensing System	\$	990,000	\$	990,000	111938
5KZ0	100659	Building Improvement	\$	6,148,000	\$	1,289,000	111939
5LJ0	100661	IT Development	\$	13,200,000	\$	13,200,000	111940
5PC0	100665	Ohio Benefits Operations	\$	80,475,949	\$	80,475,949	111941
TOTAL ISA Internal Service Activity							111942

Fund Group	\$	492,470,049	\$	490,231,822	111943
Federal Fund Group					111944
3AJ0 100623 Information Technology	\$	1,237,909	\$	1,237,909	111945
Grants					
TOTAL FED Federal Fund Group	\$	1,237,909	\$	1,237,909	111946
TOTAL ALL BUDGET FUND GROUPS	\$	675,855,660	\$	660,073,488	111947

Section 207.20. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE 111949

RENTAL PAYMENTS 111950

The foregoing appropriation item 100415, OAKS Lease Rental 111951
 Payments, shall be used for payments during the period from July 111952
 1, 2015, through June 30, 2017, pursuant to leases and agreements 111953
 entered into under Chapter 125. of the Revised Code, as 111954
 supplemented by Section 281.10 of Am. Sub. H.B. 562 of the 127th 111955
 General Assembly and other prior acts of the General Assembly, 111956
 with respect to financing the costs associated with the 111957
 acquisition, development, installation, and implementation of the 111958
 Ohio Administrative Knowledge System. If it is determined that 111959
 additional appropriations are necessary for this purpose, the 111960
 amounts are hereby appropriated. 111961

Section 207.30. STATE TAXATION ACCOUNTING AND REVENUE SYSTEM 111962

LEASE RENTAL PAYMENTS 111963

The foregoing appropriation item 100416, STARS Lease Rental 111964
 Payments, shall be used for payments during the period from July 111965
 1, 2015, through June 30, 2017, pursuant to leases and agreements 111966
 entered into under Chapter 125. of the Revised Code, as 111967
 supplemented by Section 701.40 of Am. Sub. H.B. 497 of the 130th 111968
 General Assembly and other prior acts of the General Assembly, 111969
 with respect to financing the cost for the acquisition, 111970
 development, installation, and implementation of the State 111971
 Taxation Accounting and Revenue System (STARS). If it is 111972

determined that additional appropriations are necessary for this 111973
purpose, the amounts are hereby appropriated. 111974

Section 207.40. MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE 111975
RENTAL PAYMENTS 111976

The foregoing appropriation item 100414, MARCS Lease Rental 111977
Payments, shall be used for payments during the period from July 111978
1, 2015, through June 30, 2017, pursuant to leases and agreements 111979
entered into under Chapter 125. of the Revised Code, as 111980
supplemented by Section 701.10 of Sub. H.B. 497 of the 130th 111981
General Assembly, with respect to financing the cost for the 111982
acquisition, development, installation, and implementation of the 111983
Multi-Agency Radio Communications System (MARCS) upgrade. If it is 111984
determined that additional appropriations are necessary for this 111985
purpose, the amounts are hereby appropriated. 111986

Section 207.50. ENTERPRISE DATA CENTER SOLUTIONS LEASE RENTAL 111987
PAYMENTS 111988

The foregoing appropriation item 100413, EDCS Lease Rental 111989
Payments, shall be used for payments during the period from July 111990
1, 2015, through June 30, 2017, pursuant to leases and agreements 111991
entered into under Chapter 125. of the Revised Code, as 111992
supplemented by Section 701.30 of Am. Sub. H.B. 497 of the 130th 111993
General Assembly, with respect to financing the costs associated 111994
with the acquisition, development, installation, and 111995
implementation of the Enterprise Data Center Solutions initiative. 111996
If it is determined that additional appropriations are necessary 111997
for this purpose, the amounts are hereby appropriated. 111998

Section 207.60. ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND 111999
PAYMENTS 112000

The foregoing appropriation item 100447, Administrative 112001

Buildings Lease Rental Bond Payments, shall be used to meet all 112002
payments during the period from July 1, 2015, through June 30, 112003
2017, by the Department of Administrative Services pursuant to 112004
leases and agreements under Chapters 152. and 154. of the Revised 112005
Code. These appropriations are the source of funds pledged for 112006
bond service charges on related obligations issued under Chapters 112007
152. and 154. of the Revised Code. 112008

Section 207.63. ELECTRONIC POLLBOOKS 112009

The foregoing appropriation item 100503, Electronic 112010
Pollbooks, shall be used by the Office of Procurement Services 112011
within the Department of Administrative Services to pay 112012
eighty-five per cent of the calculated allocation cost of 112013
acquiring electronic pollbooks for each county, as defined in 112014
section 3506.05 of the Revised Code, for county boards of 112015
elections in accordance with this section. 112016

The Director of Administrative Services, in consultation with 112017
the Secretary of State, shall calculate a portion of appropriation 112018
item 100503, Electronic Pollbooks, to be allocated to each county 112019
board of elections in proportion to the number of registered 112020
voters in each county as recorded in the statewide voter 112021
registration database as of July 1, 2015. The Office of 112022
Procurement Services shall use the funding allocated to each board 112023
for the purchase of electronic pollbooks in accordance with either 112024
of the following: 112025

(A) For electronic pollbooks to be purchased after the 112026
effective date of this section, upon request by a county board of 112027
elections, the Secretary of State shall provide a list of the 112028
vendors and electronic pollbooks certified in accordance with 112029
section 3506.05 of the Revised Code. The board shall select 112030
electronic pollbooks from this list and notify the Office of 112031
Procurement Services of its selection. The Office shall purchase 112032

the selected electronic pollbooks and any other necessary 112033
equipment on behalf of the board and shall transfer those 112034
pollbooks and equipment to the board. The board shall enter into a 112035
memorandum of understanding with the county commissioners and the 112036
Department of Administrative Services concerning those purchases 112037
and is responsible for fifteen per cent of the purchase costs of 112038
those pollbooks as determined by the Director of Administrative 112039
Services and Secretary of State under this section. 112040

(B) If, prior to the effective date of this section, a county 112041
board of elections purchased electronic pollbooks, the Office of 112042
Procurement Services shall reimburse the board for eighty-five per 112043
cent of that purchase up to the amount of the allocation as 112044
determined by the Director of Administrative Services and 112045
Secretary of State under division (A) of this section. 112046
Reimbursement shall be paid to the county's general fund. 112047

An amount equal to the unexpended, unencumbered portion of 112048
the foregoing appropriation item 100503, Electronic Pollbooks, at 112049
the end of fiscal year 2016 is hereby reappropriated for the same 112050
purpose in fiscal year 2017. 112051

Section 207.70. DAS - BUILDING OPERATING PAYMENTS AND 112052
BUILDING MANAGEMENT FUND 112053

Following the Director of Budget and Management's approval of 112054
FY 2016 rental rates for buildings managed by the Department of 112055
Administrative Services, the Director of Budget and Management may 112056
adjust FY 2016 and FY 2017 General Revenue Fund appropriations of 112057
the Department of Administrative Services and other state agencies 112058
to reflect accurately the rental amounts agencies will pay for 112059
occupied, vacant, or other space that is supported by the General 112060
Revenue Fund. Total General Revenue Fund appropriations may 112061
decrease but may not increase as a result of the appropriation 112062
adjustments made under this section. The foregoing appropriation 112063

item 130321, State Agency Support Services, shall be used to pay 112064
the rent expenses of veterans organizations pursuant to section 112065
123.024 of the Revised Code in fiscal years 2016 and 2017. 112066

The foregoing appropriation item, 130321, State Agency 112067
Support Services, also may be used to provide funding for the cost 112068
of property appraisals or building studies that the Department of 112069
Administrative Services may be required to obtain for property 112070
that is being sold by the state or property under consideration to 112071
be renovated or purchased by the state. 112072

Notwithstanding section 125.28 of the Revised Code, the 112073
foregoing appropriation item 130321, State Agency Support 112074
Services, also may be used to pay the operating expenses of state 112075
facilities maintained by the Department of Administrative Services 112076
that are not billed to building tenants, or other costs associated 112077
with the Voinovich Center in Youngstown, Ohio. These expenses may 112078
include, but are not limited to, the costs for vacant space and 112079
space undergoing renovation, and the rent expenses of tenants that 112080
are relocated because of building renovations. These payments may 112081
be processed by the Department of Administrative Services through 112082
intrastate transfer vouchers and placed into the Building 112083
Management Fund (Fund 1320). 112084

At least once per year, the portion of appropriation item 112085
130321, State Agency Support Services, that is not used for the 112086
regular expenses of the appropriation item shall be processed by 112087
the Department of Administrative Services through intrastate 112088
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 112089

Section 207.80. PROFESSIONAL DEVELOPMENT FUND 112090

The foregoing appropriation item 100610, Professional 112091
Development, shall be used to make payments from the Professional 112092
Development Fund (Fund 5L70) under section 124.182 of the Revised 112093
Code. If it is determined by the Director of Administrative 112094

Services that additional amounts are necessary, the Director of 112095
Administrative Services may request that the Director of Budget 112096
and Management approve additional amounts. Such approved 112097
additional amounts are hereby appropriated. 112098

Section 207.90. 911 PROGRAM 112099

The foregoing appropriation item 100663, 911 Program, shall 112100
be used by the Department of Administrative Services to pay the 112101
administrative costs of the Statewide Emergency Services Internet 112102
Protocol Network Steering Committee. 112103

Section 207.100. EMPLOYEE EDUCATIONAL DEVELOPMENT 112104

The foregoing appropriation item 100619, Employee Educational 112105
Development, shall be used to make payments from the Employee 112106
Educational Development Fund (Fund 5V60) under section 124.86 of 112107
the Revised Code. The fund shall be used to pay the costs of 112108
administering educational programs under existing collective 112109
bargaining agreements with District 1199, the Health Care and 112110
Social Service Union; State Council of Professional Educators; 112111
Ohio Education Association and National Education Association; the 112112
Fraternal Order of Police Ohio Labor Council, Unit 2; and the Ohio 112113
State Troopers Association, Units 1 and 15. 112114

If it is determined by the Director of Administrative 112115
Services that additional amounts are necessary, the Director of 112116
Administrative Services may request that the Director of Budget 112117
and Management approve additional amounts. Such approved 112118
additional amounts are hereby appropriated. 112119

Section 207.110. CENTRAL SERVICE AGENCY FUND 112120

The foregoing appropriation item 100632, Central Service 112121
Agency, shall be used to purchase the equipment, products, and 112122
services that are needed to maintain existing automated 112123

applications for the professional licensing boards and the Casino Control Commission to support board licensing functions in fiscal years 2016 and 2017 until these functions are replaced by the Ohio Professionals Licensing System. The Department of Administrative Services shall establish charges for recovering the costs of carrying out these functions. The charges shall be billed to the professional licensing boards and the Casino Control Commission, and deposited via intrastate transfer vouchers to the credit of the Central Service Agency Fund (Fund 1150).

Upon implementation of the replacement Ohio Professionals Licensing System and the decommissioning of the existing automated applications, the Director of Budget and Management may transfer any cash balances that remain in the Central Service Agency Fund (Fund 1150) and that are attributable to the operation of the existing automated applications to the Professions Licensing System Fund (Fund 5JQ0).

Section 207.120. GENERAL SERVICE CHARGES

The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges for recovering the costs of administering the programs funded by the General Services Fund (Fund 1170) and the State Printing Fund (Fund 2100). The charges may be used to recover the cost of paying a vendor to establish reduced pricing for contracted supplies or services.

If the Director of Administrative Services determines that additional amounts are necessary to pay for consulting and administrative costs related to securing lower pricing, the Director of Administrative Services may request that the Director of Budget and Management approve additional expenditures. Such approved additional amounts are appropriated to appropriation item 100644, General Services Division-Operating.

Section 207.130. COLLECTIVE BARGAINING ARBITRATION EXPENSES 112155

With approval of the Director of Budget and Management, the 112156
Department of Administrative Services may seek reimbursement from 112157
state agencies for the actual costs and expenses the Department 112158
incurs in the collective bargaining arbitration process. The 112159
reimbursements shall be processed through intrastate transfer 112160
vouchers and credited to the Collective Bargaining Fund (Fund 112161
1280). 112162

Section 207.140. EQUAL OPPORTUNITY PROGRAM 112163

The Department of Administrative Services, with the approval 112164
of the Director of Budget and Management, shall establish charges 112165
for recovering the costs of administering the activities supported 112166
by the State EEO Fund (Fund 1880). These charges shall be 112167
deposited to the credit of Fund 1880 upon payment made by state 112168
agencies, state-supported or state-assisted institutions of higher 112169
education, and tax-supported agencies, municipal corporations, and 112170
other political subdivisions of the state, for services rendered. 112171

Section 207.150. CONSOLIDATED IT PURCHASES 112172

The foregoing appropriation item 100640, Consolidated IT 112173
Purchases, shall be used by the Department of Administrative 112174
Services acting as the purchasing agent for one or more government 112175
entities under the authority of division (G) of section 125.18 of 112176
the Revised Code to make information technology purchases at a 112177
lower aggregate cost than each individual government entity could 112178
have obtained independently for that information technology 112179
purchase. If the Director of Administrative Services determines 112180
that additional amounts are necessary to pay for pass-through 112181
information technology purchases that will be billed to one or 112182
more state agencies, the Director shall seek Controlling Board 112183
approval for an increase in appropriation sufficient to pay for 112184

the requested purchase. 112185

Section 207.160. INVESTMENT RECOVERY FUND 112186

Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund (Fund 4270) may be used to support the operating expenses of the Federal Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code. 112187
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The Director of Administrative Services shall use the foregoing appropriation item 100602, Investment Recovery, to pay the operating expenses of the State Surplus Property Program and the Surplus Federal Property Program, under Chapter 125. of the Revised Code and this section. If additional appropriations are necessary for the operations of these programs, the Director of Administrative Services shall seek increased appropriations from the Controlling Board under section 131.35 of the Revised Code. 112192
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The Director of Administrative Services shall transfer proceeds from the sale of surplus property from the Investment Recovery Fund to non-General Revenue Funds under division (A)(2) of section 125.14 of the Revised Code. 112200
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Section 207.170. MAJOR IT PURCHASES CHARGES 112204

The Department of Administrative Services may bill agencies for actual expenditures made for major IT purchases if those expenditures are not recovered as part of the information technology services rates the Department charges and deposits into the Information Technology Fund (Fund 1330) created in section 125.15 of the Revised Code. These charges shall be deposited to the credit of the Major IT Purchases Fund (Fund 4N60). 112205
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Section 207.180. CASH TRANSFER FROM THE MARCS ADMINISTRATION FUND TO GRF 112212
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Upon the request of the Director of Administrative Services, 112214
the Director of Budget and Management may transfer unobligated 112215
cash in the MARCS Administration Fund (Fund 5C20) to the General 112216
Revenue Fund to reimburse the General Revenue Fund for lease 112217
rental payments made on behalf of the MARCS upgrade. 112218

Section 207.190. PROFESSIONS LICENSING SYSTEM 112219

The foregoing appropriation item, 100658, Ohio Professionals 112220
Licensing System, shall be used to purchase the equipment, 112221
products, and services necessary to develop and maintain a 112222
replacement automated licensing system for the professional 112223
licensing boards. 112224

Effective with the implementation of the replacement 112225
licensing system, the Department of Administrative Services shall 112226
establish charges for recovering the costs of ongoing maintenance 112227
of the system. The charges shall be billed to the professional 112228
licensing boards and the Casino Control Commission, and deposited 112229
via intrastate transfer vouchers to the credit of the Professions 112230
Licensing System Fund (Fund 5JQ0), which is hereby created in the 112231
state treasury. 112232

Section 207.200. BUILDING IMPROVEMENT FUND 112233

The foregoing appropriation item 100659, Building 112234
Improvement, shall be used to make payments from the Building 112235
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 112236
required in facilities maintained by the Department of 112237
Administrative Services. The Department of Administrative Services 112238
shall conduct or contract for regular assessments of these 112239
buildings and shall maintain a cash balance in Fund 5KZ0 equal to 112240
the cost of the repairs and improvements that are recommended to 112241
occur within the next five years, with the following exception 112242
described below. 112243

Upon request of the Director of Administrative Services, the 112244
Director of Budget and Management may permit a cash transfer from 112245
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 112246
of operating and maintaining facilities managed by the Department 112247
of Administrative Services that are not charged to tenants during 112248
the same fiscal year. 112249

Should the cash balance in Fund 1320 be determined to be 112250
sufficient, the Director of Administrative Services may request 112251
that the Director of Budget and Management transfer cash from Fund 112252
1320 to 5KZ0 in an amount equal to the initial cash transfer made 112253
under this section plus applicable interest. 112254

On July 1, 2015, or as soon as possible thereafter, the 112255
Director of Budget and Management shall transfer \$1,000,000 cash 112256
from the General Revenue Fund to Fund 5KZ0. The cash transferred 112257
is hereby appropriated for use under appropriation item 100659, 112258
Building Improvement. 112259

Section 207.210. INFORMATION TECHNOLOGY DEVELOPMENT 112260

The foregoing appropriation item 100661, IT Development, 112261
shall be used by the Department of Administrative Services to pay 112262
the costs of modernizing the state's information technology 112263
management and investment practices away from a limited, 112264
agency-specific focus in favor of a statewide methodology 112265
supporting development of enterprise solutions. 112266

The Department of Administrative Services, with the approval 112267
of the Director of Budget and Management, may charge state 112268
agencies an information technology development assessment based on 112269
state agencies' information technology expenditures or other 112270
methodology. The revenue from this assessment shall be deposited 112271
in the Information Technology Development Fund (Fund 5LJ0), which 112272
is hereby created. 112273

Section 207.220. MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT 112274
SERVICE PAYMENTS 112275

The Director of Administrative Services, in consultation with 112276
the Multi-Agency Radio Communication System (MARCS) Steering 112277
Committee and the Director of Budget and Management, shall 112278
determine the share of debt service payments attributable to 112279
spending for MARCS components that are not specific to any one 112280
agency and that shall be charged to the Highway Safety Fund (Fund 112281
7036). Such share of debt service payments shall be calculated for 112282
MARCS capital disbursements made beginning July 1, 1997. Within 112283
thirty days of any payment made from appropriation item 100447, 112284
Administrative Buildings Lease Rental Bond Payments, the Director 112285
of Administrative Services shall certify to the Director of Budget 112286
and Management the amount of this share. The Director of Budget 112287
and Management shall transfer such amounts to the General Revenue 112288
Fund from the State Highway Safety Fund (Fund 7036) established in 112289
section 4501.06 of the Revised Code. 112290

The Director of Administrative Services shall consider 112291
renting or leasing existing tower sites at reasonable or current 112292
market rates, so long as these existing sites are equipped with 112293
the technical capabilities to support the MARCS project. 112294

Section 207.230. ENTERPRISE IT STRATEGY IMPLEMENTATION 112295

The Director of Administrative Services shall determine and 112296
implement strategies that benefit the enterprise by improving 112297
efficiency, reducing costs or enhancing capacity of information 112298
technology (IT) services. Such improvements and efficiencies may 112299
result in the consolidation and transfer of such services. As 112300
determined to be necessary for successful implementation of this 112301
section and notwithstanding any provision of law to the contrary, 112302
the Director of Administrative Services may request the Director 112303

of Budget and Management to consolidate or transfer IT-specific 112304
budget authority between agencies or within an agency as necessary 112305
to implement enterprise IT cost containment strategies and related 112306
efficiencies. Once the Director of Budget and Management is 112307
satisfied that the proposed initiative is cost advantageous to the 112308
enterprise, the Director of Budget and Management may transfer 112309
appropriations, funds and cash as needed to implement the proposed 112310
initiative. The establishment of any new fund or additional 112311
appropriation as a result of this section will be subject to 112312
Controlling Board approval. 112313

The Director of Budget and Management and the Director of 112314
Administrative Services may transfer any employees, assets, and 112315
liabilities, including, but not limited to, records, contracts, 112316
and agreements in order to facilitate the improvements determined 112317
in accordance with this section. 112318

Section 209.10. AGE DEPARTMENT OF AGING 112319

General Revenue Fund 112320

GRF	490321	Operating Expenses	\$	1,487,418	\$	1,487,418	112321
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GRF	490410	Long-Term Care	\$	477,448	\$	477,448	112322
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Ombudsman

GRF	490411	Senior Community	\$	7,060,844	\$	7,060,844	112323
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Services

GRF	490414	Alzheimer's Respite	\$	2,495,245	\$	2,495,245	112324
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GRF	490506	National Senior	\$	241,413	\$	241,413	112325
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Service Corps

GRF	656423	Long-Term Care	\$	3,385,057	\$	3,385,057	112326
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Program Support -

State

TOTAL GRF	General Revenue Fund	\$	15,147,425	\$	15,147,425	112327
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Dedicated Purpose Fund Group 112328

4800	490606	Senior Community	\$	372,523	\$	372,523	112329
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		Outreach and Education					
4C40	490609	Regional Long-Term Care Ombudsman Program	\$	935,000	\$	935,000	112330
5BA0	490620	Ombudsman Support	\$	1,250,000	\$	1,250,000	112331
5K90	490613	Long-Term Care Consumers Guide	\$	1,059,400	\$	1,059,400	112332
5MT0	490627	Board of Executives of LTSS	\$	800,000	\$	800,000	112333
5W10	490616	Resident Services Coordinator Program	\$	344,700	\$	344,700	112334
TOTAL DPF	Dedicated Purpose						112335
Fund Group			\$	4,761,623	\$	4,761,623	112336
Federal Fund Group							112337
3220	490618	Federal Aging Grants	\$	8,700,000	\$	8,700,000	112338
3C40	656623	Long-Term Care Program Support - Federal	\$	3,385,057	\$	3,385,057	112339
3M40	490612	Federal Independence Services	\$	58,655,080	\$	58,655,080	112340
TOTAL FED	Federal Fund Group		\$	70,740,137	\$	70,740,137	112341
TOTAL ALL BUDGET	FUND GROUPS		\$	90,649,185	\$	90,649,185	112342

Section 209.20. LONG-TERM CARE 112344

Pursuant to an interagency agreement, the Department of 112345
 Medicaid may designate the Department of Aging to perform 112346
 assessments under section 5165.04 of the Revised Code. The 112347
 Department of Aging shall provide long-term care consultations 112348
 under section 173.42 of the Revised Code to assist individuals in 112349
 planning for their long-term health care needs. 112350

The Department of Aging shall administer the Medicaid 112351

waiver-funded PASSPORT Home Care Program, the Assisted Living 112352
Program, and PACE as delegated by the Department of Medicaid in an 112353
interagency agreement. The foregoing appropriation items 656423, 112354
Long-Term Care Program Support - State, and 656623, Long-Term Care 112355
Program Support - Federal, may be used to support the Department 112356
of Aging's administrative costs associated with operating the 112357
PASSPORT, Assisted Living, and PACE programs. 112358

PERFORMANCE-BASED REIMBURSEMENT 112359

The Department of Aging may design and utilize a payment 112360
method for PASSPORT administrative agency operations that includes 112361
a pay-for-performance incentive component that is earned by a 112362
PASSPORT administrative agency when defined consumer and policy 112363
outcomes are achieved. 112364

Section 209.30. LONG-TERM CARE OMBUDSMAN 112365

The State Ombudsman may explore the design of a payment 112366
method for the Ombudsman Program that includes a 112367
pay-for-performance incentive component that is earned by 112368
designated regional long-term care ombudsman programs. 112369

MYCARE OHIO 112370

The foregoing appropriation items 490410, Long-Term Care 112371
Ombudsman, 490618, Federal Aging Grants, 490612, Federal 112372
Independence Services, 490609, Regional Long-Term Care Ombudsman 112373
Program, and 490620, Ombudsman Support, may be used by the Office 112374
of the State Long-Term Care Ombudsman to provide ombudsman program 112375
activities as described in sections 173.14 to 173.27 and section 112376
173.99 of the Revised Code to consumers participating in MyCare 112377
Ohio. 112378

SENIOR COMMUNITY SERVICES 112379

The foregoing appropriation item 490411, Senior Community 112380
Services, shall be used for services designated by the Department 112381

of Aging, including, but not limited to, home-delivered and 112382
congregate meals, transportation services, personal care services, 112383
respite services, adult day services, home repair, care 112384
coordination, prevention and disease self-management, and decision 112385
support systems. Service priority shall be given to low income, 112386
frail, and cognitively impaired persons 60 years of age and over. 112387
The department shall promote cost sharing by service recipients 112388
for those services funded with senior community services funds, 112389
including, when possible, sliding-fee scale payment systems based 112390
on the income of service recipients 112391

NATIONAL SENIOR SERVICE CORPS 112392

The foregoing appropriation item 490506, National Senior 112393
Service Corps, shall be used by the Department of Aging to fund 112394
grants for three Corporation for National and Community 112395
Service/Senior Corps programs: the Foster Grandparents Program, 112396
the Senior Companion Program, and the Retired Senior Volunteer 112397
Program. A recipient of these grant funds shall use the funds to 112398
support priorities established by the Department and the Ohio 112399
State Office of the Corporation for National and Community 112400
Service. The expenditure of these funds by any grant recipient 112401
shall be in accordance with Senior Corps policies and procedures, 112402
as stated in the Domestic Volunteer Service Act of 1973, as 112403
amended. Neither the Department nor any area agencies on aging 112404
that are involved in the distribution of these funds to 112405
lower-tiered grant recipients may use any portion of these funds 112406
to cover administrative costs. 112407

TRANSFER OF RESIDENT PROTECTION FUNDS 112408

In each fiscal year, the Director of Budget and Management 112409
may transfer up to \$1,250,000 cash from the Resident Protection 112410
Fund (Fund 4E30), which is used by the Department of Medicaid, to 112411
the Ombudsman Support Fund (Fund 5BA0), which is used by the 112412
Department of Aging. 112413

The Director of Aging and the Office of the State Long-Term Care Ombudsman may use moneys in the Ombudsman Support Fund (Fund 5BA0) to implement a nursing home quality initiative as specified in section 173.60 of the Revised Code.

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES AND FEDERAL AGING GRANTS

At the request of the Director of Aging, the Director of Budget and Management may transfer appropriation between appropriation items 490612, Federal Independence Services, and 490618, Federal Aging Grants. The amounts transferred shall not exceed 30 per cent of the appropriation from which the transfer is made. Any transfers shall be reported by the Department of Aging to the Controlling Board at the next scheduled meeting of the board.

Section 209.40. UPDATING AUTHORIZING STATUTE CITATIONS

As used in this section, "authorizing statute" means a Revised Code section or provision of a Revised Code section that is cited in the Ohio Administrative Code as the statute that authorizes the adoption of a rule.

The Director of Aging is not required to amend any rule for the sole purpose of updating the citation in the Ohio Administrative Code to the rule's authorizing statute to reflect that this act renumbers the authorizing statute or relocates it to another Revised Code section. Such citations shall be updated as the Director amends the rules for other purposes.

Section 209.50. BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS

The Board of Executives of Long-Term Services and Supports may develop and conduct, or contract with a government or private entity to develop and conduct, opportunities for education,

training, and credentialing of nursing home administrators, 112444
including persons interested in becoming licensed as nursing home 112445
administrators, and others in leadership positions who practice in 112446
long-term services and supports settings or who direct the 112447
practices of others in those settings. 112448

All fees paid to the Board of Executives of Long-Term 112449
Services and Support by an applicant for education or training 112450
shall be used solely for the administration of the training 112451
program in division (A)(10) of section 4751.04 of the Revised 112452
Code. The fees may be used to support the education and training 112453
programs by paying for items including, but not limited to, 112454
instructor fees, venues where the education or training is 112455
conducted, books, materials and printing. 112456

Training or education programs may be conducted in person or 112457
through electronic media. If the Board contracts with a government 112458
or private entity to administer the education or training 112459
programs, the contract may authorize the entity to pay any or all 112460
costs associated with the education or training programs and to 112461
collect and keep, as all or part of the entity's compensation 112462
under the contract, any fee an applicant for education or training 112463
pays to take the education or training program. 112464

Section 211.10. AGR DEPARTMENT OF AGRICULTURE 112465

General Revenue Fund 112466

GRF 700401 Animal Health Programs \$ 3,686,687 \$ 3,686,687 112467

GRF 700403 Dairy Division \$ 1,088,115 \$ 1,088,115 112468

GRF 700404 Ohio Proud \$ 50,000 \$ 50,000 112469

GRF 700406 Consumer Protection \$ 1,287,556 \$ 1,287,556 112470

Lab

GRF 700407 Food Safety \$ 1,000,000 \$ 1,000,000 112471

GRF 700409 Farmland Preservation \$ 72,750 \$ 72,750 112472

GRF 700410 Plant Industry \$ 150,000 \$ 150,000 112473

GRF 700412	Weights and Measures	\$	600,000	\$	600,000	112474
GRF 700415	Poultry Inspection	\$	592,978	\$	592,978	112475
GRF 700418	Livestock Regulation Program	\$	1,108,071	\$	1,108,071	112476
GRF 700424	Livestock Testing and Inspections	\$	92,493	\$	92,493	112477
GRF 700426	Dangerous and Restricted Animals	\$	800,000	\$	800,000	112478
GRF 700427	High Volume Breeder Kennel Control	\$	350,000	\$	350,000	112479
GRF 700428	Soil and Water Division	\$	1,807,700	\$	3,619,000	112480
GRF 700499	Meat Inspection Program - State Share	\$	4,425,097	\$	4,425,097	112481
GRF 700501	County Agricultural Societies	\$	391,415	\$	391,415	112482
GRF 700509	Soil and Water District Support	\$	0	\$	3,250,000	112483
TOTAL GRF	General Revenue Fund	\$	17,502,862	\$	22,564,162	112484
	Dedicated Purpose Fund Group					112485
4900 700651	License Plates - Sustainable Agriculture	\$	7,000	\$	7,000	112486
4940 700612	Agricultural Commodity Marketing Program	\$	213,000	\$	213,000	112487
4960 700626	Ohio Grape Industries	\$	970,000	\$	970,000	112488
4970 700627	Grain Warehouse Program	\$	332,672	\$	332,672	112489
4C90 700605	Commercial Feed and Seed	\$	1,760,000	\$	1,760,000	112490
4D20 700609	Auction Education	\$	35,000	\$	35,000	112491
4E40 700606	Utility Radiological	\$	125,000	\$	125,000	112492

		Safety					
4P70	700610	Food Safety	\$	957,328	\$	957,328	112493
		Inspection					
4R00	700636	Ohio Proud Marketing	\$	35,500	\$	35,500	112494
4R20	700637	Dairy Industry	\$	1,658,247	\$	1,658,247	112495
		Inspection					
4T60	700611	Poultry and Meat	\$	120,000	\$	120,000	112496
		Inspection					
5780	700620	Ride Inspection	\$	1,215,142	\$	1,215,142	112497
5880	700633	Brand Registration	\$	5,000	\$	5,000	112498
5B80	700629	Auctioneers	\$	340,000	\$	340,000	112499
5BV0	700660	Heidelberg Water	\$	125,000	\$	250,000	112500
		Quality Lab					
5BV0	700661	Soil and Water	\$	4,000,000	\$	8,000,000	112501
		Districts					
5CP0	700652	License Plate	\$	10,000	\$	10,000	112502
		Scholarships					
5FC0	700648	Plant Pest Program	\$	1,190,000	\$	1,190,000	112503
5H20	700608	Metrology Lab and	\$	552,000	\$	552,000	112504
		Scale Certification					
5L80	700604	Livestock Management	\$	135,000	\$	135,000	112505
		Program					
5MA0	700657	Dangerous and	\$	50,000	\$	50,000	112506
		Restricted Animals					
5MR0	700658	High Volume Breeders	\$	174,000	\$	174,000	112507
		and Kennels					
5QW0	700653	Watershed Assistance	\$	557,500	\$	515,000	112508
6520	700634	Animal, Consumer, and	\$	4,966,383	\$	4,966,383	112509
		ATL Labs					
6690	700635	Pesticide,	\$	4,418,041	\$	4,418,041	112510
		Fertilizer, and Lime					
		Inspection Program					
TOTAL	DPF	Dedicated Purpose					112511

Fund Group		\$	23,951,813	\$	28,034,313	112512
Internal Service Activity Fund Group						112513
5DA0 700644	Laboratory	\$	1,164,000	\$	1,164,000	112514
	Administration					
	Support					
5GH0 700655	Administrative	\$	4,404,073	\$	4,404,073	112515
	Support					
TOTAL ISA Internal Service Activity						112516
Fund Group		\$	5,568,073		5,568,073	112517
Capital Projects Fund Group						112518
7057 700632	Clean Ohio	\$	310,000	\$	310,000	112519
	Agricultural Easement					
	Operating					
TOTAL CPF Capital Projects Fund		\$	310,000	\$	310,000	112520
Group						
Federal Fund Group						112521
3260 700618	Meat Inspection	\$	4,450,000	\$	4,450,000	112522
	Program - Federal					
	Share					
3360 700617	Ohio Farm Loan -	\$	101,000	\$	101,000	112523
	Revolving					
3820 700601	Federal Cooperative	\$	4,827,900	\$	5,131,500	112524
	Contracts					
3AB0 700641	Agricultural Easement	\$	150,000	\$	150,000	112525
3J40 700607	Federal	\$	1,200,000	\$	1,200,000	112526
	Administrative					
	Programs					
3R20 700614	Federal Plant	\$	6,000,000	\$	6,000,000	112527
	Industry					
TOTAL FED Federal Fund Group		\$	16,728,900	\$	17,032,500	112528
TOTAL ALL BUDGET FUND GROUPS		\$	64,061,648	\$	73,509,048	112529
DANGEROUS AND RESTRICTED WILD ANIMALS						112530

The foregoing appropriation item 700426, Dangerous and Restricted Animals, shall be used to administer the Dangerous and Restricted Wild Animal Permitting Program.

COUNTY AGRICULTURAL SOCIETIES

The foregoing appropriation item 700501, County Agricultural Societies, shall be used to reimburse county and independent agricultural societies for expenses related to Junior Fair activities.

SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE BASIN

Of the foregoing appropriation item 700509, Soil and Water District Support, \$350,000 in fiscal year 2017 shall be used by the Department of Agriculture for a program to support soil and water conservation districts in the Western Lake Erie Basin to comply with provisions of Sub. S.B. 1 of the 131st General Assembly. The Department shall approve a soil and water district's application for funding under the program if the application demonstrates that funding will be used for, but not limited to, providing technical assistance, developing applicable nutrient or manure management plans, hiring and training of soil and water conservation district staff on best conservation practices, or other activities the Director determines is appropriate to assist farmers in the Western Lake Erie Basin in complying with the provisions of Sub. S.B. 1 of the 131st General Assembly.

SOIL AND WATER DISTRICTS

In addition to state payments to soil and water conservation districts authorized by section 940.08 of the Revised Code, the Department of Agriculture may use appropriation item 700661, Soil and Water Districts, to pay any soil and water conservation district an annual amount not to exceed \$40,000 upon receipt of a request and justification from the district and approval by the

Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 940.08 of the Revised Code for the local soil and water conservation district. Moneys received by each district shall be expended for the purposes of the district.

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES

The foregoing appropriation item 700632, Clean Ohio Agricultural Easement Operating, shall be used by the Department of Agriculture in administering Ohio Agricultural Easement Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code.

Section 211.20. TRANSFER OF SOIL AND WATER CONSERVATION PROGRAM

On January 1, 2016, or as soon as possible thereafter, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 725502, Soil and Water Districts, used by the Department of Natural Resources, and reestablish them against appropriation item 700509, Soil and Water District Support, used by the Department of Agriculture. The reestablished encumbrance amounts are hereby appropriated.

On January 1, 2016, or as soon as possible thereafter, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 725658, Heidelberg Water Quality Lab, used by the Department of Natural Resources, and reestablish them against appropriation item 700660, Heidelberg Water Quality Lab, used by the Department of Agriculture. The reestablished encumbrance amounts are hereby appropriated.

On January 1, 2016, or as soon as possible thereafter, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 725683, Soil and Water

Districts, used by the Department of Natural Resources, and 112592
 reestablish them against appropriation item 700661, Soil and Water 112593
 Districts, used by the Department of Agriculture. The 112594
 reestablished encumbrance amounts are hereby appropriated. 112595

On January 1, 2016, or as soon as possible thereafter, the 112596
 Director of Budget and Management shall cancel any existing 112597
 encumbrances against appropriation item 725699, Healthy Lake Erie 112598
 Fund, used by the Department of Natural Resources, and reestablish 112599
 them against appropriation item 700653, Watershed Assistance, used 112600
 by the Department of Agriculture. The reestablished encumbrance 112601
 amounts are hereby appropriated. 112602

Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY 112603

Dedicated Purpose Fund Group 112604

4Z90	898602	Small Business	\$	288,232	\$	288,232	112605
		Ombudsman					

5700	898601	Operating Expenses	\$	186,568	\$	189,590	112606
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5A00	898603	Small Business	\$	450,000	\$	450,000	112607
		Assistance					

5EG0	898608	Energy Strategy	\$	193,184	\$	176,394	112608
		Development					

TOTAL DPF Dedicated Purpose Fund	\$	1,117,984	\$	1,104,216	112609
Group					

TOTAL ALL BUDGET FUND GROUPS	\$	1,117,984	\$	1,104,216	112610
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Section 213.20. ENERGY STRATEGY DEVELOPMENT 112612

(A) There is hereby created in the state treasury the Energy 112613
 Strategy Development Fund (Fund 5EG0). The fund shall consist of 112614
 money credited to it and money obtained for advanced energy 112615
 projects from federal or private grants, loans, or other sources. 112616
 Money in the fund shall be used to carry out the purposes of the 112617
 Energy Strategy Development Program. Interest earned on the money 112618

in the fund shall be credited to the General Revenue Fund. 112619

(B) The Energy Strategy Development Program shall develop 112620
energy initiatives, projects, and policy that align with the 112621
energy policy for the state. Issues addressed by such initiatives, 112622
projects, and policy shall not be limited to those governed by 112623
Chapter 3706. of the Revised Code. The program also pays for costs 112624
associated with the administration of the outstanding loans and 112625
working with the outside parties associated with the loans. The 112626
Ohio Air Quality Development Authority shall be responsible for 112627
the monitoring of the program. 112628

(C) On July 1 of each fiscal year, or as soon as possible 112629
thereafter, the Director of Budget and Management may transfer 112630
cash from the funds specified below, up to the amounts specified 112631
below, to the Energy Strategy Development Fund. Fund 5EG0 may 112632
accept contributions and transfers made to the fund. On July 1, 112633
2017, or as soon as possible thereafter, the Director shall 112634
transfer to the General Revenue Fund all cash credited to Fund 112635
5EG0. Upon completion of the transfer, Fund 5EG0 is abolished. 112636

<u>Fund</u>	<u>Fund Name</u>	<u>User</u>	<u>FY 2016</u>	<u>FY 2017</u>	
1310	State Agency	Ohio Facilities	\$27,405	\$27,439	112637
	Construction	Construction			112638
	Project Service	Commission			
5GH0	Central Support	Department of	\$27,405	\$27,439	112639
	Indirect Cost	Agriculture			
1350	Supportive	Development	\$27,405	\$27,439	112640
	Services	Services Agency			
2190	Central Support	Environmental	\$27,405	\$27,439	112641
	Indirect Cost	Protection Agency			
1570	Central Support	Department of	\$27,405	\$27,439	112642
	Indirect	Natural Resources			
	Chargeback				
7002	Highway Operating	Department of	\$39,150	\$39,199	112643

Transportation

Section 213.30.	REIMBURSEMENT TO AIR QUALITY DEVELOPMENT				112644
	AUTHORITY TRUST ACCOUNT				112645
	Notwithstanding any other provision of law to the contrary,				112646
	the Air Quality Development Authority may reimburse the Air				112647
	Quality Development Authority trust account established under				112648
	section 3706.10 of the Revised Code from all operating funds of				112649
	the agency for expenses pertaining to the administration and				112650
	shared costs incurred by the Air Quality Development Authority in				112651
	the execution of responsibilities as prescribed in Chapter 3706.				112652
	of the Revised Code. The reimbursement shall be made by voucher				112653
	and completed in accordance with the administrative indirect costs				112654
	allocation plan approved by the Office of Budget and Management.				112655
Section 215.10.	ARC ARCHITECTS BOARDS				112656
	Dedicated Purpose Fund Group				112657
	4K90 891609 Operating	\$	507,614	\$	517,912 112658
	TOTAL DPF Dedicated Purpose Fund				112659
	Group	\$	507,614	\$	517,912 112660
	TOTAL ALL BUDGET FUND GROUPS	\$	507,614	\$	517,912 112661
Section 217.10.	ART OHIO ARTS COUNCIL				112663
	General Revenue Fund				112664
	GRF 370321 Operating Expenses	\$	1,772,050	\$	1,772,050 112665
	GRF 370502 State Program	\$	12,450,000	\$	12,950,000 112666
	Subsidies				
	TOTAL GRF General Revenue Fund	\$	14,222,050	\$	14,722,050 112667
	Dedicated Purpose Fund Group				112668
	4600 370602 Management Expenses	\$	300,000	\$	300,000 112669
	and Donations				
	4B70 370603 Percent for Art	\$	225,000	\$	225,000 112670

Acquisitions

TOTAL DPF Dedicated Purpose Fund Group	\$	525,000	\$	525,000	112671
Federal Fund Group					112672
3140 370601 Federal Support	\$	1,000,000	\$	1,000,000	112673
TOTAL FED Federal Fund Group	\$	1,000,000	\$	1,000,000	112674
TOTAL ALL BUDGET FUND GROUPS	\$	15,747,050	\$	16,247,050	112675

FEDERAL SUPPORT 112676

Notwithstanding any provision of law to the contrary, the 112677
foregoing appropriation item 370601, Federal Support, shall be 112678
used by the Ohio Arts Council for subsidies only, and not for its 112679
administrative costs, unless the Council is required to use a 112680
portion of the funds for administrative costs under conditions of 112681
the federal grant. 112682

Section 219.10. ATH ATHLETIC COMMISSION 112683

Dedicated Purpose Fund Group					112684
4K90 175609 Operating Expenses	\$	320,000	\$	320,000	112685
TOTAL DPF Dedicated Purpose Fund Group	\$	320,000	\$	320,000	112686
TOTAL ALL BUDGET FUND GROUPS	\$	320,000	\$	320,000	112687

Section 221.10. AGO ATTORNEY GENERAL 112689

General Revenue Fund					112690
GRF 055321 Operating Expenses	\$	43,114,169	\$	43,114,169	112691
GRF 055405 Law-Related Education	\$	70,000	\$	70,000	112692
GRF 055411 County Sheriffs' Pay Supplement	\$	757,921	\$	801,808	112693
GRF 055415 County Prosecutors' Pay Supplement	\$	831,499	\$	893,378	112694
GRF 055501 Rape Crisis Centers	\$	1,500,000	\$	1,500,000	112695
TOTAL GRF General Revenue Fund	\$	46,273,589	\$	46,379,355	112696

		Dedicated Purpose Fund Group					112697
1060	055612	Attorney General	\$	64,008,182	\$	64,818,182	112698
		Operating					
4020	055616	Victims of Crime	\$	20,301,769	\$	20,301,769	112699
4180	055615	Charitable	\$	8,286,000	\$	8,286,000	112700
		Foundations					
4190	055623	Claims Section	\$	58,437,133	\$	59,439,892	112701
4200	055603	Attorney General	\$	2,392,074	\$	2,392,074	112702
		Antitrust					
4210	055617	Police Officers'	\$	1,701,545	\$	1,701,545	112703
		Training Academy Fee					
4L60	055606	DARE Programs	\$	3,811,209	\$	3,811,209	112704
4Y70	055608	Title Defect Recision	\$	600,000	\$	600,000	112705
4Z20	055609	BCI Asset Forfeiture	\$	1,000,000	\$	1,000,000	112706
		and Cost					
		Reimbursement					
5900	055633	Peace Officer Private	\$	95,325	\$	95,325	112707
		Security Training					
5A90	055618	Telemarketing Fraud	\$	10,000	\$	10,000	112708
		Enforcement					
5L50	055619	Law Enforcement	\$	7,800,000	\$	12,800,000	112709
		Assistance Program					
5LR0	055655	Peace Officer	\$	4,629,409	\$	4,629,409	112710
		Training - Casino					
5MP0	055657	Peace Officer	\$	250,000	\$	325,000	112711
		Training Commission					
6310	055637	Consumer Protection	\$	8,834,000	\$	8,976,000	112712
		Enforcement					
6590	055641	Solid and Hazardous	\$	310,730	\$	310,730	112713
		Waste Background					
		Investigations					
U087	055402	Tobacco Settlement	\$	2,550,000	\$	2,650,000	112714
		Oversight,					

		Administration, and				
		Enforcement				
TOTAL DPF Dedicated Purpose Fund						112715
Group	\$	185,017,376	\$	192,147,135		112716
Internal Service Activity Fund Group						112717
1950 055660 Workers' Compensation	\$	8,415,504	\$	8,415,504		112718
		Section				
TOTAL ISA Internal Service Activity	\$	8,415,504	\$	8,415,504		112719
Fund Group						
Holding Account Fund Group						112720
R004 055631 General Holding	\$	1,000,000	\$	1,000,000		112721
		Account				
R005 055632 Antitrust Settlements	\$	1,000	\$	1,000		112722
R018 055630 Consumer Frauds	\$	750,000	\$	750,000		112723
R042 055601 Organized Crime	\$	25,025	\$	25,025		112724
		Commission				
		Distributions				
R054 055650 Collection Payment	\$	4,500,000	\$	4,500,000		112725
		Redistribution				
TOTAL HLD Holding Account						112726
Fund Group	\$	6,276,025	\$	6,276,025		112727
Federal Fund Group						112728
3060 055620 Medicaid Fraud	\$	8,461,419	\$	8,961,419		112729
		Control				
3830 055634 Crime Victims	\$	16,500,000	\$	16,500,000		112730
		Assistance				
3E50 055638 Attorney General	\$	2,320,999	\$	2,320,999		112731
		Pass-Through Funds				
3FV0 055656 Crime Victim	\$	3,155,000	\$	3,155,000		112732
		Compensation				
3R60 055613 Attorney General	\$	2,799,999	\$	2,799,999		112733
		Federal Funds				

TOTAL FED Federal Fund Group	\$	33,237,417	\$	33,737,417	112734
TOTAL ALL BUDGET FUND GROUPS	\$	279,219,911	\$	286,955,436	112735

OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 112736

Of the foregoing appropriation item 055321, Operating 112737
Expenses, \$600,000 in each fiscal year shall be used for the Ohio 112738
Center for the Future of Forensic Science at Bowling Green State 112739
University. The purpose of the Center shall be to foster forensic 112740
science research techniques (BCI Eminent Scholar) and to create 112741
professional training opportunities to students (BCI Scholars) in 112742
the forensic science fields. 112743

COUNTY SHERIFFS' PAY SUPPLEMENT 112744

The foregoing appropriation item 055411, County Sheriffs' Pay 112745
Supplement, shall be used for the purpose of supplementing the 112746
annual compensation of county sheriffs as required by section 112747
325.06 of the Revised Code. 112748

At the request of the Attorney General, the Director of 112749
Budget and Management may transfer appropriation from 112750
appropriation item 055321, Operating Expenses, to appropriation 112751
item 055411, County Sheriffs' Pay Supplement. Any appropriation so 112752
transferred shall be used to supplement the annual compensation of 112753
county sheriffs as required by section 325.06 of the Revised Code. 112754

COUNTY PROSECUTORS' PAY SUPPLEMENT 112755

The foregoing appropriation item 055415, County Prosecutors' 112756
Pay Supplement, shall be used for the purpose of supplementing the 112757
annual compensation of certain county prosecutors as required by 112758
section 325.111 of the Revised Code. 112759

At the request of the Attorney General, the Director of 112760
Budget and Management may transfer appropriation from 112761
appropriation item 055321, Operating Expenses, to appropriation 112762
item 055415, County Prosecutors' Pay Supplement. Any appropriation 112763
so transferred shall be used to supplement the annual compensation 112764

of county prosecutors as required by section 325.111 of the Revised Code. 112765
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WORKERS' COMPENSATION SECTION 112767

The Workers' Compensation Fund (Fund 1950) is entitled to receive payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission at the beginning of each quarter of each fiscal year to fund legal services to be provided to the Bureau of Workers' Compensation and the Ohio Industrial Commission during the ensuing quarter. The advance payment shall be subject to adjustment. 112768
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In addition, the Bureau of Workers' Compensation shall transfer payments at the beginning of each quarter for the support of the Workers' Compensation Fraud Unit. 112775
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All amounts shall be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission. 112778
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LAW ENFORCEMENT ASSISTANCE FUND 112781

Notwithstanding the requirement in division (C) of section 5747.50 of the Revised Code that the Tax Commissioner provide for payment from the Local Government Fund to each municipal corporation of an amount calculated using the total amount available for distribution to municipal corporations during the current month, as defined in that division, the Tax Commissioner shall reduce the total amount available for distribution to municipal corporations during the current month by \$416,666.67 in each month of fiscal year 2016 and by \$833,333.33 in each month of fiscal year 2017, before calculating the amount to be distributed to each municipal corporation. The amounts not distributed to municipal corporations, \$416,666.67 in each month of fiscal year 2016 and \$833,333.33 in each month of fiscal year 2017, shall be deposited in the state treasury to the credit of the Law 112782
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Enforcement Assistance Fund (Fund 5L50). 112796

In accordance with the provisions of section 109.803 of the 112797
Revised Code, the Ohio Peace Officer Training Commission shall 112798
direct every appointing authority to require each of its appointed 112799
peace officers and troopers to complete a total of eleven hours of 112800
continuing professional training in calendar year 2016, and a 112801
total of twenty hours of continuing professional training in 112802
calendar year 2017. 112803

Notwithstanding any provision of section 109.802 of the 112804
Revised Code, in fiscal year 2017 each public appointing authority 112805
entitled to reimbursement for the cost of continuing professional 112806
training shall receive one hundred per cent reimbursement from the 112807
state for eleven of the required twenty hours of training. Of the 112808
remaining nine hours of required training, each eligible public 112809
appointing authority shall receive state reimbursement at the rate 112810
of: (a) one hundred per cent for the first fifty full-time 112811
officers or troopers trained, and (b) eighty per cent for any 112812
full-time officers or troopers trained after the first fifty 112813
full-time officers or troopers are trained. 112814

GENERAL HOLDING ACCOUNT 112815

The foregoing appropriation item 055631, General Holding 112816
Account, shall be used to distribute moneys under the terms of 112817
relevant court orders or other settlements received in a variety 112818
of cases involving the Office of the Attorney General. If it is 112819
determined that additional amounts are necessary for this purpose, 112820
the amounts are hereby appropriated. 112821

ANTITRUST SETTLEMENTS 112822

The foregoing appropriation item 055632, Antitrust 112823
Settlements, shall be used to distribute moneys under the terms of 112824
relevant court orders or other out of court settlements in 112825
antitrust cases or antitrust matters involving the Office of the 112826

Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

CONSUMER FRAUDS

The foregoing appropriation item 055630, Consumer Frauds, shall be used for distribution of moneys from court-ordered judgments against sellers in actions brought by the Office of the Attorney General under sections 1334.08 and 4549.48 and division (B) of section 1345.07 of the Revised Code. These moneys shall be used to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ORGANIZED CRIME COMMISSION DISTRIBUTIONS

The foregoing appropriation item 055601, Organized Crime Commission Distributions, shall be used by the Organized Crime Investigations Commission, as provided by section 177.011 of the Revised Code, to reimburse political subdivisions for the expenses the political subdivisions incur when their law enforcement officers participate in an organized crime task force. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

COLLECTION PAYMENT REDISTRIBUTION

The foregoing appropriation item 055650, Collection Payment Redistribution, shall be used for the purpose of allocating the revenue where debtors mistakenly paid the client agencies instead of the Attorney General's Collections Enforcement Section. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ATTORNEY GENERAL PASS-THROUGH FUNDS

The foregoing appropriation item 055638, Attorney General

Pass-Through Funds, shall be used to receive federal grant funds 112857
provided to the Attorney General by other state agencies, 112858
including, but not limited to, the Department of Youth Services 112859
and the Department of Public Safety. 112860

Section 223.10. AUD AUDITOR OF STATE 112861

General Revenue Fund 112862

GRF 070321 Operating Expenses \$ 27,598,047 \$ 27,597,867 112863

GRF 070403 Fiscal \$ 800,000 \$ 800,000 112864

Watch/Emergency
Technical Assistance

TOTAL GRF General Revenue Fund \$ 28,398,047 \$ 28,397,867 112865

Dedicated Purpose Fund Group 112866

1090 070601 Public Audit Expense \$ 9,396,081 \$ 9,396,081 112867

- Intra-State

4220 070602 Public Audit Expense \$ 32,937,044 \$ 33,143,044 112868

- Local Government

5840 070603 Training Program \$ 403,750 \$ 403,750 112869

5JZ0 070606 LEAP Revolving Loans \$ 400,000 \$ 400,000 112870

6750 070605 Uniform Accounting \$ 3,160,637 \$ 3,160,637 112871

Network

TOTAL DPF Dedicated Purpose Fund 112872

Group \$ 46,297,512 \$ 46,503,512 112873

TOTAL ALL BUDGET FUND GROUPS \$ 74,695,559 \$ 74,901,379 112874

Section 227.10. OBM OFFICE OF BUDGET AND MANAGEMENT 112876

General Revenue Fund 112877

GRF 042321 Budget Development \$ 2,981,898 \$ 2,933,175 112878

and Implementation

GRF 042416 Office of Health \$ 430,000 \$ 438,723 112879

Transformation

GRF 042425 Shared Services \$ 1,385,000 \$ 1,425,000 112880

Development			
TOTAL GRF General Revenue Fund	\$	4,796,898	\$ 4,796,898 112881
Internal Service Activity Fund Group			112882
1050 042603 Financial Management	\$	14,676,746	\$ 14,593,851 112883
1050 042620 Shared Services	\$	8,699,170	\$ 8,782,065 112884
Operating			
TOTAL ISA Internal Service Activity			112885
Fund Group	\$	23,375,916	\$ 23,375,916 112886
Fiduciary Fund Group			112887
5EH0 042604 Forgery Recovery	\$	40,000	\$ 40,000 112888
TOTAL FID Fiduciary Fund Group	\$	40,000	\$ 40,000 112889
Federal Fund Group			112890
3CM0 042606 Office of Health	\$	430,000	\$ 438,723 112891
Transformation -			
Federal			
TOTAL FED Federal Fund Group	\$	430,000	\$ 438,723 112892
TOTAL ALL BUDGET FUND GROUPS	\$	28,642,814	\$ 28,651,537 112893
AUDIT COSTS AND DUES			
All centralized audit costs associated with either Single			112895
Audit Schedules or financial statements prepared in conformance			112896
with generally accepted accounting principles for the state shall			112897
be paid from the foregoing appropriation item 042603, Financial			112898
Management.			112899
Costs associated with the audit of the Auditor of State and			112900
national association dues shall be paid from the foregoing			112901
appropriation item 042321, Budget Development and Implementation.			112902
SHARED SERVICES CENTER			
The foregoing appropriation items 042425, Shared Services			112904
Development, and 042620, Shared Services Operating, shall be used			112905
by the Director of Budget and Management to support a Shared			112906
Services Center within the Office of Budget and Management for the			112907

purpose of consolidating statewide business functions and common 112908
transactional processes. 112909

The Director of Budget and Management shall include the 112910
recovery of costs to operate the Shared Services Center in the 112911
accounting and budgeting services payroll rate and through direct 112912
charges using intrastate transfer vouchers to agencies for 112913
services rendered. The Director of Budget and Management shall 112914
determine the cost recovery methodology. Such cost recovery 112915
revenues shall be deposited to the credit of the Accounting and 112916
Budgeting Fund (Fund 1050). 112917

INTERNAL AUDIT 112918

The Director of Budget and Management shall include the 112919
recovery of costs to operate the Internal Audit Program in the 112920
accounting and budgeting services payroll rate and through direct 112921
charges using intrastate transfer vouchers to agencies reviewed by 112922
the program. The Director of Budget and Management, with advice 112923
from the Internal Audit Advisory Council, shall determine the cost 112924
recovery methodology. Such cost recovery revenues shall be 112925
deposited to the credit of Fund 1050. 112926

FORGERY RECOVERY 112927

The foregoing appropriation item 042604, Forgery Recovery, 112928
shall be used to reissue warrants that have been certified as 112929
forgeries by the rightful recipient as determined by the Bureau of 112930
Criminal Identification and Investigation and the Treasurer of 112931
State. Upon receipt of funds to cover the reissuance of the 112932
warrant, the Director of Budget and Management shall reissue a 112933
state warrant of the same amount. Any additional amounts needed to 112934
reissue warrants backed by the receipt of funds are hereby 112935
appropriated. 112936

Section 229.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 112937

General Revenue Fund					112938
GRF 874100	Personal Services	\$	2,417,467	\$	2,417,467
GRF 874320	Maintenance and Equipment	\$	1,161,098	\$	1,161,098
TOTAL GRF	General Revenue Fund	\$	3,578,565	\$	3,578,565
Dedicated Purpose Fund Group					112942
2080 874601	Underground Parking Garage Operations	\$	3,496,740	\$	3,496,740
4G50 874603	Capitol Square Education Center and Arts	\$	6,000	\$	6,000
TOTAL DPF	Dedicated Purpose Fund Group	\$	3,502,740	\$	3,502,740
Internal Service Activity Fund Group					112947
4S70 874602	Statehouse Gift Shop/Events	\$	700,000	\$	700,000
TOTAL ISA	Internal Service Activity Fund Group	\$	700,000	\$	700,000
TOTAL ALL BUDGET FUND GROUPS		\$	7,781,305	\$	7,781,305
UNDERGROUND PARKING GARAGE FUND					112952
Notwithstanding division (G) of section 105.41 of the Revised Code and any other provision to the contrary, moneys in the Underground Parking Garage Fund (Fund 2080) may be used for personnel and operating costs related to the operations of the Statehouse and the Statehouse Underground Parking Garage.					112953 112954 112955 112956 112957
HOUSE AND SENATE PARKING REIMBURSEMENT					112958
On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$500,000 cash from the General Revenue Fund to the Underground Parking Garage Fund (Fund 2080). The amounts transferred under this section shall be used to reimburse the Capitol Square Review					112959 112960 112961 112962 112963

and Advisory Board for legislative parking costs. 112964

Section 231.10. SCR STATE BOARD OF CAREER COLLEGES AND 112965
SCHOOLS 112966

Dedicated Purpose Fund Group 112967

4K90 233601 Operating Expenses \$ 579,328 \$ 579,328 112968

TOTAL DPF Dedicated Purpose Fund \$ 579,328 \$ 579,328 112969

Group

TOTAL ALL BUDGET FUND GROUPS \$ 579,328 \$ 579,328 112970

Section 233.10. CAC CASINO CONTROL COMMISSION 112972

Dedicated Purpose Fund Group 112973

5HS0 955321 Operating Expenses \$ 12,415,000 \$ 12,415,000 112974

5NU0 955601 Casino Commission \$ 50,000 \$ 50,000 112975

Enforcement

TOTAL DPF Dedicated Purpose Fund \$ 12,465,000 \$ 12,465,000 112976

Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,465,000 \$ 12,465,000 112977

Section 235.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 112979

Dedicated Purpose Fund Group 112980

4K90 930609 Operating Expenses \$ 490,644 \$ 489,666 112981

TOTAL DPF Dedicated Purpose Fund \$ 490,644 \$ 489,666 112982

Group

TOTAL ALL BUDGET FUND GROUPS \$ 490,644 \$ 489,666 112983

Section 237.10. CHR STATE CHIROPRACTIC BOARD 112985

Dedicated Purpose Fund Group 112986

4K90 878609 Operating Expenses \$ 648,734 \$ 663,521 112987

TOTAL DPF Dedicated Purpose Fund \$ 648,734 \$ 663,521 112988

Group

TOTAL ALL BUDGET FUND GROUPS \$ 648,734 \$ 663,521 112989

Section 239.10. CIV OHIO CIVIL RIGHTS COMMISSION				112991
General Revenue Fund				112992
GRF 876321	Operating Expenses	\$ 5,406,444	\$ 5,406,444	112993
TOTAL GRF General Revenue Fund				112994
Internal Service Activity Fund Group				112995
2170 876604	Operations Support	\$ 4,000	\$ 4,000	112996
TOTAL ISA Internal Service Activity				112997
Fund Group				112998
Federal Fund Group				112999
3340 876601	Federal Programs	\$ 2,802,760	\$ 2,947,982	113000
TOTAL FED Federal Special Revenue				113001
Fund Group				113002
TOTAL ALL BUDGET FUND GROUPS				113003
 Section 241.10. COM DEPARTMENT OF COMMERCE				113005
Dedicated Purpose Fund Group				113006
4B20 800631	Real Estate Appraisal	\$ 35,000	\$ 35,000	113007
Recovery				
4H90 800608	Cemeteries	\$ 274,080	\$ 278,352	113008
4X20 800619	Financial Institutions	\$ 1,854,298	\$ 1,854,298	113009
5430 800602	Unclaimed	\$ 7,764,160	\$ 7,779,076	113010
Funds-Operating				
5430 800625	Unclaimed Funds-Claims	\$ 64,000,000	\$ 64,000,000	113011
5440 800612	Banks	\$ 6,867,039	\$ 6,885,074	113012
5450 800613	Savings Institutions	\$ 2,464,495	\$ 2,533,005	113013
5460 800610	Fire Marshal	\$ 17,153,766	\$ 16,746,648	113014
5460 800639	Fire Department Grants	\$ 5,200,000	\$ 5,200,000	113015
5470 800603	Real Estate	\$ 69,655	\$ 69,655	113016
Education/Research				
5480 800611	Real Estate Recovery	\$ 50,000	\$ 50,000	113017
5490 800614	Real Estate	\$ 3,374,714	\$ 3,409,090	113018

3480	800622	Underground Storage Tanks	\$	1,129,518	\$	1,129,518	113042
3480	800624	Leaking Underground Storage Tanks	\$	1,795,481	\$	1,795,481	113043
TOTAL FED	Federal Fund Group		\$	2,924,999	\$	2,924,999	113044
TOTAL ALL BUDGET FUND GROUPS			\$	189,617,737	\$	191,047,692	113045

UNCLAIMED FUNDS PAYMENTS 113046

The foregoing appropriation item 800625, Unclaimed 113047
Funds-Claims, shall be used to pay claims under section 169.08 of 113048
the Revised Code. If it is determined by the Director of Commerce 113049
that additional appropriation amounts are necessary to make such 113050
payments, the Director of Commerce may request that the Director 113051
of Budget and Management increase such amounts. Such amounts are 113052
hereby appropriated. 113053

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 113054

The foregoing appropriation item 800631, Real Estate 113055
Appraiser Recovery, shall be used to pay settlements, judgments, 113056
and court orders under section 4763.16 of the Revised Code. If it 113057
is determined by the Director of Commerce that additional 113058
appropriation amounts are necessary to make such payments, the 113059
Director of Commerce may request that the Director of Budget and 113060
Management increase such amounts. Such amounts are hereby 113061
appropriated. 113062

The foregoing appropriation item 800611, Real Estate 113063
Recovery, shall be used to pay settlements, judgments, and court 113064
orders under section 4735.12 of the Revised Code. If it is 113065
determined by the Director of Commerce that additional 113066
appropriation amounts are necessary to make such payments, the 113067
Director of Commerce may request that the Director of Budget and 113068
Management increase such amounts. Such amounts are hereby 113069
appropriated. 113070

FIRE DEPARTMENT GRANTS 113071

Of the foregoing appropriation item 800639, Fire Department 113072
Grants, up to \$5,200,000 in fiscal year 2016 and \$5,200,000 in 113073
fiscal year 2017 shall be used to make annual grants to the 113074
following eligible recipients: volunteer fire departments, fire 113075
departments that serve one or more small municipalities or small 113076
townships, joint fire districts comprised of fire departments that 113077
primarily serve small municipalities or small townships, local 113078
units of government responsible for such fire departments, and 113079
local units of government responsible for the provision of fire 113080
protection services for small municipalities or small townships. 113081
For the purposes of these grants, a private fire company, as that 113082
phrase is defined in section 9.60 of the Revised Code, that is 113083
providing fire protection services under a contract to a political 113084
subdivision of the state, is an additional eligible recipient for 113085
a training grant. 113086

Eligible recipients that consist of small municipalities or 113087
small townships that all intend to contract with the same fire 113088
department or private fire company for fire protection services 113089
may jointly apply and be considered for a grant. If a joint 113090
applicant is awarded a grant, the State Fire Marshal shall, if 113091
feasible, proportionately award the grant and any equipment 113092
purchased with grant funds to each of the joint applicants based 113093
upon each applicant's contribution to and demonstrated need for 113094
fire protection services. 113095

If the grant awarded to joint applicants is an equipment 113096
grant and the equipment to be purchased cannot be readily 113097
distributed or possessed by multiple recipients, each of the joint 113098
applicants shall be awarded by the State Fire Marshal an ownership 113099
interest in the equipment so purchased in proportion to each 113100
applicant's contribution to and demonstrated need for fire 113101
protection services. The joint applicants shall then mutually 113102

agree on how the equipment is to be maintained, operated, stored, 113103
or disposed of. If, for any reason, the joint applicants cannot 113104
agree as to how jointly owned equipment is to be maintained, 113105
operated, stored, or disposed of or any of the joint applicants no 113106
longer maintain a contract with the same fire protection service 113107
provider as the other applicants, then the joint applicants shall, 113108
with the assistance of the State Fire Marshal, mutually agree as 113109
to how the jointly owned equipment is to be maintained, operated, 113110
stored, disposed of, or owned. If the joint applicants cannot 113111
agree how the grant equipment is to be maintained, operated, 113112
stored, disposed of, or owned, the State Fire Marshal may, in its 113113
discretion, require all of the equipment acquired by the joint 113114
applicants with grant funds to be returned to the State Fire 113115
Marshal. The State Fire Marshal may then award the returned 113116
equipment to any eligible recipients. For this paragraph only, an 113117
"equipment grant" also includes a MARCS Grant. 113118

Except as otherwise provided in this section, the grants 113119
shall be used by recipients to purchase firefighting or rescue 113120
equipment or gear or similar items, to provide full or partial 113121
reimbursement for the documented costs of firefighter training, 113122
or, at the discretion of the State Fire Marshal, to cover fire 113123
department costs for providing fire protection services in that 113124
grant recipient's jurisdiction. 113125

Of the foregoing appropriation item 800639, Fire Department 113126
Grants, up to \$500,000 per fiscal year may be used to pay for the 113127
State Fire Marshal's costs of providing firefighter I 113128
certification classes or other firefighter classes approved by the 113129
Department of Public Safety in accordance with section 4765.55 of 113130
the Revised Code at no cost to selected students attending the 113131
Ohio Fire Academy or other class providers approved by the State 113132
Fire Marshal. The State Fire Marshal may establish the 113133
qualifications and selection processes for students to attend such 113134

classes by written policy, and such students shall be considered 113135
eligible recipients of fire department grants for the purposes of 113136
this portion of the grant program. 113137

For purposes of this section, a MARCS Grant is a grant for 113138
systems, equipment, or services that are a part of, integrated 113139
into, or otherwise interoperable with the Multi-Agency Radio 113140
Communication System (MARCS) operated by the state. 113141

Of the foregoing appropriation item 800639, Fire Department 113142
Grants, up to \$3,000,000 in each fiscal year may be used for MARCS 113143
Grants. MARCS Grants may be used for the payment of user access 113144
fees by the eligible recipient to access MARCS. 113145

MARCS Grant awards may be up to \$50,000 in each fiscal year 113146
per eligible recipient. Each eligible recipient may only apply, as 113147
a separate entity or as a part of a joint application, for one 113148
MARCS Grant per fiscal year. The State Fire Marshal may give a 113149
preference in the awarding of MARCS Grants to grants that will 113150
enhance the overall interoperability and effectiveness of 113151
emergency communication networks in the geographic region that 113152
includes and that is adjacent to the applicant. Eligible 113153
recipients that are or were awarded fire department grants that 113154
are not MARCS Grants may also apply for and receive MARCS Grants 113155
in accordance with criteria for the awarding of grant funds 113156
established by the State Fire Marshal. 113157

Grant awards for firefighting or rescue equipment or gear or 113158
for fire department costs of providing fire protection services 113159
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 113160
fiscal year if an eligible entity serves a jurisdiction in which 113161
the Governor declared a natural disaster during the preceding or 113162
current fiscal year in which the grant was awarded. In addition to 113163
any grant funds awarded for rescue equipment or gear, or for fire 113164
department costs associated with the provision of fire protection 113165
services, an eligible entity may receive a grant for up to \$15,000 113166

per fiscal year for full or partial reimbursement of the 113167
documented costs of firefighter training. For each fiscal year, 113168
the State Fire Marshal shall determine the total amounts to be 113169
allocated for each eligible purpose. 113170

The grant program shall be administered by the State Fire 113171
Marshal in accordance with rules the State Fire Marshal adopts as 113172
part of the state fire code adopted pursuant to section 3737.82 of 113173
the Revised Code that are necessary for the administration and 113174
operation of the grant program. The rules may further define the 113175
entities eligible to receive grants and establish criteria for the 113176
awarding and expenditure of grant funds, including methods the 113177
State Fire Marshal may use to verify the proper use of grant funds 113178
or to obtain reimbursement for or the return of equipment for 113179
improperly used grant funds. To the extent consistent with this 113180
section and until such time as the rules are updated, the existing 113181
rules in the state fire code adopted pursuant to section 3737.82 113182
of the Revised Code for fire department grants under this section 113183
apply to MARCS Grants. Any amounts in appropriation item 800639, 113184
Fire Department Grants, in excess of the amount allocated for 113185
these grants may be used for the administration of the grant 113186
program. 113187

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND 113188

Upon the written request of the Director of Commerce, the 113189
Director of Budget and Management may transfer up to \$500,000 in 113190
cash from the Real Estate Recovery Fund (Fund 5480) and up to 113191
\$250,000 in cash from the Real Estate Appraiser Recovery Fund 113192
(Fund 4B20) to the Division of Real Estate Operating Fund (Fund 113193
5490) during the biennium ending June 30, 2017. 113194

CASH TRANSFER TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 113195
REVOLVING LOAN FUND 113196

Upon the written request of the Director of Commerce, the 113197

Director of Budget and Management may transfer up to \$300,000 in 113198
cash from the State Fire Marshal Fund (Fund 5460) to the Small 113199
Government Fire Department Services Revolving Loan Fund (Fund 113200
5F10) during the biennium ending June 30, 2017. 113201

ADMINISTRATIVE ASSESSMENTS 113202

Notwithstanding any other provision of law to the contrary, 113203
the Division of Administration Fund (Fund 1630) is entitled to 113204
receive assessments from all operating funds of the Department in 113205
accordance with procedures prescribed by the Director of Commerce 113206
and approved by the Director of Budget and Management. 113207

Section 243.10. OCC OFFICE OF CONSUMERS' COUNSEL 113208

Dedicated Purpose Fund Group 113209

5F50 053601 Operating Expenses \$ 5,641,093 \$ 5,641,093 113210

TOTAL DPF Dedicated Purpose Fund \$ 5,641,093 \$ 5,641,093 113211

Group

TOTAL ALL BUDGET FUND GROUPS \$ 5,641,093 \$ 5,641,093 113212

Section 245.10. CEB CONTROLLING BOARD 113214

General Revenue Fund 113215

GRF 911423 Absent Voter's Ballot \$ 0 \$ 1,250,000 113216

Applications

GRF 911441 Ballot Advertising \$ 475,000 \$ 475,000 113217

Costs

TOTAL GRF General Revenue Fund \$ 475,000 \$ 1,725,000 113218

Internal Service Activity Fund Group 113219

5KM0 911614 CB Emergency Purposes \$ 10,000,000 \$ 10,000,000 113220

TOTAL ISA Internal Service Activity 113221

Fund Group \$ 10,000,000 \$ 10,000,000 113222

TOTAL ALL BUDGET FUND GROUPS \$ 10,475,000 \$ 11,725,000 113223

FEDERAL SHARE 113224

In transferring appropriations to or from appropriation items 113225
that have federal shares identified in this act, the Controlling 113226
Board shall add or subtract corresponding amounts of federal 113227
matching funds at the percentages indicated by the state and 113228
federal division of the appropriations in this act. Such changes 113229
are hereby appropriated. 113230

ABSENT VOTER'S BALLOT APPLICATION MAILING 113231

Pursuant to section 111.31 of the Revised Code and upon the 113232
request of the Secretary of State, the Controlling Board shall 113233
approve cash transfers from the foregoing appropriation item 113234
911423, Absent Voter's Ballot Applications, to the Absent Voter's 113235
Ballot Application Mailing Fund (Fund 5RG0) used by the Secretary 113236
of State to pay the cost of printing and mailing unsolicited 113237
applications for absent voters' ballots for the general election 113238
to be held on November 8, 2016. 113239

BALLOT ADVERTISING COSTS 113240

Pursuant to section 3501.17 of the Revised Code, and upon 113241
requests submitted by the Secretary of State, the Controlling 113242
Board shall approve transfers from the foregoing appropriation 113243
item 911441, Ballot Advertising Costs, to appropriation item 113244
050621, Statewide Ballot Advertising, in order to pay for the cost 113245
of public notices associated with statewide ballot initiatives. 113246

CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS 113247
ELIGIBILITY 113248

A state agency director shall request that the Controlling 113249
Board increase the amount of the agency's capital appropriations 113250
if the director determines such an increase is necessary for the 113251
agency to receive and use funds under the federal American 113252
Recovery and Reinvestment Act of 2009. The Controlling Board may 113253
increase the capital appropriations pursuant to the request up to 113254
the exact amount necessary under the federal act if the Board 113255

determines it is necessary for the agency to receive and use those federal funds.

DISASTER SERVICES

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the Disaster Services Fund (Fund 5E20) to a fund and appropriation item used by the Department of Public Safety to provide for assistance to political subdivisions made necessary by natural disasters or emergencies. These transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of the Department of Public Safety shall use the funding to fund the State Disaster Relief Program for disasters that have a written Governor's authorization, and the State Individual Assistance Program for disasters that have a written Governor's authorization and is declared by the federal Small Business Administration. The Ohio Emergency Management Agency shall publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program.

Fund 5E20 shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash and appropriations to any fund and appropriation item for the payment of state agency disaster relief program expenses for disasters that have a written Governor's authorization, if the Director of Budget and Management determines that sufficient funds exist.

Section 247.10. COS STATE BOARD OF BARBERS AND COSMETOLOGY

Dedicated Purpose Fund Group
4K90 879609 Operating Expenses \$ 3,767,432 \$ 3,154,762
TOTAL DPF Dedicated Purpose Fund

Group	\$	3,767,432	\$	3,154,762	113286
TOTAL ALL BUDGET FUND GROUPS	\$	3,767,432	\$	3,154,762	113287

Section 249.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE 113289
AND FAMILY THERAPIST BOARD 113290

Dedicated Purpose Fund Group					113291
4K90 899609 Operating Expenses	\$	1,287,029	\$	1,301,462	113292
TOTAL DPF Dedicated Purpose Fund Group	\$	1,287,029	\$	1,301,462	113293
TOTAL ALL BUDGET FUND GROUPS	\$	1,287,029	\$	1,301,462	113294

Section 251.10. CLA COURT OF CLAIMS 113296

General Revenue Fund					113297
GRF 015321 Operating Expenses	\$	2,562,959	\$	2,536,419	113298
TOTAL GRF General Revenue Fund	\$	2,562,959	\$	2,536,419	113299
Dedicated Purpose Fund Group					113300
5K20 015603 CLA Victims of Crime	\$	427,184	\$	434,019	113301
TOTAL DPF Dedicated Purpose Fund Group	\$	427,184	\$	434,019	113303
TOTAL ALL BUDGET FUND GROUPS	\$	2,990,143	\$	2,970,438	113304

Section 253.10. DEN STATE DENTAL BOARD 113306

Dedicated Purpose Fund Group					113307
4K90 880609 Operating Expenses	\$	1,591,884	\$	1,591,884	113308
TOTAL DPF Dedicated Purpose Fund Group	\$	1,591,884	\$	1,591,884	113310
TOTAL ALL BUDGET FUND GROUPS	\$	1,591,884	\$	1,591,884	113311

Section 255.10. BDP BOARD OF DEPOSIT 113313

Dedicated Purpose Fund Group					113314
4M20 974601 Board of Deposit	\$	1,876,000	\$	1,876,000	113315
TOTAL DPF Dedicated Purpose Fund					113316

Group			\$	1,876,000	\$	1,876,000	113317
TOTAL ALL BUDGET FUND GROUPS			\$	1,876,000	\$	1,876,000	113318
BOARD OF DEPOSIT EXPENSE FUND							113319
Upon receiving certification of expenses from the Treasurer							113320
of State, the Director of Budget and Management shall transfer							113321
cash from the Investment Earnings Redistribution Fund (Fund 6080)							113322
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund							113323
shall be used pursuant to section 135.02 of the Revised Code to							113324
pay for any and all necessary expenses of the Board of Deposit or							113325
for banking charges and fees required for the operation of the							113326
State of Ohio Regular Account.							113327
Section 257.10. DEV DEVELOPMENT SERVICES AGENCY							113328
General Revenue Fund							113329
GRF	195402	Coal Research and	\$	234,400	\$	234,400	113330
		Development Program					
GRF	195405	Minority Business	\$	1,722,191	\$	1,722,191	113331
		Development					
GRF	195407	Travel and Tourism	\$	1,000,000	\$	1,000,000	113332
GRF	195415	Business Development	\$	2,413,387	\$	2,413,387	113333
		Services					
GRF	195426	Redevelopment	\$	525,000	\$	525,000	113334
		Assistance					
GRF	195453	Technology Programs	\$	13,577,641	\$	13,577,641	113335
		and Grants					
GRF	195454	Business Assistance	\$	3,506,474	\$	3,256,474	113336
GRF	195455	Appalachia Assistance	\$	5,298,749	\$	5,298,749	113337
GRF	195497	CDBG Operating Match	\$	1,053,200	\$	1,053,200	113338
GRF	195537	Ohio-Israel	\$	200,000	\$	200,000	113339
		Agricultural					
		Initiative					
GRF	195540	Port Authority	\$	2,500,000	\$	0	113340

		Assistance				
GRF	195542	The Wilds	\$	250,000	\$	0 113341
GRF	195544	Dayton Regional	\$	350,000	\$	350,000 113342
		Workforce Network				
GRF	195901	Coal Research &	\$	5,991,400	\$	5,038,700 113343
		Development General				
		Obligation Bond Debt				
		Service				
GRF	195905	Third Frontier	\$	76,591,400	\$	96,212,000 113344
		Research &				
		Development General				
		Obligation Bond Debt				
		Service				
GRF	195912	Job Ready Site	\$	18,634,000	\$	15,235,900 113345
		Development General				
		Obligation Bond Debt				
		Service				
TOTAL GRF		General Revenue Fund	\$	133,847,842	\$	146,117,642 113346
		Dedicated Purpose Fund Group				113347
4500	195624	Minority Business	\$	74,905	\$	74,905 113348
		Bonding Program				
		Administration				
4510	195649	Business Assistance	\$	5,000,000	\$	5,000,000 113349
		Programs				
4F20	195639	State Special Projects	\$	102,104	\$	102,104 113350
4F20	195699	Utility Community	\$	500,000	\$	500,000 113351
		Assistance				
4W10	195646	Minority Business	\$	4,000,000	\$	4,000,000 113352
		Enterprise Loan				
5CG0	195679	Alternative Fuel	\$	3,000,000	\$	3,000,000 113353
		Transportation				
5HR0	195622	Defense Development	\$	3,500,000	\$	3,500,000 113354
		Assistance				

5HR0	195662	Incumbent Workforce Training Vouchers	\$	7,500,000	\$	7,500,000	113355
5JR0	195635	Redevelopment Program Support	\$	100,000	\$	100,000	113356
5KN0	195640	Local Government Innovation	\$	11,922,500	\$	11,922,500	113357
5KP0	195645	Historic Rehab Operating	\$	900,000	\$	1,000,000	113358
5M40	195659	Low Income Energy Assistance (USF)	\$	370,000,000	\$	370,000,000	113359
5M50	195660	Advanced Energy Loan Programs	\$	12,000,000	\$	12,000,000	113360
5MH0	195644	SiteOhio Administration	\$	100,000	\$	100,000	113361
5MJ0	195683	TourismOhio Administration	\$	8,000,000	\$	8,000,000	113362
5RQ0	195546	Lakes in Economic Distress Revolving Loan Program	\$	1,000,000	\$	0	113363
5W50	195690	Travel and Tourism Cooperative Projects	\$	150,000	\$	150,000	113364
5W60	195691	International Trade Cooperative Projects	\$	18,000	\$	18,000	113365
6170	195654	Volume Cap Administration	\$	32,562	\$	32,562	113366
6460	195638	Low- and Moderate- Income Housing Programs	\$	53,000,000	\$	53,000,000	113367
M087	195435	Biomedical Research and Technology Transfer	\$	500,000	\$	500,000	113368
TOTAL	DPF	Dedicated Purpose Fund Group	\$	481,400,071	\$	480,500,071	113369

Internal Service Activity Fund Group					113370	
1350 195684	Development Services	\$	10,800,000	\$	10,800,000	113371
	Operations					
6850 195636	Development Services	\$	700,000	\$	700,000	113372
	Reimbursable					
	Expenditures					
TOTAL ISA Internal Service Activity						113373
Fund Group		\$	11,500,000	\$	11,500,000	113374
Facilities Establishment Fund Group						113375
5S90 195628	Capital Access Loan	\$	3,000,000	\$	3,000,000	113376
	Program					
7009 195664	Innovation Ohio	\$	10,000,000	\$	10,000,000	113377
7010 195665	Research and	\$	10,000,000	\$	10,000,000	113378
	Development					
7037 195615	Facilities	\$	35,000,000	\$	35,000,000	113379
	Establishment					
TOTAL FCE Facilities						113380
Establishment Fund Group		\$	58,000,000	\$	58,000,000	113381
Bond Research & Development Fund Group						113382
7011 195617	Third Frontier	\$	2,788,755	\$	2,788,755	113383
	Internship Program					
7011 195686	Third Frontier Tax	\$	1,140,000	\$	1,140,000	113384
	Exempt - Operating					
7011 195687	Third Frontier	\$	78,904,946	\$	78,904,946	113385
	Research &					
	Development Projects					
7014 195620	Third Frontier	\$	1,710,000	\$	1,710,000	113386
	Taxable - Operating					
7014 195692	Research &	\$	90,850,250	\$	90,850,250	113387
	Development Taxable					
	Bond Projects					
TOTAL BRD Bond Research &		\$	175,393,951	\$	175,393,951	113388

Development Fund Group

Capital Projects Fund Group				113389
7003	195663	Clean Ohio Revitalization Operating	\$ 600,000 \$	600,000 113390
7012	195688	Job Ready Site Development Operating	\$ 300,000 \$	300,000 113391
TOTAL CPF Capital Projects Fund Group				\$ 900,000 \$ 900,000 113392
Federal Fund Group				113393
3080	195603	Housing Assistance Programs	\$ 10,000,000 \$	10,000,000 113394
3080	195609	Small Business Administration Grants	\$ 5,271,381 \$	5,271,381 113395
3080	195618	Energy Grants	\$ 4,100,000 \$	4,100,000 113396
3080	195670	Home Weatherization Program	\$ 20,000,000 \$	20,000,000 113397
3080	195671	Brownfield Redevelopment	\$ 3,000,000 \$	3,000,000 113398
3080	195672	Manufacturing Extension Partnership	\$ 5,359,305 \$	5,359,305 113399
3080	195675	Procurement Technical Assistance	\$ 1,250,000 \$	750,000 113400
3080	195681	SBDC Disability Consulting	\$ 1,300,000 \$	1,300,000 113401
3080	195696	State Trade and Export Promotion	\$ 486,000 \$	486,000 113402
3350	195610	Energy Programs	\$ 200,000 \$	200,000 113403
3AE0	195643	Workforce Development Initiatives	\$ 1,500,000 \$	1,500,000 113404
3FJ0	195626	Small Business Capital Access and	\$ 5,644,445 \$	5,644,445 113405

		Collateral				
		Enhancement Program				
3FJ0	195661	Technology Targeted	\$	2,260,953	\$	2,260,953 113406
		Investment Program				
3K80	195613	Community Development	\$	65,000,000	\$	65,000,000 113407
		Block Grant				
3K90	195611	Home Energy	\$	175,000,000	\$	175,000,000 113408
		Assistance Block				
		Grant				
3K90	195614	HEAP Weatherization	\$	25,000,000	\$	25,000,000 113409
3L00	195612	Community Services	\$	28,000,000	\$	28,000,000 113410
		Block Grant				
3V10	195601	HOME Program	\$	25,000,000	\$	25,000,000 113411
TOTAL FED		Federal Fund Group	\$	378,372,084	\$	377,872,084 113412
TOTAL ALL BUDGET FUND GROUPS			\$	1,239,413,948	\$	1,250,283,748 113413

Section 257.20. COAL RESEARCH AND DEVELOPMENT PROGRAM 113415

The foregoing appropriation item 195402, Coal Research and 113416
Development Program, shall be used for the operating expenses of 113417
the Community Services Division in support of the Ohio Coal 113418
Development Office. 113419

TRAVEL AND TOURISM 113420

The foregoing appropriation item 195407, Travel and Tourism, 113421
shall be used to make grants under section 122.121 of the Revised 113422
Code. 113423

BUSINESS DEVELOPMENT SERVICES 113424

The foregoing appropriation item 195415, Business Development 113425
Services, shall be used for the operating expenses of the Business 113426
Services Division and the regional economic development offices 113427
and for grants for cooperative economic development ventures. 113428

REDEVELOPMENT ASSISTANCE 113429

The foregoing appropriation item 195426, Redevelopment Assistance, shall be used to fund the costs of administering the energy, redevelopment, and other urban revitalization programs that may be implemented by the Development Services Agency.

TECHNOLOGY PROGRAMS AND GRANTS

Of the foregoing appropriation item 195453, Technology Programs and Grants, up to \$547,341 in each fiscal year shall be used for operating expenses incurred in administering the Ohio Third Frontier pursuant to sections 184.10 to 184.20 of the Revised Code; and up to \$13,000,000 in each fiscal year shall be used for the Thomas Edison Program pursuant to sections 122.28 to 122.38 of the Revised Code, of which not more than ten per cent shall be used for operating expenses incurred in administering the program.

BUSINESS ASSISTANCE

The foregoing appropriation item 195454, Business Assistance, may be used to provide a range of business assistance, including grants to local organizations to support economic development activities that promote minority business development, small business development, entrepreneurship, and exports of Ohio's goods and services. This appropriation item shall also be used as matching funds for grants from the United States Small Business Administration and other federal agencies, pursuant to Public Law No. 96-302 as amended by Public Law No. 98-395, and regulations and policy guidelines for the programs pursuant thereto.

APPALACHIA ASSISTANCE

The foregoing appropriation item 195455, Appalachia Assistance, may be used for the administrative costs of planning and liaison activities for the Governor's Office of Appalachia, to provide financial assistance to projects in Ohio's Appalachian counties, to support four local development districts, and to pay

dues for the Appalachian Regional Commission. These funds may be used to match federal funds from the Appalachian Regional Commission.

Of the foregoing appropriation item 195455, Appalachia Assistance, in each fiscal year, up to \$135,000 shall be allocated to the Ohio Valley Regional Development Commission, up to \$135,000 shall be allocated to the Ohio Mid-Eastern Government Association, up to \$135,000 shall be allocated to the Buckeye Hills-Hocking Valley Regional Development District, and up to \$35,000 shall be allocated to the Eastgate Regional Council of Governments. Local development districts receiving funding under this section shall use the funds for the implementation and administration of programs and duties under section 107.21 of the Revised Code.

CDBG OPERATING MATCH

The foregoing appropriation item 195497, CDBG Operating Match, shall be used as matching funds for grants from the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974 and regulations and policy guidelines for the programs pursuant thereto.

OHIO-ISRAEL AGRICULTURAL INITIATIVE

The foregoing appropriation item 195537, Ohio-Israel Agricultural Initiative, shall be used for the Ohio-Israel Agricultural Initiative.

PORT AUTHORITY ASSISTANCE

The foregoing appropriation item 195540, Port Authority Assistance, shall be used to distribute a grant to the Montgomery County Port Authority for the Midtown Redevelopment Initiative.

THE WILDS

The foregoing appropriation item 195542, The Wilds, shall be used to distribute a grant to The Wilds, a nonprofit conservation

center in Muskingum County, for the development of a public water connection. 113491
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DAYTON REGIONAL WORKFORCE NETWORK 113493

The foregoing appropriation item 195544, Dayton Regional Workforce Network, shall be used to support the Montgomery County Workforce Study Committee as described in Section 763.10 of this act. 113494
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COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE 113498
113499

The foregoing appropriation line item 195901, Coal Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2015, through June 30, 2017, on obligations issued under sections 151.01 and 151.07 of the Revised Code. 113500
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THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE 113505
113506

The foregoing appropriation item 195905, Third Frontier Research & Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2015, through June 30, 2017, on obligations issued under sections 151.01 and 151.10 of the Revised Code. 113507
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JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE 113513
113514

The foregoing appropriation item 195912, Job Ready Site Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2015, through June 30, 2017, on obligations issued under sections 151.01 and 151.11 of the Revised Code. 113515
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113519

Section 257.30. BUSINESS ASSISTANCE PROGRAMS 113520

The foregoing appropriation item 195649, Business Assistance Programs, shall be used for administrative expenses associated with the operation of tax credit programs, loan servicing, the Ohio Film Office, workforce initiatives, and the Office of Strategic Business Investments.

STATE SPECIAL PROJECTS

The State Special Projects Fund (Fund 4F20), may be used for the deposit of private-sector funds from utility companies and for the deposit of other miscellaneous state funds. State moneys so deposited may also be used to match federal housing grants for the homeless.

MINORITY BUSINESS ENTERPRISE LOAN

All repayments from the Minority Development Financing Advisory Board Loan Program and the Ohio Mini-Loan Guarantee Program shall be deposited in the State Treasury to the credit of the Minority Business Enterprise Loan Fund (Fund 4W10).

MINORITY BUSINESS BONDING FUND

Notwithstanding Chapters 122., 169., and 175. of the Revised Code, the Director of Development Services may, upon the recommendation of the Minority Development Financing Advisory Board, pledge up to \$10,000,000 in the fiscal year 2016-fiscal year 2017 biennium of unclaimed funds administered by the Director of Commerce and allocated to the Minority Business Bonding Program under section 169.05 of the Revised Code.

If needed for the payment of losses arising from the Minority Business Bonding Program, the Director of Budget and Management may, at the request of the Director of Development Services, request that the Director of Commerce transfer unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code to the Minority Bonding Fund (Fund 4490). The transfer of unclaimed funds shall only occur

after proceeds of the initial transfer of \$2,700,000 by the 113552
Controlling Board to the Minority Business Bonding Program have 113553
been used for that purpose. If expenditures are required for 113554
payment of losses arising from the Minority Business Bonding 113555
Program, such expenditures shall be made from appropriation item 113556
195658, Minority Business Bonding Contingency in the Minority 113557
Business Bonding Fund, and such amounts are hereby appropriated. 113558

DEFENSE DEVELOPMENT ASSISTANCE 113559

The Director of Budget and Management shall transfer 113560
\$3,500,000 in cash in each fiscal year from the Economic 113561
Development Programs Fund (Fund 5JC0) used by the Department of 113562
Higher Education to the Ohio Incumbent Workforce Job Training Fund 113563
(Fund 5HR0) used by the Development Services Agency. The 113564
transferred funds shall be used for appropriation item 195622, 113565
Defense Development Assistance, to be allocated to Development 113566
Projects, Inc., for economic development programs and the creation 113567
of new jobs to leverage and support mission gains at Department of 113568
Defense and related facilities in Ohio by working with future base 113569
realignment and closure activities and ongoing Department of 113570
Defense efficiency and partnership initiatives, assisting efforts 113571
to secure Department of Defense support contracts for Ohio 113572
companies, assessing and supporting regional job training and 113573
workforce development needs generated by the Department of Defense 113574
and the Ohio aerospace industry, promoting technology transfer to 113575
Ohio businesses, and for expanding job training and economic 113576
development programs in human performance and cyber security 113577
related initiatives. 113578

On July 1, 2016, or as soon as possible thereafter, the 113579
Director of Development Services may request that the Director of 113580
Budget and Management reappropriate any unexpended, unencumbered 113581
balance of the prior fiscal year's appropriation to the foregoing 113582
appropriation item 195622, Defense Development Assistance, for 113583

fiscal year 2017. The Director of Budget and Management may 113584
request additional information necessary for evaluating the 113585
request, and the Director of Development Services shall provide 113586
the requested information to the Director of Budget and 113587
Management. Based on the information provided by the Director of 113588
Development Services, the Director of Budget and Management shall 113589
determine the amount to be reappropriated, and those amounts are 113590
hereby reappropriated for fiscal year 2017. 113591

INCUMBENT WORKFORCE TRAINING VOUCHERS 113592

(A) The Director of Budget and Management may transfer up to 113593
\$7,500,000 cash in each fiscal year from the Economic Development 113594
Programs Fund (Fund 5JC0) used by the Department of Higher 113595
Education to the Ohio Incumbent Workforce Job Training Fund (Fund 113596
5HR0) used by the Development Services Agency. 113597

(B) The foregoing appropriation item 195662, Incumbent 113598
Workforce Training Vouchers, shall be used to support the Ohio 113599
Incumbent Workforce Training Voucher Program. 113600

(C) The Ohio Incumbent Workforce Training Voucher Program 113601
shall conform to guidelines for the operation of the program, 113602
including, but not limited to, the following: 113603

(1) A requirement that a training voucher under the program 113604
shall not exceed \$6,000 per worker per year; 113605

(2) A provision for an employer of an eligible employee to 113606
apply for a voucher on behalf of the eligible employee; 113607

(3) A provision for an eligible employee to apply directly 113608
for a training voucher with the pre-approval of the employee's 113609
employer; and 113610

(4) A requirement that an employee participating in the 113611
program, or the employee's employer, shall pay for not less than 113612
thirty-three per cent of the training costs under the program. 113613

On July 1, 2016, or as soon as possible thereafter, the 113614
Director of Development Services may request that the Director of 113615
Budget and Management reappropriate any unexpended, unencumbered 113616
balance of the prior fiscal year's appropriation to the foregoing 113617
appropriation item 195662, Incumbent Workforce Training Vouchers, 113618
for fiscal year 2017. The Director of Budget and Management may 113619
request additional information necessary for evaluating the 113620
request, and the Director of Development Services shall provide 113621
the requested information to the Director of Budget and 113622
Management. Based on the information provided by the Director of 113623
Development Services, the Director of Budget and Management shall 113624
determine the amount to be reappropriated, and those amounts are 113625
hereby reappropriated for fiscal year 2017. 113626

LOCAL GOVERNMENT INNOVATION FUND 113627

The foregoing appropriation item 195640, Local Government 113628
Innovation, shall be used for the purposes of making loans and 113629
grants to political subdivisions under the Local Government 113630
Innovation Program in accordance with sections 189.01 to 189.10 of 113631
the Revised Code, and for the purposes of making loans and grants 113632
to political subdivisions and grants to the Department of 113633
Administrative Services under the Local Government Efficiency 113634
Program. Of the foregoing appropriation item 195640, Local 113635
Government Innovation, up to \$200,000 in each fiscal year shall be 113636
used for administrative costs incurred by the Development Services 113637
Agency, of which up to \$25,000 in each fiscal year may be used for 113638
the costs of preparing a report involving the local government 113639
information exchange. Of the foregoing appropriation item 195640, 113640
Local Government Innovation, up to \$75,000 in each fiscal year may 113641
be used to administer and provide technical assistance in 113642
providing the grants or loans involving the local government 113643
information exchange. In administering and providing this 113644
technical assistance, the Director of Development Services may 113645

enter into agreements with the Director of Administrative Services 113646
or other entities. 113647

ADVANCED ENERGY LOAN PROGRAMS 113648

The foregoing appropriation item 195660, Advanced Energy Loan 113649
Programs, shall be used to provide financial assistance to 113650
customers for eligible advanced energy projects for residential, 113651
commercial, and industrial business, local government, educational 113652
institution, nonprofit, and agriculture customers, and to pay for 113653
the program's administrative costs as provided in sections 4928.61 113654
to 4928.63 of the Revised Code and rules adopted by the Director 113655
of Development Services. 113656

LAKES IN ECONOMIC DISTRESS REVOLVING LOAN PROGRAM 113657

On July 1, 2015, or as soon as possible thereafter, the 113658
Director of Budget and Management shall transfer \$1,000,000 cash 113659
from the General Revenue Fund to the Lakes in Economic Distress 113660
Revolving Loan Fund (Fund 5RQ0). 113661

The foregoing appropriation item 195546, Lakes in Economic 113662
Distress Revolving Loan Program, shall be used for the purposes 113663
described under section 122.641 of the Revised Code. 113664

On July 1, 2016, or as soon as possible thereafter, the 113665
Director of Development Services shall certify to the Director of 113666
Budget and Management the amount of the unexpended, unencumbered 113667
balance of the foregoing appropriation item 195546, Lakes in 113668
Economic Distress Revolving Loan Program, to be reappropriated in 113669
fiscal year 2017. The amount certified is hereby reappropriated to 113670
the foregoing appropriation item in FY 2017 for the same purpose. 113671

TRAVEL AND TOURISM COOPERATIVE PROJECTS 113672

The foregoing appropriation item 195690, Travel and Tourism 113673
Cooperative Projects, shall be used for the marketing and 113674
promotion of travel and tourism in Ohio. The Travel and Tourism 113675

Cooperative Projects Fund (Fund 5W50) shall consist solely of 113676
leveraged private sector paid advertising dollars received in 113677
tourism marketing assistance and co-op programs. 113678

VOLUME CAP ADMINISTRATION 113679

The foregoing appropriation item 195654, Volume Cap 113680
Administration, shall be used for expenses related to the 113681
administration of the Volume Cap Program. Revenues received by the 113682
Volume Cap Administration Fund (Fund 6170) shall consist of 113683
application fees, forfeited deposits, and interest earned from the 113684
custodial account held by the Treasurer of State. 113685

Section 257.40. DEVELOPMENT SERVICES OPERATIONS 113686

The Director of Development Services may assess offices of 113687
the agency for the cost of central service operations. An 113688
assessment shall contain the characteristics of administrative 113689
ease and uniform application. A division's payments shall be 113690
credited to the Supportive Services Fund (Fund 1350) using an 113691
intrastate transfer voucher. 113692

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 113693

The foregoing appropriation item 195636, Development Services 113694
Reimbursable Expenditures, shall be used for reimbursable costs 113695
incurred by the agency. Revenues to the General Reimbursement Fund 113696
(Fund 6850) shall consist of moneys charged for administrative 113697
costs that are not central service costs. 113698

Section 257.50. CAPITAL ACCESS LOAN PROGRAM 113699

The foregoing appropriation item 195628, Capital Access Loan 113700
Program, shall be used for operating, program, and administrative 113701
expenses of the program. Funds of the Capital Access Loan Program 113702
shall be used to assist participating financial institutions in 113703
making program loans to eligible businesses that face barriers in 113704

accessing working capital and obtaining fixed-asset financing. 113705

INNOVATION OHIO LOAN FUND 113706

The foregoing appropriation item 195664, Innovation Ohio, 113707
shall be used to provide for Innovation Ohio purposes, including 113708
loan guarantees and loans under Chapter 166. and particularly 113709
sections 166.12 to 166.16 of the Revised Code. 113710

RESEARCH AND DEVELOPMENT 113711

The foregoing appropriation item 195665, Research and 113712
Development, shall be used to provide for research and development 113713
purposes, including loans, under Chapter 166. and particularly 113714
sections 166.17 to 166.21 of the Revised Code. 113715

FACILITIES ESTABLISHMENT 113716

The foregoing appropriation item 195615, Facilities 113717
Establishment, shall be used for the purposes of the Facilities 113718
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 113719
Code. 113720

Notwithstanding Chapter 166. of the Revised Code, an amount 113721
not to exceed \$3,500,000 in cash in each fiscal year may be 113722
transferred from the Facilities Establishment Fund (Fund 7037) to 113723
the Business Assistance Fund (Fund 4510). The transfer is subject 113724
to Controlling Board approval under division (B) of section 166.03 113725
of the Revised Code. 113726

Notwithstanding Chapter 166. of the Revised Code, the 113727
Director of Budget and Management may transfer an amount not to 113728
exceed \$2,000,000 in cash in each fiscal year from the Facilities 113729
Establishment Fund (Fund 7037) to the Minority Business Enterprise 113730
Loan Fund (Fund 4W10). 113731

Notwithstanding Chapter 166. of the Revised Code, the 113732
Director of Budget and Management may transfer an amount not to 113733
exceed \$2,000,000 in cash in each fiscal year from the Facilities 113734

Establishment Fund (Fund 7037) to the Capital Access Loan Fund 113735
(Fund 5S90). 113736

Section 257.60. THIRD FRONTIER INTERNSHIP PROGRAM 113737

The foregoing appropriation item 195617, Third Frontier 113738
Internship Program, shall be used for the Third Frontier 113739
Internship Program described in Section 701.90 of this act. 113740

THIRD FRONTIER OPERATING COSTS 113741

The foregoing appropriation items 195686, Third Frontier Tax 113742
Exempt - Operating, and 195620, Third Frontier Taxable - 113743
Operating, shall be used for operating expenses incurred by the 113744
Development Services Agency in administering projects pursuant to 113745
sections 184.10 to 184.20 of the Revised Code. Operating expenses 113746
paid from appropriation item 195686 shall be limited to the 113747
administration of projects funded from the Third Frontier Research 113748
& Development Fund (Fund 7011) and operating expenses paid from 113749
appropriation item 195620 shall be limited to the administration 113750
of projects funded from the Third Frontier Research & Development 113751
Taxable Bond Project Fund (Fund 7014). 113752

**THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT 113753
PROJECTS** 113754

The foregoing appropriation items 195687, Third Frontier 113755
Research & Development Projects, 195692, Research & Development 113756
Taxable Bond Projects, and 195620, Third Frontier Taxable - 113757
Operating, shall be used by the Development Services Agency to 113758
fund selected projects. Eligible costs are those costs of research 113759
and development projects to which the proceeds of the Third 113760
Frontier Research & Development Fund (Fund 7011) and the Research 113761
& Development Taxable Bond Project Fund (Fund 7014) are to be 113762
applied. 113763

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 113764

The Director of Budget and Management may approve written requests from the Director of Development Services for the transfer of appropriations between appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, based upon awards recommended by the Third Frontier Commission.

In fiscal year 2017, the Director of Development Services may request that the Director of Budget and Management reappropriate any unexpended, unencumbered balances of the prior fiscal year's appropriation to the foregoing appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, for fiscal year 2017. The Director of Budget and Management may request additional information necessary for evaluating these requests, and the Director of Development Services shall provide the requested information to the Director of Budget and Management. Based on the information provided by the Director of Development Services, the Director of Budget and Management shall determine the amounts to be reappropriated, and those amounts are hereby reappropriated for fiscal year 2017.

Section 257.70. CLEAN OHIO REVITALIZATION OPERATING

The foregoing appropriation item 195663, Clean Ohio Revitalization Operating, shall be used by the Development Services Agency in administering Clean Ohio Revitalization Fund (Fund 7003) projects pursuant to sections 122.65 to 122.658 of the Revised Code.

JOB READY SITE DEVELOPMENT OPERATING

The foregoing appropriation item 195688, Job Ready Site Development Operating, shall be used for operating expenses incurred by the Development Services Agency in administering Job Ready Site Development Fund (Fund 7012) projects pursuant to

sections 122.085 to 122.0820 of the Revised Code. Operating 113796
expenses include, but are not limited to, certain qualified 113797
expenses of the District Public Works Integrating Committees, as 113798
applicable, engineering review of submitted applications by the 113799
State Architect or a third-party engineering firm, audit and 113800
accountability activities, and costs associated with formal 113801
certifications verifying that site infrastructure is in place and 113802
is functional. 113803

Section 257.80. HEAP WEATHERIZATION 113804

Up to twenty-five per cent of the federal funds deposited to 113805
the credit of the Home Energy Assistance Block Grant Fund (Fund 113806
3K90) may be expended from appropriation item 195614, HEAP 113807
Weatherization, to provide home weatherization services in the 113808
state as determined by the Director of Development Services. Any 113809
transfers or increases in appropriation for the foregoing 113810
appropriation items 195614, HEAP Weatherization, or 195611, Home 113811
Energy Assistance Block Grant, shall be subject to approval by the 113812
Controlling Board. 113813

Section 257.90. REPORT ON ENTREPRENEURIAL BUSINESS INCUBATORS 113814
113815

(A) For the purposes of this section, "entrepreneurial 113816
business incubator" is defined as an entity supporting startup 113817
companies, offering a collaborative environment, and providing 113818
access to support services, technical expertise, and business 113819
assistance resources to help innovators grow their business ideas 113820
into independent job-creating companies. 113821

(B) By December 31, 2015, the Development Services Agency 113822
shall produce a report and make it publicly available on the 113823
agency's web site. The report shall map and review entrepreneurial 113824
business incubators in the state of Ohio, and specifically: 113825

(1) Identify locations and available support services, unmet service areas, and duplication of service at entrepreneurial business incubators;	113826
	113827
	113828
(2) Classify the industry of member entrepreneurs receiving services by the following categories: advanced manufacturing, aerospace and aviation, agribusiness, food processing, automotive supply chain, biohealth, energy, information technology, polymers, chemicals, and additional industry sectors, as determined by the Development Services Agency	113829
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	113831
	113832
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(3) Gather data on member entrepreneurs based on jobs, capital investment, and sales; and	113835
	113836
(4) Describe characteristics of incubators that successfully graduate companies to be independent job creators for Ohio.	113837
	113838
Section 259.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES	113839
General Revenue Fund	113840
GRF 320321 Central Administration	\$ 150,000 \$ 150,000 113841
GRF 320412 Protective Services	\$ 2,418,196 \$ 2,418,196 113842
GRF 320415 Developmental Disabilities Facilities Lease Rental Bond Payments	\$ 20,817,900 \$ 19,902,200 113843
GRF 322420 Screening and Early Intervention	\$ 308,500 \$ 308,500 113844
GRF 322451 Family Support Services	\$ 5,932,758 \$ 5,932,758 113845
GRF 322501 County Boards Subsidies	\$ 44,149,280 \$ 44,149,280 113846
GRF 322503 Tax Equity	\$ 14,000,000 \$ 14,000,000 113847
GRF 322507 County Board Case	\$ 2,500,000 \$ 2,500,000 113848

		Management				
GRF	322508	Employment First Initiative	\$	5,975,000	\$	5,975,000 113849
GRF	322509	Community Supports & Rental Assistance	\$	750,000	\$	750,000 113850
GRF	653321	Medicaid Program Support - State	\$	6,186,694	\$	6,186,694 113851
GRF	653407	Medicaid Services	\$	470,137,300	\$	522,467,830 113852
TOTAL GRF		General Revenue Fund	\$	573,325,628	\$	624,740,458 113853
		Dedicated Purpose Fund Group				113854
5GE0	320606	Operating and Services	\$	10,107,297	\$	10,107,297 113855
5QM0	320607	System Transformation Supports	\$	4,500,000	\$	3,000,000 113856
2210	322620	Supplement Service Trust	\$	150,000	\$	150,000 113857
5DJ0	322625	Targeted Case Management Match	\$	38,000,000	\$	43,000,000 113858
5DK0	322629	Capital Replacement Facilities	\$	750,000	\$	750,000 113859
5H00	322619	Medicaid Repayment	\$	160,000	\$	160,000 113860
5JX0	322651	Interagency Workgroup - Autism	\$	25,000		25,000 113861
4890	653632	DC Direct Care Services	\$	10,050,000	\$	10,050,000 113862
5CT0	653607	Intensive Behavioral Needs	\$	1,000,000	\$	1,000,000 113863
5DJ0	653626	Targeted Case Management Services	\$	101,000,000	\$	113,000,000 113864
5EV0	653627	Medicaid Program Support	\$	1,500,000	\$	1,500,000 113865
5GE0	653606	ICF/IID and Waiver Match	\$	37,682,901	\$	37,575,865 113866

5S20	653622	Medicaid Admin and Oversight	\$	19,032,154	\$	19,032,154	113867
5Z10	653624	County Board Waiver Match	\$	382,814,610	\$	426,207,065	113868
TOTAL DPF		Dedicated Purpose Fund Group	\$	606,771,962	\$	665,557,381	113869
		Internal Service Activity Fund Group					113870
1520	653609	DC and Residential Operating Services	\$	11,000,000	\$	11,000,000	113871
TOTAL ISA		Internal Service Activity Fund Group	\$	11,000,000	\$	11,000,000	113872
		Federal Fund Group					113873
3A50	320613	DD Council	\$	3,324,187	\$	3,324,187	113874
3250	322612	Community Social Service Programs	\$	10,604,896	\$	10,604,896	113875
3A40	653604	DC & ICF/IID Program Support	\$	8,013,611	\$	8,013,611	113876
3A40	653605	DC and Residential Services and Support	\$	92,423,968	\$	84,604,417	113877
3A40	653653	ICF/IID	\$	356,362,616	\$	364,283,407	113878
3G60	653639	Medicaid Waiver Services	\$	1,024,289,925	\$	1,161,039,348	113879
3G60	653640	Medicaid Waiver Program Support	\$	46,525,638	\$	47,225,486	113880
3M70	653650	CAFS Medicaid	\$	3,000,000	\$	3,000,000	113881
TOTAL FED		Federal Fund Group	\$	1,544,544,841	\$	1,682,095,352	113882
TOTAL ALL BUDGET FUND GROUPS			\$	2,735,642,431	\$	2,983,393,191	113883

Section 259.20. DEVELOPMENTAL DISABILITIES FACILITIES

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LEASE-RENTAL BOND PAYMENTS

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The foregoing appropriation item 320415, Developmental Disabilities Facilities Lease Rental Bond Payments, shall be used

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to meet all payments during the period from July 1, 2015, through 113890
June 30, 2017, by the Department of Developmental Disabilities 113891
under leases and agreements made under section 154.20 of the 113892
Revised Code. These appropriations are the source of funds pledged 113893
for bond service charges on related obligations issued under 113894
Chapter 154. of the Revised Code. 113895

Section 259.30. SCREENING AND EARLY INTERVENTION 113896

At the discretion of the Director of Developmental 113897
Disabilities, the foregoing appropriation item 322420, Screening 113898
and Early Intervention, shall be used for professional and program 113899
development related to early identification/screening and 113900
intervention for children with autism and other complex 113901
developmental disabilities and their families. 113902

Of the foregoing appropriation item 322420, Screening and 113903
Early Intervention, \$8,500 in each fiscal year shall be provided 113904
to the Preble County Board of Developmental Disabilities for the 113905
Play and Language for Autistic Youngsters Project. 113906

Section 259.40. FAMILY SUPPORT SERVICES SUBSIDY 113907

The foregoing appropriation item 322451, Family Support 113908
Services, may be used as follows in fiscal year 2016 and fiscal 113909
year 2017: 113910

(A) The appropriation item may be used to provide a subsidy 113911
to county boards of developmental disabilities for family support 113912
services provided under section 5126.11 of the Revised Code. The 113913
subsidy shall be paid in quarterly installments and allocated to 113914
county boards according to a formula the Director of Developmental 113915
Disabilities shall develop in consultation with representatives of 113916
county boards. A county board shall use not more than seven per 113917
cent of its subsidy for administrative costs. 113918

(B) The appropriation item may be used to distribute funds to 113919

county boards for the purpose of addressing economic hardships and 113920
to promote efficiency of operations. In consultation with 113921
representatives of county boards, the Director shall determine the 113922
amount of funds to distribute for these purposes and the criteria 113923
for distributing the funds. 113924

Section 259.50. STATE SUBSIDY TO COUNTY DD BOARDS 113925

(A) Except as provided in the section of this act titled 113926
"NONFEDERAL SHARE OF ICF/IID SERVICES," the foregoing 113927
appropriation item 322501, County Boards Subsidies, shall be used 113928
for the following purposes: 113929

(1) To provide a subsidy to county boards of developmental 113930
disabilities in quarterly installments and allocated according to 113931
a formula developed by the Director of Developmental Disabilities 113932
in consultation with representatives of county boards. Except as 113933
provided in section 5126.0511 of the Revised Code or in division 113934
(B) of this section, county boards shall use the subsidy for early 113935
childhood services and adult services provided under section 113936
5126.05 of the Revised Code, service and support administration 113937
provided under section 5126.15 of the Revised Code, or supported 113938
living as defined in section 5126.01 of the Revised Code. 113939

(2) To provide funding, as determined necessary by the 113940
Director, for residential services, including room and board, and 113941
support service programs that enable individuals with 113942
developmental disabilities to live in the community. 113943

(3) To distribute funds to county boards of developmental 113944
disabilities to address economic hardships and promote efficiency 113945
of operations. The Director shall determine, in consultation with 113946
representatives of county boards, the amount of funds to 113947
distribute for these purposes and the criteria for distributing 113948
the funds. 113949

(B) In collaboration with the county's family and children first council, a county board of developmental disabilities may transfer portions of funds received under this section, to a flexible funding pool in accordance with the section of this act titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL."

Section 259.60. COUNTY BOARD SHARE OF WAIVER SERVICES

As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

The Director of Developmental Disabilities shall establish a methodology to be used in fiscal year 2016 and fiscal year 2017 to estimate the quarterly amount each county board of developmental disabilities is to pay of the nonfederal share of home and community-based services that section 5126.0510 of the Revised Code requires county boards to pay. Each quarter, the Director shall submit to a county board written notice of the amount the county board is to pay for that quarter. The notice shall specify when the payment is due.

Section 259.70. TAX EQUITY

Notwithstanding section 5126.18 of the Revised Code, the foregoing appropriation item 322503, Tax Equity, may be used to distribute funds to county boards of developmental disabilities to address economic hardships and promote efficiency of operations. The Director of Developmental Disabilities shall determine, in consultation with representatives of county boards, the amount of funds to distribute for these purposes and the criteria for distributing the funds.

Section 259.80. MEDICAID SERVICES

(A) As used in this section "home and community-based services" has the same meaning as in section 5123.01 of the

Revised Code and "ICF/IID services" has the same meaning as in 113979
section 5124.01 of the Revised Code. 113980

(B) Except as provided in section 5123.0416 of the Revised 113981
Code, the purposes for which the foregoing appropriation item 113982
653407, Medicaid Services, shall be used include the following: 113983

(1) Home and community-based services; 113984

(2) Implementation of the requirements of the agreement 113985
settling the consent decree in Sermak v. Manuel, Case No. 113986
C-2-80-220, United States District Court for the Southern District 113987
of Ohio, Eastern Division; 113988

(3) Implementation of the requirements of the agreement 113989
settling the consent decree in the Martin v. Strickland, Case No. 113990
89-CV-00362, United States District Court for the Southern 113991
District of Ohio, Eastern Division; 113992

(4) ICF/IID services; 113993

(5) Other programs as identified by the Director of 113994
Developmental Disabilities; and 113995

(6) \$8,000,000 in fiscal year 2016 and \$12,000,000 in fiscal 113996
year 2017 shall be distributed to county boards of developmental 113997
disabilities to be used to maintain current Medicaid waiver 113998
levels. 113999

Section 259.90. EMPLOYMENT FIRST INITIATIVE 114000

The foregoing appropriation item 322508, Employment First 114001
Initiative, shall be used to increase employment opportunities for 114002
individuals with developmental disabilities through the Employment 114003
First Initiative in accordance with section 5123.022 of the 114004
Revised Code. 114005

Of the foregoing appropriation item, 322508, Employment First 114006
Initiative, the Director of Developmental Disabilities shall 114007

transfer, in each fiscal year, to the Opportunities for Ohioans 114008
with Disabilities Agency an amount agreed upon by the Director of 114009
Developmental Disabilities and the Executive Director of the 114010
Opportunities for Ohioans with Disabilities Agency. The transfer 114011
shall be made via an intrastate transfer voucher. The transferred 114012
funds shall be used to support the Employment First Initiative. 114013
The Opportunities for Ohioans with Disabilities Agency shall use 114014
the funds transferred as state matching funds to obtain available 114015
federal grant dollars for vocational rehabilitation services. Any 114016
federal match dollars received by the Opportunities for Ohioans 114017
with Disabilities Agency shall be used for the initiative. The 114018
Director of Developmental Disabilities and the Executive Director 114019
of the Opportunities for Ohioans with Disabilities Agency shall 114020
enter into an interagency agreement in accordance with section 114021
3304.181 of the Revised Code that will specify the 114022
responsibilities of each agency under the initiative. Under the 114023
interagency agreement, the Opportunities for Ohioans with 114024
Disabilities Agency shall retain responsibility for eligibility 114025
determination, order of selection, plan approval, plan amendment, 114026
and release of vendor payments. 114027

Of the foregoing appropriation item 322508, Employment First 114028
Initiative, \$175,000 in each fiscal year shall be provided to Best 114029
Buddies Ohio for establishing a state chapter of the program. 114030

The remainder of appropriation item 322508, Employment First 114031
Initiative, shall be used to develop a long term, sustainable 114032
system that places individuals with developmental disabilities in 114033
community employment, as defined in section 5123.022 of the 114034
Revised Code. 114035

Section 259.100. OPERATING AND SERVICES 114036

Of the foregoing appropriation item 320606, Operating and 114037
Services, \$100,000 in each fiscal year shall be provided to the 114038

Ohio Center for Autism and Low Incidence to establish a lifespan 114039
autism hub to support families and professionals. 114040

Section 259.110. TARGETED CASE MANAGEMENT SERVICES 114041

County boards of developmental disabilities shall pay the 114042
nonfederal portion of targeted case management costs to the 114043
Department of Developmental Disabilities. 114044

The Director of Developmental Disabilities and the Medicaid 114045
Director may enter into an interagency agreement under which the 114046
Department of Developmental Disabilities shall transfer cash from 114047
the Targeted Case Management Fund (Fund 5DJ0) to the Health 114048
Care/Medicaid Support and Recoveries Fund (Fund 5DL0) used by the 114049
Department of Medicaid in an amount equal to the nonfederal 114050
portion of the cost of targeted case management services paid by 114051
county boards. Under the agreement, the Department of Medicaid 114052
shall pay the total cost of targeted case management claims. The 114053
transfer shall be made using an intrastate transfer voucher. 114054

Section 259.120. WITHHOLDING OF FUNDS OWED THE DEPARTMENT 114055

If a county board of developmental disabilities does not 114056
fully pay any amount owed to the Department of Developmental 114057
Disabilities by the due date established by the Department, the 114058
Director of Developmental Disabilities may withhold the amount the 114059
county board did not pay from any amounts due to the county board. 114060
The Director may use any appropriation item or fund used by the 114061
Department to transfer cash to any other fund used by the 114062
Department in an amount equal to the amount owed the Department 114063
that the county board did not pay. Transfers under this section 114064
shall be made using an intrastate transfer voucher. 114065

Section 259.130. DEVELOPMENTAL CENTER BILLING FOR SERVICES 114066

Developmental centers of the Department of Developmental 114067

Disabilities may provide services to persons with mental 114068
retardation or developmental disabilities living in the community 114069
or to providers of services to these persons. The Department may 114070
develop a method for recovery of all costs associated with the 114071
provision of these services. 114072

Section 259.140. NONFEDERAL MATCH FOR ACTIVE TREATMENT 114073
SERVICES 114074

Any county funds received by the Department of Developmental 114075
Disabilities from county boards of developmental disabilities for 114076
active treatment shall be deposited in the Developmental 114077
Disabilities Operating Fund (Fund 4890). 114078

Section 259.150. ODODD INNOVATIVE PILOT PROJECTS 114079

(A) In fiscal year 2016 and fiscal year 2017, the Director of 114080
Developmental Disabilities may authorize the continuation or 114081
implementation of one or more innovative pilot projects that, in 114082
the judgment of the Director, are likely to assist in promoting 114083
the objectives of Chapter 5123. or 5126. of the Revised Code. 114084
Subject to division (B) of this section and notwithstanding any 114085
provision of Chapters 5123. and 5126. of the Revised Code and any 114086
rule adopted under either chapter, a pilot project authorized by 114087
the Director may be continued or implemented in a manner 114088
inconsistent with one or more provisions of either chapter or one 114089
or more rules adopted under either chapter. Before authorizing a 114090
pilot program, the Director shall consult with entities interested 114091
in the issue of developmental disabilities, including the Ohio 114092
Provider Resource Association, Ohio Association of County Boards 114093
of Developmental Disabilities, Ohio Health Care Association/Ohio 114094
Centers for Intellectual Disabilities, the Values and Faith 114095
Alliance, and ARC of Ohio. 114096

(B) The Director may not authorize a pilot project to be 114097

implemented in a manner that would cause the state to be out of 114098
compliance with any requirements for a program funded in whole or 114099
in part with federal funds. 114100

Section 259.160. FISCAL YEAR 2016 MEDICAID PAYMENT RATES FOR 114101
ICFs/IID IN PEER GROUPS 1 AND 2 114102

(A) As used in this section: 114103

(1) "Change of operator," "entering operator," "exiting 114104
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer 114105
group 1," "peer group 2," "peer group 3," "provider," and 114106
"provider agreement" have the same meanings as in section 5124.01 114107
of the Revised Code. 114108

(2) "Franchise permit fee" means the fee imposed by sections 114109
5168.60 to 5168.71 of the Revised Code. 114110

(B)(1) This section applies to each ICF/IID that is in peer 114111
group 1 or peer group 2 and to which any of the following applies: 114112

(a) The provider of the ICF/IID has a valid Medicaid provider 114113
agreement for the ICF/IID on June 30, 2015, and a valid Medicaid 114114
provider agreement for the ICF/IID during fiscal year 2016. 114115

(b) The ICF/IID undergoes a change of operator that takes 114116
effect during fiscal year 2016, the exiting operator has a valid 114117
Medicaid provider agreement for the ICF/IID on the day immediately 114118
preceding the effective date of the change of operator, and the 114119
entering operator has a valid Medicaid provider agreement for the 114120
ICF/IID during fiscal year 2016. 114121

(c) The ICF/IID is a new ICF/IID for which the provider 114122
obtains an initial provider agreement during fiscal year 2016. 114123

(2) This section does not apply to an ICF/IID in peer group 114124
3. 114125

(3) The Department of Developmental Disabilities shall follow 114126

this section in determining the rate to be paid for ICF/IID 114127
services provided during fiscal year 2016 by ICFs/IID subject to 114128
this section notwithstanding anything to the contrary in Chapter 114129
5124. of the Revised Code. 114130

(C)(1) Except as otherwise provided in this section, the 114131
provider of an ICF/IID to which this section applies shall be 114132
paid, for ICF/IID services the ICF/IID provides during fiscal year 114133
2016, the total per Medicaid day rate determined for the ICF/IID 114134
under division (C)(2) or (3) of this section. 114135

(2) Except in the case of a new ICF/IID, the fiscal year 2016 114136
total per Medicaid day rate for an ICF/IID to which this section 114137
applies shall be the ICF/IID's total per Medicaid day rate 114138
determined for the ICF/IID in accordance with Chapter 5124. of the 114139
Revised Code for fiscal year 2016 with the following 114140
modifications: 114141

(a) The ICF/IID's efficiency incentive for capital costs, as 114142
determined under division (F) of section 5124.17 of the Revised 114143
Code, shall be reduced by 50 per cent. 114144

(b) In place of the maximum cost per case-mix unit 114145
established for the ICF/IID's peer group under division (C) of 114146
section 5124.19 of the Revised Code, the ICF/IID's maximum costs 114147
per case-mix unit shall be an amount the Department shall 114148
determine in accordance with division (E) of this section. 114149

(c) In place of the inflation adjustment otherwise calculated 114150
under division (D) of section 5124.19 of the Revised Code for the 114151
purpose of division (A)(1)(b) of that section, an inflation 114152
adjustment of 1.014 shall be used. 114153

(d) In place of the efficiency incentive otherwise calculated 114154
under division (B)(2) of section 5124.21 of the Revised Code, the 114155
ICF/IID's efficiency incentive for indirect care costs shall be 114156
the following: 114157

(i) In the case of an ICF/IID in peer group 1, \$3.69;	114158
(ii) In the case of an ICF/IID in peer group 2, \$3.19.	114159
(e) In place of the maximum rate for indirect care costs established for the ICF/IID's peer group under division (C) of section 5124.21 of the Revised Code, the maximum rate for indirect care costs for the ICF/IID's peer group shall be the following:	114160 114161 114162 114163
(i) In the case of an ICF/IID in peer group 1, \$68.98;	114164
(ii) In the case of an ICF/IID in peer group 2, \$59.60.	114165
(f) In place of the inflation adjustment otherwise calculated under division (D)(1) of section 5124.21 of the Revised Code for the purpose of division (B)(1) of that section only, an inflation adjustment of 1.014 shall be used.	114166 114167 114168 114169
(g) In place of the inflation adjustment otherwise made under section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, actual, allowable, per Medicaid day other protected costs, excluding the franchise permit fee, from calendar year 2014 shall be multiplied by 1.014.	114170 114171 114172 114173 114174
(3) The fiscal year 2016 initial total per Medicaid day rate for a new ICF/IID to which this section applies shall be the ICF/IID's initial total per Medicaid day rate determined for the ICF/IID in accordance with section 5124.151 of the Revised Code for fiscal year 2016 with the following modifications:	114175 114176 114177 114178 114179
(a) In place of the amount determined under division (B)(2)(a) of section 5124.151 of the Revised Code, if there are no cost or resident assessment data for the new ICF/IID, the new ICF/IID's initial per Medicaid day rate for direct care costs shall be determined as follows:	114180 114181 114182 114183 114184
(i) Determine the median of the costs per case-mix units of each peer group;	114185 114186
(ii) Multiply the median determined under division	114187

(C)(3)(a)(i) of this section by the median annual average case-mix score for the new ICF/IID's peer group for calendar year 2014; 114188
114189

(iii) Multiply the product determined under division (C)(3)(a)(ii) of this section by 1.014. 114190
114191

(b) In place of the amount determined under division (B)(3) of section 5124.151 of the Revised Code, the new ICF/IID's initial per Medicaid day rate for indirect care costs shall be the following: 114192
114193
114194
114195

(i) If the new ICF/IID is in peer group 1, \$68.98; 114196

(ii) If the new ICF/IID is in peer group 2, \$59.60. 114197

(c) In place of the amount determined under division (B)(4) of section 5124.151 of the Revised Code, the new ICF/IID's initial per Medicaid day rate for other protected costs shall be 115 per cent of the median rate for ICFs/IID determined under section 5124.23 of the Revised Code with the modification made under division (C)(2)(g) of this section. 114198
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(D) The total per Medicaid day rate for ICF/IID services an ICF/IID in peer group 1 provides in fiscal year 2016 to a Medicaid recipient who is admitted as a resident to the ICF/IID on or after July 1, 2015, and is placed in the chronic behaviors and typical adaptive needs classification or the typical adaptive needs and non-significant behaviors classification established for the grouper methodology prescribed in rules authorized by section 5124.192 of the Revised Code shall be the lesser of the following: 114204
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(1) The rate determined for the ICF/IID under division (C)(2) or (3) of this section; 114212
114213

(2) The following rate: 114214

(a) \$206.90 for ICF/IID services the ICF/IID provides to a Medicaid recipient in the chronic behaviors and typical adaptive needs classification; 114215
114216
114217

(b) \$174.88 for ICF/IID services the ICF/IID provides to a Medicaid recipient in the typical adaptive needs and non-significant behaviors classification.

(E) In determining, for the purpose of division (C)(2)(b) of this section, the maximum costs per case-mix unit for ICFs/IID, the Department shall, strive to the greatest extent possible, do both of the following:

- (1) Avoid rate reductions under division (G) of this section;
- (2) Have the amount so determined result in payment of all desk-reviewed, actual, allowable direct care costs for the same percentage of Medicaid days for ICFs/IID in peer group 1 as for ICFs/IID in peer group 2 as of July 1, 2015, based on May 2015 Medicaid days.

(F) A new ICF/IID's initial total modified per Medicaid day rate for fiscal year 2016 as determined under division (C)(3) of this section shall be adjusted at the applicable time specified in division (D) of section 5124.151 of the Revised Code. If the adjustment affects the ICF/IID's rate for ICF/IID services provided during fiscal year 2016, the modifications specified in divisions (C)(2) and (D) of this section apply to the adjustment.

(G) If the mean total per Medicaid day rate for all ICFs/IID to which this section applies, weighted by May 2015 Medicaid days and determined under divisions (C) and (D) of this section as of July 1, 2015, is other than \$283.32, the Department shall adjust, for fiscal year 2016, the total per Medicaid day rate for each ICF/IID to which this section applies by a percentage that is equal to the percentage by which the mean total per Medicaid day rate is greater or less than \$283.32.

(H) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department shall reduce the amount it pays ICF/IID

providers under this section as necessary to reflect the loss to 114249
the state of the revenue and federal financial participation 114250
generated from the franchise permit fee. 114251

(I) Of the foregoing appropriation items 653407, Medicaid 114252
Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, 114253
portions shall be used to pay the Medicaid payment rates 114254
determined in accordance with this section for ICF/IID services 114255
provided during fiscal year 2016. 114256

Section 259.170. FISCAL YEAR 2017 MEDICAID PAYMENT RATES FOR 114257
ICFs/IID IN PEER GROUPS 1 AND 2 114258

(A) As used in this section: 114259

(1) "Change of operator," "entering operator," "exiting 114260
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer 114261
group 1," "peer group 2," "peer group 3," "provider," and 114262
"provider agreement" have the same meanings as in section 5124.01 114263
of the Revised Code. 114264

(2) "Franchise permit fee" means the fee imposed by sections 114265
5168.60 to 5168.71 of the Revised Code. 114266

(B)(1) This section applies to each ICF/IID that is in peer 114267
group 1 or peer group 2 and to which any of the following applies: 114268

(a) The provider of the ICF/IID has a valid Medicaid provider 114269
agreement for the ICF/IID on June 30, 2016, and a valid Medicaid 114270
provider agreement for the ICF/IID during fiscal year 2017. 114271

(b) The ICF/IID undergoes a change of operator that takes 114272
effect during fiscal year 2017, the exiting operator has a valid 114273
Medicaid provider agreement for the ICF/IID on the day immediately 114274
preceding the effective date of the change of operator, and the 114275
entering operator has a valid Medicaid provider agreement for the 114276
ICF/IID during fiscal year 2017. 114277

(c) The ICF/IID is a new ICF/IID for which the provider 114278

obtains an initial provider agreement during fiscal year 2017. 114279

(2) This section does not apply to an ICF/IID in peer group 114280
3. 114281

(3) The Department of Developmental Disabilities shall follow 114282
this section in determining the rate to be paid for ICF/IID 114283
services provided during fiscal year 2017 by ICFs/IID subject to 114284
this section notwithstanding anything to the contrary in Chapter 114285
5124. of the Revised Code. 114286

(C)(1) Except as otherwise provided in this section, the 114287
provider of an ICF/IID to which this section applies shall be 114288
paid, for ICF/IID services the ICF/IID provides during fiscal year 114289
2017, the total per Medicaid day rate determined for the ICF/IID 114290
under division (C)(2) or (3) of this section. 114291

(2) Except in the case of a new ICF/IID, the fiscal year 2017 114292
total per Medicaid day rate for an ICF/IID to which this section 114293
applies shall be the ICF/IID's total per Medicaid day rate 114294
determined for the ICF/IID in accordance with Chapter 5124. of the 114295
Revised Code for fiscal year 2017 with the following 114296
modifications: 114297

(a) The ICF/IID's efficiency incentive for capital costs, as 114298
determined under division (F) of section 5124.17 of the Revised 114299
Code, shall be reduced by 50 per cent. 114300

(b) In place of the maximum cost per case-mix unit 114301
established for the ICF/IID's peer group under division (C) of 114302
section 5124.19 of the Revised Code, the ICF/IID's maximum costs 114303
per case-mix unit shall be the amount the Department determined 114304
for the ICF/IID's peer group for fiscal year 2016 in accordance 114305
with division (E) of Section 259.160 of this act. 114306

(c) In place of the inflation adjustment otherwise calculated 114307
under division (D) of section 5124.19 of the Revised Code for the 114308
purpose of division (A)(1)(b) of that section, an inflation 114309

adjustment of 1.014 shall be used. 114310

(d) In place of the efficiency incentive otherwise calculated 114311
under division (B)(2) of section 5124.21 of the Revised Code, the 114312
ICF/IID's efficiency incentive for indirect care costs shall be 114313
the following: 114314

(i) In the case of an ICF/IID in peer group 1, \$3.69; 114315

(ii) In the case of an ICF/IID in peer group 2, \$3.19. 114316

(e) In place of the maximum rate for indirect care costs 114317
established for the ICF/IID's peer group under division (C) of 114318
section 5124.21 of the Revised Code, the maximum rate for indirect 114319
care costs for the ICF/IID's peer group shall be the following: 114320

(i) In the case of an ICF/IID in peer group 1, \$68.98; 114321

(ii) In the case of an ICF/IID in peer group 2, \$59.60. 114322

(f) In place of the inflation adjustment otherwise calculated 114323
under division (D)(1) of section 5124.21 of the Revised Code for 114324
the purpose of division (B)(1) of that section only, an inflation 114325
adjustment of 1.014 shall be used. 114326

(g) In place of the inflation adjustment otherwise made under 114327
section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, 114328
actual, allowable, per Medicaid day other protected costs, 114329
excluding the franchise permit fee, from calendar year 2015 shall 114330
be multiplied by 1.014. 114331

(h) After all of the modifications specified in divisions 114332
(C)(2)(a) to (g) of this section have been made, the ICF/IID's 114333
total per Medicaid day rate shall be increased by the direct 114334
support personnel payment determined in accordance with division 114335
(D) of this section. 114336

(3) The fiscal year 2017 initial total per Medicaid day rate 114337
for a new ICF/IID to which this section applies shall be the 114338
ICF/IID's initial total per Medicaid day rate determined for the 114339

ICF/IID in accordance with section 5124.151 of the Revised Code 114340
for fiscal year 2017 with the following modifications: 114341

(a) In place of the amount determined under division 114342
(B)(2)(a) of section 5124.151 of the Revised Code, if there are no 114343
cost or resident assessment data for the new ICF/IID, the new 114344
ICF/IID's initial per Medicaid day rate for direct care costs 114345
shall be determined as follows: 114346

(i) Determine the median of the costs per case-mix units of 114347
each peer group; 114348

(ii) Multiply the median determined under division 114349
(C)(3)(a)(i) of this section by the median annual average case-mix 114350
score for the new ICF/IID's peer group for calendar year 2015; 114351

(iii) Multiply the product determined under division 114352
(C)(3)(a)(ii) of this section by 1.014. 114353

(b) In place of the amount determined under division (B)(3) 114354
of section 5124.151 of the Revised Code, the new ICF/IID's initial 114355
per Medicaid day rate for indirect care costs shall be the 114356
following: 114357

(i) If the new ICF/IID is in peer group 1, \$68.98; 114358

(ii) If the new ICF/IID is in peer group 2, \$59.60. 114359

(c) In place of the amount determined under division (B)(4) 114360
of section 5124.151 of the Revised Code, the new ICF/IID's initial 114361
per Medicaid day rate for other protected costs shall be 115 per 114362
cent of the median rate for ICFs/IID determined under section 114363
5124.23 of the Revised Code with the modification made under 114364
division (C)(2)(g) of this section. 114365

(d) After all of the modifications specified in divisions 114366
(C)(3)(a) to (c) of this section have been made, the new ICF/IID's 114367
initial total per Medicaid day rate shall be increased by the 114368
median direct support personnel payment determined under division 114369

(D) of this section for all ICFs/IID to which this section 114370
applies. 114371

(D) An ICF/IID's direct support personnel payment for the 114372
purpose of division (C)(2)(h) of this section shall be a 114373
percentage, as determined by the Department, of the ICF/IID's per 114374
diem, desk-reviewed, actual, allowable direct care costs. In 114375
determining the percentage, the Department shall, to the greatest 114376
extent possible, do both of the following: 114377

(1) Avoid rate reductions under division (F) of this section; 114378

(2) Use the same percentage for all ICFs/IID to which this 114379
section applies. 114380

(E) A new ICF/IID's initial total modified per Medicaid day 114381
rate for fiscal year 2017 as determined under division (C)(3) of 114382
this section shall be adjusted at the applicable time specified in 114383
division (D) of section 5124.151 of the Revised Code. If the 114384
adjustment affects the ICF/IID's rate for ICF/IID services 114385
provided during fiscal year 2017, the modifications specified in 114386
division (C)(2) of this section apply to the adjustment. 114387

(F)(1) If the mean total per Medicaid day rate for all 114388
ICFs/IID to which this section applies, weighted by May 2016 114389
Medicaid days and determined under division (C) of this section as 114390
of July 1, 2016, is other than the amount determined under 114391
division (F)(2) of this section, the Department shall adjust, for 114392
fiscal year 2017, the total per Medicaid day rate for each ICF/IID 114393
to which this section applies by a percentage that is equal to the 114394
percentage by which the mean total per Medicaid day rate is 114395
greater or less than the amount determined under division (F)(2) 114396
of this section. 114397

(2) The amount to be used for the purpose of division (F)(1) 114398
of this section shall be not less than \$288.27. The department, in 114399
its sole discretion, may use a larger amount for the purpose of 114400

that division. In determining whether to use a larger amount, the department may consider any of the following:

(a) The reduction in the total Medicaid-certified capacity of all ICFs/IID that occurs in fiscal year 2016, and the reduction that is projected to occur in fiscal year 2017, as a result of either of the following:

(i) A downsizing pursuant to a plan approved by the Department under section 5123.042 of the Revised Code;

(ii) A conversion of beds to providing home and community-based services under the Individual Options waiver pursuant to section 5124.60 or 5124.61 of the Revised Code.

(b) The increase in Medicaid payments made for ICF/IID services provided during fiscal year 2016, and the increase that is projected to occur in fiscal year 2017, as a result of the modifications to the payment rates made under section 5124.101 of the Revised Code;

(c) The total reduction in the number of ICF/IID beds that occurs pursuant to section 5124.67 of the Revised Code;

(d) Other factors the Department determines to be relevant.

(G) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department shall reduce the amount it pays ICF/IID providers under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

(H) Of the foregoing appropriation items 653407, Medicaid Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, portions shall be used to pay the Medicaid payment rates determined in accordance with this section for ICF/IID services provided during fiscal year 2017.

Section 259.180. FISCAL YEAR 2016 MEDICAID PAYMENT RATES FOR	114431
ICFs/IID IN PEER GROUP 3	114432
(A) As used in this section:	114433
(1) "ICF/IID," "ICF/IID services," "peer group 3,"	114434
"provider," and "provider agreement" have the same meanings as in	114435
section 5124.01 of the Revised Code.	114436
(2) "Franchise permit fee" means the fee imposed by sections	114437
5168.60 to 5168.71 of the Revised Code.	114438
(B)(1) This section applies to each ICF/IID that is in peer	114439
group 3 and for which the provider obtained an initial provider	114440
agreement during fiscal year 2015.	114441
(2) The Department of Developmental Disabilities shall follow	114442
this section in determining the rate to be paid for ICF/IID	114443
services provided during fiscal year 2016 by ICFs/IID subject to	114444
this section notwithstanding anything to the contrary in Chapter	114445
5124. of the Revised Code.	114446
(C) Except as otherwise provided in this section, the	114447
provider of an ICF/IID to which this section applies shall	114448
continue to be paid, for ICF/IID services the ICF/IID provides	114449
during fiscal year 2016, the ICF/IID's total per Medicaid day rate	114450
in effect on June 30, 2015.	114451
(D) If the United States Centers for Medicare and Medicaid	114452
Services requires that the franchise permit fee be reduced or	114453
eliminated, the Department shall reduce the amount it pays ICF/IID	114454
providers under this section as necessary to reflect the loss to	114455
the state of the revenue and federal financial participation	114456
generated from the franchise permit fee.	114457
Section 259.190. TRANSFER OF FUNDS FOR OUTLIER SERVICES	114458
PROVIDED TO PEDIATRIC VENTILATOR-DEPENDENT ICF/IID RESIDENTS	114459

As used in this section, "ICF/IID" and "ICF/IID services" 114460
have the same meanings as in section 5124.01 of the Revised Code. 114461

Each quarter during fiscal year 2016 and fiscal year 2017, 114462
the Director of Developmental Disabilities shall certify to the 114463
Director of Budget and Management the amount needed to pay the 114464
nonfederal share of the costs of the Medicaid rate add-on paid to 114465
ICFs/IID pursuant to section 5124.25 of the Revised Code for 114466
providing outlier ICF/IID services to residents who qualify for 114467
the services and are transferred to ICFs/IID from hospitals at 114468
which they receive ventilator services at the time of their 114469
transfer to the ICFs/IID. 114470

On receipt of a certification, the Director of Budget and 114471
Management shall transfer appropriations equaling the certified 114472
amount from appropriation item 651525, Medicaid/Health Care 114473
Services, to appropriation item 653407, Medicaid Services, and, in 114474
addition, shall reduce the appropriation in 651525, 114475
Medicaid/Health Care Services, by the corresponding federal share. 114476

If receipts credited to the Developmental Center and 114477
Residential Facility Services and Support Fund (Fund 3A40), used 114478
by the Department of Developmental Disabilities, exceed the 114479
amounts appropriated in appropriation item 653653, ICF/IID, the 114480
Director of Developmental Disabilities may request the Director of 114481
Budget and Management to authorize expenditures from the fund in 114482
excess of the amounts appropriated. Upon approval of the Director 114483
of Budget and Management, the additional amounts are hereby 114484
appropriated. 114485

Section 259.200. ICF/IID MEDICAID RATE WORKGROUP 114486

As used in this section, "ICF/IID," "ICF/IID services," and 114487
"Medicaid-certified capacity" have the same meanings as in section 114488
5124.01 of the Revised Code. 114489

For the purpose of assisting the Department of Developmental Disabilities during fiscal year 2016 and fiscal year 2017 with an evaluation of revisions to the formula used to determine Medicaid payment rates for ICF/IID services, the Department shall retain the workgroup that was created to assist with the study required by Section 309.30.80 of Am. Sub. H.B. 153 of the 129th General Assembly and continued by Section 259.230 of Am. Sub. H.B. 59 of the 130th General Assembly. In conducting the evaluation, the Department and workgroup shall do both of the following:

(A) Focus primarily on the service needs of individuals with complex challenges that ICFs/IID are able to meet;

(B) Pursue the goal of reducing the Medicaid-certified capacity of individual ICFs/IID and the total number of ICF/IID beds in the state for the purpose of increasing the service choices and community integration of individuals eligible for ICF/IID services.

Section 259.210. NONFEDERAL SHARE OF ICF/IID SERVICES

(A) As used in this section, "ICF/IID," "ICF/IID services," and "Medicaid-certified capacity" have the same meanings as in section 5124.01 of the Revised Code.

(B) The Director of Developmental Disabilities shall pay the nonfederal share of a claim for ICF/IID services using funds specified in division (C) of this section if all of the following apply:

(1) Medicaid covers the ICF/IID services.

(2) The ICF/IID services are provided to a Medicaid recipient to whom both of the following apply:

(a) The Medicaid recipient is eligible for the ICF/IID services;

(b) The Medicaid recipient does not occupy a bed in the

ICF/IID that used to be included in the Medicaid-certified 114520
capacity of another ICF/IID certified by the Director of Health 114521
before June 1, 2003. 114522

(3) The ICF/IID services are provided by an ICF/IID whose 114523
Medicaid certification by the Director of Health was initiated or 114524
supported by a county board of developmental disabilities. 114525

(4) The provider of the ICF/IID services has a valid Medicaid 114526
provider agreement for the services for the time that the services 114527
are provided. 114528

(C) When required by division (B) of this section to pay the 114529
nonfederal share of a claim, the Director of Developmental 114530
Disabilities shall use the following funds to pay the claim: 114531

(1) Funds available from appropriation item 322501, County 114532
Boards Subsidies, that the Director allocates to the county board 114533
that initiated or supported the Medicaid certification of the 114534
ICF/IID that provided the ICF/IID services for which the claim is 114535
made; 114536

(2) If the amount of funds used pursuant to division (C)(1) 114537
of this section is insufficient to pay the claim in full, an 114538
amount of funds that are needed to make up the difference and 114539
available from amounts the Director allocates to other county 114540
boards from appropriation item 322501, County Boards Subsidies. 114541

Section 259.213. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 114542
SERVICES 114543

(A) As used in this section, "home and community-based 114544
services" has the same meaning as in section 5123.01 of the 114545
Revised Code. 114546

(B) Subject to division (C) of this section, both of the 114547
following apply with respect to the total Medicaid payment rate 114548
for routine homemaker/personal care services that are included in 114549

home and community-based services: 114550

(1) For routine homemaker/personal care services provided 114551
during calendar year 2016, the rate shall be three per cent higher 114552
than the total Medicaid payment rate for the services in effect on 114553
June 30, 2015. 114554

(2) For routine homemaker/personal care services provided 114555
during the first half of calendar year 2017, the rate shall be six 114556
per cent higher than the total Medicaid payment rate for the 114557
services in effect on June 30, 2015. 114558

(C) The Medicaid payment rate increase for routine 114559
homemaker/personal care services under the section of this act 114560
titled "PAYMENT RATES FOR HOME MAKER/PERSONAL CARE SERVICES 114561
PROVIDED TO QUALIFYING IO ENROLLEES" is in addition to the rate 114562
increase for routine homemaker/personal care services under this 114563
section. 114564

Section 259.220. PAYMENT RATES FOR HOME MAKER/PERSONAL CARE 114565
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 114566

(A) As used in this section: 114567

(1) "Converted facility" means an ICF/IID, or former ICF/IID, 114568
that converted some or all of its beds to providing home and 114569
community-based services under the IO Waiver pursuant to section 114570
5124.60 of the Revised Code. 114571

(2) "Developmental center" and "ICF/IID" have the same 114572
meanings as in section 5124.01 of the Revised Code. 114573

(3) "IO Waiver" means the Medicaid waiver component, as 114574
defined in section 5166.01 of the Revised Code, known as 114575
Individual Options. 114576

(4) "Medicaid provider" has the same meaning as in section 114577
5164.01 of the Revised Code. 114578

(5) "Public hospital" has the same meaning as in section 114579
5122.01 of the Revised Code. 114580

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to 114581
whom all of the following apply: 114582

(a) The enrollee resided in a developmental center, converted 114583
facility, or public hospital immediately before enrolling in the 114584
IO Wavier. 114585

(b) The enrollee did not receive before July 1, 2011, routine 114586
homemaker/personal care services from the Medicaid provider that 114587
is to be paid the Medicaid rate authorized by this section for 114588
providing such services to the enrollee during the period 114589
specified in division (C) of this section. 114590

(c) The Director of Developmental Disabilities has determined 114591
that the enrollee's special circumstances (including the 114592
enrollee's diagnosis, service needs, or length of stay at the 114593
developmental center, converted facility, or public hospital) 114594
warrants paying the Medicaid rate authorized by this section. 114595

(B) The total Medicaid payment rate for each fifteen minutes 114596
of routine homemaker/personal care services that a Medicaid 114597
provider provides to a qualifying IO enrollee during the period 114598
specified in division (C) of this section shall be fifty-two cents 114599
higher than the Medicaid payment rate in effect on the day the 114600
services are provided for each fifteen minutes of routine 114601
homemaker/personal care services that a Medicaid provider provides 114602
to an IO enrollee who is not a qualifying IO enrollee. 114603

(C) Division (B) of this section applies to the first twelve 114604
months, consecutive or otherwise, that a Medicaid provider, during 114605
the period beginning July 1, 2015, and ending June 30, 2017, 114606
provides routine homemaker/personal care services to a qualifying 114607
IO enrollee. 114608

(D) Of the foregoing appropriation items 653407, Medicaid 114609

Services, and 653639, Medicaid Waiver Services, portions shall be 114610
used to pay the Medicaid payment rate determined in accordance 114611
with this section for routine homemaker/personal care services 114612
provided to qualifying IO enrollees. 114613

Section 259.230. UPDATING AUTHORIZING STATUTE CITATIONS 114614

As used in this section, "authorizing statute" means a 114615
Revised Code section or provision of a Revised Code section that 114616
is cited in the Ohio Administrative Code as the statute that 114617
authorizes the adoption of a rule. 114618

The Director of Developmental Disabilities is not required to 114619
amend any rule for the sole purpose of updating the citation in 114620
the Ohio Administrative Code to the rule's authorizing statute to 114621
reflect that this act renumbers the authorizing statute or 114622
relocates it to another Revised Code section. Such citations shall 114623
be updated as the Director amends the rules for other purposes. 114624

Section 259.240. REASON FOR THE REPEAL OF R.C. 5111.236 114625

This act repeals section 5111.236 of the Revised Code to 114626
carry out the intent of the Governor as indicated in the veto 114627
message regarding Am. Sub. H.B. 1 of the 128th General Assembly 114628
transmitted to the Clerk of the House of Representatives on July 114629
17, 2009. The actual veto removed the section from the title and 114630
enacting clause of H.B. 1 and an earmark related to the section. 114631
However, the actual veto inadvertently showed only division (C) of 114632
the section, rather than the entire section, as being vetoed. 114633

Section 259.250. SYSTEM TRANSFORMATION SUPPORTS 114634

The foregoing appropriation item 320607 (Fund 5QM0), System 114635
Transformation Supports, may be used by the Director of 114636
Developmental Disabilities as follows: 114637

(A) To purchase one or more residential facility beds for the 114638

purpose of reducing the number of beds that are certified for 114639
participation in Medicaid as ICF/IID beds in Ohio. The director 114640
shall establish priorities for the purchase of beds which may 114641
include beds located in a building in which a nursing facility is 114642
also located and beds which are in a residential facility of 114643
sixteen beds or greater. The purchase price of a bed shall be the 114644
price the director determines is reasonable based on the 114645
established priorities. Division (B) of section 127.16 of the 114646
Revised Code shall not apply to a purchase made under this 114647
section. 114648

(B) To fund other system transformation initiatives 114649
identified by the director. 114650

Section 259.260. ICF/IID PAYMENT METHODOLOGY TRANSFORMATION 114651

As used in this section, "ICF/IID services" has the same 114652
meaning as in section 5124.01 of the Revised Code. 114653

Not later than July 31, 2015, the Department of Developmental 114654
Disabilities shall issue a request for proposals for an entity, 114655
pursuant to a contract with the Department, to develop a plan to 114656
transform the formula used to determine Medicaid payment rates for 114657
ICF/IID services. Any such contract the Department enters into 114658
shall require all of the following: 114659

(A) That the plan do all of the following: 114660

(1) Include quality incentive measures; 114661

(2) Have payments be based on health outcomes; 114662

(3) Promote ICF/IID services that are provided in the most 114663
integrated setting appropriate to the needs of each Medicaid 114664
recipient receiving the services; 114665

(4) Recommend specific changes to the resident assessment 114666
instrument specified in rules authorized by section 5124.191 of 114667
the Revised Code and the grouper methodology prescribed in rules 114668

authorized by section 5124.192 of the Revised Code. 114669

(B) That the entity developing the plan consider the 114670
recommendations of both of the following: 114671

(1) The ICF/IID Medicaid Rate Workgroup that was created to 114672
assist with the study required by Section 309.30.80 of Am. Sub. 114673
H.B. 153 of the 129th General Assembly and retained pursuant to 114674
Section 259.230 of Am. Sub. H.B. 59 of the 130th General Assembly; 114675

(2) The ICF/IID Quality Incentive Workgroup created pursuant 114676
to the section of this act titled "ICF/IID QUALITY INCENTIVE 114677
WORKGROUP." 114678

(C) That the plan be developed with the goal of beginning 114679
implementation of the transformation on July 1, 2017. 114680

Section 259.270. ICF/IID QUALITY INCENTIVE WORKGROUP 114681

(A) As used in this section, "ICF/IID" and "ICF/IID services" 114682
have the same meanings as in section 5124.01 of the Revised Code. 114683

(B) The Director of Developmental Disabilities shall create 114684
the ICF/IID Quality Incentive Workgroup to study the issue of 114685
establishing, as part of the Medicaid payment formula for ICF/IID 114686
services, accountability measures that act as quality incentives 114687
for ICFs/IID. The Director or the Director's designee shall be the 114688
Workgroup's chairperson. The Director may appoint one or more 114689
staff members of the Department of Developmental Disabilities to 114690
also serve on the Workgroup. The Director shall appoint the 114691
following to serve on the Workgroup: 114692

(1) Representatives of all of the following: 114693

(a) The Ohio Centers for Intellectual Disabilities formed by 114694
the Ohio Health Care Association; 114695

(b) The Values and Faith Alliance; 114696

(c) The Ohio Association of County Boards Serving People with 114697

Developmental Disabilities;	114698
(d) The Ohio SIBS;	114699
(e) The Arc of Ohio;	114700
(f) The Ohio Provider Resource Association.	114701
(2) One or more persons with developmental disabilities who advocate for such persons.	114702 114703
(C) Members of the Workgroup shall serve without compensation or reimbursement, except to the extent that serving on the Workgroup is considered part of their usual job duties.	114704 114705 114706
(D) The Workgroup shall complete its study, and complete a report with recommendations regarding accountability measures for ICFs/IID, not later than November 4, 2015. The Workgroup shall submit copies of the report to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly.	114707 114708 114709 114710 114711
Section 259.280. COMMUNITY SUPPORT AND RENTAL ASSISTANCE	114712
The foregoing appropriation item 322509, Community Support and Rental Assistance, may be used by the Director of Developmental Disabilities to provide funding to county boards of developmental disabilities for rental assistance to individuals with developmental disabilities receiving home and community-based services as defined in section 5123.01 of the Revised Code pursuant to section 5124.60 of the Revised Code or section 5124.69 of the Revised Code and to former residents of a developmental center. The director shall establish the methodology for determining the amount and distribution of such funding.	114713 114714 114715 114716 114717 114718 114719 114720 114721 114722
Section 259.290. MEDICAID RATES FOR SHELTERED WORKSHOP SERVICES	114723 114724
The Medicaid payment rates for adult day services provided by sheltered workshops during the period beginning July 1, 2015, and	114725 114726

ending June 30, 2017, under a Medicaid waiver component 114727
administered by the Department of Developmental Disabilities shall 114728
be not less than Medicaid payment rates for those services in 114729
effect on June 30, 2015. 114730

Section 259.300. GRF APPROPRIATION TRANSFER IN THE EVENT OF A 114731
SHORTFALL 114732

If the Director of Developmental Disabilities determines that 114733
there is a shortfall in funding and a need for additional Medicaid 114734
services to be provided through GRF appropriation item 653407, 114735
Medicaid Services, the Director may certify in fiscal year 2016 114736
and fiscal year 2017 to the Director of Budget and Management the 114737
amount of any shortfall. The Director of Budget and Management may 114738
transfer, in the amount certified, state share appropriations from 114739
GRF appropriation item 651525, Medicaid/Health Care Services, 114740
within the Department of Medicaid to GRF appropriation item 114741
653407, Medicaid Services, within the Department of Developmental 114742
Disabilities. If state share appropriations are transferred, the 114743
Director of Budget and Management shall adjust the federal share 114744
appropriations in the Departments of Medicaid and Developmental 114745
Disabilities, accordingly. 114746

Section 261.10. OBD OHIO BOARD OF DIETETICS 114747
Dedicated Purpose Fund Group 114748
4K90 860609 Operating Expenses \$ 362,872 \$ 371,779 114749
TOTAL DPF Dedicated Purpose Fund 114750
Group \$ 362,872 \$ 371,779 114751
TOTAL ALL BUDGET FUND GROUPS \$ 362,872 \$ 371,779 114752

Section 263.10. EDU DEPARTMENT OF EDUCATION 114754
General Revenue Fund 114755
GRF 200321 Operating Expenses \$ 13,967,708 \$ 14,267,708 114756

GRF 200408	Early Childhood Education	\$ 60,268,341	\$ 70,268,341	114757
GRF 200420	Information Technology Development and Support	\$ 3,841,296	\$ 3,841,296	114758
GRF 200421	Alternative Education Programs	\$ 9,053,998	\$ 9,053,998	114759
GRF 200422	School Management Assistance	\$ 3,000,000	\$ 3,000,000	114760
GRF 200424	Policy Analysis	\$ 428,558	\$ 428,558	114761
GRF 200425	Tech Prep Consortia Support	\$ 260,542	\$ 260,542	114762
GRF 200426	Ohio Educational Computer Network	\$ 16,200,000	\$ 16,200,000	114763
GRF 200427	Academic Standards	\$ 3,800,000	\$ 3,800,000	114764
GRF 200437	Student Assessment	\$ 40,241,438	\$ 39,830,050	114765
GRF 200439	Accountability/Report Cards	\$ 4,897,310	\$ 4,897,310	114766
GRF 200442	Child Care Licensing	\$ 1,822,500	\$ 1,822,500	114767
GRF 200446	Education Management Information System	\$ 6,833,070	\$ 6,833,070	114768
GRF 200447	GED Testing	\$ 324,000	\$ 324,000	114769
GRF 200448	Educator Preparation	\$ 2,839,237	\$ 2,839,237	114770
GRF 200455	Community Schools and Choice Programs	\$ 3,651,395	\$ 3,731,395	114771
GRF 200457	STEM Initiatives	\$ 150,000	\$ 0	114772
GRF 200465	Education Technology Resources	\$ 3,170,976	\$ 3,170,976	114773
GRF 200502	Pupil Transportation	\$ 549,823,920	\$ 571,286,409	114774
GRF 200505	School Lunch Match	\$ 9,300,000	\$ 9,300,000	114775
GRF 200511	Auxiliary Services	\$ 144,254,342	\$ 149,909,112	114776
GRF 200532	Nonpublic Administrative Cost	\$ 65,165,374	\$ 67,719,856	114777

		Reimbursement				
GRF	200540	Special Education	\$	162,871,292	\$	162,871,292 114778
		Enhancements				
GRF	200545	Career-Technical	\$	11,797,418	\$	11,822,418 114779
		Education Enhancements				
GRF	200550	Foundation Funding	\$	6,420,214,920	\$	6,671,755,799 114780
GRF	200566	Literacy Improvement	\$	500,000	\$	500,000 114781
GRF	200572	Adult Diploma	\$	3,750,000	\$	5,000,000 114782
GRF	200573	EdChoice Expansion	\$	23,500,000	\$	31,500,000 114783
GRF	200574	Half-Mill Maintenance	\$	18,750,000	\$	19,250,000 114784
		Equalization				
GRF	200588	Competency Based	\$	1,000,000	\$	1,000,000 114785
		Education Pilot				
TOTAL GRF		General Revenue Fund	\$	7,585,677,635	\$	7,886,483,867 114786
		Dedicated Purpose Fund Group				114787
4520	200638	Fees and Refunds	\$	1,000,000	\$	1,000,000 114788
4540	200610	GED Testing	\$	250,000	\$	250,000 114789
4550	200608	Commodity Foods	\$	24,000,000	\$	24,000,000 114790
4L20	200681	Teacher Certification	\$	14,150,000	\$	14,250,000 114791
		and Licensure				
5980	200659	Auxiliary Services	\$	1,328,910	\$	1,328,910 114792
		Reimbursement				
5H30	200687	School District	\$	10,000,000	\$	10,000,000 114793
		Solvency Assistance				
5KT0	200673	Early Childhood	\$	20,000,000	\$	20,000,000 114794
		Education				
5KX0	200691	Ohio School	\$	487,419	\$	528,600 114795
		Sponsorship Program				
5MM0	200677	Child Nutrition	\$	550,000	\$	550,000 114796
		Refunds				
5RB0	200644	College Credit Plus	\$	10,000,000	\$	0 114797
		Credential				
5RE0	200697	School District TPP	\$	48,000,000	\$	78,000,000 114798

		Supplement					
5U20	200685	National Education	\$	300,000	\$	300,000	114799
		Statistics					
6200	200615	Educational	\$	175,000	\$	175,000	114800
		Improvement Grants					
TOTAL DPF		Dedicated Purpose Fund	\$	130,241,329	\$	150,382,510	114801
Group							
Internal Service Activity Fund Group							114802
1380	200606	Information	\$	6,850,090	\$	6,850,090	114803
		Technology					
		Development and					
		Support					
4R70	200695	Indirect Operational	\$	7,600,000	\$	7,600,000	114804
		Support					
4V70	200633	Interagency Program	\$	500,000	\$	500,000	114805
		Support					
TOTAL ISA		Internal Service Activity					114806
Fund Group			\$	14,950,090	\$	14,950,090	114807
State Lottery Fund Group							114808
7017	200612	Foundation Funding	\$	987,650,000	\$	1,042,700,000	114809
7017	200629	Community Connectors	\$	10,000,000	\$	10,000,000	114810
7017	200684	Community School	\$	14,400,000	\$	20,700,000	114811
		Facilities					
TOTAL SLF		State Lottery					114812
Fund Group			\$	1,012,050,000	\$	1,073,400,000	114813
Federal Fund Group							114814
3090	200601	Neglected and	\$	1,600,000	\$	1,600,000	114815
		Delinquent Education					
3670	200607	School Food Services	\$	9,240,111	\$	9,794,517	114816
3700	200624	Education of	\$	1,702,040	\$	1,274,040	114817
		Exceptional Children					
3AF0	200603	Schools Medicaid	\$	750,000	\$	750,000	114818

		Administrative Claims				
3AN0	200671	School Improvement	\$	32,400,000	\$	32,400,000 114819
		Grants				
3C50	200661	Early Childhood	\$	14,554,749	\$	14,554,749 114820
		Education				
3CG0	200646	Teacher Incentive	\$	12,500,000	\$	200,000 114821
3D10	200664	Drug Free Schools	\$	521,000	\$	282,000 114822
3D20	200667	Math Science	\$	7,500,000	\$	7,500,000 114823
		Partnerships				
3EH0	200620	Migrant Education	\$	2,900,000	\$	2,900,000 114824
3EJ0	200622	Homeless Children	\$	2,600,000	\$	2,600,000 114825
		Education				
3EK0	200637	Advanced Placement	\$	432,444	\$	498,484 114826
3FD0	200665	Race to the Top	\$	12,000,000	\$	0 114827
3FN0	200672	Early Learning	\$	8,000,000	\$	3,400,000 114828
		Challenge - Race to the Top				
3GE0	200674	Summer Food Service	\$	14,423,915	\$	14,856,635 114829
		Program				
3GF0	200675	Miscellaneous	\$	3,000,000	\$	3,000,000 114830
		Nutrition Grants				
3GG0	200676	Fresh Fruit and	\$	5,026,545	\$	5,177,340 114831
		Vegetable Program				
3GP0	200600	School Climate	\$	252,420	\$	252,420 114832
		Transformation				
3GQ0	200679	Project Aware	\$	1,907,423	\$	1,907,423 114833
3H90	200605	Head Start	\$	225,000	\$	225,000 114834
		Collaboration Project				
3L60	200617	Federal School Lunch	\$	371,960,060	\$	383,118,860 114835
3L70	200618	Federal School	\$	117,332,605	\$	122,025,909 114836
		Breakfast				
3L80	200619	Child/Adult Food	\$	113,508,500	\$	116,913,755 114837
		Programs				

3L90	200621	Career-Technical Education Basic Grant	\$ 44,663,900	\$ 44,663,900	114838
3M00	200623	ESEA Title 1A	\$ 590,000,000	\$ 600,000,000	114839
3M20	200680	Individuals with Disabilities Education Act	\$ 444,000,000	\$ 445,000,000	114840
3Y20	200688	21st Century Community Learning Centers	\$ 50,000,000	\$ 50,000,000	114841
3Y60	200635	Improving Teacher Quality	\$ 90,000,000	\$ 90,000,000	114842
3Y70	200689	English Language Acquisition	\$ 10,101,411	\$ 10,101,411	114843
3Y80	200639	Rural and Low Income Technical Assistance	\$ 3,300,000	\$ 3,300,000	114844
3Z20	200690	State Assessments	\$ 10,263,000	\$ 10,263,000	114845
3Z30	200645	Consolidated Federal Grant Administration	\$ 10,000,000	\$ 10,000,000	114846
TOTAL FED	Federal Fund Group		\$ 1,986,665,123	\$ 1,988,559,443	114847
TOTAL ALL BUDGET FUND GROUPS			\$10,729,584,177	\$11,113,775,910	114848

Section 263.20. OPERATING EXPENSES 114850

A portion of the foregoing appropriation item 200321,
 Operating Expenses, shall be used by the Department of Education
 to provide matching funds under 20 U.S.C. 2321. 114851
 114852
 114853

EARLY CHILDHOOD EDUCATION 114854

The Department of Education shall distribute the foregoing
 appropriation item 200408, Early Childhood Education, to pay the
 costs of early childhood education programs. The Department shall
 distribute such funds directly to qualifying providers. 114855
 114856
 114857
 114858

(A) As used in this section: 114859

(1) "Provider" means a city, local, exempted village, or 114860

joint vocational school district; an educational service center; a 114861
community school sponsored by an exemplary sponsor; a chartered 114862
nonpublic school; an early childhood education child care provider 114863
licensed under Chapter 5104. of the Revised Code that participates 114864
in and meets at least the third highest tier of the tiered quality 114865
rating and improvement system described in section 5104.30 of the 114866
Revised Code; or a combination of entities described in this 114867
paragraph. 114868

(2) In the case of a city, local, or exempted village school 114869
district or early childhood education child care provider licensed 114870
under Chapter 5104. of the Revised Code, "new eligible provider" 114871
means a provider that did not receive state funding for Early 114872
Childhood Education in the previous fiscal year or demonstrates a 114873
need for early childhood programs as defined in division (D) of 114874
this section. 114875

(3) In the case of a community school, "new eligible 114876
provider" means either of the following: 114877

(a) A community school established under Chapter 3314. of the 114878
Revised Code that is sponsored by a sponsor rated "exemplary" in 114879
accordance with section 3314.016 of the Revised Code that offers a 114880
child care program in accordance with sections 3301.50 to 3301.59 114881
of the Revised Code that did not receive state funding for Early 114882
Childhood Education in the previous fiscal year; 114883

(b) A community school established under Chapter 3314. of the 114884
Revised Code that is sponsored by a municipal school district and 114885
operates a program that uses the Montessori method endorsed by the 114886
American Montessori Society, the Montessori Accreditation Council 114887
for Teacher Education, or the Association Montessori 114888
Internationale as its primary method of instruction, as authorized 114889
by division (A) of section 3314.06 of the Revised Code, that did 114890
not receive state funding for Early Childhood Education in the 114891
previous year or demonstrates a need for early childhood programs 114892

as defined in division (D) of this section. 114893

(4) "Eligible child," between July 1, 2015 and June 30, 2016, 114894
means a child who is at least three years of age as of the 114895
district entry date for kindergarten, is not of the age to be 114896
eligible for kindergarten, and whose family earns not more than 114897
two hundred per cent of the federal poverty guidelines as defined 114898
in division (A)(3) of section 5101.46 of the Revised Code. 114899
Children with an Individualized Education Program and where the 114900
Early Childhood Education program is the least restrictive 114901
environment may be enrolled on their third birthday. 114902

(5) "Eligible child," beginning July 1, 2016, means a child 114903
who is at least four years of age as of the district entry date 114904
for kindergarten, is not of the age to be eligible for 114905
kindergarten, and whose family earns not more than two hundred per 114906
cent of the federal poverty guidelines as defined in division 114907
(A)(3) of section 5101.46 of the Revised Code. Children with an 114908
Individualized Education Program and where the Early Childhood 114909
Education program is the least restrictive environment may be 114910
enrolled on their fourth birthday. 114911

(6) "Early learning program standards" means early learning 114912
program standards for school readiness developed by the Department 114913
to assess the operation of early learning programs. 114914

(B) In each fiscal year, up to two per cent of the total 114915
appropriation may be used by the Department for program support 114916
and technical assistance. The Department shall distribute the 114917
remainder of the appropriation in each fiscal year to serve 114918
eligible children. 114919

(C) The Department shall provide an annual report to the 114920
Governor, the Speaker of the House of Representatives, and the 114921
President of the Senate and post the report to the Department's 114922
web site, regarding early childhood education programs operated 114923

under this section and the early learning program standards. 114924

(D) After setting aside the amounts to make payments due from 114925
the previous fiscal year, in fiscal year 2016, the Department 114926
shall distribute funds first to recipients of funds for early 114927
childhood education programs under Section 263.20 of Am. Sub. H.B. 114928
59 of the 130th General Assembly in the previous fiscal year and 114929
the balance to new eligible providers of early childhood education 114930
programs under this section or to existing providers to serve more 114931
eligible children or for purposes of program expansion, 114932
improvement, or special projects to promote quality and 114933
innovation. 114934

After setting aside the amounts to make payments due from the 114935
previous fiscal year, in fiscal year 2017, the Department shall 114936
distribute funds first to providers of early childhood education 114937
programs under this section in the previous fiscal year and the 114938
balance to new eligible providers or to existing providers to 114939
serve more eligible children as outlined under division (E) of 114940
this section or for purposes of program expansion, improvement, or 114941
special projects to promote quality and innovation. 114942

(E) The Department shall distribute any new or remaining 114943
funding to existing providers of early childhood education 114944
programs or any new eligible providers in an effort to invest in 114945
high quality early childhood programs where there is a need as 114946
determined by the Department. The Department shall distribute the 114947
new or remaining funds to existing providers of early childhood 114948
education programs or any new eligible providers to serve 114949
additional eligible children based on community economic 114950
disadvantage, limited access to high quality preschool or 114951
childcare services, and demonstration of high quality preschool 114952
services as determined by the Department using new metrics 114953
developed pursuant to Ohio's Race to the Top—Early Learning 114954
Challenge Grant, awarded to the Department in December 2011. 114955

Awards under divisions (D) and (E) of this section shall be distributed on a per-pupil basis, and in accordance with division (I) of this section. The Department may adjust the per-pupil amount so that the per-pupil amount multiplied by the number of eligible children enrolled and receiving services on the first day of December or the business day closest to that date equals the amount allocated under this section.

(F) Costs for developing and administering an early childhood education program may not exceed fifteen per cent of the total approved costs of the program.

All providers shall maintain such fiscal control and accounting procedures as may be necessary to ensure the disbursement of, and accounting for, these funds. The control of funds provided in this program, and title to property obtained, shall be under the authority of the approved provider for purposes provided in the program unless, as described in division (K) of this section, the program waives its right for funding or a program's funding is eliminated or reduced due to its inability to meet financial or early learning program standards. The approved provider shall administer and use such property and funds for the purposes specified.

(G) The Department may examine a provider's financial and program records. If the financial practices of the program are not in accordance with standard accounting principles or do not meet financial standards outlined under division (F) of this section, or if the program fails to substantially meet the early learning program standards, meet a quality rating level in the tiered quality rating and improvement system developed under section 5104.30 of the Revised Code as prescribed by the Department, or exhibits below average performance as measured against the standards, the early childhood education program shall propose and implement a corrective action plan that has been approved by the

Department. The approved corrective action plan shall be signed by 114988
the chief executive officer and the executive of the official 114989
governing body of the provider. The corrective action plan shall 114990
include a schedule for monitoring by the Department. Such 114991
monitoring may include monthly reports, inspections, a timeline 114992
for correction of deficiencies, and technical assistance to be 114993
provided by the Department or obtained by the early childhood 114994
education program. The Department may withhold funding pending 114995
corrective action. If an early childhood education program fails 114996
to satisfactorily complete a corrective action plan, the 114997
Department may deny expansion funding to the program or withdraw 114998
all or part of the funding to the program and establish a new 114999
eligible provider through a selection process established by the 115000
Department. 115001

(H)(1) If the early childhood education program is licensed 115002
by the Department of Education and is not highly rated, as 115003
determined by the Director of Job and Family Services, under the 115004
tiered quality rating and improvement system described in section 115005
5104.30 of the Revised Code, the program shall do all of the 115006
following: 115007

(a) Meet teacher qualification requirements prescribed by 115008
section 3301.311 of the Revised Code; 115009

(b) Align curriculum to the early learning content standards 115010
developed by the Department; 115011

(c) Meet any child or program assessment requirements 115012
prescribed by the Department; 115013

(d) Require teachers, except teachers enrolled and working to 115014
obtain a degree pursuant to section 3301.311 of the Revised Code, 115015
to attend a minimum of twenty hours every two years of 115016
professional development as prescribed by the Department; 115017

(e) Document and report child progress as prescribed by the 115018

Department; 115019

(f) Meet and report compliance with the early learning 115020
program standards as prescribed by the Department; 115021

(g) Participate in the tiered quality rating and improvement 115022
system developed under section 5104.30 of the Revised Code. 115023
Effective July 1, 2016, all programs shall be rated through the 115024
system. 115025

(2) If the program is highly rated, as determined by the 115026
Director of Job and Family Services, under the tiered quality 115027
rating and improvement system developed under section 5104.30 of 115028
the Revised Code, the program shall comply with the requirements 115029
of that system. 115030

(I) Per-pupil funding for programs subject to this section 115031
shall be sufficient to provide eligible children with services for 115032
a standard early childhood schedule which shall be defined in this 115033
section as a minimum of twelve and one-half hours per school week 115034
as defined in section 3313.62 of the Revised Code for the minimum 115035
school year as defined in sections 3313.48, 3313.481, and 3313.482 115036
of the Revised Code. Nothing in this section shall be construed to 115037
prohibit program providers from utilizing other funds to serve 115038
eligible children in programs that exceed the twelve and one-half 115039
hours per week or that exceed the minimum school year. For any 115040
provider for which a standard early childhood education schedule 115041
creates a hardship or for which the provider shows evidence that 115042
the provider is working in collaboration with a preschool special 115043
education program, the provider may submit a waiver to the 115044
Department requesting an alternate schedule. If the Department 115045
approves a waiver for an alternate schedule that provides services 115046
for less time than the standard early childhood education 115047
schedule, the Department may reduce the provider's annual 115048
allocation proportionately. Under no circumstances shall an annual 115049
allocation be increased because of the approval of an alternate 115050

schedule. 115051

(J) For fiscal year 2016, each provider shall develop a 115052
sliding fee scale based on family incomes and shall charge 115053
families who earn more than two hundred per cent of the federal 115054
poverty guidelines, as defined in division (A)(3) of section 115055
5101.46 of the Revised Code, for the early childhood education 115056
program. 115057

The Department shall conduct an annual survey of each 115058
provider to determine whether the provider charges families 115059
tuition or fees, the amount families are charged relative to 115060
family income levels, and the number of families and students 115061
charged tuition and fees for the early childhood program. 115062

(K) If an early childhood education program voluntarily 115063
waives its right for funding, or has its funding eliminated for 115064
not meeting financial standards or the early learning program 115065
standards, the provider shall transfer control of title to 115066
property, equipment, and remaining supplies obtained through the 115067
program to providers designated by the Department and return any 115068
unexpended funds to the Department along with any reports 115069
prescribed by the Department. The funding made available from a 115070
program that waives its right for funding or has its funding 115071
eliminated or reduced may be used by the Department for new grant 115072
awards or expansion grants. The Department may award new grants or 115073
expansion grants to eligible providers who apply. The eligible 115074
providers who apply must do so in accordance with the selection 115075
process established by the Department. 115076

(L) Eligible expenditures for the Early Childhood Education 115077
Program shall be claimed each fiscal year to help meet the state's 115078
TANF maintenance of effort requirement. The Superintendent of 115079
Public Instruction and the Director of Job and Family Services 115080
shall enter into an interagency agreement to carry out the 115081
requirements under this division, which shall include developing 115082

reporting guidelines for these expenditures. 115083

(M)(1) For fiscal year 2017, the Department of Education and 115084
the Department of Job and Family Services shall establish the 115085
following in common between early childhood education programs and 115086
publicly funded child care: 115087

(a) An application; 115088

(b) Program eligibility; 115089

(c) Funding; 115090

(d) An attendance policy; 115091

(e) An attendance tracking system. 115092

(2) Beginning July 1, 2016, in accordance with section 115093
5104.34 of the Revised Code, eligible families may receive 115094
publicly funded child care beyond the standard early childhood 115095
schedule defined in division (I) of this section. 115096

(3) All providers, agencies, and school districts 115097
participating in the early childhood education program or 115098
providing care to eligible families beyond the standard early 115099
childhood schedule shall follow the common policies established 115100
under this division. 115101

Section 263.30. INFORMATION TECHNOLOGY DEVELOPMENT AND 115102
SUPPORT 115103

The foregoing appropriation item 200420, Information 115104
Technology Development and Support, shall be used to support the 115105
development and implementation of information technology solutions 115106
designed to improve the performance and services of the Department 115107
of Education. Funds may be used for personnel, maintenance, and 115108
equipment costs related to the development and implementation of 115109
these technical system projects. Implementation of these systems 115110
shall allow the Department to provide greater levels of assistance 115111

to school districts and to provide more timely information to the public, including school districts, administrators, and legislators. Funds may also be used to support data-driven decision-making and differentiated instruction, as well as to communicate academic content standards and curriculum models to schools through web-based applications.

Section 263.40. ALTERNATIVE EDUCATION PROGRAMS

Of the foregoing appropriation item 200421, Alternative Education Programs, up to \$1,250,000 in each fiscal year shall be used to make payments under sections 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised Code, as amended by this act.

Of the foregoing appropriation item 200421, Alternative Education Programs, \$400,000 in each fiscal year shall be used to support Jobs for Ohio's Graduates.

The remainder of appropriation item 200421, Alternative Education Programs, shall be used for the renewal of successful implementation grants and for competitive matching grants to school districts for alternative educational programs for existing and new at-risk and delinquent youth. Programs shall be focused on youth in one or more of the following categories: those who have been expelled or suspended, those who have dropped out of school or who are at risk of dropping out of school, those who are habitually truant or disruptive, or those on probation or on parole from a Department of Youth Services facility. Grants shall be awarded only to programs in which the grant will not serve as the program's primary source of funding. These grants shall be administered by the Department of Education.

The Department of Education may waive compliance with any minimum education standard established under section 3301.07 of the Revised Code for any alternative school that receives a grant under this section on the grounds that the waiver will enable the

program to more effectively educate students enrolled in the 115143
alternative school. 115144

Of the foregoing appropriation item 200421, Alternative 115145
Education Programs, a portion may be used for program 115146
administration, monitoring, technical assistance, support, 115147
research, and evaluation. 115148

Section 263.50. SCHOOL MANAGEMENT ASSISTANCE 115149

Of the foregoing appropriation item 200422, School Management 115150
Assistance, \$1,000,000 in each fiscal year shall be used by the 115151
Auditor of State in consultation with the Department of Education 115152
for expenses incurred in the Auditor of State's role relating to 115153
fiscal caution, fiscal watch, and fiscal emergency activities as 115154
defined in Chapter 3316. of the Revised Code, unless an amount 115155
less than \$1,000,000 is needed and mutually agreed to by the 115156
Department and the Auditor of State. This set-aside may also be 115157
used by the Auditor of State to conduct performance audits of 115158
other school districts with priority given to districts in fiscal 115159
distress. Districts in fiscal distress shall be determined by the 115160
Auditor of State and shall include districts that the Auditor of 115161
State, in consultation with the Department of Education, 115162
determines are employing fiscal practices or experiencing 115163
budgetary conditions that could produce a state of fiscal watch or 115164
fiscal emergency. 115165

The remainder of appropriation item 200422, School Management 115166
Assistance, shall be used by the Department of Education to 115167
provide fiscal technical assistance and inservice education for 115168
school district management personnel and to administer, monitor, 115169
and implement the fiscal caution, fiscal watch, and fiscal 115170
emergency provisions under Chapter 3316. of the Revised Code. 115171

Section 263.60. POLICY ANALYSIS 115172

The foregoing appropriation item 200424, Policy Analysis, 115173
shall be used by the Department of Education to support a system 115174
of administrative, statistical, and legislative education 115175
information to be used for policy analysis. Staff supported by 115176
this appropriation shall administer the development of reports, 115177
analyses, and briefings to inform education policymakers of 115178
current trends in education practice, efficient and effective use 115179
of resources, and evaluation of programs to improve education 115180
results. A portion of these funds shall be used to maintain a 115181
longitudinal database to support the assessment of the impact of 115182
policies and programs on Ohio's education and workforce 115183
development systems. The research efforts supported by this 115184
appropriation item shall be used to supply information and 115185
analysis of data to and in consultation with the General Assembly 115186
and other state policymakers, including the Office of Budget and 115187
Management, the Governor's Office of 21st Century Education, and 115188
the Legislative Service Commission. 115189

The Department of Education may use funding from this 115190
appropriation item to purchase or contract for the development of 115191
software systems or contract for policy studies that will assist 115192
in the provision and analysis of policy-related information. 115193
Funding from this appropriation item also may be used to monitor 115194
and enhance quality assurance for research-based policy analysis 115195
and program evaluation to enhance the effective use of education 115196
information to inform education policymakers. 115197

TECH PREP CONSORTIA SUPPORT 115198

The foregoing appropriation item 200425, Tech Prep Consortia 115199
Support, shall be used by the Department of Education to support 115200
state-level activities designed to support, promote, and expand 115201
tech prep programs. Use of these funds shall include, but not be 115202
limited to, administration of grants, program evaluation, 115203
professional development, curriculum development, assessment 115204

development, program promotion, communications, and statewide 115205
coordination of tech prep consortia. 115206

Section 263.70. OHIO EDUCATIONAL COMPUTER NETWORK 115207

The foregoing appropriation item 200426, Ohio Educational 115208
Computer Network, shall be used by the Department of Education to 115209
maintain a system of information technology throughout Ohio and to 115210
provide technical assistance for such a system in support of the 115211
P-16 State Education Technology Plan developed under section 115212
3353.09 of the Revised Code. 115213

Of the foregoing appropriation item 200426, Ohio Educational 115214
Computer Network, up to \$10,000,000 in each fiscal year shall be 115215
used by the Department of Education to support connection of all 115216
public school buildings and participating chartered nonpublic 115217
schools to the state's education network, to each other, and to 115218
the Internet. In each fiscal year the Department of Education 115219
shall use these funds to assist information technology centers or 115220
school districts with the operational costs associated with this 115221
connectivity. The Department of Education shall develop a formula 115222
and guidelines for the distribution of these funds to information 115223
technology centers or individual school districts. As used in this 115224
section, "public school building" means a school building of any 115225
city, local, exempted village, or joint vocational school 115226
district, any community school established under Chapter 3314. of 115227
the Revised Code, any college preparatory boarding school 115228
established under Chapter 3328. of the Revised Code, any STEM 115229
school established under Chapter 3326. of the Revised Code, any 115230
educational service center building used for instructional 115231
purposes, the Ohio School for the Deaf and the Ohio School for the 115232
Blind, high schools chartered by the Ohio Department of Youth 115233
Services, or high schools operated by Ohio Department of 115234
Rehabilitation and Corrections' Ohio Central School System. 115235

Of the foregoing appropriation item 200426, Ohio Educational Computer Network, up to \$5,000,000 in each fiscal year shall be used, through a formula and guidelines devised by the Department, to subsidize the activities of designated information technology centers, as defined by State Board of Education rules, to provide school districts and chartered nonpublic schools with computer-based student and teacher instructional and administrative information services, including approved computerized financial accounting, and to ensure the effective operation of local automated administrative and instructional systems.

The remainder of appropriation item 200426, Ohio Educational Computer Network, shall be used to support the work of the development, maintenance, and operation of a network of uniform and compatible computer-based information and instructional systems as well as the teacher student linkage/roster verification process and the eTranscript/student records exchange initiative. This technical assistance shall include, but not be restricted to, development and maintenance of adequate computer software systems to support network activities. In order to improve the efficiency of network activities, the Department and information technology centers may jointly purchase equipment, materials, and services from funds provided under this appropriation for use by the network and, when considered practical by the Department, may utilize the services of appropriate state purchasing agencies.

Section 263.80. ACADEMIC STANDARDS

The foregoing appropriation item 200427, Academic Standards, shall be used by the Department of Education to develop and communicate to school districts academic content standards and curriculum models and to develop professional development programs and other tools on the new content standards and model curriculum.

Section 263.90. STUDENT ASSESSMENT 115267

Of the foregoing appropriation item 200437, Student 115268
Assessment, up to \$1,206,000 in fiscal year 2016 and up to 115269
\$2,760,000 in fiscal year 2017 may be used to support the 115270
assessments required under section 3301.0715 of the Revised Code. 115271

The remainder of appropriation item 200437, Student 115272
Assessment, shall be used to develop, field test, print, 115273
distribute, score, report results, and support other associated 115274
costs for the tests required under sections 3301.0710, 3301.0711, 115275
and 3301.0712 of the Revised Code and for similar purposes as 115276
required by section 3301.27 of the Revised Code. The funds may 115277
also be used to update and develop diagnostic assessments required 115278
under sections 3301.079, 3301.0715, and 3313.608 of the Revised 115279
Code. 115280

Section 263.100. ACCOUNTABILITY/REPORT CARDS 115281

Of the foregoing appropriation item 200439, 115282
Accountability/Report Cards, a portion in each fiscal year may be 115283
used to train district and regional specialists and district 115284
educators in the use of the value-added progress dimension and in 115285
the use of data as it relates to improving student achievement. 115286
This training may include teacher and administrator professional 115287
development in the use of data to improve instruction and student 115288
learning, and teacher and administrator training in understanding 115289
teacher value-added reports and how they can be used as a 115290
component in measuring teacher and administrator effectiveness. A 115291
portion of this funding may be provided to a credible nonprofit 115292
organization with expertise in value-added progress dimensions. 115293

The remainder of appropriation item 200439, 115294
Accountability/Report Cards, shall be used by the Department to 115295
incorporate a statewide value-added progress dimension into 115296

performance ratings for school districts and for the development 115297
of an accountability system that includes the preparation and 115298
distribution of school report cards, funding and expenditure 115299
accountability reports under sections 3302.03 and 3302.031 of the 115300
Revised Code, the development and maintenance of teacher 115301
value-added reports, the teacher student linkage/roster 115302
verification process, and the performance management section of 115303
the Department's web site required by section 3302.26 of the 115304
Revised Code. 115305

CHILD CARE LICENSING 115306

The foregoing appropriation item 200442, Child Care 115307
Licensing, shall be used by the Department of Education to license 115308
and to inspect preschool and school-age child care programs under 115309
sections 3301.52 to 3301.59 of the Revised Code. 115310

Section 263.110. EDUCATION MANAGEMENT INFORMATION SYSTEM 115311

The foregoing appropriation item 200446, Education Management 115312
Information System, shall be used by the Department of Education 115313
to improve the Education Management Information System (EMIS). 115314

Of the foregoing appropriation item 200446, Education 115315
Management Information System, up to \$725,000 in each fiscal year 115316
shall be distributed to designated information technology centers 115317
for costs relating to processing, storing, and transferring data 115318
for the effective operation of the EMIS. These costs may include, 115319
but are not limited to, personnel, hardware, software development, 115320
communications connectivity, professional development, and support 115321
services, and to provide services to participate in the State 115322
Education Technology Plan developed under section 3353.09 of the 115323
Revised Code. 115324

The remainder of appropriation item 200446, Education 115325
Management Information System, shall be used to develop and 115326

support the data definitions and standards adopted by the 115327
Education Management Information System Advisory Board, including 115328
the ongoing development and maintenance of the data dictionary and 115329
data warehouse. In addition, such funds shall be used to support 115330
the development and implementation of data standards; the design, 115331
development, and implementation of a new data exchange system; and 115332
responsibilities related to the school report cards prescribed by 115333
section 3302.03 of the Revised Code and value-added progress 115334
dimension calculations. 115335

Any provider of software meeting the standards approved by 115336
the Education Management Information System Advisory Board shall 115337
be designated as an approved vendor and may enter into contracts 115338
with local school districts, community schools, STEMS schools, 115339
information technology centers, or other educational entities for 115340
the purpose of collecting and managing data required under Ohio's 115341
education management information system (EMIS) laws. On an annual 115342
basis, the Department of Education shall convene an advisory group 115343
of school districts, community schools, and other 115344
education-related entities to review the Education Management 115345
Information System data definitions and data format standards. The 115346
advisory group shall recommend changes and enhancements based upon 115347
surveys of its members, education agencies in other states, and 115348
current industry practices, to reflect best practices, align with 115349
federal initiatives, and meet the needs of school districts. 115350

School districts, STEM schools, and community schools not 115351
implementing a uniform set of data definitions and data format 115352
standards for Education Management Information System purposes 115353
shall have all EMIS funding withheld until they are in compliance. 115354

Section 263.120. GED TESTING 115355

The foregoing appropriation item 200447, GED Testing, shall 115356
be used to provide General Educational Development (GED) testing 115357

under rules adopted by the State Board of Education and provide 115358
support to GED testing sites. 115359

Section 263.130. EDUCATOR PREPARATION 115360

Of the foregoing appropriation item 200448, Educator 115361
Preparation, up to \$500,000 in each fiscal year may be used by the 115362
Department of Education to monitor and support Ohio's State System 115363
of Support in accordance with the "No Child Left Behind Act of 115364
2011," 20 U.S.C. 6317, as administered pursuant to the Elementary 115365
and Secondary Education Act flexibility waivers approved for Ohio 115366
by the United States Department of Education. 115367

Of the foregoing appropriation item 200448, Educator 115368
Preparation, up to \$100,000 in each fiscal year may be used by the 115369
Department to support the Educator Standards Board under section 115370
3319.61 of the Revised Code and reforms under sections 3302.042, 115371
3302.06 through 3302.068, 3302.12, 3302.20 through 3302.22, and 115372
3319.58 of the Revised Code. 115373

Of the foregoing appropriation item 200448, Educator 115374
Preparation, \$1,000,000 in each fiscal year shall be distributed 115375
to Teach For America to increase recruitment of potential corps 115376
members at select Ohio universities, train and develop first-year 115377
and second-year teachers in the Teach for America program in Ohio, 115378
and expand alumni support and networking within the state. 115379

Of the foregoing appropriation item 200448, Educator 115380
Preparation, \$150,000 in each fiscal year shall be used to support 115381
the SmartOhio financial literacy program. 115382

Of the foregoing appropriation item 200448, Educator 115383
Preparation, \$125,000 in each fiscal year shall be used for the 115384
Ohio Appalachian Teaching Fellowship. The State Superintendent of 115385
Public Instruction shall select a nonprofit education organization 115386
with diverse experience in teacher, leader, and system development 115387

in school districts across the country, including experience 115388
working with schools in the Appalachian region to lead and manage 115389
the fellowship. The fellowship shall provide funding to assist 115390
with the costs of college tuition, instructional materials, and 115391
fees for exceptional students who want to teach in the Appalachian 115392
region of Ohio following college graduation. Fellows shall be 115393
selected during their senior year of high school. The nonprofit 115394
organization shall provide enrichment activities to supplement the 115395
fellows' educational experiences to prepare the future teachers 115396
for the unique challenges of teaching in the Appalachian region. 115397
Students who participate in the fellowship shall agree to teach in 115398
the Appalachian region of Ohio for at least four years following 115399
college graduation. 115400

The remainder of the foregoing appropriation item 200448, 115401
Educator Preparation, may be used for implementation of teacher 115402
and principal evaluation systems, including incorporation of 115403
student growth as a metric in those systems, and teacher 115404
value-added reports. 115405

Section 263.140. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 115406

The foregoing appropriation item 200455, Community Schools 115407
and Choice Programs, may be used by the Department of Education 115408
for operation of the school choice programs. 115409

Of the foregoing appropriation item 200455, Community Schools 115410
and Choice Programs, a portion in each fiscal year may be used by 115411
the Department of Education for developing and conducting training 115412
sessions for community schools and sponsors and prospective 115413
sponsors of community schools as prescribed in division (A)(1) of 115414
section 3314.015 of the Revised Code, and other schools 115415
participating in school choice programs. 115416

STEM INITIATIVES 115417

An amount equal to the unexpended, unencumbered balances of 115418
the GRF appropriations for the Department of Education at the end 115419
of fiscal year 2015, but not to exceed \$600,000, is hereby 115420
reappropriated to appropriation item 200457, STEM Initiatives, for 115421
fiscal year 2016 for the Department of Education to provide STEM 115422
schools with matching funds for industry workforce development 115423
initiatives. 115424

If the unexpended, unencumbered balances reappropriated above 115425
are less than \$600,000, the Superintendent of Public Instruction 115426
shall identify outstanding GRF encumbrances of the Department for 115427
fiscal year 2015 and prior fiscal years that are no longer needed 115428
to support the obligations of the Department. On July 1, 2015, or 115429
as soon as possible thereafter, the Superintendent shall certify 115430
the identified encumbrances to the Director of Budget and 115431
Management. Upon receipt of the certification, the Director of 115432
Budget and Management shall cancel identified encumbrances in an 115433
amount up to the difference between \$600,000 and the amount 115434
reappropriated above. The amount of canceled encumbrances is 115435
hereby appropriated to appropriation item 200457, STEM 115436
Initiatives, for fiscal year 2016 for the Department of Education 115437
to provide STEM schools with matching funds for industry workforce 115438
development initiatives. 115439

Of the foregoing appropriation item 200457, STEM Initiatives, 115440
\$150,000 in fiscal year 2016 shall be distributed to the Lake 115441
County Educational Service Center for a pilot project that 115442
supports innovative STEM initiatives for middle school students in 115443
Geauga and Lake counties affiliated with the Alliance for Working 115444
Together. These initiatives shall provide middle school students 115445
with early access to programming, engineering design, and 115446
problem-solving skills, the goal of which is to build a strong 115447
regional pipeline of future manufacturing workers who can fill 115448
high-paying, sustainable positions in the automated manufacturing 115449

industry. Not later than July 31, 2016, the Lake County 115450
Educational Service Center shall submit a report that describes 115451
the progress of the pilot project, including the number of 115452
students participating, to the standing committees of the House of 115453
Representatives and the Senate that are primarily responsible for 115454
considering economic development issues. 115455

Section 263.150. EDUCATION TECHNOLOGY RESOURCES 115456

Of the foregoing appropriation item 200465, Education 115457
Technology Resources, up to \$1,443,572 in each fiscal year shall 115458
be used for the Union Catalog and InfoOhio Network and to support 115459
the provision of electronic resources with priority given to 115460
resources that support the teaching of state academic content 115461
standards in all public schools. Consideration shall be given by 115462
the Department of Education to coordinating the allocation of 115463
these moneys with the efforts of Libraries Connect Ohio, whose 115464
members include OhioLINK, the Ohio Public Information Network, and 115465
the State Library of Ohio. 115466

Of the foregoing appropriation item 200465, Education 115467
Technology Resources, up to \$1,027,176 in each fiscal year shall 115468
be used by the Department of Education to provide grants to 115469
educational television stations working with partner education 115470
technology centers to provide Ohio public schools with 115471
instructional resources and services, with priority given to 115472
resources and services aligned with state academic content 115473
standards. Such resources and services shall be based upon the 115474
advice and approval of the Department, based on a formula 115475
developed in consultation with Ohio's educational television 115476
stations and educational technology centers. 115477

The remainder of the foregoing appropriation item 200465, 115478
Education Technology Resources, may be used to support the 115479
training, technical support, and guidance to school districts and 115480

public libraries in applying for federal E-Rate funds; for 115481
oversight and guidance of school district technology plans; and 115482
for support to district technology personnel. Funds may also be 115483
used to support the eTranscript/student records exchange 115484
initiative between the Department of Education and the Department 115485
of Higher Education and the internet safety training for students, 115486
teachers, and administrators required under the "Protecting 115487
Children in the 21st Century Act," Pub. L. No. 110-385, 122 Stat. 115488
4096 (2008). 115489

Section 263.160. PUPIL TRANSPORTATION 115490

Of the foregoing appropriation item 200502, Pupil 115491
Transportation, up to \$838,930 in each fiscal year may be used by 115492
the Department of Education for training prospective and 115493
experienced school bus drivers in accordance with training 115494
programs prescribed by the Department. 115495

Of the foregoing appropriation item 200502, Pupil 115496
Transportation, up to \$60,469,220 in each fiscal year may be used 115497
by the Department of Education for special education 115498
transportation reimbursements to school districts and county DD 115499
boards for transportation operating costs as provided in divisions 115500
(C) and (F) of section 3317.024 of the Revised Code. 115501

Of the foregoing appropriation item 200502, Pupil 115502
Transportation, up to \$2,500,000 in each fiscal year may be used 115503
by the Department of Education to reimburse school districts that 115504
make payments to parents in lieu of transportation under section 115505
3327.02 of the Revised Code and whose transportation is not funded 115506
under division (C) of section 3317.024 of the Revised Code. If the 115507
parent, guardian, or other person in charge of a pupil accepts the 115508
offer of payment in lieu of providing transportation, the school 115509
district shall pay that parent, guardian, or other person an 115510
amount that shall be not less than \$250 and not more than the 115511

amount determined by the Department as the average cost of pupil 115512
transportation for the previous school year. Payment may be 115513
prorated if the time period involved is only a part of the school 115514
year. 115515

The remainder of the foregoing appropriation item 200502, 115516
Pupil Transportation, shall be used to distribute the amounts 115517
calculated for transportation aid under divisions (E), (F), and 115518
(G) of section 3317.0212 of the Revised Code, as amended by this 115519
act. 115520

Section 263.170. SCHOOL LUNCH MATCH 115521

The foregoing appropriation item 200505, School Lunch Match, 115522
shall be used to provide matching funds to obtain federal funds 115523
for the school lunch program. 115524

Any remaining appropriation up to \$200,000 in each fiscal 115525
year after providing matching funds for the school lunch program, 115526
shall be used by the Department of Education to contract with the 115527
Children's Hunger Alliance to expand access to child nutrition 115528
programs consistent with the organization's continued ability to 115529
meet specified performance measures as detailed in the contract. 115530
These funds shall increase access to federal summer nutrition 115531
programs. 115532

Any remaining appropriation after providing funds to the 115533
Children's Hunger Alliance may be used to partially reimburse 115534
school buildings within school districts that are required to have 115535
a school breakfast program under section 3313.813 of the Revised 115536
Code, at a rate decided by the Department. 115537

Section 263.180. AUXILIARY SERVICES 115538

The foregoing appropriation item 200511, Auxiliary Services, 115539
shall be used by the Department of Education for the purpose of 115540
implementing section 3317.06 of the Revised Code. Of the 115541

appropriation, up to \$2,600,000 in each fiscal year may be used 115542
for payment of the College Credit Plus Program for nonpublic 115543
secondary school participants. The Department shall distribute 115544
funding according to rule 3333-1-65.8 of the Administrative Code, 115545
adopted by the Department of Higher Education pursuant to division 115546
(A) of section 3365.071 of the Revised Code. 115547

Section 263.190. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 115548

The foregoing appropriation item 200532, Nonpublic 115549
Administrative Cost Reimbursement, shall be used by the Department 115550
of Education for the purpose of implementing section 3317.063 of 115551
the Revised Code. If the appropriation is sufficient, 115552
reimbursement payments to a nonpublic school may total up to four 115553
hundred twenty dollars per student for each school year, 115554
notwithstanding the restriction in section 3317.063 of the Revised 115555
Code. 115556

Section 263.200. SPECIAL EDUCATION ENHANCEMENTS 115557

Of the foregoing appropriation item 200540, Special Education 115558
Enhancements, up to \$50,000,000 in each fiscal year shall be used 115559
to fund special education and related services at county boards of 115560
developmental disabilities for eligible students under section 115561
3317.20 of the Revised Code and at institutions for eligible 115562
students under section 3317.201 of the Revised Code. If necessary, 115563
the Department shall proportionately reduce the amount calculated 115564
for each county board of developmental disabilities and 115565
institution so as not to exceed the amount appropriated in each 115566
fiscal year. 115567

Of the foregoing appropriation item 200540, Special Education 115568
Enhancements, up to \$1,333,468 in each fiscal year shall be used 115569
for parent mentoring programs. 115570

Of the foregoing appropriation item 200540, Special Education 115571

Enhancements, up to \$2,537,824 in each fiscal year may be used for 115572
school psychology interns. 115573

Of the foregoing appropriation item 200540, Special Education 115574
Enhancements, the Department of Education shall transfer 115575
\$2,500,000 in each fiscal year to the Opportunities for Ohioans 115576
with Disabilities Agency. The transfer shall be made via an 115577
intrastate transfer voucher. The transferred funds shall be used 115578
by the Opportunities for Ohioans with Disabilities Agency as state 115579
matching funds to draw down available federal funding for 115580
vocational rehabilitation services. Total project funding shall be 115581
used to hire dedicated vocational rehabilitation counselors who 115582
shall work directly with school districts to provide transition 115583
services for students with disabilities. Services shall include 115584
vocational rehabilitation services such as person-centered career 115585
planning, summer work experiences, job placement, and retention 115586
services for mutually eligible students with disabilities. 115587

The Superintendent of Public Instruction and the Executive 115588
Director of the Opportunities for Ohioans with Disabilities Agency 115589
shall enter into an interagency agreement that shall specify the 115590
responsibilities of each agency under the program. Under the 115591
interagency agreement, the Opportunities for Ohioans with 115592
Disabilities Agency shall retain responsibility for all 115593
nondelegable functions, including eligibility and order of 115594
selection determination, individualized plan for employment (IPE) 115595
approval, IPE amendments, case closure, and release of vendor 115596
payments. 115597

Of the foregoing appropriation item 200540, Special Education 115598
Enhancements, up to \$2,500,000 in each fiscal year shall be used 115599
by the Department of Education to build capacity to deliver a 115600
regional system of training, support, coordination, and direct 115601
service for secondary transition services for students with 115602
disabilities beginning at fourteen years of age. These special 115603

education enhancements shall support all students with 115604
disabilities, regardless of partner agency eligibility 115605
requirements, to provide stand-alone direct secondary transition 115606
services by school districts. Secondary transition services shall 115607
include, but not be limited to, job exploration counseling, 115608
work-based learning experiences, counseling on opportunities for 115609
enrollment in comprehensive transition or post-secondary 115610
educational programs at institutions of higher education, 115611
workplace readiness training to develop occupational skills, 115612
social skills and independent living skills, and instruction in 115613
self-advocacy. Regional training shall support the expansion of 115614
transition to work endorsement opportunities for middle school and 115615
secondary level special education intervention specialists in 115616
order to develop the necessary skills and competencies to meet the 115617
secondary transition needs of students with disabilities beginning 115618
at fourteen years of age. 115619

The remainder of appropriation item 200540, Special Education 115620
Enhancements, shall be distributed by the Department of Education 115621
to school districts and institutions, as defined in section 115622
3323.091 of the Revised Code, for preschool special education 115623
funding under section 3317.0213 of the Revised Code. 115624

The Department may reimburse school districts and 115625
institutions for services provided by instructional assistants, 115626
related services as defined in rule 3301-51-11 of the 115627
Administrative Code, physical therapy services provided by a 115628
licensed physical therapist or physical therapist assistant under 115629
the supervision of a licensed physical therapist as required under 115630
Chapter 4755. of the Revised Code and Chapter 4755-27 of the 115631
Administrative Code and occupational therapy services provided by 115632
a licensed occupational therapist or occupational therapy 115633
assistant under the supervision of a licensed occupational 115634
therapist as required under Chapter 4755. of the Revised Code and 115635

Chapter 4755-7 of the Administrative Code. Nothing in this section 115636
authorizes occupational therapy assistants or physical therapist 115637
assistants to generate or manage their own caseloads. 115638

The Department of Education shall require school districts, 115639
educational service centers, county DD boards, and institutions 115640
serving preschool children with disabilities to adhere to Ohio's 115641
early learning program standards, participate in the tiered 115642
quality rating and improvement system developed under section 115643
5104.30 of the Revised Code, and document child progress using 115644
research-based indicators prescribed by the Department and report 115645
results annually. The reporting dates and method shall be 115646
determined by the Department. Effective July 1, 2018, all programs 115647
shall be rated through the tiered quality rating and improvement 115648
system. 115649

Section 263.210. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 115650

Of the foregoing appropriation item 200545, Career-Technical 115651
Education Enhancements, up to \$1,008,000 in each fiscal year shall 115652
be used to fund the Ohio Career Counseling Pilot Program. The 115653
program shall utilize Career-Technical Planning Districts to 115654
deliver comprehensive career counseling services to students in 115655
grades seven through twelve. 115656

(A) Participating institutions shall provide the following 115657
services: 115658

(1) Connect students in grades seven through twelve to career 115659
mentors from local civic and business organizations for the 115660
purpose of exploring career options and workforce skills necessary 115661
for success; 115662

(2) Provide students in grades nine through twelve with 115663
opportunities for experiential learning through community-based 115664
businesses and civic partnerships; 115665

(3) Provide students in grades seven through twelve with career pathways that feature academic coursework integrated into career-technical training, including introduction to these pathways for students in grades seven and eight;

(4) Offer career-focused counseling for students that include all of the following components:

- (a) Earning college credit through the College Credit Plus Program;
- (b) Planning for a post-secondary education;
- (c) Earning an industry-recognized credential or state-issued license;
- (d) Participating in experiential learning;
- (e) Using the OhioMeansJobs web site; and
- (f) Participating in the Career Connections initiative developed by the Department of Education.

(B) Participating institutions shall establish participation and outcome goals for each of the activities as defined in division (A)(4) of this section. Each participating institution shall report results for each goal and provide recommendations to improve services to the Department of Education not later than sixty days after the end of the fiscal year. The Department shall compile all results and recommendations and provide a report to the Governor and General Assembly not later than October 31 following the end of each fiscal year.

(C) Participating institutions shall receive the following funding in each fiscal year for the Ohio Career Counseling Pilot Program: Butler Tech Joint Vocational School District, \$393,000; Four County Joint Vocational School District, \$164,000; Pioneer Career and Technology Center, \$141,000; South-Western City School District, \$110,000; Gallia-Jackson-Vinton Joint Vocational School

District, \$85,000; Four Cities Educational Compact, \$65,000; and 115696
Madison Local School District in Richland County, \$50,000. 115697

(D) The Department of Education shall distribute funds to 115698
participating institutions not later than August fifteenth of each 115699
fiscal year. 115700

(E) Professional development and outreach for school 115701
counselors under this section shall include how to effectively use 115702
training and informational resources on the OhioMeansJobs K-12 web 115703
site and shall be done in consultation with the Chancellor of 115704
Higher Education to ensure alignment with efforts to improve the 115705
preparation of school counselors on effective career counseling 115706
methods. 115707

Of the foregoing appropriation item 200545, Career-Technical 115708
Education Enhancements, up to \$2,563,568 in each fiscal year shall 115709
be used to fund secondary career-technical education at 115710
institutions, the Ohio School for the Deaf, and the Ohio State 115711
School for the Blind using a grant-based methodology, 115712
notwithstanding section 3317.05 of the Revised Code. 115713

Of the foregoing appropriation item 200545, Career-Technical 115714
Education Enhancements, up to \$2,837,800 in each fiscal year shall 115715
be used by the Department of Education to fund competitive grants 115716
to tech prep consortia that expand the number of students enrolled 115717
in tech prep programs. These grant funds shall be used to directly 115718
support expanded tech prep programs provided to students enrolled 115719
in school districts, including joint vocational school districts, 115720
and affiliated higher education institutions. This support may 115721
include the purchase of equipment. 115722

Of the foregoing appropriation item 200545, Career-Technical 115723
Education Enhancements, up to \$3,100,850 in each fiscal year shall 115724
be used by the Department of Education to support existing High 115725
Schools That Work (HSTW) sites, develop and support new sites, 115726

fund technical assistance, and support regional centers and middle school programs. The purpose of HSTW is to combine challenging academic courses and modern career-technical studies to raise the academic achievement of students. HSTW provides intensive technical assistance, focused staff development, targeted assessment services, and ongoing communications and networking opportunities.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$600,000 in each fiscal year shall be used by the Department of Education to enable students in agricultural programs to enroll in a fifth quarter of instruction based on the agricultural education model of delivering work-based learning through supervised agricultural experience. The Department of Education shall determine eligibility criteria and the reporting process for the Agriculture 5th Quarter Project and shall fund as many programs as possible given the set aside. The eligibility criteria developed by the Department shall allow these funds to support supervised agricultural experience that occurs anytime outside of the regular school day.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$162,200 in each fiscal year shall be distributed to the Cleveland Municipal School District and the Cincinnati City School District to be used for a VoAg Program in one at-risk nonvocational school in each district. The amount distributed to the Cleveland Municipal School District shall be equal to \$78,600 minus the funding allocated to the district under division (A)(8) of section 3317.022 of the Revised Code for the students participating in the program. The amount distributed to the Cincinnati City School District shall be equal to \$83,600 minus the funding allocated to the district under division (A)(8) of section 3317.022 of the Revised Code for the students participating in the program.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$525,000 in fiscal year 2016 and up to \$550,000 in fiscal year 2017 may be used to support career planning and reporting through the Ohio Means Jobs web site.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$1,000,000 in each fiscal year shall be used to support payments to city, local, and exempted village school districts, community schools, STEM schools, and joint vocational school districts whose students earn an industry-recognized credential or receive a journeyman certification recognized by the United States Department of Labor. The educating entity shall be required to inform students enrolled in career-technical education courses that lead to an industry-recognized credential about the opportunity to earn these credentials. The Ohio Department of Education shall work with the Department of Higher Education and the Governor's Office of Workforce Transformation to develop a schedule for reimbursement based on the Department of Education's list of industry-recognized credentials, the time it takes to earn the credential, and the cost to obtain the credential. The educating entity shall pay for the cost of the credential for an economically disadvantaged student and may claim and receive reimbursement. The educating entity may claim reimbursement based on the Department's reimbursement schedule up to six months after the student has graduated from high school. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

Section 263.220. FOUNDATION FUNDING

Of the foregoing appropriation item 200550, Foundation Funding, up to \$40,000,000 in each fiscal year shall be used to provide additional state aid to school districts, joint vocational

school districts, community schools, and STEM schools for special 115790
education students under division (C)(3) of section 3314.08, 115791
section 3317.0214, division (B) of section 3317.16, and section 115792
3326.34 of the Revised Code, except that the Controlling Board may 115793
increase these amounts if presented with such a request from the 115794
Department of Education at the final meeting of the fiscal year. 115795

Of the foregoing appropriation item 200550, Foundation 115796
Funding, up to \$3,800,000 in each fiscal year shall be used to 115797
fund gifted education at educational service centers. The 115798
Department shall distribute the funding through the unit-based 115799
funding methodology in place under division (L) of section 115800
3317.024, division (E) of section 3317.05, and divisions (A), (B), 115801
and (C) of section 3317.053 of the Revised Code as they existed 115802
prior to fiscal year 2010. 115803

Of the foregoing appropriation item 200550, Foundation 115804
Funding, up to \$40,250,000 in fiscal year 2016 and up to 115805
\$41,400,000 in fiscal year 2017 shall be reserved to fund the 115806
state reimbursement of educational service centers under the 115807
section of this act entitled "EDUCATIONAL SERVICE CENTERS 115808
FUNDING"; and up to \$3,500,000 in each fiscal year shall be 115809
distributed to educational service centers for School Improvement 115810
Initiatives and for the provision of technical assistance as 115811
required by the Elementary and Secondary Education Act Flexibility 115812
waivers approved for Ohio by the United States Department of 115813
Education. Educational service centers shall be required to 115814
support districts in the development and implementation of their 115815
continuous improvement plans as required in section 3302.04 of the 115816
Revised Code and to provide technical assistance and support in 115817
accordance with Title I of the "No Child Left Behind Act of 2001," 115818
115 Stat. 1425, 20 U.S.C. 6317, as administered pursuant to the 115819
Elementary and Secondary Education Act Flexibility waivers 115820
approved for Ohio by the United States Department of Education. 115821

Of the foregoing appropriation item 200550, Foundation 115822
Funding, up to \$20,000,000 in each fiscal year shall be reserved 115823
for payments under sections 3317.026, 3317.027, and 3317.028 of 115824
the Revised Code. If this amount is not sufficient, the Department 115825
of Education shall prorate the payment amounts so that the 115826
aggregate amount allocated in this paragraph is not exceeded. 115827

Of the foregoing appropriation item 200550, Foundation 115828
Funding, up to \$1,000,000 in each fiscal year shall be used to pay 115829
career-technical planning districts for the amounts reimbursed to 115830
students, as prescribed in this paragraph. Each career-technical 115831
planning district shall reimburse individuals taking the online 115832
General Educational Development (GED) test for the first time for 115833
application/test fees in excess of \$40. Each career-technical 115834
planning district shall designate a site or sites where 115835
individuals may register and take the exam. For each individual 115836
that registers for the exam, the career-technical planning 115837
district shall make available and offer career counseling 115838
services, including information on adult education programs that 115839
are available. Any remaining funds in each fiscal year shall be 115840
reimbursed to the Department of Youth Services and the Department 115841
of Rehabilitation and Correction for individuals in these 115842
facilities who have taken the GED for the first time. The amounts 115843
reimbursed shall not exceed the per-individual amounts reimbursed 115844
to other individuals under this section for each section of the 115845
GED. 115846

Of the foregoing appropriation item 200550, Foundation 115847
Funding, up to \$29,900,000 in fiscal year 2016 and up to 115848
\$38,000,000 in fiscal year 2017 shall be used to support school 115849
choice programs. 115850

Of the portion of the funds distributed to the Cleveland 115851
Municipal School District under this section, up to \$11,901,887 in 115852
each fiscal year shall be used to operate the school choice 115853

program in the Cleveland Municipal School District under sections 115854
3313.974 to 3313.979 of the Revised Code. Notwithstanding 115855
divisions (B) and (C) of section 3313.978 and division (C) of 115856
section 3313.979 of the Revised Code, up to \$1,000,000 in each 115857
fiscal year of this amount shall be used by the Cleveland 115858
Municipal School District to provide tutorial assistance as 115859
provided in division (H) of section 3313.974 of the Revised Code. 115860
The Cleveland Municipal School District shall report the use of 115861
these funds in the district's three-year continuous improvement 115862
plan as described in section 3302.04 of the Revised Code in a 115863
manner approved by the Department of Education. 115864

Of the foregoing appropriation item 200550, Foundation 115865
Funding, up to \$500,000 in each fiscal year may be used for 115866
payment of the College Credit Plus Program for students instructed 115867
at home pursuant to section 3321.04 of the Revised Code. 115868

Of the foregoing appropriation item 200550, Foundation 115869
Funding, an amount shall be available in each fiscal year to be 115870
paid to joint vocational school districts in accordance with 115871
division (A) of section 3317.16 of the Revised Code, section 115872
3317.26 of the Revised Code, and the section of this act entitled 115873
"TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 115874
DISTRICTS." 115875

Of the foregoing appropriation item 200550, Foundation 115876
Funding, up to \$700,000 in each fiscal year shall be used by the 115877
Department of Education for a program to pay for educational 115878
services for youth who have been assigned by a juvenile court or 115879
other authorized agency to any of the facilities described in 115880
division (A) of the section of this act entitled "PRIVATE 115881
TREATMENT FACILITY PROJECT." 115882

Of the foregoing appropriation item 200550, Foundation 115883
Funding, a portion may be used to pay college-preparatory boarding 115884
schools the per pupil boarding amount pursuant to section 3328.34 115885

of the Revised Code. 115886

Of the foregoing appropriation item 200550, Foundation 115887
Funding, up to \$2,000,000 in each fiscal year shall be used for 115888
the Bright New Leaders for Ohio Schools Program created and 115889
implemented by the nonprofit corporation incorporated pursuant to 115890
Section 733.40 of Am. Sub. H.B. 59 of the 130th General Assembly, 115891
to provide an alternative path for individuals to receive training 115892
and development in the administration of primary and secondary 115893
education and leadership, enable those individuals to earn degrees 115894
and obtain licenses in public school administration, and promote 115895
the placement of those individuals in public schools that have a 115896
poverty percentage greater than fifty per cent. 115897

Of the foregoing appropriation item 200550, Foundation 115898
Funding, \$750,000 in fiscal year 2016 shall be used as matching 115899
funds to support efforts by the Accelerate Great Schools 115900
public-private partnership to increase the number of 115901
high-performing schools in Cincinnati; to attract and develop 115902
excellent school leaders and teachers; and to engage families and 115903
communities in fostering educational improvement. 115904

Of the foregoing appropriation item 200550, Foundation 115905
Funding, \$200,000 in each fiscal year shall be used to support 115906
Bellefaire JCB's Social Advocates for Youth Program. 115907

Of the foregoing appropriation item 200550, Foundation 115908
Funding, \$150,000 in each fiscal year shall be used to support 115909
programming at the Cleveland Museum of Natural History. 115910

Of the foregoing appropriation item 200550, Foundation 115911
Funding, a portion in each fiscal year shall be used to pay 115912
community schools the amounts calculated for the graduation and 115913
third-grade reading bonuses under section 3314.085 and to pay STEM 115914
schools the amounts calculated for the graduation bonus under 115915
section 3326.41 of the Revised Code. 115916

The remainder of appropriation item 200550, Foundation Funding, shall be used to distribute the amounts calculated for formula aid under sections 3317.022 and 3317.26 of the Revised Code and the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

Appropriation items 200502, Pupil Transportation, 200540, Special Education Enhancements, and 200550, Foundation Funding, other than specific set-asides, are collectively used in each fiscal year to pay state formula aid obligations for school districts, community schools, STEM schools, college preparatory boarding schools, and joint vocational school districts under this act. The first priority of these appropriation items, with the exception of specific set-asides, is to fund state formula aid obligations. It may be necessary to reallocate funds among these appropriation items or use excess funds from other general revenue fund appropriation items in the Department of Education's budget in each fiscal year in order to meet state formula aid obligations. If it is determined that it is necessary to transfer funds among these appropriation items or to transfer funds from other General Revenue Fund appropriations in the Department of Education's budget to meet state formula aid obligations, the Superintendent of Public Instruction shall seek approval from the Director of Budget and Management to transfer funds as needed.

The Superintendent of Public Instruction shall make payments, transfers, and deductions, as authorized by Title XXXVIII of the Revised Code in amounts substantially equal to those made in the prior year, or otherwise, at the discretion of the Superintendent, until at least the effective date of the amendments and enactments made to Title XXXVIII by this act. Any funds paid to districts or schools under this section shall be credited toward the annual funds calculated for the district or school after the changes made to Title XXXVIII in this act are effective. Upon the effective date

of changes made to Title XXXIII in this act, funds shall be 115949
calculated as an annual amount. 115950

Section 263.230. TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 115951
AND EXEMPTED VILLAGE SCHOOL DISTRICTS 115952

(A) The Department of Education shall distribute funds within 115953
appropriation item 200550, Foundation Funding, for temporary 115954
transitional aid in each fiscal year to each qualifying city, 115955
local, and exempted village school district. 115956

(1) For fiscal years 2016 and 2017, the Department shall pay 115957
temporary transitional aid to each city, local, and exempted 115958
village school district that experiences any decrease in its 115959
foundation funding for the guarantee for the current fiscal year 115960
from its transitional aid guarantee base for the current fiscal 115961
year. The amount of the temporary transitional aid payment shall 115962
equal the district's transitional aid guarantee base minus the 115963
district's foundation funding for the guarantee. If the 115964
computation made under this division results in a negative number, 115965
the district's funding under this division shall be zero. 115966

(2) As used in this section, "foundation funding for the 115967
guarantee" for each city, local, and exempted village school 115968
district, for fiscal year 2016, equals the sum of the following 115969
amounts for that fiscal year: 115970

(a) The opportunity grant under division (A)(1) of section 115971
3317.022 of the Revised Code; 115972

(b) Targeted assistance funds under division (A)(2) of 115973
section 3317.022 of the Revised Code; 115974

(c) Additional state aid for special education and related 115975
services under division (A)(3) of section 3317.022 of the Revised 115976
Code; 115977

(d) Kindergarten through third grade literacy funds under 115978

division (A)(4) of section 3317.022 of the Revised Code;	115979
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	115980 115981
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	115982 115983
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	115984 115985
(h) Career-technical education funds under division (A)(8) of section 3317.022 of the Revised Code;	115986 115987
(i) Career-technical education associated services funds under division (A)(9) of section 3317.022 of the Revised Code;	115988 115989
(j) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	115990 115991
(k) The graduation bonus under division (A)(11) of section 3317.022 of the Revised Code;	115992 115993
(l) The third grade reading bonus under division (A)(12) of section 3317.022 of the Revised Code;	115994 115995
(m) The technology supplement under division (A)(13) of section 3317.022 of the Revised Code;	115996 115997
(n) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code;	115998 115999
(o) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code.	116000 116001
(3) As used in this section, "foundation funding for the guarantee" for each city, local, and exempted village school district, for fiscal year 2017, equals the sum of the following amounts for that fiscal year:	116002 116003 116004 116005
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	116006 116007

(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	116008 116009
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	116010 116011 116012
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	116013 116014
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	116015 116016
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	116017 116018
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	116019 116020
(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	116021 116022
(i) The graduation bonus under division (A)(11) of section 3317.022 of the Revised Code;	116023 116024
(j) The third grade reading bonus under division (A)(12) of section 3317.022 of the Revised Code;	116025 116026
(k) The technology supplement under division (A)(13) of section 3317.022 of the Revised Code;	116027 116028
(l) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code;	116029 116030
(m) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code.	116031 116032
(4) As used in this section, the "transitional aid guarantee base" for each city, local, and exempted village school district, for fiscal year 2016, equals the sum of the following amounts computed for the district for fiscal year 2015 after any	116033 116034 116035 116036

reductions made for fiscal year 2015 under division (B)(2) of	116037
Section 263.240 of Am. Sub. H.B. 59 of the 130th General Assembly:	116038
(a) The opportunity grant under division (A)(1) of section	116039
3317.022 of the Revised Code;	116040
(b) Targeted assistance funds under division (A)(2) of	116041
section 3317.022 of the Revised Code;	116042
(c) Additional state aid for special education and related	116043
services under division (A)(3) of section 3317.022 of the Revised	116044
Code;	116045
(d) Kindergarten through third grade literacy funds under	116046
division (A)(4) of section 3317.022 of the Revised Code;	116047
(e) Economically disadvantaged funds under division (A)(5) of	116048
section 3317.022 of the Revised Code;	116049
(f) Limited English proficiency funds under division (A)(6)	116050
of section 3317.022 of the Revised Code;	116051
(g) Gifted identification and unit funds under division	116052
(A)(7) of section 3317.022 of the Revised Code;	116053
(h) Career-technical education funds under division (A)(8) of	116054
section 3317.022 of the Revised Code;	116055
(i) Career-technical education associated services funds	116056
under division (A)(9) of section 3317.022 of the Revised Code;	116057
(j) Transportation funds under divisions (G)(1) and (2) of	116058
section 3317.0212 of the Revised Code, as that section existed at	116059
the time;	116060
(k) Temporary transitional aid under division (A) of Section	116061
263.240 of Am. Sub. H.B. 59 of the 130th General Assembly.	116062
(5) As used in this section, the "transitional aid guarantee	116063
base" for each city, local, and exempted village school district,	116064
for fiscal year 2017, equals the transitional aid guarantee base	116065

for fiscal year 2016 computed for the district pursuant to 116066
division (A)(4) of this section minus the sum of the following 116067
amounts for each district for fiscal year 2016 after any 116068
reductions made for fiscal year 2016 under division (B) of this 116069
section: 116070

(a) Career-technical education funds under division (A)(8) of 116071
section 3317.022 of the Revised Code; 116072

(b) Career-technical education associated services funds 116073
under division (A)(9) of section 3317.022 of the Revised Code. 116074

(6) The Department of Education shall adjust, as necessary, 116075
the transitional aid guarantee base of any local school district 116076
that participates in the establishment of a joint vocational 116077
school district that begins receiving payments under section 116078
3317.16 of the Revised Code, as amended by this act, for fiscal 116079
year 2016 or fiscal year 2017 but does not receive payments for 116080
the prior fiscal year. The Department shall adjust any such local 116081
school district's guarantee base according to the amounts received 116082
by the district in the prior fiscal year for career-technical 116083
education students who attend the newly established joint 116084
vocational school district. 116085

(B)(1) Notwithstanding section 3317.022 of the Revised Code, 116086
as amended by this act, in fiscal years 2016 and 2017, no city, 116087
local, or exempted village school district shall be allocated 116088
foundation funding subject to the limitation for the current 116089
fiscal year that is greater than 1.075 times the district's 116090
limitation base for the current fiscal year. 116091

(2) As used in this section, "foundation funding subject to 116092
the limitation" for each city, local, and exempted village school 116093
district, for fiscal year 2016, equals the sum of the following 116094
amounts for that fiscal year: 116095

(a) The opportunity grant under division (A)(1) of section 116096

3317.022 of the Revised Code;	116097
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	116098 116099
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	116100 116101 116102
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	116103 116104
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	116105 116106
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	116107 116108
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	116109 116110
(h) Career-technical education funds under division (A)(8) of section 3317.022 of the Revised Code;	116111 116112
(i) Career-technical education associated services funds under division (A)(9) of section 3317.022 of the Revised Code;	116113 116114
(j) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code;	116115 116116
(k) Temporary transitional aid under division (A) of this section.	116117 116118
(3) As used in this section, "foundation funding subject to the limitation" for each city, local, and exempted village school district, for fiscal year 2017, equals the sum of the following amounts for that fiscal year:	116119 116120 116121 116122
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	116123 116124
(b) Targeted assistance funds under division (A)(2) of	116125

section 3317.022 of the Revised Code;	116126
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	116127 116128 116129
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	116130 116131
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	116132 116133
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	116134 116135
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	116136 116137
(h) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code;	116138 116139
(i) Temporary transitional aid under division (A) of this section.	116140 116141
(4) As used in this section, the "limitation base" for each city, local, and exempted village school district, for fiscal year 2016, equals the sum of the following amounts computed for the district for fiscal year 2015 after any reductions made for fiscal year 2015 under division (B)(2) of Section 263.240 of Am. Sub. H.B. 59 of the 130th General Assembly:	116142 116143 116144 116145 116146 116147
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	116148 116149
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	116150 116151
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	116152 116153 116154

(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	116155 116156
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	116157 116158
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	116159 116160
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	116161 116162
(h) Career-technical education funds under division (A)(8) of section 3317.022 of the Revised Code;	116163 116164
(i) Career-technical education associated services funds under division (A)(9) of section 3317.022 of the Revised Code;	116165 116166
(j) Transportation funds under divisions (G)(1) and (2) of section 3317.0212 of the Revised Code, as that section existed at the time;	116167 116168 116169
(k) Temporary transitional aid under division (A) of Section 263.240 of Am. Sub. H.B. 59 of the 130th General Assembly.	116170 116171
(5) As used in this section, the "limitation base" for each city, local, and exempted village school district, for fiscal year 2017, equals the sum of the following amounts computed for the district for fiscal year 2016 after any reductions made for fiscal year 2016 under division (B) of this section:	116172 116173 116174 116175 116176
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	116177 116178
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	116179 116180
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	116181 116182 116183

(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code; 116184
116185

(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code; 116186
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(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code; 116188
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(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code; 116190
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(h) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code; 116192
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(i) Temporary transitional aid under division (A) of this section. 116194
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(6) The Department of Education shall adjust, as necessary, the limitation base of any local school district that participates in the establishment of a joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code, as amended by this act, for fiscal year 2016 or fiscal year 2017 but does not receive such payments for the prior fiscal year. The Department shall adjust any such local school district's limitation base according to the amounts received by the district in the prior fiscal year for career-technical education students who attend the newly established joint vocational school district. 116196
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(7) For fiscal year 2016, the Department shall reduce a district's payments under divisions (A)(1), (2), (4), (5), (6), and (7) of section 3317.022 of the Revised Code, as amended by this act, proportionately as necessary in order to comply with this division. If those amounts are insufficient, the Department shall proportionately reduce a district's payments under divisions (A)(3), (8), and (9) of section 3317.022 of the Revised Code, as amended by this act, and divisions (E) and (F) of section 3317.0212 of the Revised Code, as amended by this act. 116206
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(8) For fiscal year 2017, the Department shall reduce a district's payments under divisions (A)(1), (2), (4), (5), (6), and (7) of section 3317.022 of the Revised Code, as amended by this act, proportionately as necessary in order to comply with this division. If those amounts are insufficient, the Department shall proportionately reduce a district's payments under division (A)(3) of section 3317.022 of the Revised Code, as amended by this act, and divisions (E) and (F) of section 3317.0212 of the Revised Code, as amended by this act.

Section 263.240. TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS

(A) The Department of Education shall distribute funds within appropriation item 200550, Foundation Funding, for temporary transitional aid in each fiscal year to each qualifying joint vocational school district.

(1) For fiscal years 2016 and 2017, the Department shall pay temporary transitional aid to each joint vocational school district that experiences any decrease in its foundation funding for the guarantee for the current fiscal year from its transitional aid guarantee base for the current fiscal year. The amount of the temporary transitional aid payment shall equal the district's transitional aid guarantee base minus the district's foundation funding for the guarantee. If the computation made under this division results in a negative number, the district's funding under this division shall be zero.

(2) As used in this section, "foundation funding for the guarantee" for each joint vocational school district, for fiscal year 2016, equals the sum of the following amounts for that fiscal year:

(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;

(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;	116246 116247 116248
(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;	116249 116250
(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;	116251 116252
(e) Career-technical education funds under division (A)(5) of section 3317.16 of the Revised Code;	116253 116254
(f) Career-technical education associated services funds under division (A)(6) of section 3317.16 of the Revised Code;	116255 116256
(g) The graduation bonus under division (A)(7) of section 3317.16 of the Revised Code.	116257 116258
(3) As used in this section, "foundation funding for the guarantee" for each joint vocational school district, for fiscal year 2017, equals the sum of the following amounts for that fiscal year:	116259 116260 116261 116262
(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;	116263 116264
(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;	116265 116266 116267
(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;	116268 116269
(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;	116270 116271
(e) The graduation bonus under division (A)(7) of section 3317.16 of the Revised Code.	116272 116273
(4) As used in this section, the "transitional aid guarantee	116274

base" for each joint vocational school district, for fiscal year 116275
2016, equals the sum of the following amounts computed for the 116276
district for fiscal year 2015 after any reductions made for fiscal 116277
year 2015 under division (B)(2) of Section 263.250 of Am. Sub. 116278
H.B. 59 of the 130th General Assembly: 116279

(a) The opportunity grant under division (A)(1) of section 116280
3317.16 of the Revised Code; 116281

(b) Additional state aid for special education and related 116282
services under division (A)(2) of section 3317.16 of the Revised 116283
Code; 116284

(c) Economically disadvantaged funds under division (A)(3) of 116285
section 3317.16 of the Revised Code; 116286

(d) Limited English proficiency funds under division (A)(4) 116287
of section 3317.16 of the Revised Code; 116288

(e) Career-technical education funds under division (A)(5) of 116289
section 3317.16 of the Revised Code; 116290

(f) Career-technical education associated services funds 116291
under division (A)(6) of section 3317.16 of the Revised Code; 116292

(g) Temporary transitional aid under division (A) of Section 116293
263.250 of Am. Sub. H.B. 59 of the 130th General Assembly. 116294

(5) As used in this section, the "transitional aid guarantee 116295
base" for each joint vocational school district, for fiscal year 116296
2017, equals the transitional aid guarantee base for fiscal year 116297
2016 computed for the district pursuant to division (A)(4) of this 116298
section minus the sum of the following amounts for each district 116299
for fiscal year 2016 after any reductions made for fiscal year 116300
2016 under division (B) of this section: 116301

(a) Career-technical education funds under division (A)(5) of 116302
section 3317.16 of the Revised Code; 116303

(b) Career-technical education associated services funds 116304

under division (A)(6) of section 3317.16 of the Revised Code. 116305

(6) The Department of Education shall establish, as 116306
necessary, the transitional aid guarantee base of any joint 116307
vocational school district that begins receiving payments under 116308
section 3317.16 of the Revised Code, as amended by this act, for 116309
fiscal year 2016 or fiscal year 2017 but does not receive such 116310
payments for the prior fiscal year. The Department shall establish 116311
any such joint vocational school district's guarantee base as an 116312
amount equal to the absolute value of the sum of the associated 116313
adjustments of any local school district's guarantee bases under 116314
division (A)(6) of the section of this act entitled "TEMPORARY 116315
TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 116316
DISTRICTS." 116317

(B)(1) Notwithstanding division (A) of section 3317.16 of the 116318
Revised Code, as amended by this act, in fiscal years 2016 and 116319
2017, no joint vocational school district shall be allocated 116320
foundation funding subject to the limitation for the current 116321
fiscal year that is greater than 1.075 times the district's 116322
limitation base for the current fiscal year. 116323

(2) As used in this section, "foundation funding subject to 116324
the limitation" for each joint vocational school district, for 116325
fiscal year 2016, equals the sum of the following amounts for that 116326
fiscal year: 116327

(a) The opportunity grant under division (A)(1) of section 116328
3317.16 of the Revised Code; 116329

(b) Additional state aid for special education and related 116330
services under division (A)(2) of section 3317.16 of the Revised 116331
Code; 116332

(c) Economically disadvantaged funds under division (A)(3) of 116333
section 3317.16 of the Revised Code; 116334

(d) Limited English proficiency funds under division (A)(4) 116335

of section 3317.16 of the Revised Code;	116336
(e) Career-technical education funds under division (A)(5) of section 3317.16 of the Revised Code;	116337 116338
(f) Career-technical education associated services funds under division (A)(6) of section 3317.16 of the Revised Code;	116339 116340
(g) Temporary transitional aid under division (A) of this section.	116341 116342
(3) As used in this section, "foundation funding subject to the limitation" for each joint vocational school district, for fiscal year 2017, equals the sum of the following amounts for that fiscal year:	116343 116344 116345 116346
(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;	116347 116348
(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;	116349 116350 116351
(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;	116352 116353
(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;	116354 116355
(e) Temporary transitional aid under division (A) of this section.	116356 116357
(4) As used in this section, the "limitation base" for each joint vocational school district, for fiscal year 2016, equals the sum of the following amounts computed for the district for fiscal year 2015 after any reductions made for fiscal year 2015 under division (B)(2) of Section 263.250 of Am. Sub. H.B. 59 of the 130th General Assembly:	116358 116359 116360 116361 116362 116363
(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;	116364 116365

(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;	116366 116367 116368
(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;	116369 116370
(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;	116371 116372
(e) Career-technical education funds under division (A)(5) of section 3317.16 of the Revised Code;	116373 116374
(f) Career-technical education associated services funds under division (A)(6) of section 3317.16 of the Revised Code;	116375 116376
(g) Temporary transitional aid under division (A) of Section 263.250 of Am. Sub. H.B. 59 of the 130th General Assembly.	116377 116378
(5) As used in this section, the "limitation base" for each joint vocational school district, for fiscal year 2017, equals the sum of the following amounts computed for the district for fiscal year 2016 after any reductions made for fiscal year 2016 under division (B) of this section:	116379 116380 116381 116382 116383
(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;	116384 116385
(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;	116386 116387 116388
(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;	116389 116390
(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;	116391 116392
(e) Temporary transitional aid under division (A) of this section.	116393 116394

(6) The Department of Education shall establish, as necessary, the limitation base of any joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code, as amended by this act, for fiscal year 2016 or fiscal year 2017 but does not receive such payments for the prior fiscal year. The Department shall establish any such joint vocational school district's limitation base as an amount equal to the absolute value of the sum of the associated adjustments of any local school district's limitation base under division (B)(6) of the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

(7) For fiscal year 2016, the Department shall reduce a district's payments under divisions (A)(1), (3), and (4) of section 3317.16 of the Revised Code, as amended by this act, proportionately as necessary in order to comply with this division. If those amounts are insufficient, the Department shall proportionately reduce a district's payments under divisions (A)(2), (5), and (6) of section 3317.16 of the Revised Code, as amended by this act.

(8) For fiscal year 2017, the Department shall reduce a district's payments under divisions (A)(1), (3), and (4) of section 3317.16 of the Revised Code, as amended by this act, proportionately as necessary in order to comply with this division. If those amounts are insufficient, the Department shall proportionately reduce a district's payments under division (A)(2) of section 3317.16 of the Revised Code, as amended by this act.

Section 263.250. LITERACY IMPROVEMENT

The foregoing appropriation item 200566, Literacy Improvement, shall be used by the Department of Education to contract with an educational service center or a consortium of educational service centers for the purpose of establishing

regional literacy professional development teams. The Department 116426
shall have any necessary agreements in place to administer the 116427
program not later than December 31, 2015. 116428

Section 263.260. ADULT DIPLOMA 116429

Of the foregoing appropriation item 200572, Adult Diploma, up 116430
to \$2,500,000 in fiscal year 2016 and \$5,000,000 in fiscal year 116431
2017 shall be used to make payments to institutions participating 116432
in the Adult Diploma Pilot Program under section 3313.902 of the 116433
Revised Code as enacted by this act. The Superintendent of Public 116434
Instruction may use a portion of the earmark to provide technical 116435
assistance and to administer the program. 116436

Of the foregoing appropriation item 200572, Adult Diploma, up 116437
to \$1,250,000 in fiscal year 2016 shall be used by the 116438
Superintendent of Public Instruction to award and administer 116439
planning grants for the Adult Diploma Pilot Program established in 116440
section 3313.902 of the Revised Code. The Superintendent may award 116441
grants of up to \$250,000 to not more than five institutions 116442
eligible to participate in the program. The grants shall be used 116443
by the institutions to build capacity to implement the program 116444
beginning in fiscal year 2017. The Superintendent of Public 116445
Instruction and the Chancellor of Higher Education shall develop 116446
an application process to award these grants to eligible 116447
institutions geographically dispersed throughout the state. The 116448
Superintendent may use any remaining appropriation after awarding 116449
these grants to provide technical assistance to institutions 116450
receiving the grant. 116451

Section 263.270. EDCHOICE EXPANSION 116452

The foregoing appropriation item 200573, EdChoice Expansion, 116453
shall be used to provide for the scholarships awarded under the 116454
expansion of the educational choice program established under 116455

section 3310.032 of the Revised Code. The number of scholarships 116456
awarded under the expansion of the educational choice program 116457
shall not exceed the number that can be funded with the 116458
appropriations made by the General Assembly for this purpose. 116459

HALF-MILL MAINTENANCE EQUALIZATION 116460

The foregoing appropriation item 200574, Half-Mill 116461
Maintenance Equalization, shall be used to make payments pursuant 116462
to section 3318.18 of the Revised Code. 116463

Section 263.280. COMPETENCY-BASED EDUCATION PILOT 116464

The foregoing appropriation item 200588, Competency-Based 116465
Education Pilot, shall be used by the Department of Education to 116466
fund competency-based education pilot programs in up to five 116467
districts, schools, or consortia of districts and schools led by 116468
educational service centers. The Department shall award each 116469
district, school, or consortium of districts and schools led by 116470
educational service centers that is selected to participate in the 116471
program a grant of up to \$200,000 for each fiscal year. The grant 116472
shall be used during the 2015-2016 and 2016-2017 school years to 116473
plan for implementing competency-based education in the district, 116474
school, or consortium of districts and schools led by educational 116475
service centers during the 2016-2017, 2017-2018, and 2018-2019 116476
school years. Pilot programs shall adhere to program guidelines as 116477
outlined in Section 733.30 of this act. 116478

Of the foregoing appropriation item 200588, Competency-Based 116479
Education Pilot, a portion may be used by the Superintendent of 116480
Public Instruction to provide technical assistance and to 116481
administer the program. 116482

Section 263.283. The foregoing appropriation item 200665, 116483
Race to the Top, shall not be used for any purpose related to the 116484
state achievement assessments prescribed under sections 3301.0710 116485

and 3301.0712 of the Revised Code. 116486

Section 263.290. TEACHER CERTIFICATION AND LICENSURE 116487

The foregoing appropriation item 200681, Teacher 116488
Certification and Licensure, shall be used by the Department of 116489
Education in each year of the biennium to administer and support 116490
teacher certification and licensure activities. 116491

Section 263.300. AUXILIARY SERVICES REIMBURSEMENT 116492

Notwithstanding section 3317.064 of the Revised Code, if the 116493
unexpended, unencumbered cash balance is sufficient, the Treasurer 116494
of State shall transfer \$1,500,000 in fiscal year 2016 within 116495
thirty days after the effective date of this section, and 116496
\$1,500,000 in fiscal year 2017 by August 1, 2016, from the 116497
Auxiliary Services Personnel Unemployment Compensation Fund to the 116498
Auxiliary Services Reimbursement Fund (Fund 5980) used by the 116499
Department of Education. 116500

Section 263.310. SCHOOL DISTRICT SOLVENCY ASSISTANCE 116501

(A) Of the foregoing appropriation item 200687, School 116502
District Solvency Assistance, \$5,000,000 in each fiscal year shall 116503
be allocated to the School District Shared Resource Account and 116504
\$5,000,000 in each fiscal year shall be allocated to the 116505
Catastrophic Expenditures Account. These funds shall be used to 116506
provide assistance and grants to school districts to enable them 116507
to remain solvent under section 3316.20 of the Revised Code. 116508
Assistance and grants shall be subject to approval by the 116509
Controlling Board. Except as provided under division (C) of this 116510
section, any required reimbursements from school districts for 116511
solvency assistance shall be made to the appropriate account in 116512
the School District Solvency Assistance Fund (Fund 5H30). 116513

(B) Notwithstanding any provision of law to the contrary, 116514
upon the request of the Superintendent of Public Instruction, the 116515
Director of Budget and Management may make transfers to the School 116516
District Solvency Assistance Fund (Fund 5H30) from any fund used 116517
by the Department of Education or the General Revenue Fund to 116518
maintain sufficient cash balances in Fund 5H30 in fiscal years 116519
2016 and 2017. Any cash transferred is hereby appropriated. The 116520
transferred cash may be used by the Department of Education to 116521
provide assistance and grants to school districts to enable them 116522
to remain solvent and to pay unforeseeable expenses of a temporary 116523
or emergency nature that the school district is unable to pay from 116524
existing resources. The Director of Budget and Management shall 116525
notify the members of the Controlling Board of any such transfers. 116526

(C) If the cash balance of the School District Solvency 116527
Assistance Fund (Fund 5H30) is insufficient to pay solvency 116528
assistance in fiscal years 2016 and 2017, at the request of the 116529
Superintendent of Public Instruction, and with the approval of the 116530
Controlling Board, the Director of Budget and Management may 116531
transfer cash from the Lottery Profits Education Reserve Fund 116532
(Fund 7018) to Fund 5H30 to provide assistance and grants to 116533
school districts to enable them to remain solvent and to pay 116534
unforeseeable expenses of a temporary nature that they are unable 116535
to pay from existing resources under section 3316.20 of the 116536
Revised Code. Such transfers are hereby appropriated to 116537
appropriation item 200670, School District Solvency Assistance - 116538
Lottery. Any required reimbursements from school districts for 116539
solvency assistance granted from appropriation item 200670, School 116540
District Solvency Assistance - Lottery, shall be made to Fund 116541
7018. 116542

Section 263.320. EARLY CHILDHOOD EDUCATION 116543

Of the foregoing appropriation item 200673, Early Childhood 116544

Education, up to \$20,000,000 in each fiscal year shall be used 116545
pursuant to guidelines established by the Department of Education, 116546
in consultation with the Governor's Early Childhood Education and 116547
Development Officer and the Department of Job and Family Services, 116548
to advance programs and systems that support or provide high 116549
quality early childhood opportunities for children from 116550
economically disadvantaged families. The guidelines shall include 116551
benchmark performance criteria that identify the highest quality 116552
early childhood opportunities, design and implementation of an 116553
evaluation using the benchmark performance criteria, and steps for 116554
the future advancement of Ohio's Early Childhood System based on 116555
identified benchmarks and the evaluation results. The guidelines 116556
shall be completed by January 1, 2016. 116557

Section 263.323. COLLEGE CREDIT PLUS CREDENTIALIAL 116558

Of the foregoing appropriation item 200644, College Credit 116559
Plus Credential, up to \$5,000,000 in fiscal year 2016 shall be 116560
used by the Department of Education, in consultation with the 116561
Department of Higher Education, to support graduate coursework for 116562
high school teachers to receive credentialing to teach college 116563
credit plus courses in a high school setting. The Department of 116564
Education, in consultation with the Department of Higher 116565
Education, shall develop criteria and issue a Request for 116566
Proposals. Priority shall be given to educational consortia that 116567
include economically disadvantaged high schools and economically 116568
disadvantaged high schools in which there are limited or no 116569
teachers currently credentialed to teach college credit plus 116570
courses, both as determined by the Department of Education. 116571
Consortia including public or private universities in Ohio shall 116572
be eligible to submit proposals. Awards made by the Department of 116573
Education may support graduate coursework for high school teachers 116574
at a regionally accredited college or university in Ohio leading 116575
to credentialing to teach college courses, as well as employment 116576

of teachers credentialed to teach college courses as a bridging strategy until a sufficient number of teachers at the high school hold the required credentials.

Of the foregoing appropriation item 200644, College Credit Plus Credential, \$5,000,000 in fiscal year 2016 shall be awarded by the Chancellor of the Department of Higher Education, in consultation with the State Superintendent of Public Instruction, as competitive grants to universities to provide free or reduced-cost courses for teachers to become credentialed for the College Credit Plus Program. Priority shall be given to proposals that enable teachers to become credentialed in the 2015-2016 school year.

Section 263.325. SCHOOL DISTRICT TPP SUPPLEMENT

The foregoing appropriation item 200697, School District TPP Supplement, shall be distributed to city, local, and exempted village school districts for supplemental foundation aid as provided in this section.

For each fiscal year, the Department of Education shall compute and pay supplemental foundation aid to each school district as follows:

(A)(1) Calculate the school district's combined state aid for fiscal year 2015, which equals the sum of:

(a) The district's state education aid for fiscal year 2015, as defined in division (A)(4)(a) of section 5709.92 of the Revised Code; and

(b) The district's current expense allocation, as defined in division (A)(8) of section 5709.92 of the Revised Code.

(2) Calculate the school district's combined state aid for fiscal year 2016, which equals the sum of:

(a) The sum of the amounts computed for the district for

fiscal year 2016 under section 3317.022 of the Revised Code, as 116607
amended by this act, and under divisions (E), (F), and (G) of 116608
section 3317.0212 of the Revised Code, as amended by this act, 116609
plus any amount calculated for temporary transitional aid for 116610
fiscal year 2016 under division (A) of Section 263.230 of this 116611
act, and after any reductions made for fiscal year 2016 under 116612
division (B) of Section 263.230 of this act; 116613

(b) The additional funds paid to the school district in 116614
fiscal year 2016 under section 3317.26 of the Revised Code; and 116615

(c) If the district is not a qualifying school district, as 116616
defined in division (A) of section 5709.92 of the Revised Code, 116617
the sum of the payments received by the school district in fiscal 116618
year 2016 for current expense levy losses pursuant to division 116619
(C)(1)(a) or (b) of section 5709.92 of the Revised Code, excluding 116620
the portion of such payments attributable to levies for joint 116621
vocational school district purposes. 116622

(d) If the district is a qualifying school district, as 116623
defined in division (A) of section 5709.92 of the Revised Code, 116624
the sum of payments received by the school district in fiscal year 116625
2016 for current expense levy losses pursuant to division (C)(1) 116626
of section 5709.92 of the Revised Code, excluding the portion of 116627
such payments attributable to levies for joint vocational school 116628
district purposes. 116629

(3) Calculate the school district's combined state aid for 116630
fiscal year 2017, which equals the sum of: 116631

(a) The amounts computed for the district for fiscal year 116632
2017 under section 3317.022 of the Revised Code, as amended by 116633
this act, and under divisions (E), (F), and (G) of section 116634
3317.0212 of the Revised Code, as amended by this act, plus any 116635
amount calculated for temporary transitional aid for fiscal year 116636
2017 under division (A) of Section 263.230 of this act, and after 116637

any reductions made for fiscal year 2017 under division (B) of 116638
Section 263.230 of this act; 116639

(b) The additional funds paid to the school district in 116640
fiscal year 2017 under section 3317.26 of the Revised Code; and 116641

(c) If the district is not a qualifying school district, as 116642
defined in division (A) of section 5709.92 of the Revised Code, 116643
the sum of the payments received by the school district in fiscal 116644
year 2017 for current expense levy losses pursuant to division 116645
(C)(1)(a) or (b) of section 5709.92 of the Revised Code, excluding 116646
the portion of such payments attributable to levies for joint 116647
vocational school district purposes. 116648

(d) If the district is a qualifying school district, as 116649
defined in division (A) of section 5709.92 of the Revised Code, 116650
the sum of payments received by the school district in fiscal year 116651
2017 for current expense levy losses pursuant to division (C)(1) 116652
of section 5709.92 of the Revised Code, excluding the portion of 116653
such payments attributable to levies for joint vocational school 116654
district purposes. 116655

(B)(1) For fiscal year 2016, each district's payment shall be 116656
in an amount equal to the amount calculated in division (A)(1) of 116657
this section minus the amount calculated in division (A)(2) of 116658
this section. If the result is a negative number, the district's 116659
payment shall be zero. 116660

(2) For fiscal year 2017, each district's payment shall be in 116661
an amount equal to the following: 116662

(The amount calculated in division (A)(1) of this section - the 116663
sum of the amounts calculated under divisions (A)(8) and (A)(9) of 116664
section 3317.022 of the Revised Code for fiscal year 2016) - (The 116665
amount calculated in division (A)(3) of this section - the sum of 116666
the amounts calculated under divisions (A)(8) and (A)(9) of 116667
section 3317.022 of the Revised Code for fiscal year 2017) 116668

If the result is a negative number, the district's payment shall be zero. 116669
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(C) On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$12,000,000 cash from the General Revenue Fund to the School District TPP Supplement Fund (Fund 5RE0). 116671
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Section 263.330. LOTTERY PROFITS EDUCATION FUND 116675

Appropriation item 200612, Foundation Funding (Fund 7017), shall be used in conjunction with appropriation item 200550, Foundation Funding (GRF), to provide state foundation payments to school districts. 116676
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The Department of Education, with the approval of the Director of Budget and Management, shall determine the monthly distribution schedules of appropriation item 200550, Foundation Funding (GRF), and appropriation item 200612, Foundation Funding (Fund 7017). If adjustments to the monthly distribution schedule are necessary, the Department of Education shall make such adjustments with the approval of the Director of Budget and Management. 116680
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COMMUNITY CONNECTORS PROGRAM 116688

The foregoing appropriation item 200629, Community Connectors, shall be used by the State Superintendent of Public Instruction to create the Community Connectors Grant Program. The Superintendent shall develop guidelines for the grants. The program shall award competitive matching grants to provide funding for local networks of volunteers and organizations to sponsor career advising and mentoring for students in eligible school districts. Each grant award shall match up to three times the funds allocated to the project by the local network. Eligible school districts are those with a high percentage of students in 116689
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poverty, a high number of students not graduating on time, and 116699
other criteria as determined by the State Superintendent. Eligible 116700
school districts shall partner with members of the business 116701
community, civic organizations, or the faith-based community to 116702
provide sustainable career advising and mentoring services. Upon 116703
the request of the Superintendent of Public Instruction and the 116704
approval of the Director of Budget and Management, an amount equal 116705
to the unexpended, unencumbered portion of the foregoing 116706
appropriation item 200629, Community Connectors, at the end of 116707
fiscal year 2016 is hereby reappropriated to the Department of 116708
Education for the same purpose for fiscal year 2017. 116709

Notwithstanding any provision of law to the contrary, grants 116710
awarded under this section may be used by grant recipients for 116711
grant-related expenses for a period not to exceed three years from 116712
the date of the award according to guidelines established by the 116713
Superintendent. 116714

COMMUNITY SCHOOL FACILITIES 116715

Of the foregoing appropriation item 200684, Community School 116716
Facilities, up to \$550,000 in fiscal year 2016 and up to 116717
\$1,100,000 in fiscal year 2017 may be used as matching funds to 116718
support Ohio's State Charter School Facilities Incentive Grant 116719
application. If these funds are not required, they may be 116720
distributed with the remaining funds in appropriation item 200684, 116721
Community School Facilities. 116722

The remainder of the foregoing appropriation item 200684, 116723
Community School Facilities, shall be used to pay each community 116724
school established under Chapter 3314. of the Revised Code and 116725
each STEM school established under Chapter 3326. of the Revised 116726
Code an amount equal to \$12.50 in fiscal year 2016 and \$25 in 116727
fiscal year 2017 for each full-time equivalent pupil in an 116728
internet- or computer-based community school and \$150 in fiscal 116729
year 2016 and \$200 in fiscal year 2017 for each full-time 116730

equivalent pupil in all other community or STEM schools for 116731
assistance with the cost associated with facilities. If the amount 116732
appropriated is not sufficient, the Department of Education shall 116733
prorate the amounts so that the aggregate amount appropriated is 116734
not exceeded. 116735

Section 263.360. LOTTERY PROFITS EDUCATION RESERVE FUND 116736

(A) There is hereby created the Lottery Profits Education 116737
Reserve Fund (Fund 7018) in the State Treasury. Investment 116738
earnings of the Lottery Profits Education Reserve Fund shall be 116739
credited to the fund. 116740

(B) Notwithstanding any other provision of law to the 116741
contrary, the Director of Budget and Management may transfer cash 116742
from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 116743
in fiscal year 2016 and fiscal year 2017. 116744

(C) On July 15, 2015, or as soon as possible thereafter, the 116745
Director of the Ohio Lottery Commission shall certify to the 116746
Director of Budget and Management the amount by which lottery 116747
profit transfers received by Fund 7017 exceeded \$974,500,000 in 116748
fiscal year 2015. 116749

(D) On July 15, 2016, or as soon as possible thereafter, the 116750
Director of the Ohio Lottery Commission shall certify to the 116751
Director of Budget and Management the amount by which lottery 116752
profit transfers received by Fund 7017 exceeded \$984,000,000 in 116753
fiscal year 2016. 116754

(E) Notwithstanding any provision of law to the contrary, in 116755
fiscal year 2016 and fiscal year 2017, the Director of Budget and 116756
Management may transfer cash in excess of the amounts necessary to 116757
support appropriations in Fund 7017 from that fund to Fund 7018. 116758

Section 263.370. DISTRIBUTION FORMULAS 116759

The Department of Education shall report the following to the 116760
Director of Budget and Management and the Legislative Service 116761
Commission: 116762

(A) Changes in formulas for distributing state 116763
appropriations, including administratively defined formula 116764
factors; 116765

(B) Discretionary changes in formulas for distributing 116766
federal appropriations; 116767

(C) Federally mandated changes in formulas for distributing 116768
federal appropriations. 116769

Any such changes shall be reported two weeks prior to the 116770
effective date of the change. 116771

Section 263.380. SCHOOLS MEDICAID ADMINISTRATIVE CLAIMS 116772

Upon the request of the Superintendent of Public Instruction, 116773
the Director of Budget and Management may transfer up to \$750,000 116774
cash in each fiscal year from the General Revenue Fund to the 116775
Schools Medicaid Administrative Claims Fund (Fund 3AF0). The 116776
transferred cash is to be used by the Department of Education to 116777
pay the expenses the Department incurs in administering the 116778
Medicaid School Component of the Medicaid program established 116779
under sections 5162.36 to 5162.364 of the Revised Code. On June 1 116780
of each fiscal year, or as soon as possible thereafter, the 116781
Director of Budget and Management shall transfer cash from Fund 116782
3AF0 back to the General Revenue Fund in an amount equal to the 116783
total amount transferred to Fund 3AF0 in that fiscal year. 116784

The money deposited into Fund 3AF0 under division (B) of 116785
section 5162.64 of the Revised Code is hereby appropriated for 116786
fiscal years 2016 and 2017 and shall be used in accordance with 116787
division (C) of section 5162.64 of the Revised Code. 116788

Section 263.390. EDUCATIONAL SERVICE CENTERS FUNDING 116789

As used in this section, "student count" means the count 116790
calculated under division (G)(1) of section 3313.843 of the 116791
Revised Code. 116792

In each fiscal year, the Department of Education shall pay 116793
the governing board of each primary educational service center 116794
state funds equal to thirty-five dollars times its student count. 116795

If the amount earmarked for the state reimbursement of 116796
educational service centers in appropriation item 200550, 116797
Foundation Funding, is not sufficient, the Department of Education 116798
shall prorate the payment amounts so that the appropriation is not 116799
exceeded. 116800

Notwithstanding any provision of law to the contrary, the 116801
Department of Education shall modify the payments under this 116802
section as follows: 116803

(A) If an educational service center ceases operation, the 116804
Department shall redistribute that center's funding, as calculated 116805
under this section, to the remaining centers in proportion to each 116806
center's service center ADM as defined in former section 3317.11 116807
of the Revised Code, as that section existed prior to the date of 116808
its repeal. 116809

(B) If two or more educational service centers merge 116810
operations to create a single service center, the Department shall 116811
distribute the sum of the original service centers' funding, as 116812
calculated under this section, to the new service center. 116813

Section 263.400. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 116814
ASSESSMENT OF EDUCATION PROGRESS 116815

The General Assembly intends for the Superintendent of Public 116816
Instruction to provide for school district participation in the 116817

administration of the National Assessment of Education Progress in 116818
accordance with section 3301.27 of the Revised Code. Each school 116819
and school district selected for participation by the 116820
Superintendent of Public Instruction shall participate. 116821

Section 263.410. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH 116822
STUDENTS 116823

(A) As used in this section: 116824

(1) "IEP" has the same meaning as in section 3323.01 of the 116825
Revised Code. 116826

(2) "SBH student" means a student receiving special education 116827
and related services for severe behavior disabilities pursuant to 116828
an IEP. 116829

(B) This section applies only to a community school 116830
established under Chapter 3314. of the Revised Code that in each 116831
of fiscal years 2016 and 2017 enrolls a number of SBH students 116832
equal to at least fifty per cent of the total number of students 116833
enrolled in the school in the applicable fiscal year. 116834

(C) In addition to any state foundation payments made, in 116835
each of fiscal years 2016 and 2017, the Department of Education 116836
shall pay to a community school to which this section applies a 116837
subsidy equal to the difference between the aggregate amount 116838
calculated and paid in that fiscal year to the community school 116839
for special education and related services additional weighted 116840
costs for the SBH students enrolled in the school and the 116841
aggregate amount that would have been calculated for the school 116842
for special education and related services additional weighted 116843
costs for those same students in fiscal year 2001. If the 116844
difference is a negative number, the amount of the subsidy shall 116845
be zero. 116846

(D) The amount of any subsidy paid to a community school 116847

under this section shall not be deducted from the school district 116848
in which any of the students enrolled in the community school are 116849
entitled to attend school under section 3313.64 or 3313.65 of the 116850
Revised Code. The amount of any subsidy paid to a community school 116851
under this section shall be paid from funds appropriated to the 116852
Department of Education in appropriation item 200550, Foundation 116853
Funding. 116854

Section 263.420. EARMARK ACCOUNTABILITY 116855

At the request of the Superintendent of Public Instruction, 116856
any entity that receives a budget earmark under the Department of 116857
Education shall submit annually to the chairpersons of the 116858
committees of the House of Representatives and the Senate 116859
primarily concerned with education and education funding and to 116860
the Department of Education a report that includes a description 116861
of the services supported by the funds, a description of the 116862
results achieved by those services, an analysis of the 116863
effectiveness of the program, and an opinion as to the program's 116864
applicability to other school districts. For an earmarked entity 116865
that received state funds from an earmark in the prior fiscal 116866
year, no funds shall be provided by the Department of Education to 116867
an earmarked entity for a fiscal year until its report for the 116868
prior fiscal year has been submitted. 116869

Section 263.430. COMMUNITY SCHOOL OPERATING FROM HOME 116870

A community school established under Chapter 3314. of the 116871
Revised Code that was open for operation as a community school as 116872
of May 1, 2005, may operate from or in any home, as defined in 116873
section 3313.64 of the Revised Code, located in the state, 116874
regardless of when the community school's operations from or in a 116875
particular home began. 116876

Section 263.440. USE OF VOLUNTEERS 116877

The Department of Education may utilize the services of 116878
volunteers to accomplish any of the purposes of the Department. 116879
The Superintendent of Public Instruction shall approve for what 116880
purposes volunteers may be used and for these purposes may 116881
recruit, train, and oversee the services of volunteers. The 116882
Superintendent may reimburse volunteers for necessary and 116883
appropriate expenses in accordance with state guidelines and may 116884
designate volunteers as state employees for the purpose of motor 116885
vehicle accident liability insurance under section 9.83 of the 116886
Revised Code, for immunity under section 9.86 of the Revised Code, 116887
and for indemnification from liability incurred in the performance 116888
of their duties under section 9.87 of the Revised Code. 116889

Section 263.450. RESTRICTION OF LIABILITY FOR CERTAIN 116890
REIMBURSEMENTS 116891

(A) Except as expressly required under a court judgment not 116892
subject to further appeals, or a settlement agreement with a 116893
school district executed on or before June 1, 2009, in the case of 116894
a school district for which the formula ADM for fiscal year 2005, 116895
as reported for that fiscal year under division (A) of section 116896
3317.03 of the Revised Code, was reduced based on enrollment 116897
reports for community schools, made under section 3314.08 of the 116898
Revised Code, regarding students entitled to attend school in the 116899
district, which reduction of formula ADM resulted in a reduction 116900
of foundation funding or transitional aid funding for fiscal year 116901
2005, 2006, or 2007, no school district, except a district named 116902
in the court's judgment or the settlement agreement, shall have a 116903
legal claim for reimbursement of the amount of such reduction in 116904
foundation funding or transitional aid funding, and the state 116905
shall not have liability for reimbursement of the amount of such 116906
reduction in foundation funding or transitional aid funding. 116907

(B) As used in this section: 116908

(1) "Community school" means a community school established under Chapter 3314. of the Revised Code. 116909
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(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code. 116911
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(3) "Foundation funding" means payments calculated for the respective fiscal year under Chapter 3317. of the Revised Code. 116914
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(4) "Transitional aid funding" means payments calculated for the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 of the 125th General Assembly, as subsequently amended; Section 206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 of the 127th General Assembly. 116916
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Section 263.470. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 116922

In collaboration with the County Family and Children First Council, a city, local, or exempted village school district, community school, STEM school, joint vocational school district, educational service center, or county board of developmental disabilities that receives allocations from the Department of Education from appropriation item 200550, Foundation Funding, or appropriation item 200540, Special Education Enhancements, may transfer portions of those allocations to a flexible funding pool authorized by the Section of this act entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for maintenance of effort or for federal or state funding matching requirements shall not be transferred unless the allocation may still be used to meet such requirements. 116923
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Section 263.480. PRIVATE TREATMENT FACILITY PROJECT 116936

(A) As used in this section: 116937

(1) The following are "participating residential treatment centers":	116938 116939
(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2016 or fiscal year 2017 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;	116940 116941 116942 116943 116944 116945
(b) Abraxas, in Shelby;	116946
(c) Paint Creek, in Bainbridge;	116947
(d) F.I.R.S.T., in Mansfield.	116948
(2) "Education program" means an elementary or secondary education program or a special education program and related services.	116949 116950 116951
(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.	116952 116953
(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.	116954 116955 116956 116957 116958
(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.	116959 116960 116961
(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria	116962 116963 116964 116965 116966 116967

established for such programs by the Department of Education. The 116968
educational program shall be provided by a school district or 116969
educational service center, or by the residential facility itself. 116970
Maximum flexibility shall be given to the residential treatment 116971
facility to determine the provider. In the event that a voluntary 116972
agreement cannot be reached and the residential facility does not 116973
choose to provide the educational program, the educational service 116974
center in the county in which the facility is located shall 116975
provide the educational program at the treatment center to 116976
children under twenty-two years of age residing in the treatment 116977
center. 116978

(C) Any school district responsible for tuition for a 116979
residential child shall, notwithstanding any conflicting provision 116980
of the Revised Code regarding tuition payment, pay tuition for the 116981
child for fiscal year 2016 and fiscal year 2017 to the education 116982
program provider and in the amount specified in this division. If 116983
there is no school district responsible for tuition for a 116984
residential child and if the participating residential treatment 116985
center to which the child is assigned is located in the city, 116986
exempted village, or local school district that, if the child were 116987
not a resident of that treatment center, would be the school 116988
district where the child is entitled to attend school under 116989
sections 3313.64 and 3313.65 of the Revised Code, that school 116990
district, notwithstanding any conflicting provision of the Revised 116991
Code, shall pay tuition for the child for fiscal year 2016 and 116992
fiscal year 2017 under this division unless that school district 116993
is providing the educational program to the child under division 116994
(B) of this section. 116995

A tuition payment under this division shall be made to the 116996
school district, educational service center, or residential 116997
treatment facility providing the educational program to the child. 116998

The amount of tuition paid shall be: 116999

(1) The amount of tuition determined for the district under 117000
division (A) of section 3317.08 of the Revised Code; 117001

(2) In addition, for any student receiving special education 117002
pursuant to an individualized education program as defined in 117003
section 3323.01 of the Revised Code, a payment for excess costs. 117004
This payment shall equal the actual cost to the school district, 117005
educational service center, or residential treatment facility of 117006
providing special education and related services to the student 117007
pursuant to the student's individualized education program, minus 117008
the tuition paid for the child under division (C)(1) of this 117009
section. 117010

A school district paying tuition under this division shall 117011
not include the child for whom tuition is paid in the district's 117012
average daily membership certified under division (A) of section 117013
3317.03 of the Revised Code. 117014

(D) In each of fiscal years 2016 and 2017, the Department of 117015
Education shall reimburse, from appropriations made for the 117016
purpose, a school district, educational service center, or 117017
residential treatment facility, whichever is providing the 117018
service, that has demonstrated that it is in compliance with the 117019
funding criteria for each served child for whom a school district 117020
must pay tuition under division (C) of this section. The amount of 117021
the reimbursement shall be the amount appropriated for this 117022
purpose divided by the full-time equivalent number of children for 117023
whom reimbursement is to be made. 117024

(E) Funds provided to a school district, educational service 117025
center, or residential treatment facility under this section shall 117026
be used to supplement, not supplant, funds from other public 117027
sources for which the school district, service center, or 117028
residential treatment facility is entitled or eligible. 117029

(F) The Department of Education shall track the utilization 117030

of funds provided to school districts, educational service 117031
centers, and residential treatment facilities under this section 117032
and monitor the effect of the funding on the educational programs 117033
they provide in participating residential treatment facilities. 117034
The Department shall monitor the programs for educational 117035
accountability. 117036

Section 263.490. Notwithstanding section 3302.21 of the 117037
Revised Code, for the 2014-2015 school year only, the Department 117038
of Education shall not rank school districts, community schools, 117039
and STEM schools according to the performance measures prescribed 117040
in divisions (A)(1), (2), and (5) of that section. However, the 117041
Department shall rank districts and schools according to the 117042
measures prescribed in divisions (A)(3) and (4) of that section 117043
for the 2014-2015 school year not later than January 31, 2016. 117044

Section 263.510. Notwithstanding section 3302.03 of the 117045
Revised Code, the Department of Education shall issue grades as 117046
described in division (E) of section 3302.03 of the Revised Code 117047
for each of the performance measures prescribed in division (C)(1) 117048
of that section for the 2014-2015 school year not later than 117049
January 15, 2016. 117050

Section 263.520. Notwithstanding anything to the contrary in 117051
section 3302.035 of the Revised Code, the Department of Education 117052
shall issue the reports required under that section on the 117053
performance measures for a school district's or school's students 117054
with disabilities subgroup, using data from the 2014-2015 school 117055
year, not later than January 31, 2016. 117056

For each school year thereafter, the Department shall issue 117057
those reports on the first day of October as required under that 117058
section. 117059

Section 263.530. (A) The Superintendent of Public Instruction 117060
may form partnerships with Ohio's business community, including 117061
the Ohio Business Roundtable, to create and implement initiatives 117062
that connect students with the business community in an effort to 117063
increase student engagement and job readiness through internships, 117064
work study, and site-based learning experiences. 117065

(B) If the Superintendent forms a partnership pursuant to 117066
division (A) of this section, the initiatives created and 117067
implemented through that partnership shall do all of the 117068
following: 117069

(1) Support the career connection learning strategies 117070
described in division (B)(2) of section 3301.079 of the Revised 117071
Code; 117072

(2) Provide an opportunity for students to earn high school 117073
credit toward graduation or to meet curriculum requirements in 117074
accordance with divisions (J)(1) and (2) of section 3313.603 of 117075
the Revised Code; 117076

(3) Inform the development of student success plans pursuant 117077
to division (C) of section 3313.6020 of the Revised Code. 117078

Section 263.540. The Department of Education shall provide 117079
assistance to the State Board of Education for the purposes of 117080
updating the statewide plan on subject area competency, including 117081
credit by examination, pursuant to division (J)(2) of section 117082
3313.603 of the Revised Code, to reduce barriers to student 117083
participation in credit flexibility options. 117084

Upon completion, the Department shall inform students, 117085
parents, and schools of the updated plan. 117086

Section 263.553. For the 2015-2016 school year, the board of 117087
education of each city, local, exempted village, and joint 117088

vocational school district, the governing authority of each 117089
community school established under Chapter 3314., and the 117090
governing body of each STEM school established under Chapter 3326. 117091
of the Revised Code, shall assess the reading skills of each 117092
student, except those students with significant cognitive 117093
disabilities or other disabilities as authorized by the Department 117094
of Education on a case-by-case basis, enrolled in kindergarten to 117095
third grade and shall identify students who are reading below 117096
their grade level. The reading skills assessments shall be 117097
completed by September 30, 2015. 117098

Section 263.570. The assessments prescribed under sections 117099
3301.0710 and 3301.0712 of the Revised Code shall be nationally 117100
normed, standardized assessments. 117101

Section 263.590. The Department of Education, in conjunction 117102
with an association of education service centers in this state and 117103
an association that advocates for gifted children in the state, 117104
shall complete a feasibility analysis of the establishment of a 117105
start-up community school in each of the sixteen regions of the 117106
Educational Regional Service System to serve primarily identified 117107
gifted students. Not later than July 1, 2016, the Department shall 117108
submit the analysis to the chairpersons of the standing committees 117109
and subcommittees of the House of Representatives and the Senate 117110
principally responsible for education policy and finance. 117111

Section 263.600. (A) This section applies only to a city 117112
school district that is located in the same municipal corporation 117113
as a professional sports museum. 117114

(B) Notwithstanding section 3313.41 of the Revised Code, the 117115
board of education of a school district to which this section 117116
applies may offer for sale property it owns to a professional 117117

sports museum located in the same municipal corporation prior to 117118
offering that property for sale under the provisions of section 117119
3313.41 of the Revised Code. 117120

(C) This section shall expire on July 1, 2017. 117121

Section 263.610. (A) As used in this section, "client school 117122
district" means a city, exempted village, or local school district 117123
that has entered into an agreement under section 3313.843 or 117124
3313.845 of the Revised Code to receive any services from an 117125
educational service center. 117126

(B) Notwithstanding anything to the contrary in the Revised 117127
Code, if an educational service center governing board is 117128
abolished under section 3311.0510 of the Revised Code not later 117129
than July 1, 2015, any indebtedness to the Department of Education 117130
for expenses related to the dissolution that exceed the available 117131
assets of the service center shall not be assessed against the 117132
client school districts of the service center. 117133

Section 265.10. ELC OHIO ELECTIONS COMMISSION 117134

General Revenue Fund 117135

GRF 051321 Operating Expenses \$ 333,117 \$ 333,117 117136

TOTAL GRF General Revenue Fund \$ 333,117 \$ 333,117 117137

Dedicated Purpose Fund Group 117138

4P20 051601 Operating Support \$ 194,500 \$ 194,500 117139

TOTAL DPF Dedicated Purpose Fund \$ 194,500 \$ 194,500 117140

Group

TOTAL ALL BUDGET FUND GROUPS \$ 527,617 \$ 527,617 117141

ERRONEOUS FILING FEE DEPOSITS 117142

On July 1, 2015, or as soon as possible thereafter, the 117143
Executive Director of the Elections Commission and the Secretary 117144
of State, or the Secretary of State's designee, shall jointly 117145

certify to the Director of Budget and Management the amount of 117146
 filing fees erroneously deposited by the Ohio Elections Commission 117147
 and Secretary of State to the General Revenue Fund between 2007 117148
 and 2015. Upon receipt of the certification, the Director of 117149
 Budget and Management may transfer cash, up to the certified 117150
 amount, from the General Revenue Fund to the Ohio Elections 117151
 Commission Fund (Fund 4P20). This transfer corrects erroneous 117152
 deposits of revenue that were made by the Ohio Elections 117153
 Commission and Secretary of State to the General Revenue Fund. 117154

Section 267.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL 117155
 DIRECTORS 117156

Dedicated Purpose Fund Group 117157
 4K90 881609 Operating Expenses \$ 741,000 \$ 771,000 117158
 TOTAL DPF Dedicated Purpose 117159
 Fund Group \$ 741,000 \$ 771,000 117160
 TOTAL ALL BUDGET FUND GROUPS \$ 741,000 \$ 771,000 117161

Section 269.10. PAY EMPLOYEE BENEFITS FUNDS 117163

Fiduciary Fund Group 117164
 1240 995673 Payroll Deductions \$ 786,081,277 \$ 801,802,903 117165
 8060 995666 Accrued Leave Fund \$ 70,520,230 \$ 71,930,634 117166
 8070 995667 Disability Fund \$ 22,271,135 \$ 22,716,558 117167
 8080 995668 State Employee Health \$ 711,136,583 \$ 767,740,540 117168
 Benefit Fund
 8090 995669 Dependent Care \$ 3,323,438 \$ 3,487,159 117169
 Spending Account
 8100 995670 Life Insurance \$ 1,779,885 \$ 1,815,482 117170
 Investment Fund
 8110 995671 Parental Leave \$ 3,510,481 \$ 3,580,691 117171
 Benefit Fund
 8130 995672 Health Care Spending \$ 10,089,249 \$ 10,895,989 117172

Account			
TOTAL FID Fiduciary Fund Group	\$ 1,608,712,278	\$ 1,683,969,956	117173
TOTAL ALL BUDGET FUND GROUPS	\$ 1,608,712,278	\$ 1,683,969,956	117174
PAYROLL DEDUCTION FUND			117175
The foregoing appropriation item 995673, Payroll Deductions,			117176
shall be used to make payments from the Payroll Deduction Fund			117177
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it			117178
is determined by the Director of Budget and Management that			117179
additional amounts are necessary, the amounts are hereby			117180
appropriated.			117181
ACCRUED LEAVE LIABILITY FUND			117182
The foregoing appropriation item 995666, Accrued Leave Fund,			117183
shall be used to make payments from the Accrued Leave Liability			117184
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code.			117185
If it is determined by the Director of Budget and Management that			117186
additional amounts are necessary, the amounts are hereby			117187
appropriated.			117188
STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND			117189
The foregoing appropriation item 995667, Disability Fund,			117190
shall be used to make payments from the State Employee Disability			117191
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the			117192
Revised Code. If it is determined by the Director of Budget and			117193
Management that additional amounts are necessary, the amounts are			117194
hereby appropriated.			117195
STATE EMPLOYEE HEALTH BENEFIT FUND			117196
The foregoing appropriation item 995668, State Employee			117197
Health Benefit Fund, shall be used to make payments from the State			117198
Employee Health Benefit Fund (Fund 8080) pursuant to section			117199
124.87 of the Revised Code. If it is determined by the Director of			117200
Budget and Management that additional amounts are necessary, the			117201
amounts are hereby appropriated.			117202

DEPENDENT CARE SPENDING FUND 117203

The foregoing appropriation item 995669, Dependent Care 117204
Spending Account, shall be used to make payments from the 117205
Dependent Care Spending Fund (Fund 8090) to employees eligible for 117206
dependent care expenses pursuant to section 124.822 of the Revised 117207
Code. If it is determined by the Director of Budget and Management 117208
that additional amounts are necessary, the amounts are hereby 117209
appropriated. 117210

LIFE INSURANCE INVESTMENT FUND 117211

The foregoing appropriation item 995670, Life Insurance 117212
Investment Fund, shall be used to make payments from the Life 117213
Insurance Investment Fund (Fund 8100) for the costs and expenses 117214
of the state's life insurance benefit program pursuant to section 117215
125.212 of the Revised Code. If it is determined by the Director 117216
of Budget and Management that additional amounts are necessary, 117217
the amounts are hereby appropriated. 117218

PARENTAL LEAVE BENEFIT FUND 117219

The foregoing appropriation item 995671, Parental Leave 117220
Benefit Fund, shall be used to make payments from the Parental 117221
Leave Benefit Fund (Fund 8110) to employees eligible for parental 117222
leave benefits pursuant to section 124.137 of the Revised Code. If 117223
it is determined by the Director of Budget and Management that 117224
additional amounts are necessary, the amounts are hereby 117225
appropriated. 117226

HEALTH CARE SPENDING ACCOUNT FUND 117227

The foregoing appropriation item 995672, Health Care Spending 117228
Account, shall be used to make payments from the Health Care 117229
Spending Account Fund (Fund 8130) for payments pursuant to state 117230
employees' participation in a flexible spending account for 117231
non-reimbursed health care expenses and section 124.821 of the 117232
Revised Code. If it is determined by the Director of 117233

Administrative Services that additional amounts are necessary, the 117234
 Director of Administrative Services may request that the Director 117235
 of Budget and Management increase such amounts. Such amounts are 117236
 hereby appropriated. 117237

Section 271.10. ERB STATE EMPLOYMENT RELATIONS BOARD 117238

General Revenue Fund 117239
 GRF 125321 Operating Expenses \$ 3,761,457 \$ 3,761,457 117240
 TOTAL GRF General Revenue Fund \$ 3,761,457 \$ 3,761,457 117241
 Dedicated Purpose Fund Group 117242
 5720 125603 Training and \$ 75,000 \$ 75,000 117243
 Publications
 TOTAL DPF Dedicated Purpose 117244
 Fund Group \$ 75,000 \$ 75,000 117245
 TOTAL ALL BUDGET FUND GROUPS \$ 3,836,457 \$ 3,836,457 117246

Section 273.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 117248

Dedicated Purpose Fund Group 117249
 4K90 892609 Operating Expenses \$ 993,889 \$ 993,889 117250
 TOTAL DPF Dedicated Purpose 117251
 Fund Group \$ 993,889 \$ 993,889 117252
 TOTAL ALL BUDGET FUND GROUPS \$ 993,889 \$ 993,889 117253

Section 275.10. EPA ENVIRONMENTAL PROTECTION AGENCY 117255

General Revenue Fund 117256
 GRF 715502 Auto Emissions \$ 10,923,093 \$ 10,923,093 117257
 e-Check Program
 TOTAL GRF General Revenue Fund \$ 10,923,093 \$ 10,923,093 117258
 Dedicated Purpose Fund Group 117259
 4D50 715618 Recycled State \$ 50,000 \$ 50,000 117260
 Materials

4J00	715638	Underground Injection Control	\$	393,917	\$	399,125	117261
4K20	715648	Clean Air - Non Title V	\$	3,309,301	\$	3,726,893	117262
4K30	715649	Solid Waste	\$	13,118,573	\$	13,202,293	117263
4K40	715650	Surface Water Protection	\$	9,446,300	\$	8,422,600	117264
4K40	715686	Environmental Laboratory Services	\$	2,096,007	\$	2,096,007	117265
4K50	715651	Drinking Water Protection	\$	6,637,044	\$	6,825,955	117266
4P50	715654	Cozart Landfill	\$	10,000	\$	10,000	117267
4R50	715656	Scrap Tire Management	\$	1,040,161	\$	1,060,965	117268
4R90	715658	Voluntary Action Program	\$	825,759	\$	842,275	117269
4T30	715659	Clean Air - Title V Permit Program	\$	13,507,000	\$	13,639,150	117270
5000	715608	Immediate Removal Special Account	\$	718,793	\$	731,293	117271
5030	715621	Hazardous Waste Facility Management	\$	5,765,075	\$	6,082,805	117272
5050	715623	Hazardous Waste Cleanup	\$	14,388,348	\$	14,701,826	117273
5320	715646	Recycling and Litter Control	\$	4,691,000	\$	4,698,000	117274
5410	715670	Site Specific Cleanup	\$	2,048,101	\$	2,048,101	117275
5420	715671	Risk Management Reporting	\$	214,826	\$	214,826	117276
5860	715637	Scrap Tire Market Development	\$	1,150,000	\$	1,170,000	117277
5BC0	715622	Local Air Pollution Control	\$	1,999,172	\$	1,999,172	117278
5BC0	715624	Surface Water	\$	8,665,974	\$	8,665,974	117279

5BC0	715672	Air Pollution Control	\$	4,945,566	\$	4,945,566	117280
5BC0	715673	Drinking and Ground Water	\$	3,324,521	\$	3,324,520	117281
5BC0	715676	Assistance and Prevention	\$	1,583,098	\$	1,591,682	117282
5BC0	715677	Laboratory	\$	1,253,586	\$	1,253,586	117283
5BC0	715678	Corrective Actions	\$	1,316,878	\$	1,316,878	117284
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	117285
5BC0	715692	Administration	\$	12,885,000	\$	13,505,000	117286
5BC0	715694	Environmental Resource Coordination	\$	100,000	\$	100,000	117287
5BT0	715679	C&DD Groundwater Monitoring	\$	645,000	\$	919,000	117288
5CD0	715682	Clean Diesel School Buses	\$	150,000	\$	150,000	117289
5H40	715664	Groundwater Support	\$	350,499	\$	356,727	117290
5PZ0	715696	Drinking Water Loan Fee	\$	220,200	\$	126,200	117291
5Y30	715685	Surface Water Improvement	\$	1,800,000	\$	1,800,000	117292
6440	715631	Emergency Response Radiological Safety	\$	298,304	\$	303,174	117293
6760	715642	Water Pollution Control Loan Administration	\$	1,933,621	\$	1,990,262	117294
6780	715635	Air Toxic Release	\$	133,636	\$	133,636	117295
6790	715636	Emergency Planning	\$	2,623,252	\$	2,623,252	117296
6960	715643	Air Pollution Control Administration	\$	1,125,000	\$	1,125,000	117297
6990	715644	Water Pollution Control Administration	\$	800,000	\$	800,000	117298

6A10	715645	Environmental	\$	1,500,000	\$	1,500,000	117299
		Education					
TOTAL DPF		Dedicated Purpose Fund	\$	127,513,512	\$	128,901,743	117300
Group							
Internal Service Activity Fund Group							117301
1990	715602	Laboratory Services	\$	427,234	\$	594,566	117302
2190	715604	Central Support	\$	6,900,000	\$	6,600,000	117303
		Indirect					
4A10	715640	Operating Expenses	\$	2,050,000	\$	2,050,000	117304
TOTAL ISA		Internal Service Activity	\$	9,377,234	\$	9,244,566	117305
Fund Group							
Capital Projects Fund Group							117306
5S10	715607	Clean Ohio	\$	284,124	\$	284,124	117307
		Revitalization					
		Operating					
TOTAL CPF		Capital Projects Fund	\$	284,124	\$	284,124	117308
Group							
Federal Fund Group							117309
3530	715612	Public Water Supply	\$	2,058,127	\$	2,113,020	117310
3540	715614	Hazardous Waste	\$	3,038,383	\$	3,038,383	117311
		Management - Federal					
3570	715619	Air Pollution Control	\$	6,310,203	\$	6,310,203	117312
		- Federal					
3620	715605	Underground Injection	\$	98,629	\$	102,859	117313
		Control - Federal					
3BU0	715684	Water Quality	\$	13,211,815	\$	14,537,389	117314
		Protection					
3CS0	715688	Federal NRD	\$	200,000	\$	200,000	117315
		Settlements					
3F20	715630	Revolving Loan Fund -	\$	2,800,000	\$	2,900,000	117316
		Operating					
3F30	715632	Federally Supported	\$	4,168,991	\$	4,291,191	117317

	Cleanup and Response					
3T30	715669	Drinking Water State	\$	2,824,076	\$	2,824,076 117318
		Revolving Fund				
3V70	715606	Agencywide Grants	\$	600,000	\$	600,000 117319
TOTAL FED		Federal Fund Group	\$	35,310,223	\$	36,917,121 117320
TOTAL ALL BUDGET FUND GROUPS			\$	183,408,186	\$	186,270,647 117321
		AREAWIDE PLANNING AGENCIES				117322
		The Director of Environmental Protection Agency may award				117323
		grants from appropriation item 715687, Areawide Planning Agencies,				117324
		to areawide planning agencies engaged in areawide water quality				117325
		management and planning activities in accordance with Section 208				117326
		of the "Federal Clean Water Act," 33 U.S.C. 1288.				117327
		WATER POLLUTION CONTROL ADMINISTRATION FUND (FUND 6990)				117328
		EXPENDITURES LIMITATION				117329
		Notwithstanding division (B) of section 6111.09 of the				117330
		Revised Code, the Director of Environmental Protection may expend				117331
		not more than \$800,000 of the moneys credited to the Water				117332
		Pollution Control Administration Fund (Fund 6990) under that				117333
		division in either of fiscal years 2016 or 2017 for the purposes				117334
		specified in that division.				117335
		Section 277.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION				117336
		General Revenue Fund				117337
GRF	172321	Operating Expenses	\$	545,530	\$	545,530 117338
TOTAL GRF		General Revenue Fund	\$	545,530	\$	545,530 117339
TOTAL ALL BUDGET FUND GROUPS			\$	545,530	\$	545,530 117340
		Section 279.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION				117342
		General Revenue Fund				117343
GRF	935401	Statehouse News	\$	324,533	\$	324,533 117344
		Bureau				

GRF	935402	Ohio Government	\$	1,452,089	\$	1,452,089	117345
		Telecommunications					
		Services					
GRF	935408	General Operations	\$	745,000	\$	745,000	117346
GRF	935409	Technology Operations	\$	3,171,962	\$	3,171,962	117347
GRF	935410	Content Development,	\$	3,957,094	\$	3,957,094	117348
		Acquisition, and					
		Distribution					
GRF	935412	Information	\$	683,716	\$	683,716	117349
		Technology					
TOTAL GRF		General Revenue Fund	\$	10,334,394	\$	10,334,394	117350
		Dedicated Purpose Fund Group					117351
5FK0	935608	Media Services	\$	95,000	\$	95,000	117352
TOTAL DPF		Dedicated Purpose Fund	\$	95,000	\$	95,000	117353
		Group					
		Internal Service Activity Fund Group					117354
4F30	935603	Affiliate Services	\$	4,000	\$	4,000	117355
4T20	935605	Government	\$	7,000	\$	7,000	117356
		Television/Telecommunications					
		Operating					
TOTAL ISA		Internal Service Activity					117357
		Fund Group	\$	11,000	\$	11,000	117358
TOTAL ALL BUDGET FUND GROUPS			\$	10,440,394	\$	10,440,394	117359

Section 279.20. STATEHOUSE NEWS BUREAU 117361

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 117362
117363
117364

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 117365

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which 117366
117367
117368

include providing multimedia support to the state government and 117369
its affiliated organizations and broadcasting the activities of 117370
the legislative, judicial, and executive branches of state 117371
government, among its other functions. 117372

TECHNOLOGY OPERATIONS 117373

The foregoing appropriation item 935409, Technology 117374
Operations, shall be used by the Broadcast Educational Media 117375
Commission to pay expenses of the network infrastructure, which 117376
includes the television and radio transmission infrastructure and 117377
infrastructure that shall link all public K-12 classrooms to each 117378
other and to the Internet, and provide access to voice, video, 117379
other communication services, and data educational resources for 117380
students and teachers. 117381

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 117382

The foregoing appropriation item 935410, Content Development, 117383
Acquisition, and Distribution, shall be used for the development, 117384
acquisition, and distribution of information resources by public 117385
media and radio reading services and for educational use in the 117386
classroom and online. 117387

Of the foregoing appropriation item 935410, Content 117388
Development, Acquisition, and Distribution, up to \$658,099 in each 117389
fiscal year shall be allocated equally among the Ohio educational 117390
television stations. Funds shall be used for the production of 117391
interactive instructional programming series with priority given 117392
to resources aligned with state academic content standards. The 117393
programming shall be targeted to the needs of the one-third lowest 117394
capacity school districts as determined by the district's state 117395
share index calculated by the Department of Education. 117396

Of the foregoing appropriation item 935410, Content 117397
Development, Acquisition, and Distribution, up to \$1,749,283 in 117398
each fiscal year shall be distributed by the Broadcast Educational 117399

Media Commission to Ohio's qualified public educational television stations and educational radio stations to support their operations. The funds shall be distributed pursuant to an allocation formula used by the Ohio Educational Telecommunications Network Commission unless a substitute formula is developed by the Broadcast Educational Media Commission in consultation with Ohio's qualified public educational television stations and educational radio stations.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to \$199,712 in each fiscal year shall be distributed by the Broadcast Educational Media Commission to Ohio's qualified radio reading services to support their operations. The funds shall be distributed pursuant to an allocation formula used by the Ohio Educational Telecommunications Network Commission unless a substitute formula is developed by the Broadcast Educational Media Commission in consultation with Ohio's qualified radio reading services.

Section 281.10. ETH OHIO ETHICS COMMISSION

General Revenue Fund				117418
GRF 146321 Operating Expenses	\$	1,381,556	\$ 1,381,556	117419
TOTAL GRF General Revenue Fund	\$	1,381,556	\$ 1,381,556	117420
Dedicated Purpose Fund Group				117421
4M60 146601 Operating Support	\$	641,000	\$ 641,000	117422
TOTAL DPF Dedicated Purpose Fund Group	\$	641,000	\$ 641,000	117423
TOTAL ALL BUDGET FUND GROUPS	\$	2,022,556	\$ 2,022,556	117424

Section 283.10. EXP OHIO EXPOSITIONS COMMISSION

General Revenue Fund				117427
GRF 723403 Junior Fair Subsidy	\$	375,000	\$ 375,000	117428
TOTAL GRF General Revenue Fund	\$	375,000	\$ 375,000	117429

Dedicated Purpose Fund Group					117430
4N20 723602 Ohio State Fair	\$	235,000	\$	235,000	117431
Harness Racing					
5060 723601 Operating Expenses	\$	13,345,000	\$	13,585,000	117432
5060 723604 Grounds Maintenance	\$	300,000	\$	300,000	117433
and Repairs					
TOTAL DPF Dedicated Purpose Fund	\$	13,880,000	\$	14,120,000	117434
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	14,255,000	\$	14,495,000	117435
STATE FAIR RESERVE					117436
The General Manager of the Expositions Commission, in					117437
consultation with the Director of Budget and Management, may					117438
submit a request to the Controlling Board to use available amounts					117439
in the State Fair Reserve Fund (Fund 6400) if revenues from either					117440
the 2015 or the 2016 Ohio State Fair are unexpectedly low.					117441
GROUPS MAINTENANCE AND REPAIRS					117442
The foregoing appropriation item 723604, Grounds Maintenance					117443
and Repairs, shall be used for maintenance and repairs on the					117444
grounds of the Ohio Expo Center.					117445
Section 285.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION					117446
General Revenue Fund					117447
GRF 230321 Operating Expenses	\$	6,500,000	\$	6,500,000	117448
GRF 230401 Cultural Facilities	\$	29,728,000	\$	25,737,900	117449
Lease Rental Bond					
Payments					
GRF 230458 State Construction	\$	2,200,000	\$	2,000,000	117450
Management Services					
GRF 230459 Aronoff Center	\$	540,000	\$	540,000	117451
Building Maintenance					
GRF 230908 Common Schools	\$	366,000,000	\$	377,000,000	117452

General Obligation			
Bond Debt Service			
TOTAL GRF General Revenue Fund	\$	404,968,000	\$ 411,777,900 117453
Internal Service Activity Fund Group			117454
1310 230639 State Construction	\$	8,500,000	\$ 8,500,000 117455
Management Operations			
TOTAL ISA Internal Service Activity	\$	8,500,000	\$ 8,500,000 117456
Fund Group			
TOTAL ALL BUDGET FUND GROUPS	\$	413,468,000	\$ 420,277,900 117457

Section 285.20. CULTURAL FACILITIES LEASE RENTAL BOND 117459
PAYMENTS 117460

The foregoing appropriation item 230401, Cultural Facilities 117461
 Lease Rental Bond Payments shall be used to meet all payments 117462
 during the period from July 1, 2015, through June 30, 2017, by the 117463
 Ohio Facilities Construction Commission under the primary leases 117464
 and agreements for cultural and sports facilities made under 117465
 Chapters 152. and 154. of the Revised Code. These appropriations 117466
 are the source of funds pledged for bond service charges on 117467
 related obligations issued under Chapters 152. and 154. of the 117468
 Revised Code. 117469

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 117470

The foregoing appropriation item 230908, Common Schools 117471
 General Obligation Bond Debt Service, shall be used to pay all 117472
 debt service and related financing costs during the period from 117473
 July 1, 2015, through June 30, 2017, on obligations issued under 117474
 sections 151.01 and 151.03 of the Revised Code. 117475

Section 285.30. COMMUNITY PROJECT ADMINISTRATION 117476

The foregoing appropriation item 230458, State Construction 117477
 Management Services, shall be used by the Ohio Facilities 117478
 Construction Commission in administering Cultural and Sports 117479

Facilities Building Fund (Fund 7030) projects pursuant to section 117480
123.201 of the Revised Code. 117481

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 117482

At the request of the Executive Director of the Ohio School 117483
Facilities Commission, the Director of Budget and Management may 117484
cancel encumbrances for school district projects from a previous 117485
biennium if the district has not raised its local share of project 117486
costs within thirteen months of receiving Controlling Board 117487
approval under section 3318.05 or 3318.41 of the Revised Code. The 117488
Executive Director of the Ohio School Facilities Commission shall 117489
certify the amounts of the canceled encumbrances to the Director 117490
of Budget and Management on a quarterly basis. The amounts of the 117491
canceled encumbrances are hereby appropriated. 117492

Section 285.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND 117493
APPROPRIATIONS 117494

On July 1, 2015, or as soon as possible thereafter, the 117495
Executive Director of the Facilities Construction Commission shall 117496
certify to the Director of Budget and Management the amount of 117497
cash receipts and related investment income, irrevocable letters 117498
of credit from a bank, or certification of the availability of 117499
funds that have been received from a county or a municipal 117500
corporation for deposit into the Capital Donations Fund (Fund 117501
5A10) and that are related to an anticipated project. These 117502
amounts are hereby appropriated to appropriation item C37146, 117503
Capital Donations. Prior to certifying these amounts to the 117504
Director, the Executive Director shall make a written agreement 117505
with the participating entity on the necessary cash flows required 117506
for the anticipated construction or equipment acquisition project. 117507

Section 285.50. AMENDMENT TO PROJECT AGREEMENT FOR 117508
MAINTENANCE LEVY 117509

The Ohio School Facilities Commission shall amend the project agreement between the Commission and a school district that is participating in the Accelerated Urban School Building Assistance Program on the effective date of this section, if the Commission determines that it is necessary to do so in order to comply with division (B)(3)(c) of section 3318.38 of the Revised Code.

Section 285.60. Notwithstanding any other provision of law to the contrary, the Ohio School Facilities Commission may determine the amount of funding available for disbursement in a given fiscal year for any project approved under sections 3318.01 to 3318.20 of the Revised Code in order to keep aggregate state capital spending within approved limits and may take actions including, but not limited to, determining the schedule for design or bidding of approved projects, to ensure appropriate and supportable cash flow.

Section 285.70. ASSISTANCE TO JOINT VOCATIONAL SCHOOL DISTRICT

Notwithstanding division (B) of section 3318.40 of the Revised Code, the Ohio School Facilities Commission may provide assistance to at least one joint vocational school district each fiscal year for the acquisition of classroom facilities in accordance with sections 3318.40 to 3318.45 of the Revised Code.

Section 285.80. FUNDING OF DISTRICT SHARE OF BASIC PROJECT COST

(A) The Ohio School Facilities Commission, in consultation with the Office of Budget and Management, shall prepare a study of the impacts, benefits, and risks associated with a school district funding its share of the basic project cost of a school facilities project under Chapter 3318. of the Revised Code with cash-on-hand resulting from a lease-purchase agreement or certificate of

participation under section 3313.375 of the Revised Code that is 117540
not subject to voter approval. The study shall be completed not 117541
later than nine months after the effective date of this section 117542
and submitted to the Governor and General Assembly in accordance 117543
with section 101.68 of the Revised Code. Until this study is 117544
completed, a school district shall not fund its share of the basic 117545
project cost of a school facilities project under Chapter 3318. of 117546
the Revised Code with cash-on-hand resulting from a lease-purchase 117547
agreement or certificate of participation under section 3313.375 117548
of the Revised Code that is not subject to voter approval, except 117549
as provided in division (B) of this section. 117550

(B) Notwithstanding division (A) of this section and any 117551
other provision of law to the contrary, with the approval of the 117552
School Facilities Commission, a school district may use 117553
cash-on-hand resulting from a lease-purchase agreement or 117554
certificate of participation under section 3313.375 of the Revised 117555
Code that is not subject to voter approval in the following 117556
limited circumstances: 117557

(1) Funding the district's share of an increase in the basic 117558
project cost approved under section 3318.083 of the Revised Code; 117559

(2) Funding a locally funded initiative; or 117560

(3) Funding a project under the Expedited Local Partnership 117561
Program established under either section 3318.36 or 3318.46 of the 117562
Revised Code. 117563

Section 286.10. FMJ FEDERAL-MILITARY JOBS COMMISSION 117564

Dedicated Purpose Fund Group 117565

5RR0 128602	Ohio Military	\$	2,500,000	\$	2,500,000	117566
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Facilities Support

TOTAL DPF	Dedicated Purpose Fund	\$	2,500,000	\$	2,500,000	117567
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Group

TOTAL ALL BUDGET FUND GROUPS \$ 2,500,000 \$ 2,500,000" 117568

OHIO MILITARY FACILITIES SUPPORT 117569

The Director of Budget and Management shall transfer 117570
\$2,500,000 in cash in each fiscal year from the Economic 117571
Development Programs Fund (Fund 5JC0) used by the Department of 117572
Higher Education to the Federal-Military Jobs Fund (Fund 5RR0) 117573
used by the Federal-Military Jobs Commission. The transferred 117574
funds shall be used for the foregoing appropriation item 128602, 117575
Ohio Military Facilities Support, for the purposes described in 117576
sections 193.15 and 193.16 of the Revised Code. 117577

Section 287.10. GOV OFFICE OF THE GOVERNOR 117578

General Revenue Fund 117579

GRF 040321 Operating Expenses \$ 2,851,552 \$ 2,851,552 117580

TOTAL GRF General Revenue Fund \$ 2,851,552 \$ 2,851,552 117581

Internal Service Activity Fund Group 117582

5AK0 040607 Government Relations \$ 300,000 \$ 300,000 117583

TOTAL ISA Internal Service Activity 117584

Fund Group \$ 300,000 \$ 300,000 117585

TOTAL ALL BUDGET FUND GROUPS \$ 3,151,552 \$ 3,151,552 117586

GOVERNMENT RELATIONS 117587

A portion of the foregoing appropriation item 040607, 117588
Government Relations, may be used to support Ohio's membership in 117589
national or regional associations. 117590

The Office of the Governor may charge any state agency of the 117591
executive branch using an intrastate transfer voucher such amounts 117592
necessary to defray the costs incurred for the conduct of 117593
governmental relations associated with issues that can be 117594
attributed to the agency. Amounts collected shall be deposited in 117595
the Government Relations Fund (Fund 5AK0). 117596

Section 289.10. DOH DEPARTMENT OF HEALTH				117597
General Revenue Fund				117598
GRF 440412	Cancer Incidence Surveillance System	\$ 600,000	\$ 600,000	117599
GRF 440413	Local Health Departments	\$ 823,061	\$ 823,061	117600
GRF 440416	Mothers and Children Safety Net Services	\$ 4,428,015	\$ 4,428,015	117601
GRF 440418	Immunizations	\$ 5,988,545	\$ 5,988,545	117602
GRF 440431	Free Clinics Safety Net Services	\$ 437,326	\$ 437,326	117603
GRF 440438	Breast and Cervical Cancer Screening	\$ 823,217	\$ 823,217	117604
GRF 440444	AIDS Prevention and Treatment	\$ 5,842,315	\$ 5,842,315	117605
GRF 440451	Public Health Laboratory	\$ 5,000,000	\$ 5,000,000	117606
GRF 440452	Child and Family Health Services Match	\$ 630,444	\$ 630,444	117607
GRF 440453	Health Care Quality Assurance	\$ 5,000,000	\$ 5,000,000	117608
GRF 440454	Environmental Health	\$ 1,209,430	\$ 1,209,430	117609
GRF 440459	Help Me Grow	\$ 32,008,080	\$ 31,708,080	117610
GRF 440465	FQHC Primary Care Workforce Initiative	\$ 2,686,688	\$ 2,686,688	117611
GRF 440467	Access to Dental Care	\$ 540,484	\$ 540,484	117612
GRF 440468	Chronic Disease and Injury Prevention	\$ 2,466,127	\$ 2,466,127	117613
GRF 440472	Alcohol Testing	\$ 1,114,244	\$ 1,114,244	117614
GRF 440473	Tobacco Prevention Cessation and Enforcement	\$ 4,050,000	\$ 6,050,000	117615

GRF 440474	Infant Vitality	\$	4,116,688	\$	4,116,688	117616
GRF 440477	Emergency Preparation and Response	\$	2,000,000	\$	2,000,000	117617
GRF 440505	Medically Handicapped Children	\$	7,512,451	\$	7,512,451	117618
GRF 440507	Targeted Health Care Services Over 21	\$	1,090,414	\$	1,090,414	117619
GRF 440520	Children's Wish Grant Program	\$	100,000	\$	100,000	117620
GRF 654453	Medicaid - Health Care Quality Assurance	\$	3,300,000	\$	3,300,000	117621
TOTAL GRF	General Revenue Fund	\$	91,767,529	\$	93,467,529	117622
	Highway Safety Fund Group					117623
4T40 440603	Child Highway Safety	\$	280,000	\$	280,000	117624
TOTAL HSF	Highway Safety Fund Group	\$	280,000	\$	280,000	117625
	Dedicated Purpose Fund Group					117626
4700 440647	Fee Supported Programs	\$	23,958,743	\$	24,183,552	117627
4710 440619	Certificate of Need	\$	878,433	\$	878,433	117628
4730 440622	Lab Operating Expenses	\$	5,250,000	\$	5,250,000	117629
4770 440627	Medically Handicapped Children Audit	\$	3,692,703	\$	3,692,703	117630
4D60 440608	Genetics Services	\$	3,311,039	\$	3,311,039	117631
4F90 440610	Sickle Cell Disease Control	\$	1,032,824	\$	1,032,824	117632
4G00 440636	Heirloom Birth Certificate	\$	5,000	\$	5,000	117633
4G00 440637	Birth Certificate Surcharge	\$	5,000	\$	5,000	117634
4L30 440609	HIV Care and Miscellaneous	\$	15,000,000	\$	15,000,000	117635

		Expenses					
4P40	440628	Ohio Physician Loan	\$	700,000	\$	700,000	117636
		Repayment					
4V60	440641	Save Our Sight	\$	2,550,000	\$	2,550,000	117637
5B50	440616	Quality, Monitoring, and Inspection	\$	716,511	\$	736,194	117638
5BX0	440656	Tobacco Use Prevention	\$	6,350,000	\$	6,350,000	117639
5CN0	440645	Choose Life	\$	75,000	\$	75,000	117640
5D60	440620	Second Chance Trust	\$	1,500,000	\$	1,500,000	117641
5ED0	440651	Smoke Free Indoor Air	\$	400,000	\$	400,000	117642
5G40	440639	Adoption Services	\$	20,000	\$	20,000	117643
5PE0	440659	Breast and Cervical Cancer Services	\$	300,000	\$	300,000	117644
5QH0	440661	Dental Hygiene Resources Shortage Area	\$	5,000	\$	5,000	117645
5QJ0	440662	Dental Hygienist Loan Repayment	\$	80,000	\$	80,000	117646
5Z70	440624	Ohio Dentist Loan Repayment	\$	140,000	\$	200,000	117647
6100	440626	Radiation Emergency Response	\$	1,086,098	\$	1,086,098	117648
6660	440607	Medically Handicapped Children - County Assessments	\$	19,739,617	\$	19,739,617	117649
6980	440634	Nurse Aide Training	\$	120,000	\$	120,000	117650
TOTAL DPF Dedicated Purpose Fund Group			\$	86,915,968	\$	87,220,460	117651
Internal Service Activity Fund Group							117652
1420	440646	Agency Health Services	\$	3,279,509	\$	3,130,613	117653
2110	440613	Central Support	\$	30,052,469	\$	30,052,469	117654

Indirect Costs			
TOTAL ISA Internal Service Activity	\$	33,331,978	\$ 33,183,082 117655
Fund Group			
Holding Account Fund Group			117656
R014 440631 Vital Statistics	\$	44,986	\$ 44,986 117657
R048 440625 Refunds, Grants	\$	20,000	\$ 20,000 117658
Reconciliation, and Audit Settlements			
TOTAL HLD Holding Account Fund	\$	64,986	\$ 64,986 117659
Group			
Federal Fund Group			117660
3200 440601 Maternal Child Health	\$	22,000,000	\$ 22,000,000 117661
Block Grant			
3870 440602 Preventive Health	\$	8,000,000	\$ 8,000,000 117662
Block Grant			
3890 440604 Women, Infants, and	\$	240,000,000	\$ 240,000,000 117663
Children			
3910 440606 Medicare Survey and	\$	18,000,000	\$ 18,000,000 117664
Certification			
3920 440618 Federal Public Health	\$	107,198,791	\$ 107,198,791 117665
Programs			
3GD0 654601 Medicaid Program	\$	22,392,094	\$ 22,392,094 117666
Support			
3GN0 440660 Public Health	\$	27,941,795	\$ 27,941,795 117667
Emergency Preparedness			
TOTAL FED Federal Fund Group	\$	445,532,680	\$ 445,532,680 117668
TOTAL ALL BUDGET FUND GROUPS	\$	657,893,141	\$ 659,748,737 117669

Section 289.20. MOTHERS AND CHILDREN SAFETY NET SERVICES 117671

Of the foregoing appropriation item 440416, Mothers and 117672
Children Safety Net Services, \$200,000 in each fiscal year shall 117673

be used to assist families with hearing impaired children under 117674
twenty-one years of age in purchasing hearing aids. The Director 117675
of Health shall adopt rules governing the distribution of these 117676
funds, including rules that do both of the following: (1) 117677
establish eligibility criteria to include families with incomes at 117678
or below four hundred per cent of the federal poverty guidelines 117679
as defined in section 5101.46 of the Revised Code, and (2) develop 117680
a sliding scale of disbursements under this section based on 117681
family income. The Director may adopt other rules as necessary to 117682
implement this section. Rules adopted under this section shall be 117683
adopted in accordance with Chapter 119. of the Revised Code. 117684

The Department shall disburse all of the funds appropriated 117685
under this section. 117686

HIV/AIDS PREVENTION/TREATMENT 117687

The foregoing appropriation item 440444, AIDS Prevention and 117688
Treatment, shall be used to assist persons with HIV/AIDS in 117689
acquiring HIV-related medications and to administer educational 117690
prevention initiatives. 117691

PUBLIC HEALTH LABORATORY 117692

A portion of the foregoing appropriation item 440451, Public 117693
Health Laboratory, shall be used for coordination and management 117694
of prevention program operations and the purchase of drugs for 117695
sexually transmitted diseases. 117696

HELP ME GROW 117697

Of the foregoing appropriation item 440459, Help Me Grow, up 117698
to \$31,708,080 in each fiscal year shall be used by the Department 117699
of Health to implement the Help Me Grow Program. Funds shall be 117700
distributed to counties through agreements, contracts, grants, or 117701
subsidies in accordance with section 3701.61 of the Revised Code. 117702
Appropriation item 440459, Help Me Grow, may be used in 117703
conjunction with other early childhood funds and services to 117704

promote the optimal development of young children and 117705
family-centered programs and services that acknowledge and support 117706
the social, emotional, cognitive, intellectual, and physical 117707
development of children and the vital role of families in ensuring 117708
the well-being and success of children. The Department of Health 117709
shall enter into interagency agreements with the Department of 117710
Education, Department of Developmental Disabilities, Department of 117711
Job and Family Services, and Department of Mental Health and 117712
Addiction Services to ensure that all early childhood programs and 117713
initiatives are coordinated and school linked. 117714

Of the foregoing appropriation item 440459, Help Me Grow, 117715
\$300,000 in fiscal year 2016 shall be provided to the Educational 117716
Service Center of Cuyahoga County to fund a project to demonstrate 117717
the effectiveness and cost savings to be realized from the use of 117718
telepractice techniques and certain proprietary technology in 117719
providing services for children with disabilities. Funds shall be 117720
used to select participants in the project, provide training in 117721
telepractice techniques for clinicians, provide direct supervision 117722
by a Kids Uncomplicated licensed professional, implement and 117723
maintain Kids Uncomplicated technology, provide for a contract 117724
with an Ohio university to collect, analyze, and publish data from 117725
the project, and other various project-related expenses. Licensed 117726
professionals participating in and providing services as part of 117727
the demonstration project shall be exempt from any existing 117728
restrictions on telepractice techniques during the time in which 117729
they are providing services as part of the demonstration project. 117730

The foregoing appropriation item 440459, Help Me Grow, may 117731
also be used for the Developmental Autism and Screening Program. 117732

FQHC PRIMARY CARE WORKFORCE INITIATIVE 117733

The foregoing appropriation item 440465, FQHC Primary Care 117734
Workforce Initiative, shall be provided to the Ohio Association of 117735
Community Health Centers to administer the FQHC Primary Care 117736

Workforce Initiative. The Initiative shall provide medical, 117737
dental, behavioral health, physician assistant, and advanced 117738
practice nursing students with clinical rotations through 117739
federally qualified health centers. 117740

INFANT VITALITY 117741

The foregoing appropriation item 440474, Infant Vitality, 117742
shall be used to fund initiatives including: 117743

(A) The Infant Safe Sleep Campaign to educate parents and 117744
caregivers with a uniform message regarding safe sleep 117745
environments; 117746

(B) The Progesterone Prematurity Prevention Project to enable 117747
prenatal care providers to identify, screen, treat, and track 117748
outcomes for women eligible for progesterone supplementation; and 117749

(C) The Prenatal Smoking Cessation Project to enable prenatal 117750
care providers who work with women of reproductive age, including 117751
pregnant women, to have the tools, training, and technical 117752
assistance needed to treat smokers effectively. 117753

EMERGENCY PREPARATION AND RESPONSE 117754

The foregoing appropriation item 440477, Emergency 117755
Preparation and Response, shall be used to support public health 117756
emergency preparedness and response efforts at the state level or 117757
at a regional sub-level within the state, and may also be used to 117758
support data infrastructure projects related to public health 117759
emergency preparedness/response. 117760

TARGETED HEALTH CARE SERVICES OVER 21 117761

The foregoing appropriation item 440507, Targeted Health Care 117762
Services Over 21, shall be used to administer the Cystic Fibrosis 117763
Program and to implement the Hemophilia Insurance Premium Payment 117764
Program. The Department shall expend \$100,000 in each fiscal year 117765
to implement the Hemophilia Insurance Premium Payment Program. 117766

The foregoing appropriation item 440507, Targeted Health Care Services Over 21, shall also be used to provide essential medications and to pay the copayments for drugs approved by the Department of Health and covered by Medicare Part D that are dispensed to Bureau for Children with Medical Handicaps (BCMh) participants for the Cystic Fibrosis Program.

The Department shall expend all of these funds.

CHILDREN'S WISH GRANT PROGRAM

Not later than six months after the effective date of this section, the Department of Health shall develop a policy and grant program under which an eligible nonprofit corporation may apply for funding to grant wishes of persons under the age of eighteen diagnosed with a life-threatening medical condition and who are residents of this state. An eligible nonprofit corporation shall be a corporation recognized under section 501(c)(3) of the Internal Revenue Code, shall have demonstrated to the Department that the granting of wishes for such persons has been the primary purpose of the corporation or the corporation's predecessor in interest for at least ten years before the effective date of this section, the corporation has spent at least one million dollars annually during each of the most recent three years to grant such wishes, and shall meet any other requirements specified by the Department. For every public dollar received in grant money from appropriation item 440520, Children's Wish Grant Program, a nonprofit corporation shall match with a dollar from private sector sources. A nonprofit corporation receiving grant money shall file an annual report with the Department.

The foregoing appropriation item 440520, Children's Wish Grant Program, shall be used for the grant program. The Department shall expend all of these funds.

MEDICALLY HANDICAPPED CHILDREN AUDIT

The Medically Handicapped Children Audit Fund (Fund 4770) 117798
shall receive revenue from audits of hospitals and recoveries from 117799
third-party payers. Moneys may be expended for payment of audit 117800
settlements and for costs directly related to obtaining recoveries 117801
from third-party payers and for encouraging Medically Handicapped 117802
Children's Program recipients to apply for third-party benefits. 117803
Moneys also may be expended for payments for diagnostic and 117804
treatment services on behalf of medically handicapped children, as 117805
defined in division (A) of section 3701.022 of the Revised Code, 117806
and Ohio residents who are twenty-one or more years of age and who 117807
are suffering from cystic fibrosis or hemophilia. Moneys may also 117808
be expended for administrative expenses incurred in operating the 117809
Medically Handicapped Children's Program. 117810

GENETICS SERVICES 117811

The foregoing appropriation item 440608, Genetics Services 117812
(Fund 4D60), shall be used by the Department of Health to 117813
administer programs authorized by sections 3701.501 and 3701.502 117814
of the Revised Code. None of these funds shall be used to counsel 117815
or refer for abortion, except in the case of a medical emergency. 117816

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 117817

The foregoing appropriation item 440607, Medically 117818
Handicapped Children - County Assessments (Fund 6660), shall be 117819
used to make payments under division (E) of section 3701.023 of 117820
the Revised Code. 117821

Section 289.30. IMMUNIZATIONS 117822

Beginning on January 1, 2016, the Department of Health shall 117823
no longer provide GRF-funded vaccines or GRF funding for vaccines 117824
from GRF appropriation item 440418, Immunizations. Local health 117825
departments and other local providers who receive GRF funded 117826
vaccines or GRF funding for vaccines from the Department of Health 117827

before January 1, 2016, shall instead bill private insurance 117828
companies as appropriate to recover the costs of providing and 117829
administering vaccines. However, the Department of Health may 117830
continue to provide GRF-funded vaccines or GRF funding for 117831
vaccines to cover uninsured adults, to cover individuals on 117832
grandfathered private insurance plans that do not cover vaccines, 117833
and in certain exceptional cases as determined by the Director of 117834
Health. 117835

Section 289.40. WIC VENDOR CONTRACTS 117836

(A) As used in this section, "WIC" means the Special 117837
Supplemental Nutrition Program for Women, Infants, and Children 117838
established under the "Child Nutrition Act of 1966," 80 Stat. 885, 117839
42 U.S.C. 1786, as amended. 117840

(B) During fiscal year 2016 and fiscal year 2017, the 117841
Department of Health shall process and review a WIC vendor 117842
contract application pursuant to Chapter 3701-42 of the 117843
Administrative Code not later than forty-five days after receipt 117844
of the application if the applicant is a WIC-contracted vendor at 117845
the time of application and meets all of the following 117846
requirements: 117847

(1) Submits a complete WIC vendor application with all 117848
required documents and information; 117849

(2) Passes the required unannounced preauthorization visit 117850
within forty-five days of submitting a complete application; 117851

(3) Completes the required in-person training within 117852
forty-five days of submitting the complete application. 117853

(C) If an applicant fails to meet any of the requirements 117854
described in division (B) of this section, the Department shall 117855
deny the application for the contract. After an application has 117856
been denied, the applicant may reapply for a contract to act as a 117857

WIC vendor during the contracting cycle that is applicable to the 117858
applicant's WIC region. 117859

Section 289.50. CASH TRANSFERS TO THE PUBLIC HEALTH EMERGENCY 117860
PREPAREDNESS FUND 117861

On July 1, 2015, or as soon as possible thereafter, the 117862
Director of Health shall certify to the Director of Budget and 117863
Management the cash balance relating to public health emergency 117864
preparedness and response activities in the General Operations 117865
Fund (Fund 3920) and the Central Support Indirect Cost Fund (Fund 117866
2110), both used by the Department of Health. Upon receiving this 117867
certification, the Director of Budget and Management may transfer 117868
the amount certified to the Public Health Emergency Preparedness 117869
Fund (Fund 3GN0) and/or the General Operations Fund (Fund 3920), 117870
both used by the Department of Health. 117871

Section 291.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 117872

Dedicated Purpose Fund Group					117873
4610 372601 Operating Expenses	\$	12,500	\$	12,500	117874
TOTAL DPF Dedicated Purpose Fund Group	\$	12,500	\$	12,500	117875
TOTAL ALL BUDGET FUND GROUPS	\$	12,500	\$	12,500	117876

Section 293.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 117878

General Revenue Fund					117879
GRF 148100 Personal Services	\$	347,852	\$	347,852	117880
GRF 148402 Community Programs	\$	44,924	\$	44,924	117881
TOTAL GRF General Revenue Fund	\$	392,776	\$	392,776	117882
Dedicated Purpose Fund Group					117883
6010 148602 Special Initiatives	\$	24,558	\$	24,558	117884
TOTAL DPF Dedicated Purpose Fund Group	\$	24,558	\$	24,558	117885

TOTAL ALL BUDGET FUND GROUPS		\$	417,334	\$	417,334	117887
Section 295.10. OHS OHIO HISTORY CONNECTION						117889
General Revenue Fund						117890
GRF 360501	Education and	\$	4,368,997	\$	4,218,997	117891
	Collections					
GRF 360502	Site and Museum	\$	6,091,086	\$	5,941,086	117892
	Operations					
GRF 360504	Ohio Preservation	\$	290,000	\$	290,000	117893
	Office					
GRF 360505	National	\$	500,000	\$	500,000	117894
	Afro-American Museum					
GRF 360506	Hayes Presidential	\$	500,000	\$	500,000	117895
	Center					
GRF 360508	State Historical	\$	1,500,000	\$	1,500,000	117896
	Grants					
GRF 360509	Outreach and	\$	160,395	\$	160,395	117897
	Partnership					
GRF 360522	Ohio Veterans	\$	0	\$	500,000	117898
	Admissions					
TOTAL GRF General Revenue Fund		\$	13,410,478	\$	13,610,478	117899
Dedicated Purpose Fund Group						117900
5KL0 360602	Ohio History Tax	\$	250,000	\$	250,000	117901
	Check-off					
5PD0 360603	Ohio History License	\$	10,000	\$	10,000	117902
	Plate					
TOTAL DPF Dedicated Purpose Fund		\$	260,000	\$	260,000	117903
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	13,670,478	\$	13,870,478	117904
SUBSIDY APPROPRIATION						117905
Upon approval by the Director of Budget and Management, the						117906
foregoing appropriation items shall be released to the Ohio						117907

History Connection in quarterly amounts that in total do not 117908
exceed the annual appropriations. The funds and fiscal records of 117909
the society for fiscal year 2016 and fiscal year 2017 shall be 117910
examined by independent certified public accountants approved by 117911
the Auditor of State, and a copy of the audited financial 117912
statements shall be filed with the Office of Budget and 117913
Management. The society shall prepare and submit to the Office of 117914
Budget and Management the following: 117915

(A) An estimated operating budget for each fiscal year of the 117916
biennium. The operating budget shall be submitted at or near the 117917
beginning of each calendar year. 117918

(B) Financial reports, indicating actual receipts and 117919
expenditures for the fiscal year to date. These reports shall be 117920
filed at least semiannually during the fiscal biennium. 117921

The foregoing appropriations shall be considered to be the 117922
contractual consideration provided by the state to support the 117923
state's offer to contract with the Ohio History Connection under 117924
section 149.30 of the Revised Code. 117925

STATE HISTORICAL GRANTS 117926

Of the foregoing appropriation item 360508, State Historical 117927
Grants, \$250,000 in each fiscal year shall be used for the 117928
Cincinnati Museum Center, and \$250,000 in each fiscal year shall 117929
be used for the Western Reserve Historical Society. 117930

Of the foregoing appropriation item 360508, State Historical 117931
Grants, \$500,000 in each fiscal year shall be distributed to Lake 117932
View Cemetery for maintenance of the James A. Garfield Monument. 117933

Of the foregoing appropriation item 360508, State Historical 117934
Grants, \$500,000 in each fiscal year shall be distributed to the 117935
Murphy Theatre for preservation of the structure. 117936

OUTREACH AND PARTNERSHIP 117937

Of the foregoing appropriation item 360509, Outreach and Partnership, \$70,000 in each fiscal year shall be distributed to the Ohio World War I Centennial Working Group.

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OHIO VETERANS ADMISSIONS

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Of the foregoing appropriation item 360522, Ohio Veterans Admissions, \$500,000 in fiscal year 2017 shall be distributed to the Columbus Downtown Development Corporation for the purpose of providing free admission for Ohio veterans to the Ohio Veterans Memorial and Museum.

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Section 297.10. REP OHIO HOUSE OF REPRESENTATIVES

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General Revenue Fund

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GRF 025321	Operating Expenses	\$	23,272,941	\$	23,272,941	117949
TOTAL GRF	General Revenue Fund	\$	23,272,941	\$	23,272,941	117950

Internal Service Activity Fund Group

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1030 025601	House Reimbursement	\$	1,433,664	\$	1,433,664	117952
4A40 025602	Miscellaneous Sales	\$	37,849	\$	37,849	117953

TOTAL Internal Service Activity

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Fund Group

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TOTAL ALL BUDGET FUND GROUPS		\$	24,744,454	\$	24,744,454	117956
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OPERATING EXPENSES

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On July 1, 2015, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2015 to be reappropriated to fiscal year 2016. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2016.

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On July 1, 2016, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify

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to the Director of Budget and Management the amount of the 117968
unexpended, unencumbered balance of the foregoing appropriation 117969
item 025321, Operating Expenses, at the end of fiscal year 2016 to 117970
be reappropriated to fiscal year 2017. The amount certified is 117971
hereby reappropriated to the same appropriation item for fiscal 117972
year 2017. 117973

HOUSE REIMBURSEMENT 117974

If it is determined by the Chief Administrative Officer of 117975
the House of Representatives that additional appropriations are 117976
necessary for the foregoing appropriation item 025601, House 117977
Reimbursement, the amounts are hereby appropriated. 117978

Section 299.10. HFA OHIO HOUSING FINANCE AGENCY 117979

Dedicated Purpose Fund Group 117980

5AZ0 997601 Housing Finance Agency \$ 12,111,500 \$ 12,176,700 117981

Personal Services

TOTAL DPF Dedicated Purpose Fund \$ 12,111,500 \$ 12,176,700 117982

Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,111,500 \$ 12,176,700 117983

Section 301.10. IGO OFFICE OF THE INSPECTOR GENERAL 117985

General Revenue Fund 117986

GRF 965321 Operating Expenses \$ 1,327,759 \$ 1,327,759 117987

TOTAL GRF General Revenue Fund \$ 1,327,759 \$ 1,327,759 117988

Internal Service Activity Fund Group 117989

5FA0 965603 Deputy Inspector \$ 400,000 \$ 400,000 117990

General for ODOT

5FT0 965604 Deputy Inspector \$ 425,000 \$ 425,000 117991

General for BWC/OIC

TOTAL ISA Internal Service Activity 117992

Fund Group \$ 825,000 \$ 825,000 117993

TOTAL ALL BUDGET FUND GROUPS	\$	2,152,759	\$	2,152,759	117994
Section 303.10. INS DEPARTMENT OF INSURANCE					117996
Dedicated Purpose Fund Group					117997
5540 820601	Operating Expenses -	\$	180,000	\$	180,000 117998
OSHIIP					
5540 820606	Operating Expenses	\$	26,010,367	\$	26,010,367 117999
5550 820605	Examination	\$	8,184,065	\$	8,184,065 118000
5PT0 820613	Captive Insurance	\$	496,252	\$	1,198,696 118001
Regulation & Supervision					
TOTAL DPF Dedicated Purpose					118002
Fund Group		\$	34,870,684	\$	35,573,128 118003
Federal Fund Group					118004
3U50 820602	OSHIIP Operating	\$	1,970,725	\$	1,970,725 118005
Grant					
TOTAL FED Federal Fund Group					\$ 1,970,725 \$ 1,970,725 118006
TOTAL ALL BUDGET FUND GROUPS					\$ 36,841,409 \$ 37,543,853 118007
MARKET CONDUCT EXAMINATION					118008
When conducting a market conduct examination of any insurer					118009
doing business in this state, the Superintendent of Insurance may					118010
assess the costs of the examination against the insurer. The					118011
superintendent may enter into consent agreements to impose					118012
administrative assessments or fines for conduct discovered that					118013
may be violations of statutes or rules administered by the					118014
Superintendent. All costs, assessments, or fines collected shall					118015
be deposited to the credit of the Department of Insurance					118016
Operating Fund (Fund 5540).					118017
EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES					118018
The Director of Budget and Management, at the request of the					118019
Superintendent of Insurance, may transfer cash from the Department					118020

of Insurance Operating Fund (Fund 5540), established by section 118021
3901.021 of the Revised Code, to the Superintendent's Examination 118022
Fund (Fund 5550), established by section 3901.071 of the Revised 118023
Code, only for expenses incurred in examining domestic fraternal 118024
benefit societies as required by section 3921.28 of the Revised 118025
Code. 118026

TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND 118027

Not later than the thirty-first day of July each fiscal year, 118028
the Director of Budget and Management shall transfer \$5,000,000 118029
from the Department of Insurance Operating Fund (Fund 5540) to the 118030
General Revenue Fund. 118031

Section 303.20. TRANSFER OF FUNDS FOR CAPTIVE INSURANCE 118032
COMPANY REGULATION AND SUPERVISION 118033

During fiscal years 2016 and 2017, the Director of Budget and 118034
Management, in consultation with the Superintendent of Insurance, 118035
may transfer up to \$1,000,000 cash, from the Department of 118036
Insurance Operating Fund (Fund 5540) to the Captive Insurance 118037
Regulation and Supervision Fund (Fund 5PT0), to meet the operating 118038
needs associated with regulatory work related to the formation of 118039
captive insurance companies in this state that will occur before 118040
receipts from this activity are deposited into Fund 5PT0. Once 118041
funds from captive insurance company application fees, 118042
reimbursements from captive insurance companies for examinations, 118043
and other sources have accrued to Fund 5PT0 in such amounts as are 118044
deemed sufficient to sustain operations, the Director of Budget 118045
and Management, in consultation with the Superintendent of 118046
Insurance, shall establish a schedule for repaying the amounts 118047
previously transferred during fiscal years 2016 and 2017 from Fund 118048
5PT0 to Fund 5540. 118049

Section 305.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 118050

General Revenue Fund					118051	
GRF 600321	Program Support	\$	29,189,231	\$	29,189,231	118052
GRF 600410	TANF State/Maintenance of Effort	\$	152,386,934	\$	152,386,934	118053
GRF 600413	Child Care State/Maintenance of Effort	\$	84,732,730	\$	84,732,730	118054
GRF 600416	Information Technology Projects	\$	54,184,700	\$	54,184,700	118055
GRF 600420	Child Support Programs	\$	6,591,048	\$	6,591,048	118056
GRF 600421	Family Assistance Programs	\$	3,161,930	\$	3,161,930	118057
GRF 600423	Families and Children Programs	\$	6,542,517	\$	6,542,517	118058
GRF 600445	Unemployment Insurance Administration	\$	25,218,724	\$	25,523,501	118059
GRF 600502	Child Support - Local	\$	23,814,103	\$	23,814,103	118060
GRF 600511	Disability Financial Assistance	\$	17,000,000	\$	17,000,000	118061
GRF 600521	Family Assistance - Local	\$	46,132,751	\$	46,132,751	118062
GRF 600523	Family and Children Services	\$	57,455,323	\$	57,455,323	118063
GRF 600528	Adoption Services					118064
	State	\$	28,623,389	\$	28,623,389	118065
	Federal	\$	38,202,557	\$	38,202,557	118066
	Adoption Services Total	\$	66,825,946	\$	66,825,946	118067
GRF 600533	Child, Family, and Community Protective Services	\$	13,500,000	\$	13,500,000	118068
GRF 600534	Adult Protective Services	\$	3,526,153	\$	3,526,153	118069
GRF 600535	Early Care and	\$	143,617,211	\$	143,436,793	118070

	Education				
GRF 600541	Kinship Permanency	\$	3,500,000	\$	3,500,000 118071
	Incentive Program				
GRF 655522	Medicaid Program	\$	31,067,970	\$	31,067,970 118072
	Support - Local				
GRF 655523	Medicaid Program	\$	42,280,495	\$	45,080,495 118073
	Support - Local				
	Transportation				
TOTAL GRF	General Revenue Fund				118074
	State	\$	772,525,209	\$	775,449,568 118075
	Federal	\$	38,202,557	\$	38,202,557 118076
	GRF Total	\$	810,727,766	\$	813,652,125 118077
	Dedicated Purpose Fund Group				118078
1980 600647	Children's Trust Fund	\$	5,873,848	\$	5,873,848 118079
4A80 600658	Public Assistance	\$	26,000,000	\$	26,000,000 118080
	Activities				
4A90 600607	Unemployment	\$	15,850,000	\$	15,250,000 118081
	Compensation				
	Administration Fund				
4E70 600604	Family and Children	\$	400,000	\$	400,000 118082
	Services Collections				
4F10 600609	Family and Children	\$	383,549	\$	383,549 118083
	Activities				
5DM0 600633	Audit Settlements and	\$	5,000,000	\$	5,000,000 118084
	Contingency				
5DP0 600634	Adoption Assistance	\$	500,000	\$	500,000 118085
	Loan				
5ES0 600630	Food Bank Assistance	\$	500,000	\$	500,000 118086
5HC0 600695	Unemployment	\$	38,701,835	\$	28,668,609 118087
	Compensation Interest				
5KU0 600611	Unemployment		500,000		500,000 118088
	Insurance Support -				
	Other Sources				

5NG0	600660	Victims of Human Trafficking	\$	100,000	\$	100,000	118089
5U60	600663	Family and Children Support	\$	4,000,000	\$	4,000,000	118090
TOTAL DPF		Dedicated Purpose Fund Group	\$	97,809,232	\$	87,176,006	118091
		Internal Service Activity Fund Group					118092
5HL0	600602	State and County Shared Services	\$	3,000,000	\$	3,000,000	118093
TOTAL ISA		Internal Service Activity Fund Group	\$	3,000,000	\$	3,000,000	118094
		Fiduciary Fund Group					118095
1920	600646	Child Support Intercept - Federal	\$	129,250,000	\$	129,250,000	118096
5830	600642	Child Support Intercept - State	\$	14,000,000	\$	14,000,000	118097
5B60	600601	Food Assistance Intercept	\$	1,000,000	\$	1,000,000	118098
TOTAL FID		Fiduciary Fund Group	\$	144,250,000	\$	144,250,000	118099
		Holding Account Fund Group					118100
R012	600643	Refunds and Audit Settlements	\$	500,000	\$	500,000	118101
R013	600644	Forgery Collections	\$	10,000	\$	10,000	118102
TOTAL HLD		Holding Account Fund Group	\$	510,000	\$	510,000	118103
		Federal Fund Group					118104
3270	600606	Child Welfare	\$	29,769,866	\$	29,769,866	118105
3310	600615	Veterans Programs	\$	8,000,000	\$	8,000,000	118106
3310	600624	Employment Services Programs	\$	26,000,000	\$	26,000,000	118107
3310	600686	Workforce Programs	\$	6,260,000	\$	6,260,000	118108
3840	600610	Food Assistance	\$	160,381,394	\$	160,381,394	118109

		Programs				
3850	600614	Refugee Services	\$	12,564,952	\$	12,564,952 118110
3950	600616	Federal Discretionary	\$	2,259,264	\$	2,259,264 118111
		Grants				
3960	600620	Social Services Block	\$	47,000,000	\$	47,000,000 118112
		Grant				
3970	600626	Child Support -	\$	200,000,000	\$	200,000,000 118113
		Federal				
3980	600627	Adoption Program -	\$	171,178,779	\$	171,178,779 118114
		Federal				
3A20	600641	Emergency Food	\$	5,000,000	\$	5,000,000 118115
		Distribution				
3D30	600648	Children's Trust Fund	\$	3,477,699	\$	3,477,699 118116
		Federal				
3F01	655624	Medicaid Program	\$	122,280,495	\$	125,080,495 118117
		Support				
3H70	600617	Child Care Federal	\$	222,212,089	\$	213,000,000 118118
3N00	600628	Foster Care Program -	\$	291,968,616	\$	291,968,616 118119
		Federal				
3S50	600622	Child Support Projects	\$	534,050	\$	534,050 118120
3V00	600688	Workforce Innovation	\$	128,000,000	\$	128,000,000 118121
		and Opportunity Act				
		Programs				
3V40	600678	Federal Unemployment	\$	133,814,212	\$	133,814,212 118122
		Programs				
3V40	600679	UC Review Commission -	\$	6,185,788	\$	6,185,788 118123
		Federal				
3V60	600689	TANF Block Grant	\$	824,900,560	\$	836,437,504 118124
TOTAL FED		Federal Fund Group	\$	2,401,787,764	\$	2,406,912,619 118125
TOTAL ALL BUDGET FUND GROUPS			\$	3,458,084,762	\$	3,455,500,750 118126

Section 305.20. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 118128

The Fiduciary Fund Group and Holding Account Fund Group shall 118129

be used to hold revenues until the appropriate fund is determined 118130
or until the revenues are directed to the appropriate governmental 118131
agency other than the Department of Job and Family Services. If 118132
receipts credited to the Support Intercept - Federal Fund (Fund 118133
1920), the Support Intercept - State Fund (Fund 5830), the Food 118134
Stamp Offset Fund (Fund 5B60), the Refunds and Audit Settlements 118135
Fund (Fund R012), or the Forgery Collections Fund (Fund R013) 118136
exceed the amounts appropriated from the fund, the Director of Job 118137
and Family Services may request the Director of Budget and 118138
Management to authorize expenditures from the fund in excess of 118139
the amounts appropriated. Upon the approval of the Director of 118140
Budget and Management, the additional amounts are hereby 118141
appropriated. 118142

Section 305.30. COUNTY ADMINISTRATIVE FUNDS 118143

(A) The foregoing appropriation item 600521, Family 118144
Assistance - Local, may be provided to county departments of job 118145
and family services to administer food assistance and disability 118146
assistance programs. 118147

(B) The foregoing appropriation item 655522, Medicaid Program 118148
Support - Local, may be provided to county departments of job and 118149
family services to administer the Medicaid program and the State 118150
Children's Health Insurance program. 118151

(C) At the request of the Director of Job and Family 118152
Services, the Director of Budget and Management may transfer 118153
appropriations between appropriation item 600521, Family 118154
Assistance - Local, and appropriation item 655522, Medicaid 118155
Program Support - Local, in order to ensure county administrative 118156
funds are expended from the proper appropriation item. 118157

(D) If receipts credited to the Medicaid Program Support Fund 118158
(Fund 3F01) and the Supplemental Nutrition Assistance Program Fund 118159
(Fund 3840) exceed the amounts appropriated, the Director of Job 118160

and Family Services shall request the Director of Budget and 118161
Management to authorize expenditures from those funds in excess of 118162
the amounts appropriated. Upon approval of the Director of Budget 118163
and Management, the additional amounts are hereby appropriated. 118164

Section 305.40. FOOD STAMPS TRANSFER 118165

On July 1, 2015, or as soon as possible thereafter, the 118166
Director of Budget and Management may transfer up to \$1,000,000 118167
cash from the Supplemental Nutrition Assistance Program Fund (Fund 118168
3840), to the Food Assistance Fund (Fund 5ES0). 118169

Section 305.50. NAME OF FOOD STAMP PROGRAM 118170

The Director of Job and Family Services is not required to 118171
amend rules regarding the Food Stamp Program to change the name of 118172
the program to the Supplemental Nutrition Assistance Program. The 118173
Director may refer to the program as the Food Stamp Program, the 118174
Supplemental Nutrition Assistance Program, or the Food Assistance 118175
Program in rules and documents of the Department of Job and Family 118176
Services. 118177

Section 305.60. OHIO ASSOCIATION OF FOOD BANKS 118178

Of the foregoing appropriation items 600410, TANF 118179
State/Maintenance of Effort, 600658, Public Assistance Activities, 118180
and 600689, TANF Block Grant, a total of \$11,250,000 in each 118181
fiscal year shall be used to provide funds to the Ohio Association 118182
of Food Banks to purchase and distribute food products. 118183

Notwithstanding section 5101.46 of the Revised Code and any 118184
other provision in this bill, in addition to funds designated for 118185
the Ohio Association of Food Banks in this section, in fiscal year 118186
2016 and fiscal year 2017, the Director of Job and Family Services 118187
shall provide assistance from eligible funds to the Ohio 118188
Association of Food Banks in an amount up to or equal to the 118189

assistance provided in state fiscal year 2015 from all funds used 118190
by the Department, except the General Revenue Fund. 118191

Eligible nonfederal expenditures made by member food banks of 118192
the Association shall be counted by the Department of Job and 118193
Family Services toward the TANF maintenance of effort requirements 118194
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 118195
shall enter into an agreement with the Ohio Association of Food 118196
Banks, in accordance with sections 5101.80 and 5101.801 of the 118197
Revised Code, to carry out the requirements under this section. 118198

Section 305.70. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 118199

The foregoing appropriation item 600658, Public Assistance 118200
Activities, shall be used by the Department of Job and Family 118201
Services to meet the TANF maintenance of effort requirements of 42 118202
U.S.C. 609(a)(7). When the state is assured that it will meet the 118203
maintenance of effort requirement, the Department of Job and 118204
Family Services may use funds from appropriation item 600658, 118205
Public Assistance Activities, to support public assistance 118206
activities. 118207

Section 305.80. GOVERNOR'S OFFICE OF FAITH-BASED AND 118208
COMMUNITY INITIATIVES 118209

Of the foregoing appropriation item 600689, TANF Block Grant, 118210
up to \$6,540,000 in each fiscal year shall be used, in accordance 118211
with sections 5101.80 and 5101.801 of the Revised Code, to provide 118212
support to programs or organizations that provide services that 118213
align with the mission and goals of the Governor's Office of 118214
Faith-Based and Community Initiatives, as outlined in section 118215
107.12 of the Revised Code, and that further at least one of the 118216
four purposes of the TANF program, as specified in 42 U.S.C. 601. 118217

Section 305.90. INDEPENDENT LIVING INITIATIVE 118218

Of the foregoing appropriation item 600689, TANF Block Grant, 118219
up to \$2,000,000 in each fiscal year shall be used, in accordance 118220
with sections 5101.80 and 5101.801 of the Revised Code, to support 118221
the Independent Living Initiative, including life skills training 118222
and work supports for older children in foster care and those who 118223
have recently aged out of foster care. 118224

Section 305.100. OHIO COMMISSION ON FATHERHOOD 118225

Of the foregoing appropriation item 600689, TANF Block Grant, 118226
\$1,000,000 in each fiscal year shall be provided to the Ohio 118227
Commission on Fatherhood. 118228

Section 305.103. OHIO ALLIANCE OF BOYS & GIRLS CLUBS 118229

Of the foregoing appropriation item 600689, TANF Block Grant, 118230
\$625,000 in each fiscal year shall be provided to the Ohio 118231
Alliance of Boys & Girls Clubs for after-school and summer 118232
programs that protect at-risk children and enable youth to become 118233
responsible adults. 118234

Section 305.105. HARVARD COMMUNITY SERVICES CENTER 118235

Of the foregoing appropriation item 600689, TANF Block Grant, 118236
\$250,000 in fiscal year 2016 shall be provided, in accordance with 118237
sections 5101.80 and 5101.801 of the Revised Code, to the Harvard 118238
Community Services Center in Cleveland to provide workforce 118239
development and other supportive services to individuals under the 118240
Harvard Hands-On Initiative. At the end of fiscal year 2016, any 118241
amount equal to the unexpended portion of this earmark is hereby 118242
reappropriated in fiscal year 2017 for the same purpose. 118243

Section 305.106. TANF CASELOAD CONTINGENCY FUNDING 118244

Of the foregoing appropriation items 600410, TANF 118245
State/Maintenance of Effort, 600658, Public Assistance Activities, 118246

and 600689, TANF Block Grant, not more than a total of \$33,750,000 118247
in each fiscal year shall be used by the Department of Job and 118248
Family Services for the purposes of TANF caseload contingency 118249
funding. 118250

Section 305.107. SEVEN YEAR PROMISE PROGRAM 118251

Of the foregoing appropriation item 600689, TANF Block Grant, 118252
\$400,000 in each fiscal year shall be used to support the Seven 118253
Year Promise Program, operated by the Open Doors Academy. Funding 118254
shall be used for a program consisting of the following: 118255

(A) Year-round enrichment programming for middle and high 118256
school youth, from sixth grade through high school graduation; 118257

(B) Participant enrollment requirements of: 118258

(1) Eighty per cent of participants at or below one hundred 118259
per cent of the poverty rate; 118260

(2) Financial commitment for all program participants; 118261

(3) Family engagement for all participants, as evidenced by a 118262
contract, service hours, or other measures. 118263

(C) Active partnerships with local schools where enrolled 118264
participants attend; 118265

(D) Structured weekly programming, outside of regularly 118266
scheduled school hours, of thirteen hours each week during the 118267
school year and thirty-five hours each week, for a minimum of 118268
eight weeks, during the summer; 118269

(E) Strong adult-peer relationships through tutoring, 118270
volunteerism, internships, apprenticeships, college tours, 118271
national service learning trips, individual mentoring and support, 118272
and other activities; 118273

(F) Programming that addresses character, values, civic 118274
responsibility, and academic regression in the summer; 118275

(G) Participant academic requirements of:	118276
(1) An overall high school graduation rate of ninety-two per cent among participants with at least three consecutive years of participation in the program;	118277 118278 118279
(2) Academic improvement of all participants;	118280
(3) An overall college enrollment rate of eighty-five per cent from participants who have graduated from high school;	118281 118282
(4) Overall college graduation of program participants.	118283
Section 305.108. BIG BROTHERS BIG SISTERS	118284
Of the foregoing appropriation item 600689, TANF Block Grant, \$500,000 in each fiscal year shall be distributed to Big Brothers Big Sisters of Central Ohio to provide mentoring services to children of incarcerated parents throughout the state.	118285 118286 118287 118288
Section 305.110. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN	118289
In collaboration with the county family and children first council, a county department of job and family services or public children services agency that receives an allocation from the Department of Job and Family Services from the foregoing appropriation item 600523, Family and Children Services, or 600533, Child, Family, and Community Protective Services, may transfer a portion of either or both allocations to a flexible funding pool as authorized by the section of this act titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL."	118290 118291 118292 118293 118294 118295 118296 118297 118298
Section 305.120. STATE CHILD PROTECTION ALLOCATION	118299
Of the foregoing appropriation item 600523, Family and Children Services, up to \$3,200,000 shall be used to match eligible federal Title IV-B ESSA funds and federal Title IV-E Chafee funds allocated to public children services agencies.	118300 118301 118302 118303

CHILD PLACEMENT LEVEL OF CARE TOOL PILOT PROGRAM 118304

(A) The Ohio Department of Job and Family Services shall 118305
implement and oversee use of a Child Placement Level of Care Tool 118306
on a pilot basis. The Department shall implement the pilot program 118307
in up to ten counties selected by the Department and shall include 118308
the county and at least one private child placing agency or 118309
private noncustodial agency. The pilot program shall be developed 118310
with the participating counties and agencies and must be 118311
acceptable to all participants. A selected county or agency must 118312
agree to participate in the pilot program. 118313

(B) The pilot program shall begin not later than one hundred 118314
eighty days after the effective date of this section and end not 118315
later than eighteen months after the date the pilot program 118316
begins. The length of the pilot program shall not include any time 118317
expended in preparation for implementation or any post-pilot 118318
program evaluation activity. 118319

(C)(1) In accordance with sections 125.01 to 125.11 of the 118320
Revised Code, the Ohio Department of Job and Family Services shall 118321
provide for an independent evaluation of the pilot program to rate 118322
the program's success in the following areas: 118323

(a) Placement stability, length of stay, and other outcomes 118324
for children; 118325

(b) Cost; 118326

(c) Worker satisfaction; 118327

(d) Any other criteria the Department determines will be 118328
useful in the consideration of statewide implementation. 118329

(2) The evaluation design shall include: 118330

(a) A comparison of data to historical outcomes or control 118331
counties; 118332

(b) A prospective data evaluation in each of the pilot 118333

counties. 118334

(D) The Ohio Department of Job and Family Services may adopt 118335
rules in accordance with Chapter 119. of the Revised Code as 118336
necessary to carry out the purposes of this section. The 118337
Department shall seek maximum federal financial participation to 118338
support the pilot program and the evaluation. 118339

(E) Notwithstanding division (E) of section 5101.141 of the 118340
Revised Code, the Department of Job and Family Services shall seek 118341
state funding to implement the Child Placement Level of Care Tool 118342
pilot program described in this section and to contract for the 118343
independent evaluation of the pilot program. 118344

(F) As used in this section, "Child Placement Level of Care 118345
Tool" means an assessment tool to be used by participating 118346
counties and agencies to assess a child's placement needs when a 118347
child must be removed from the child's own home and cannot be 118348
placed with a relative or kin not certified as a foster caregiver 118349
that includes assessing a child's functioning, needs, strengths, 118350
risk behaviors, and exposure to traumatic experiences. 118351

Section 305.130. CHILD, FAMILY, AND COMMUNITY PROTECTIVE 118352
SERVICES 118353

(A) The foregoing appropriation item 600533, Child, Family, 118354
and Community Protective Services, shall be distributed to each 118355
county department of job and family services using the formula the 118356
Department of Job and Family Services uses when distributing Title 118357
XX funds to county departments of job and family services under 118358
section 5101.46 of the Revised Code. County departments shall use 118359
the funds distributed to them under this section as follows, in 118360
accordance with the written plan of cooperation entered into under 118361
section 307.983 of the Revised Code: 118362

(1) To assist individuals in achieving or maintaining 118363

self-sufficiency, including by reducing or preventing dependency 118364
among individuals with family income not exceeding two hundred per 118365
cent of the federal poverty guidelines; 118366

(2) Subject to division (B) of this section, to respond to 118367
reports of abuse, neglect, or exploitation of children and adults, 118368
including through the differential response approach program 118369
developed under Section 309.50.10 of this act; 118370

(3) To provide outreach and referral services regarding home 118371
and community-based services to individuals at risk of placement 118372
in a group home or institution, regardless of the individuals' 118373
family income and without need for a written application; 118374

(4) To provide outreach, referral, application assistance, 118375
and other services to assist individuals receive assistance, 118376
benefits, or services under Medicaid; Title IV-A programs, as 118377
defined in section 5101.80 of the Revised Code; the Supplemental 118378
Nutrition Assistance Program; and other public assistance 118379
programs. 118380

(B) Protective services may be provided to a child or adult 118381
as part of a response, under division (A)(2) of this section, to a 118382
report of abuse, neglect, or exploitation without regard to a 118383
child or adult's family income and without need for a written 118384
application. The protective services may be provided if the case 118385
record documents circumstances of actual or potential abuse, 118386
neglect, or exploitation. 118387

Section 305.140. FAMILY AND CHILDREN SERVICES ACTIVITIES 118388

The foregoing appropriation item 600609, Family and Children 118389
Services Activities, shall be used to expend miscellaneous 118390
foundation funds and grants to support family and children 118391
services activities. 118392

Section 305.150. ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND 118393

Notwithstanding section 5101.073 of the Revised Code, the
Audit Settlements and Contingency Fund (Fund 5DM0) may also
consist of earned federal revenue the final disposition of which
is unknown.

Section 305.160. ADOPTION ASSISTANCE LOAN 118398

Of the foregoing appropriation item 600634, Adoption
Assistance Loan, the Department of Job and Family Services may use
up to ten per cent for administration of adoption assistance loans
pursuant to section 3107.018 of the Revised Code.

Section 305.170. VICTIMS OF HUMAN TRAFFICKING 118403

The foregoing appropriation item 600660, Victims of Human
Trafficking, shall be used to provide treatment, care,
rehabilitation, education, housing, and assistance for victims of
trafficking in persons as specified in section 5101.87 of the
Revised Code. If receipts credited to the Victims of Human
Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to
the fund, the Director of Job and Family Services may request the
Director of Budget and Management to authorize expenditures from
the fund in excess of the amounts appropriated. Upon the approval
of the Director of Budget and Management, the additional amounts
are hereby appropriated.

Section 305.180. UNEMPLOYMENT COMPENSATION INTEREST 118415

The foregoing appropriation item 600695, Unemployment
Compensation Interest, shall be used for payment of interest costs
paid to the United States Secretary of the Treasury for the
repayment of accrued interest related to federal unemployment
account borrowing.

Section 305.190. COMPREHENSIVE CASE MANAGEMENT AND EMPLOYMENT 118421

PROGRAM	118422
(A) As used in this section:	118423
(1) "Adult" means an individual at least eighteen years of age.	118424 118425
(2) "Equivalent of a high school diploma" has the same meaning as in section 5107.30 of the Revised Code.	118426 118427
(3) "In-school youth" has the same meaning as in section 129(a)(1)(C) of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3164(a)(1)(C), except that it does not mean an individual younger than sixteen years of age.	118428 118429 118430 118431
(4) "Local participating agencies" means the county department of job and family services and workforce development agency that serve a county.	118432 118433 118434
(5) "Low-income individual" has the same meaning as in section 3(36) of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3102(36).	118435 118436 118437
(6) "Ohio Works First" has the same meaning as in section 5107.02 of the Revised Code.	118438 118439
(7) "Out-of-school youth" has the same meaning as in section 129(a)(1)(B) of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3164(a)(1)(B).	118440 118441 118442
(8) "Prevention, Retention, and Contingency Program" has the same meaning as in section 5108.01 of the Revised Code.	118443 118444
(9) "Subcontractor" means an entity with which a local participating agency contracts to perform, on behalf of the local participating agency, one or more of the local participating agency's duties regarding the Comprehensive Case Management and Employment Program.	118445 118446 118447 118448 118449
(10) "TANF block grant" means the Temporary Assistance for	118450

Needy Families block grant established by Title IV-A of the 118451
"Social Security Act," 42 U.S.C. 601 et seq. 118452

(11) "Work-eligible individual" has the same meaning as in 45 118453
C.F.R. 261.2(n). 118454

(12) "Workforce development activity" has the same meaning as 118455
in section 6301.01 of the Revised Code. 118456

(13) "Workforce development agency" means the public or 118457
private entity designated by any of the following to administer 118458
county programs under the "Workforce Investment Act of 1998," 29 118459
U.S.C. 2801, as amended, or the Workforce Innovation and 118460
Opportunity Act: 118461

(a) The board of county commissioners in accordance with 118462
section 330.04 of the Revised Code; 118463

(b) The chief elected official of a municipal corporation in 118464
accordance with section 763.05 of the Revised Code; 118465

(c) The chief elected officials of a local area defined in 118466
division (A)(3) of section 6301.01 of the Revised Code. 118467

(14) "Workforce Innovation and Opportunity Act" means Public 118468
Law 113-128, 29 U.S.C. 3101 et seq. 118469

(B) The Director of Job and Family Services shall administer 118470
the Workforce Innovation and Opportunity Act during fiscal year 118471
2016 and fiscal year 2017. 118472

(C) The Department of Job and Family Services, in 118473
consultation with the Governor's Office of Workforce 118474
Transformation, shall create, coordinate, and supervise the 118475
Comprehensive Case Management and Employment Program during fiscal 118476
year 2016 and fiscal year 2017. To the extent funds under the TANF 118477
block grant and Workforce Innovation and Opportunity Act are 118478
available, the program shall make employment and training services 118479
specified in division (E) of this section available to the 118480

program's participants in accordance with the comprehensive 118481
assessments of the participants' employment and training needs 118482
conducted under that division. As part of the creation of the 118483
program, the Department shall establish the procedures for the 118484
comprehensive assessments. 118485

(D)(1) Subject to division (D)(2) of this section and rules 118486
adopted under division (J) of this section: 118487

(a) Each work-eligible individual shall participate in the 118488
Comprehensive Case Management and Employment Program as a 118489
condition of participating in Ohio Works First. 118490

(b) Each Ohio Works First participant who is not a 118491
work-eligible individual may volunteer to participate in the 118492
Comprehensive Case Management and Employment Program. 118493

(c) Each individual receiving benefits and services under the 118494
Prevention, Retention, and Contingency Program may volunteer to 118495
participate in the Comprehensive Case Management and Employment 118496
Program. 118497

(d) Each low-income individual who is an adult, in-school 118498
youth, or out-of-school youth and who is considered to have a 118499
barrier to employment under the Workforce Innovation and 118500
Opportunity Act shall participate in the Comprehensive Case 118501
Management and Employment Program as a condition of enrollment in 118502
workforce development activities funded by the TANF block grant or 118503
Workforce Innovation and Opportunity Act. 118504

(2) Individuals specified in division (D)(1) of this section 118505
are required to participate or permitted to volunteer to 118506
participate, as applicable, in the Comprehensive Case Management 118507
and Employment Program beginning on the following dates: 118508

(a) December 15, 2015, if the individual is at least sixteen 118509
but not more than twenty-four years of age; 118510

(b) July 1, 2016, if division (D)(2)(a) of this section does 118511
not apply to the individual. 118512

(E)(1) An individual participating in the Comprehensive Case 118513
Management and Employment Program shall undergo a comprehensive 118514
assessment of the individual's employment and training needs in 118515
accordance with the procedures established under division (C) of 118516
this section. As part of the assessment, an individualized 118517
employment plan shall be created for the individual. The plan 118518
shall be reviewed, revised, and terminated in accordance with the 118519
procedures established for the comprehensive assessment. The plan 118520
shall specify which of the following services, if any, the 118521
individual needs: 118522

(a) Support for the individual to obtain a high school 118523
diploma or the equivalent of a high school diploma; 118524

(b) Job placement; 118525

(c) Job retention support; 118526

(d) Other services that aid the individual in achieving the 118527
plan's goals. 118528

(2) The services an individual receives in accordance with 118529
the individualized employment plan are inalienable by way of 118530
assignment, charge, or otherwise and exempt from execution, 118531
attachment, garnishment, and other similar processes. 118532

(F)(1) Not later than October 15, 2015, each board of county 118533
commissioners shall designate one of the local participating 118534
agencies as the lead agency for purposes of the Comprehensive Case 118535
Management and Employment Program. Each board shall inform the 118536
Department of its designation. The lead agency shall do all of the 118537
following: 118538

(a) Submit to the Department a plan that establishes standard 118539
processes for determining and maintaining individuals' eligibility 118540

to participate in the Comprehensive Case Management and Employment Program; 118541
118542

(b) Administer the program; 118543

(c) In partnership with the other local participating agency and any subcontractors, both of the following: 118544
118545

(i) Actively coordinate activities regarding the program with the other local participating agency and any subcontractors; 118546
118547

(ii) Help both local participating agencies and any subcontractors to use their expertise in administering the program. 118548
118549
118550

(2) The lead agency is responsible for all funds that any of the following determines have been expended or claimed for the Comprehensive Case Management and Employment Program, by or on behalf of the county that the lead agency serves, in a manner that federal or state law or policy does not permit: 118551
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(a) The Department; 118556

(b) The Auditor of State; 118557

(c) The United States Department of Health and Human Services; 118558
118559

(d) The United States Department of Labor; 118560

(e) Any other government entity. 118561

(G)(1) The Department, in consultation with the Governor's Office of Workforce Transformation, shall establish an evaluation system for the local participating agencies' administration of the Comprehensive Case Management and Employment Program. The evaluation system shall incorporate all of the following, as applicable to the program: 118562
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(a) Criteria for evaluating the performance of workforce programs established pursuant to section 107.35 of the Revised 118568
118569

Code; 118570

(b) Performance and other administrative standards for the 118571
administration and outcomes of family services duties established 118572
pursuant to section 5101.22 of the Revised Code; 118573

(c) Performance accountability indicators identified in the 118574
state plan for workforce development activities pursuant to 118575
section 116(b)(2)(B) of the "Workforce Innovation and Opportunity 118576
Act," 29 U.S.C. 3141(b)(2)(B). 118577

(2) The Department shall evaluate local participating 118578
agencies' administration of the Comprehensive Case Management and 118579
Employment Program in accordance with the evaluation system 118580
established under division (G)(1) of this section. 118581

(H) In an effort to increase the number of individuals who 118582
participate in the Comprehensive Case Management and Employment 118583
Program and the availability of services under the program, the 118584
Department, in consultation with local participating agencies, 118585
shall review the agencies' existing functions to discover 118586
opportunities to make their administration of the functions more 118587
efficient. 118588

(I)(1) Notwithstanding the second sentence of division 118589
(A)(1)(b) of section 307.981 of the Revised Code, the 118590
Comprehensive Case Management and Employment Program is a family 118591
services duty and therefore subject to all statutes applicable to 118592
family services duties, including sections 5101.183, 5101.21, 118593
5101.212, 5101.214, 5101.216, 5101.22, 5101.221, 5101.23, 5101.24, 118594
and 5101.243 of the Revised Code. 118595

(2) The Comprehensive Case Management and Employment Program 118596
is a Title IV-A program for the purpose of division (A)(4)(c) of 118597
section 5101.80 of the Revised Code and, therefore, is subject to 118598
all statutes applicable to such a program, including sections 118599
5101.16, 5101.35, 5101.80, and 5101.801 of the Revised Code. 118600

(3) The Comprehensive Case Management and Employment Program 118601
is a workforce development activity and therefore subject to all 118602
statutes applicable to workforce development activities, including 118603
sections 5101.20, 5101.214, 5101.241, and 5101.243 of the Revised 118604
Code and Chapter 6301. of the Revised Code. 118605

(J) The Director of Job and Family Services shall adopt rules 118606
as necessary to implement this section. The rules may address any 118607
of the following issues: 118608

(1) Eligibility for the Comprehensive Case Management and 118609
Employment Program; 118610

(2) Employment and training services available under the 118611
program; 118612

(3) Partnerships between local participating agencies and 118613
subcontractors; 118614

(4) The plan required by division (F)(1)(a) of this section; 118615

(5) Internal management concerning day-to-day staff 118616
procedures and operations of the Department or financial and 118617
operational matters between the Department and another government 118618
entity or a private entity receiving a grant from the Department; 118619

(6) Any other issues that the Director determines should be 118620
addressed in rules to implement this section. 118621

Rules other than those described in division (J)(5) of this 118622
section shall be adopted in accordance with Chapter 119. of the 118623
Revised Code. Rules described in division (J)(5) of this section 118624
shall be adopted in accordance with section 111.15 of the Revised 118625
Code. 118626

Section 305.200. STATE AND COUNTY SHARED SERVICES TRANSFER 118627

Upon receipt of a request from the Director of the Department 118628
of Job and Family Services and the Director of the Department of 118629

Medicaid, the Director of Budget and Management may transfer up to 118630
\$7,200,000 cash from the State and County Shared Services Fund 118631
(Fund 5HL0) in the Department of Job and Family Services, to the 118632
Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) in 118633
the Department of Medicaid. 118634

Section 307.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 118635

General Revenue Fund 118636

GRF 029321 Operating Expenses	\$	493,139	\$	512,253	118637
TOTAL GRF General Revenue Fund	\$	493,139	\$	512,253	118638
TOTAL ALL BUDGET FUND GROUPS	\$	493,139	\$	512,253	118639

OPERATING GUIDANCE 118640

The Legislative Service Commission shall act as fiscal agent 118641
for the Joint Committee on Agency Rule Review. Members of the 118642
Committee shall be paid in accordance with section 101.35 of the 118643
Revised Code. 118644

OPERATING EXPENSES 118645

On July 1, 2015, or as soon as possible thereafter, the 118646
Executive Director of the Joint Committee on Agency Rule Review 118647
may certify to the Director of Budget and Management the amount of 118648
the unexpended, unencumbered balance of the foregoing 118649
appropriation item 029321, Operating Expenses, at the end of 118650
fiscal year 2015 to be reappropriated to fiscal year 2016. The 118651
amount certified is hereby reappropriated to the same 118652
appropriation item for fiscal year 2016. 118653

On July 1, 2016, or as soon as possible thereafter, the 118654
Executive Director of the Joint Committee on Agency Rule Review 118655
may certify to the Director of Budget and Management the amount of 118656
the unexpended, unencumbered balance of the foregoing 118657
appropriation item 029321, Operating Expenses, at the end of 118658
fiscal year 2016 to be reappropriated to fiscal year 2017. The 118659

amount certified is hereby reappropriated to the same 118660
appropriation item for fiscal year 2017. 118661

Section 308.10. JMO JOINT MEDICAID OVERSIGHT COMMITTEE 118662

General Revenue Fund 118663

GRF 048321 Operating Expenses \$ 321,995 \$ 490,320 118664

TOTAL GRF General Revenue Fund \$ 321,995 \$ 490,320 118665

TOTAL ALL BUDGET FUND GROUPS \$ 321,995 \$ 490,320 118666

OPERATING EXPENSES 118667

The foregoing appropriation item 048321, Operating Expenses, 118668
shall be used to support expenses related to the Joint Medicaid 118669
Oversight Committee created by section 103.41 of the Revised Code. 118670

On July 1, 2015, or as soon as possible thereafter, the 118671
Executive Director of the Joint Medicaid Oversight Committee may 118672
certify to the Director of Budget and Management the amount of the 118673
unexpended, unencumbered balance of the foregoing appropriation 118674
item 048321, Operating Expenses, at the end of fiscal year 2015 to 118675
be reappropriated to fiscal year 2016. The amount certified is 118676
hereby reappropriated to the same appropriation item for fiscal 118677
year 2016. 118678

On July 1, 2016, or as soon as possible thereafter, the 118679
Executive Director of the Joint Medicaid Oversight Committee may 118680
certify to the Director of Budget and Management the amount of the 118681
unexpended, unencumbered balance of the foregoing appropriation 118682
item 048321, Operating Expenses, at the end of fiscal year 2016 to 118683
be reappropriated to fiscal year 2017. The amount certified is 118684
hereby reappropriated to the same appropriation item for fiscal 118685
year 2017. 118686

The Legislative Service Commission shall act as fiscal agent 118687
for the Joint Medicaid Oversight Committee. 118688

REVIEW OF CERTAIN DEPARTMENT OF HEALTH LINE ITEMS 118689

The Joint Medicaid Oversight Committee shall review the 118690
following Department of Health appropriation items: 440416, 118691
Mothers and Children Safety Net Services; 440418, Immunizations; 118692
440438, Breast and Cervical Cancer Screening; 440444, AIDS 118693
Prevention and Treatment; and 440505, Medically Handicapped 118694
Children. The review shall include the uses and the necessity of 118695
these appropriation items both before and after the enactment of 118696
section 1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 118697
U.S.C. 1396a(a)(10)(A)(i)(VIII). The review shall also detail all 118698
funding sources, maintenance of effort requirements, and any grant 118699
restrictions. Additionally, the review shall include analysis and 118700
recommendations to maximize integration into the formal health 118701
care system with the goal of achieving the statutory goals of the 118702
Joint Medicaid Oversight Committee. 118703

Section 309.10. JCO JUDICIAL CONFERENCE OF OHIO 118704

General Revenue Fund 118705

GRF 018321	Operating Expenses	\$	250,000	\$	0	118706
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TOTAL GRF	General Revenue Fund	\$	250,000	\$	0	118707
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Dedicated Purpose Fund Group 118708

4030 018601	Ohio Jury	\$	168,500	\$	0	118709
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Instructions

TOTAL DPF	Dedicated Purpose Fund	\$	168,500	\$	0	118710
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	418,500	\$	0	118711
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OHIO JURY INSTRUCTIONS FUND 118712

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 118713

grants, royalties, dues, conference fees, bequests, devises, and 118714

other gifts received for the purpose of supporting costs incurred 118715

by the Judicial Conference of Ohio in its activities as a part of 118716

the judicial system of the state as determined by the Judicial 118717

Conference Executive Committee. Fund 4030 shall be used by the 118718

Judicial Conference of Ohio to pay expenses incurred in its				118719
activities as a part of the judicial system of the state as				118720
determined by the Judicial Conference Executive Committee.				118721
Section 311.10. JSC THE JUDICIARY/SUPREME COURT				118722
General Revenue Fund				118723
GRF 005321 Operating Expenses -	\$	148,579,296	\$ 155,465,301	118724
Judiciary/Supreme				
Court				
GRF 005406 Law-Related Education	\$	166,172	\$ 166,172	118725
GRF 005409 Ohio Courts	\$	3,350,000	\$ 3,350,000	118726
Technology Initiative				
TOTAL GRF General Revenue Fund	\$	152,095,468	\$ 158,981,473	118727
Dedicated Purpose Fund Group				118728
4C80 005605 Attorney Services	\$	5,841,263	\$ 5,795,909	118729
5HT0 005617 Court Interpreter	\$	10,000	\$ 10,000	118730
Certification				
5T80 005609 Grants and Awards	\$	6,000	\$ 6,000	118731
6720 005601 Continuing Judicial	\$	120,000	\$ 120,000	118732
Education				
6A80 005606 Supreme Court	\$	1,415,963	\$ 1,425,709	118733
Admissions				
5RJ0 005625 Ohio Jury	\$	168,500	\$ 337,000	118734
Instructions				
TOTAL DPF Dedicated Purpose Fund	\$	7,561,726	\$ 7,694,618	118735
Group				
Fiduciary Fund Group				118736
5JY0 005620 County Law Library	\$	423,000	\$ 423,000	118737
Resources Boards				
TOTAL FID Fiduciary Fund Group	\$	423,000	\$ 423,000	118738
Federal Fund Group				118739

3J00 005603	Federal Grants	\$	1,389,018	\$	1,402,091	118740
TOTAL FED	Federal Fund Group	\$	1,389,018	\$	1,402,091	118741
TOTAL ALL BUDGET FUND GROUPS		\$	161,469,212	\$	168,501,182	118742

OPERATING EXPENSES - JUDICIARY/SUPREME COURT 118743

Of the foregoing appropriation item 005321, Operating Expenses - Judiciary/Supreme Court, up to \$304,353 in fiscal year 2016 and up to \$308,433 in fiscal year 2017 may be used to support the functions of the State Criminal Sentencing Council. 118744
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The foregoing appropriation item 005321, Operating Expenses - Judiciary/Supreme Court, may be used to support functions of the Judicial Conference of Ohio. 118748
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REESTABLISHING JUDICIAL CONFERENCE OF OHIO GRF ENCUMBRANCES 118751

On October 1, 2015, or as soon as possible thereafter, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 018321, Operating Expenses, used by the Judicial Conference of Ohio, and reestablish them against appropriation item 005321, Operating Expenses - Judiciary/Supreme Court, used by the Supreme Court. The reestablished encumbrance amounts are hereby appropriated. Any business commenced but not completed under appropriation item 018321 shall be completed under appropriation item 005321 in the same manner, and with the same effect, as if completed with regard to appropriation item 018321. 118752
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LAW-RELATED EDUCATION 118763

The foregoing appropriation item 005406, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs. 118764
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OHIO COURTS TECHNOLOGY INITIATIVE 118771

The foregoing appropriation item 005409, Ohio Courts 118772
Technology Initiative, shall be used to fund an initiative by the 118773
Supreme Court to facilitate the exchange of information and 118774
warehousing of data by and between Ohio courts and other justice 118775
system partners through the creation of an Ohio Courts Network, 118776
the delivery of technology services to courts throughout the 118777
state, including the provision of hardware, software, and the 118778
development and implementation of educational and training 118779
programs for judges and court personnel, and operation of the 118780
Commission on Technology and the Courts by the Supreme Court for 118781
the promulgation of statewide rules, policies, and uniform 118782
standards, and to aid in the orderly adoption and comprehensive 118783
use of technology in Ohio courts. 118784

ATTORNEY SERVICES 118785

The Attorney Services Fund (Fund 4C80), formerly known as the 118786
Attorney Registration Fund, shall consist of money received by the 118787
Supreme Court (The Judiciary) pursuant to the Rules for the 118788
Government of the Bar of Ohio. In addition to funding other 118789
activities considered appropriate by the Supreme Court, the 118790
foregoing appropriation item 005605, Attorney Services, may be 118791
used to compensate employees and to fund appropriate activities of 118792
the following offices established by the Supreme Court: the Office 118793
of Disciplinary Counsel, the Board of Commissioners on Grievances 118794
and Discipline, the Clients' Security Fund, and the Attorney 118795
Services Division. If it is determined by the Administrative 118796
Director of the Supreme Court that additional appropriations are 118797
necessary, the amounts are hereby appropriated. 118798

No money in Fund 4C80 shall be transferred to any other fund 118799
by the Director of Budget and Management or the Controlling Board. 118800
Interest earned on money in Fund 4C80 shall be credited to the 118801
fund. 118802

COURT INTERPRETER CERTIFICATION 118803

The Court Interpreter Certification Fund (Fund 5HT0) shall 118804
consist of money received by the Supreme Court (The Judiciary) 118805
pursuant to Rules 80 through 87 of the Rules of Superintendence 118806
for the Courts of Ohio. The foregoing appropriation item 005617, 118807
Court Interpreter Certification, shall be used to provide 118808
training, to provide the written examination, and to pay language 118809
experts to rate, or grade, the oral examinations of those applying 118810
to become certified court interpreters. If it is determined by the 118811
Administrative Director that additional appropriations are 118812
necessary, the amounts are hereby appropriated. 118813

No money in Fund 5HT0 shall be transferred to any other fund 118814
by the Director of Budget and Management or the Controlling Board. 118815
Interest earned on money in Fund 5HT0 shall be credited to the 118816
fund. 118817

GRANTS AND AWARDS 118818

The Grants and Awards Fund (Fund 5T80) shall consist of 118819
grants and other money awarded to the Supreme Court (The 118820
Judiciary) by the State Justice Institute, the Division of 118821
Criminal Justice Services, or other entities. The foregoing 118822
appropriation item 005609, Grants and Awards, shall be used in a 118823
manner consistent with the purpose of the grant or award. If it is 118824
determined by the Administrative Director of the Supreme Court 118825
that additional appropriations are necessary, the amounts are 118826
hereby appropriated. 118827

No money in Fund 5T80 shall be transferred to any other fund 118828
by the Director of Budget and Management or the Controlling Board. 118829
Interest earned on money in Fund 5T80 shall be credited or 118830
transferred to the General Revenue Fund. 118831

CONTINUING JUDICIAL EDUCATION 118832

The Continuing Judicial Education Fund (Fund 6720) shall 118833

consist of fees paid by judges and court personnel for attending 118834
continuing education courses and other gifts and grants received 118835
for the purpose of continuing judicial education. The foregoing 118836
appropriation item 005601, Continuing Judicial Education, shall be 118837
used to pay expenses for continuing education courses for judges 118838
and court personnel. If it is determined by the Administrative 118839
Director of the Supreme Court that additional appropriations are 118840
necessary, the amounts are hereby appropriated. 118841

No money in Fund 6720 shall be transferred to any other fund 118842
by the Director of Budget and Management or the Controlling Board. 118843
Interest earned on money in Fund 6720 shall be credited to the 118844
fund. 118845

SUPREME COURT ADMISSIONS 118846

The foregoing appropriation item 005606, Supreme Court 118847
Admissions, shall be used to compensate Supreme Court employees 118848
who are primarily responsible for administering the attorney 118849
admissions program under the Rules for the Government of the Bar 118850
of Ohio, and to fund any other activities considered appropriate 118851
by the court. Moneys shall be deposited into the Supreme Court 118852
Admissions Fund (Fund 6A80) under the Supreme Court Rules for the 118853
Government of the Bar of Ohio. If it is determined by the 118854
Administrative Director of the Supreme Court that additional 118855
appropriations are necessary, the amounts are hereby appropriated. 118856

No money in Fund 6A80 shall be transferred to any other fund 118857
by the Director of Budget and Management or the Controlling Board. 118858
Interest earned on money in Fund 6A80 shall be credited to the 118859
fund. 118860

OHIO JURY INSTRUCTIONS FUND 118861

Effective October 1, 2015, the Ohio Jury Instructions Fund 118862
(Fund 5RJ0) shall consist of grants, royalties, dues, conference 118863
fees, bequests, devises, and other gifts received by the Judicial 118864

Conference of Ohio. In addition to funding activities considered 118865
appropriate by the Supreme Court, the foregoing appropriation item 118866
005625, Ohio Jury Instructions, may be used to support functions 118867
of the Judicial Conference of Ohio. If it is determined by the 118868
Administrative Director of the Supreme Court that additional 118869
appropriations are necessary, the amounts are appropriated. 118870

No money in Fund 5RJ0 shall be transferred to any other fund 118871
by the Director of Budget and Management or the Controlling Board. 118872
Interest earned on money in Fund 5RJ0 shall be credited to the 118873
fund. 118874

On October 1, 2015, or as soon as possible thereafter, the 118875
Director of Budget and Management shall transfer the cash balance 118876
in the Ohio Jury Instructions Fund (Fund 4030), used by the 118877
Judicial Conference of Ohio, to the Ohio Jury Instructions Fund 118878
(Fund 5RJ0), used by the Supreme Court. Upon completion of the 118879
transfer, Fund 4030 is abolished. 118880

On October 1, 2015, or as soon as possible thereafter, the 118881
Director of Budget and Management shall cancel any existing 118882
encumbrances against Fund 4030 appropriation item 018601, Ohio 118883
Jury Instructions, and reestablish them against Fund 5RJ0 118884
appropriation item 005625, Ohio Jury Instructions. The 118885
reestablished encumbrance amounts are hereby appropriated. Any 118886
business commenced but not completed under appropriation item 118887
018601 may be completed under appropriation item 005625 in the 118888
same manner, and with the same effect, as if completed with regard 118889
to appropriation item 018601. 118890

COUNTY LAW LIBRARY RESOURCES BOARD 118891

The Statewide Consortium of County Law Library Resources 118892
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 118893
to section 307.515 of the Revised Code into a county's law library 118894
resources fund and forwarded by that county's treasurer for 118895

deposit in the state treasury pursuant to division (E)(1) of 118896
section 3375.481 of the Revised Code. The foregoing appropriation 118897
item 005620, County Law Library Resources Board, shall be used for 118898
the operation of the Statewide Consortium of County Law Library 118899
Resources Boards. If it is determined by the Administrative 118900
Director of the Supreme Court that additional appropriations are 118901
necessary, the amounts are hereby appropriated. 118902

No money in Fund 5JY0 shall be transferred to any other fund 118903
by the Director of Budget and Management or the Controlling Board. 118904
Interest earned on money in Fund 5JY0 shall be credited to the 118905
fund. 118906

FEDERAL GRANTS 118907

The Federal Grants Fund (Fund 3J00) shall consist of grants 118908
and other moneys awarded to the Supreme Court (The Judiciary) by 118909
the United States Government or other entities that receive the 118910
moneys directly from the United States Government and distribute 118911
those moneys to the Supreme Court (The Judiciary). The foregoing 118912
appropriation item 005603, Federal Grants, shall be used in a 118913
manner consistent with the purpose of the grant or award. If it is 118914
determined by the Administrative Director of the Supreme Court 118915
that additional appropriations are necessary, the amounts are 118916
hereby appropriated. 118917

No money in Fund 3J00 shall be transferred to any other fund 118918
by the Director of Budget and Management or the Controlling Board. 118919
However, interest earned on money in Fund 3J00 shall be credited 118920
or transferred to the General Revenue Fund. 118921

Section 313.10. LEC LAKE ERIE COMMISSION 118922

Dedicated Purpose Fund Group 118923
4C00 780601 Lake Erie Protection \$ 300,000 \$ 300,000 118924
5D80 780602 Lake Erie Resources \$ 329,000 \$ 367,000 118925

TOTAL DPF Dedicated Purpose				118926
Fund Group	\$	629,000	\$ 667,000	118927
Federal Fund Group				118928
3EP0 780603 Lake Erie Federal	\$	30,000	\$ 0	118929
Grants				
TOTAL FED Federal Fund Group	\$	30,000	\$ 0	118930
TOTAL ALL BUDGET FUND GROUPS	\$	659,000	\$ 667,000	118931

CASH TRANSFERS TO THE LAKE ERIE RESOURCES FUND 118932

On July 1 of each fiscal year, or as soon as possible 118933
thereafter, the Director of Budget and Management may transfer 118934
cash from the funds specified below, up to the amounts specified 118935
below, to the Lake Erie Resources Fund (Fund 5D80). Fund 5D80 may 118936
accept contributions and transfers made to the fund. 118937

Fund	Fund Name	User	FY 2016	FY 2017	
5BC0	Environmental Protection	Environmental Protection Agency	\$44,000	\$44,000	118939
6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$44,000	\$44,000	118940
4700	General Operations	Department of Health	\$44,000	\$44,000	118941
1570	Central Support Indirect	Department of Natural Resources	\$44,000	\$44,000	118942

On July 1, 2015, or as soon as possible thereafter, the 118943
Director of Budget and Management may transfer \$44,000 cash from a 118944
fund used by the Development Services Agency, as specified by the 118945
Director of Development Services, to Fund 5D80. 118946

On July 1, 2016, or as soon as possible thereafter, the 118947
Director of Budget and Management may transfer \$44,000 cash from a 118948
fund used by the Development Services Agency, as specified by the 118949
Director of Development Services, to Fund 5D80. 118950

Section 315.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 118951

General Revenue Fund					118952
GRF 028321	Legislative Ethics	\$	550,000	\$	550,000
	Committee				118953
TOTAL GRF	General Revenue Fund	\$	550,000	\$	550,000
					118954
Dedicated Purpose Fund Group					118955
4G70 028601	Joint Legislative	\$	150,000	\$	150,000
	Ethics Committee				118956
TOTAL DPF	Dedicated Purpose Fund	\$	150,000	\$	150,000
Group					118957
TOTAL ALL BUDGET FUND GROUPS		\$	700,000	\$	700,000
					118958
	LEGISLATIVE ETHICS COMMITTEE				118959
	On July 1, 2015, or as soon as possible thereafter, the				118960
	Legislative Inspector General of the Joint Legislative Ethics				118961
	Committee may certify to the Director of Budget and Management the				118962
	amount of the unexpended, unencumbered balance of the foregoing				118963
	appropriation item 028321, Legislative Ethics Committee, at the				118964
	end of fiscal year 2015 to be reappropriated to fiscal year 2016.				118965
	The amount certified is hereby reappropriated to the same				118966
	appropriation item for fiscal year 2016.				118967
	On July 1, 2016, or as soon as possible thereafter, the				118968
	Legislative Inspector General of the Joint Legislative Ethics				118969
	Committee may certify to the Director of Budget and Management the				118970
	amount of the unexpended, unencumbered balance of the foregoing				118971
	appropriation item 028321, Legislative Ethics Committee, at the				118972
	end of fiscal year 2016 to be reappropriated to fiscal year 2017.				118973
	The amount certified is hereby reappropriated to the same				118974
	appropriation item for fiscal year 2017.				118975
	Section 317.10. LSC LEGISLATIVE SERVICE COMMISSION				118976
	General Revenue Fund				118977
GRF 035321	Operating Expenses	\$	15,600,000	\$	15,600,000
					118978

GRF	035402	Legislative Fellows	\$	1,022,120	\$	1,022,120	118979
GRF	035405	Correctional Institution Inspection Committee	\$	460,845	\$	460,845	118980
GRF	035407	Legislative Task Force on Redistricting	\$	400,000	\$	400,000	118981
GRF	035409	National Associations	\$	460,560	\$	460,560	118982
GRF	035410	Legislative Information Systems	\$	6,126,953	\$	6,126,953	118983
GRF	035411	Ohio Constitutional Modernization Commission	\$	250,000	\$	0	118984
GRF	035419	Criminal Justice Recodification Committee	\$	150,000	\$	150,000	118985
GRF	035501	Litigation	\$	500,000	\$	500,000	118986
TOTAL GRF	General Revenue Fund		\$	24,970,478	\$	24,720,478	118987
Dedicated Purpose Fund Group							118988
4100	035601	Sale of Publications	\$	10,000	\$	10,000	118989
TOTAL DPF	Dedicated Purpose Fund Group		\$	10,000	\$	10,000	118990
Internal Service Activity Fund Group							118991
4F60	035603	Legislative Budget Services	\$	100,000	\$	0	118992
TOTAL ISA	Internal Service Activity Fund Group		\$	100,000	\$	0	118993
TOTAL ALL BUDGET FUND GROUPS			\$	25,080,478	\$	24,730,478	118994
OPERATING EXPENSES							118995
On July 1, 2015, or as soon as possible thereafter, the							118996
Director of the Legislative Service Commission may certify to the							118997
Director of Budget and Management the amount of the unexpended,							118998
unencumbered balance of the foregoing appropriation item 035321,							118999
							119000

Operating Expenses, at the end of fiscal year 2015 to be 119001
reappropriated to fiscal year 2016. The amount certified is hereby 119002
reappropriated to the same appropriation item for fiscal year 119003
2016. 119004

On July 1, 2016, or as soon as possible thereafter, the 119005
Director of the Legislative Service Commission may certify to the 119006
Director of Budget and Management the amount of the unexpended, 119007
unencumbered balance of the foregoing appropriation item 035321, 119008
Operating Expenses, at the end of fiscal year 2016 to be 119009
reappropriated to fiscal year 2017. The amount certified is hereby 119010
reappropriated to the same appropriation item for fiscal year 119011
2017. 119012

LEGISLATIVE TASK FORCE ON REDISTRICTING 119013

An amount up to \$2,000,000 of the unexpended, unencumbered 119014
portion of the foregoing appropriation item 035407, Legislative 119015
Task Force on Redistricting, at the end of fiscal year 2015 is 119016
hereby reappropriated to the Legislative Service Commission for 119017
the same purpose for fiscal year 2016. 119018

An amount equal to the unexpended, unencumbered portion of 119019
the foregoing appropriation item 035407, Legislative Task Force on 119020
Redistricting, at the end of fiscal year 2016 is hereby 119021
reappropriated to the Legislative Service Commission for the same 119022
purpose for fiscal year 2017. 119023

LEGISLATIVE INFORMATION SYSTEMS 119024

On July 1, 2015, or as soon as possible thereafter, the 119025
Director of the Legislative Service Commission may certify to the 119026
Director of Budget and Management the amount of the unexpended, 119027
unencumbered balance of the foregoing appropriation item 035410, 119028
Legislative Information Systems, at the end of fiscal year 2015 to 119029
be reappropriated to fiscal year 2016. The amount certified is 119030
hereby reappropriated to the same appropriation item for fiscal 119031

year 2016. 119032

On July 1, 2016, or as soon as possible thereafter, the 119033
Director of the Legislative Service Commission may certify to the 119034
Director of Budget and Management the amount of the unexpended, 119035
unencumbered balance of the foregoing appropriation item 035410, 119036
Legislative Information Systems, at the end of fiscal year 2016 to 119037
be reappropriated to fiscal year 2017. The amount certified is 119038
hereby reappropriated to the same appropriation item for fiscal 119039
year 2017. 119040

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION 119041

The foregoing appropriation item 035411, Ohio Constitutional 119042
Modernization Commission, shall be used to support the operation 119043
and expenses of the Ohio Constitutional Modernization Commission 119044
under sections 103.61 to 103.67 of the Revised Code. All 119045
expenditures paid from the appropriation item must be approved by 119046
the director and chairperson of the Legislative Service Commission 119047
under division (A) of section 103.21 of the Revised Code. 119048

An amount up to \$150,000 of the unexpended, unencumbered 119049
portion of the foregoing appropriation item 035411, Ohio 119050
Constitutional Modernization Commission, at the end of fiscal year 119051
2015 is hereby reappropriated to the Legislative Service 119052
Commission for the same purpose for fiscal year 2016. 119053

CRIMINAL JUSTICE RECODIFICATION COMMITTEE 119054

The foregoing appropriation item 035419, Criminal Justice 119055
Recodification Committee, shall be used to support the operation 119056
and expenses of the Criminal Justice Recodification Committee. 119057

LITIGATION 119058

The foregoing appropriation item 035501, Litigation, shall be 119059
used for any lawsuit in which the General Assembly is a party 119060
because a legal or constitutional challenge is made against the 119061

Ohio Constitution or an act of the General Assembly. The 119062
 chairperson and vice-chairperson of the Legislative Service 119063
 Commission shall both approve the use of the appropriated moneys. 119064

An amount equal to the unexpended, unencumbered portion of 119065
 the foregoing appropriation item 035501, Litigation, at the end of 119066
 fiscal year 2016 is hereby reappropriated to the Legislative 119067
 Service Commission for the same purpose for fiscal year 2017. 119068

Section 319.10. LIB STATE LIBRARY BOARD 119069

General Revenue Fund 119070

GRF	350321	Operating Expenses	\$	5,057,364	\$	5,057,364	119071
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GRF	350401	Ohioana Rental	\$	120,114	\$	120,114	119072
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Payments

GRF	350502	Regional Library	\$	582,469	\$	582,469	119073
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Systems

TOTAL GRF	General Revenue Fund	\$	5,759,947	\$	5,759,947	119074
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Dedicated Purpose Fund Group 119075

4590	350603	Services for	\$	4,094,092	\$	4,190,834	119076
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Libraries

4S40	350604	Ohio Public Library	\$	5,689,788	\$	5,689,788	119077
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Information Network

5GB0	350605	Library for the Blind	\$	1,274,194	\$	1,274,194	119078
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TOTAL DPF	Dedicated Purpose					119079
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Fund Group	\$	11,058,074	\$	11,154,816	119080
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Internal Service Activity Fund 119081

1390	350602	Services for State	\$	8,000	\$	8,000	119082
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Agencies

TOTAL ISA	Internal Service Activity					119083
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Fund Group	\$	8,000	\$	8,000	119084
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Federal Fund Group 119085

3130	350601	LSTA Federal	\$	5,350,000	\$	5,350,000	119086
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TOTAL FED Federal Fund Group	\$	5,350,000	\$	5,350,000	119087
TOTAL ALL BUDGET FUND GROUPS	\$	22,176,021	\$	22,272,763	119088
OHIOANA RENTAL PAYMENTS					119089
The foregoing appropriation item 350401, Ohioana Rental					119090
Payments, shall be used to pay the rental expenses of the Martha					119091
Kinney Cooper Ohioana Library Association under section 3375.61 of					119092
the Revised Code.					119093
REGIONAL LIBRARY SYSTEMS					119094
The foregoing appropriation item 350502, Regional Library					119095
Systems, shall be used to support regional library systems					119096
eligible for funding under sections 3375.83 and 3375.90 of the					119097
Revised Code.					119098
OHIO PUBLIC LIBRARY INFORMATION NETWORK					119099
(A) The foregoing appropriation item 350604, Ohio Public					119100
Library Information Network, shall be used for an information					119101
telecommunications network linking public libraries in the state					119102
and such others as may participate in the Ohio Public Library					119103
Information Network (OPLIN).					119104
The Ohio Public Library Information Network Board of Trustees					119105
created under section 3375.65 of the Revised Code may make					119106
decisions regarding use of the foregoing appropriation item					119107
350604, Ohio Public Library Information Network.					119108
(B) The OPLIN Board shall research and assist or advise local					119109
libraries with regard to emerging technologies and methods that					119110
may be effective means to control access to obscene and illegal					119111
materials. The OPLIN Director shall provide written reports upon					119112
request within ten days to the Governor, the Speaker and Minority					119113
Leader of the House of Representatives, and the President and					119114
Minority Leader of the Senate on any steps being taken by OPLIN					119115
and public libraries in the state to limit and control such					119116
improper usage as well as information on technological, legal, and					119117

law enforcement trends nationally and internationally affecting 119118
this area of public access and service. 119119

(C) The Ohio Public Library Information Network, INFOhio, and 119120
OhioLINK shall, to the extent feasible, coordinate and cooperate 119121
in their purchase or other acquisition of the use of electronic 119122
databases for their respective users and shall contribute funds in 119123
an equitable manner to such effort. 119124

LIBRARY FOR THE BLIND 119125

The foregoing appropriation item 350605, Library for the 119126
Blind, shall be used for the statewide Talking Book Program to 119127
assist the blind and disabled. 119128

TRANSFER TO OPLIN TECHNOLOGY FUND 119129

Notwithstanding sections 5747.03 and 5747.47 of the Revised 119130
Code and any other provision of law to the contrary, in accordance 119131
with a schedule established by the Director of Budget and 119132
Management, the Director of Budget and Management shall transfer 119133
\$3,689,788 cash in each fiscal year from the Public Library Fund 119134
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 119135

TRANSFER TO LIBRARY FOR THE BLIND FUND 119136

Notwithstanding sections 5747.03 and 5747.47 of the Revised 119137
Code and any other provision of law to the contrary, in accordance 119138
with a schedule established by the Director of Budget and 119139
Management, the Director of Budget and Management shall transfer 119140
\$1,274,194 cash in each fiscal year from the Public Library Fund 119141
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 119142

Section 321.10. LCO LIQUOR CONTROL COMMISSION 119143

Dedicated Purpose Fund Group 119144

5LP0 970601 Commission Operating \$ 796,368 \$ 796,368 119145
Expenses

TOTAL DPF Dedicated Purpose Fund	\$	796,368	\$	796,368	119146
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	796,368	\$	796,368	119147

Section 323.10. LOT STATE LOTTERY COMMISSION 119149

State Lottery Fund Group					119150
7044 950321 Operating Expenses	\$	52,218,910	\$	53,320,434	119151
7044 950402 Advertising Contracts	\$	24,550,000	\$	24,550,000	119152
7044 950403 Gaming Contracts	\$	68,934,057	\$	69,081,749	119153
7044 950601 Direct Prize Payments	\$	131,894,037	\$	132,397,721	119154
7044 950605 Problem Gambling	\$	3,000,000	\$	3,000,000	119155
8710 950602 Annuity Prizes	\$	81,705,325	\$	82,313,553	119156
TOTAL SLF State Lottery Fund					119157
Group	\$	362,302,329	\$	364,663,457	119158
TOTAL ALL BUDGET FUND GROUPS	\$	362,302,329	\$	364,663,457	119159

OPERATING EXPENSES 119160

Notwithstanding sections 127.14 and 131.35 of the Revised 119161
Code, the Controlling Board may, at the request of the State 119162
Lottery Commission, authorize expenditures from the State Lottery 119163
Fund in excess of the amounts appropriated, up to a maximum of 10 119164
per cent of anticipated total revenue accruing from the sale of 119165
lottery products. Upon the approval of the Controlling Board, the 119166
additional amounts are hereby appropriated. 119167

DIRECT PRIZE PAYMENTS 119168

Any amounts, in addition to the amounts appropriated in 119169
appropriation item 950601, Direct Prize Payments, that the 119170
Director of the State Lottery Commission determines to be 119171
necessary to fund prizes are hereby appropriated. 119172

ANNUITY PRIZES 119173

Upon request of the State Lottery Commission, the Director of 119174
Budget and Management may transfer cash from the State Lottery 119175

Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in 119176
 an amount sufficient to fund deferred prizes. The Treasurer of 119177
 State, from time to time, shall credit the Deferred Prizes Trust 119178
 Fund (Fund 8710) the pro rata share of interest earned by the 119179
 Treasurer of State on invested balances. 119180

Any amounts, in addition to the amounts appropriated in 119181
 appropriation item 950602, Annuity Prizes, that the Director of 119182
 the State Lottery Commission determines to be necessary to fund 119183
 deferred prizes and interest earnings are hereby appropriated. 119184

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 119185

Estimated transfers from the State Lottery Fund (Fund 7044) 119186
 to the Lottery Profits Education Fund (Fund 7017) are to be 119187
 \$984,000,000 in fiscal year 2016 and \$988,000,000 in fiscal year 119188
 2017. The Director of Budget and Management shall transfer such 119189
 amounts contingent upon the availability of resources. Transfers 119190
 from the State Lottery Fund to the Lottery Profits Education Fund 119191
 shall represent the estimated net income from operations for the 119192
 Commission in fiscal year 2016 and fiscal year 2017. Transfers by 119193
 the Director of Budget and Management to the Lottery Profits 119194
 Education Fund shall be administered as the statutes direct. 119195

Section 325.10. MHC MANUFACTURED HOMES COMMISSION 119196

Dedicated Purpose Fund Group 119197

4K90 996609	Operating Expenses	\$	459,134	\$	459,134	119198
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5MC0 996610	Manufactured Homes	\$	747,825	\$	747,825	119199
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Regulation

TOTAL DPF Dedicated Purpose Fund	\$	1,206,959	\$	1,206,959	119200
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	1,206,959	\$	1,206,959	119201
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Section 327.10. MCD DEPARTMENT OF MEDICAID 119203

General Revenue Fund 119204

GRF	651425	Medicaid Program	\$	192,082,820	\$	196,608,060	119205
		Support - State					
GRF	651525	Medicaid/Health Care					119206
		Services					
		State	\$	4,850,280,989	\$	4,893,875,948	119207
		Federal	\$	12,294,334,888	\$	13,047,145,743	119208
		Medicaid/Health Care	\$	17,144,615,877	\$	17,941,021,691	119209
		Services Total					
GRF	651526	Medicare Part D	\$	308,823,000	\$	328,424,000	119210
GRF	651528	Maternal and Child	\$	500,000	\$	0	119211
		Health					
GRF	651529	Brigid's Path Pilot	\$	300,000	\$	300,000	119212
TOTAL GRF		General Revenue Fund					119213
		State	\$	5,351,986,809	\$	5,419,208,008	119214
		Federal	\$	12,294,334,888	\$	13,047,145,743	119215
		GRF Total	\$	17,646,321,697	\$	18,466,353,751	119216
		Dedicated Purpose Fund Group					119217
4E30	651605	Resident Protection	\$	2,878,000	\$	2,878,000	119218
		Fund					
5AJ0	651631	Money Follows the	\$	5,161,000	\$	4,910,000	119219
		Person					
5DL0	651639	Medicaid Services -	\$	551,125,000	\$	561,317,000	119220
		Recoveries					
5FX0	651638	Medicaid Services -	\$	6,000,000	\$	6,000,000	119221
		Payment Withholding					
5GF0	651656	Medicaid Services -	\$	582,887,931	\$	613,303,715	119222
		Hospitals/UPL					
5KC0	651682	Health Care Grants -	\$	10,000,000	\$	10,000,000	119223
		State					
5R20	651608	Medicaid Services -	\$	400,000,000	\$	403,311,000	119224
		Long Term Care					
5U30	651654	Medicaid Program	\$	62,885,000	\$	53,834,000	119225
		Support					

6510 651649	Medicaid Services - HCAP	\$ 451,535,858	\$ 237,049,000	119226
TOTAL DPF	Dedicated Purpose Fund Group	\$ 2,072,472,789	\$ 1,892,602,715	119227
	Holding Account Fund Group			119228
R055 651644	Refunds and Reconciliations	\$ 1,000,000	\$ 1,000,000	119229
TOTAL HLD	Holding Account Fund Group	\$ 1,000,000	\$ 1,000,000	119230
	Federal Fund Group			119231
3ER0 651603	Medicaid Health Information Technology	\$ 71,764,000	\$ 61,896,000	119232
3F00 651623	Medicaid Services - Federal	\$ 3,645,600,124	\$ 3,350,075,809	119233
3F00 651624	Medicaid Program Support - Federal	\$ 567,832,000	\$ 562,547,000	119234
3FA0 651680	Health Care Grants - Federal	\$ 45,718,000	\$ 36,296,000	119235
3G50 651655	Medicaid Interagency Pass-Through	\$ 91,400,000	\$ 91,406,000	119236
TOTAL FED	Federal Fund Group	\$ 4,422,314,124	\$ 4,102,220,809	119237
TOTAL ALL BUDGET FUND GROUPS		\$24,142,108,610	\$24,462,177,275	119238

Section 327.20. TEMPORARY AUTHORITY REGARDING EMPLOYEES 119240

(A) As used in this section, "medical assistance program" has 119241
the same meaning as in section 5160.01 of the Revised Code. 119242

(B) During the period beginning July 1, 2015, and ending June 119243
30, 2017, all of the following apply: 119244

(1) The Medicaid Director has the authority to establish, 119245
change, and abolish positions for the Department of Medicaid, and 119246
to assign, reassign, classify, reclassify, transfer, reduce, 119247

promote, or demote all employees of the Department of Medicaid who 119248
are not subject to Chapter 4117. of the Revised Code. 119249

(2) As part of the transfer of medical assistance programs to 119250
the Department of Medicaid, the Director of Job and Family 119251
Services has the authority to establish, change, and abolish 119252
positions for the Department of Job and Family Services, and to 119253
assign, reassign, classify, reclassify, transfer, reduce, promote, 119254
or demote all employees of the Department of Job and Family 119255
Services who are not subject to Chapter 4117. of the Revised Code. 119256

(C) The authority granted under division (B) of this section 119257
includes assigning or reassigning an exempt employee, as defined 119258
in section 124.152 of the Revised Code, to a bargaining unit 119259
classification if the Medicaid Director or Director of Job and 119260
Family Services determines that the bargaining unit classification 119261
is the proper classification for that employee. The actions of the 119262
Medicaid Director or Director of Job and Family Services shall be 119263
consistent with the requirements of 5 C.F.R. 900.603 for those 119264
employees subject to such requirements. If an employee in the E-1 119265
pay range is to be assigned, reassigned, classified, reclassified, 119266
transferred, reduced, or demoted to a position in a lower 119267
classification during the period specified in this section, the 119268
Medicaid Director or Director of Job and Family Services, or in 119269
the case of a transfer outside the Department of Medicaid or 119270
Department of Job and Family Services, the Director of 119271
Administrative Services, shall assign the employee to the 119272
appropriate classification and place the employee in Step X. The 119273
employee shall not receive any increase in compensation until the 119274
maximum rate of pay for that classification exceeds the employee's 119275
compensation. 119276

(D) Actions taken by the Medicaid Director, Director of Job 119277
and Family Services, and Director of Administrative Services 119278
pursuant to this section are not subject to appeal to the State 119279

Personnel Board of Review.	119280
(E) A portion of the foregoing appropriation items 651425,	119281
Medicaid Program Support - State, 651603, Medicaid Health	119282
Information Technology, 651624, Medicaid Program Support -	119283
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid	119284
Interagency Pass-Through, 651605, Resident Protection Fund,	119285
651631, Money Follows the Person, 651682, Health Care Grants -	119286
State, and 651654, Medicaid Program Support, may be used to pay	119287
for costs associated with the administration of the Medicaid	119288
program, including the assignment, reassignment, classification,	119289
reclassification, transfer, reduction, promotion, or demotion of	119290
employees authorized by this section.	119291
Section 327.30. NEW AND AMENDED GRANT AGREEMENTS	119292
(A) As used in this section:	119293
(1) "Grant agreement" has the same meaning as in section	119294
5101.21 of the Revised Code.	119295
(2) "Medical assistance program" has the same meaning as in	119296
section 5160.01 of the Revised Code.	119297
(B) The Director of Job and Family Services and boards of	119298
county commissioners may enter into negotiations to amend an	119299
existing grant agreement or to enter into a new grant agreement	119300
regarding the transfer of medical assistance programs to the	119301
Department of Medicaid. Any such amended or new grant agreement	119302
shall be drafted in the name of the Department of Job and Family	119303
Services. The amended or new grant agreement may be executed	119304
before July 1, 2015, if the amendment or agreement does not become	119305
effective sooner than that date.	119306
(C) A portion of the foregoing appropriation items 651525,	119307
Medicaid/Health Care Services, 651603, Medicaid Health Information	119308
Technology, 651623, Medicaid Services - Federal, 651624, Medicaid	119309

Program Support - Federal, 651680, Health Care Grants - Federal, 119310
and 651682, Health Care Grants - State, may be used to pay for 119311
Medicaid services and costs associated with the administration of 119312
the Medicaid program. 119313

Section 327.40. EXCHANGE OF CERTAIN INFORMATION BETWEEN 119314
SPECIFIED STATE AGENCIES; HEALTH TRANSFORMATION INITIATIVES 119315

A portion of the foregoing appropriation items 651425, 119316
Medicaid Program Support-State, 651525, Medicaid/Health Care 119317
Services, 651639, Medicaid Services-Recoveries, 651638, Medicaid 119318
Services-Payment Withholding, 651624, Medicaid Program 119319
Support-Federal, 651680, Health Care Grants-Federal, 651655, 119320
Medicaid Interagency Pass-Through, 651605, Resident Protection 119321
Fund, 651631, Money Follows the Person, 651656, Medicaid 119322
Services-Hospitals/UPL, 651682, Health Care Grants-State, 651608, 119323
Medicaid Services-Long Term Care, 651654, Medicaid Program 119324
Support, and 651649, Medicaid Services-HCAP, may be used to pay 119325
for services and costs associated with operating protocols adopted 119326
under sections 191.04 and 191.06 of the Revised Code. 119327

Section 327.53. MEDICAID/HEALTH CARE SERVICES 119328

The foregoing appropriation item 651525, Medicaid/Health Care 119329
Services, shall not be limited by section 131.33 of the Revised 119330
Code. 119331

Section 327.60. MANAGED CARE PERFORMANCE PAYMENT PROGRAM 119332

At the beginning of each quarter, or as soon as possible 119333
thereafter, the Medicaid Director shall certify to the Director of 119334
Budget and Management the amount withheld in accordance with 119335
section 5167.30 of the Revised Code for purposes of the Managed 119336
Care Performance Payment Program. Upon receiving certification, 119337
the Director of Budget and Management shall transfer cash in the 119338

amount certified from the General Revenue Fund to the Managed Care Performance Payment Fund. Appropriation item 651525, Medicaid/Health Care Services, is hereby reduced by the amount of the transfer and by the corresponding federal share of the transfer. Upon request of the Medicaid Director and approval of the Director of Budget and Management, appropriation up to the cash balance in the Managed Care Performance Payment Fund is hereby appropriated. The federal share of the cash balance may also be appropriated in a federal appropriation item specified in the request. Any federal share specified in the request is hereby appropriated.

In addition to any other purpose authorized by law, the Department of Medicaid may use money in the Managed Care Performance Payment Fund for the following purposes for fiscal year 2016 and fiscal year 2017:

(A) To meet obligations specified in provider agreements with Medicaid managed care organizations;

(B) To pay for Medicaid services provided by a Medicaid managed care organization;

(C) To reimburse a Medicaid managed care organization that has paid a fine for failure to meet performance standards or other requirements specified in provider agreements or rules adopted under section 5167.02 of the Revised Code if the organization comes into compliance with the standards or requirements.

Section 327.70. PERFORMANCE PAYMENTS FOR MEDICAID MANAGED CARE

(A) As used in this section:

(1) "ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.

(2) "Integrated Care Delivery System" and "ICDS" have the

same meaning as section 5164.01 of the Revised Code. 119369

(3) "Medicaid managed care organization" has the same meaning 119370
as in section 5167.01 of the Revised Code. 119371

(B) For fiscal year 2016 and fiscal year 2017, the Department 119372
of Medicaid shall provide performance payments as provided under 119373
this section to Medicaid managed care organizations providing care 119374
under the Integrated Care Delivery System. 119375

(C) If ICDS participants receive care through Medicaid 119376
managed care organizations under ICDS, the Department shall, in 119377
consultation with the United States Centers for Medicare and 119378
Medicaid Services, do both of the following: 119379

(1) Develop quality measures designed specifically to 119380
determine the effectiveness of the health care and other services 119381
provided to ICDS participants by Medicaid managed care 119382
organizations; 119383

(2) Determine an amount to be withheld from the Medicaid 119384
premium payments paid to Medicaid managed care organizations for 119385
ICDS participants. 119386

(D)(1) For the purposes of division (C)(2) of this section, 119387
the Department shall establish an amount that is to be withheld 119388
each time a premium payment is made to a Medicaid managed care 119389
organization for an ICDS participant. The amount shall be 119390
established as a percentage of each premium payment. The 119391
percentage shall be the same for all Medicaid managed care 119392
organizations providing care to ICDS participants. 119393

(2) Each Medicaid managed care organization shall agree to 119394
the withholding as a condition of receiving or maintaining its 119395
Medicaid provider agreement with the Department. 119396

(3) When the amount is established and each time the amount 119397
is modified thereafter, the Department shall certify the amount to 119398

the Director of Budget and Management and begin withholding the 119399
amount from each premium the Department pays to a Medicaid managed 119400
care organization for an ICDS participant. 119401

(E) The Director of Budget and Management shall transfer the 119402
amounts certified in accordance with division (D) of this section 119403
into the Managed Care Performance Payment Fund created under 119404
section 5162.60 of the Revised Code. The amounts transferred may 119405
be used to make performance payments to Medicaid managed care 119406
organizations providing care to ICDS participants in accordance 119407
with rules that may be adopted by the Medicaid Director under 119408
Chapter 119. of the Revised Code. 119409

(F) A Medicaid managed care organization subject to this 119410
section is not subject to section 5167.30 of the Revised Code for 119411
premium payments attributed to ICDS participants during fiscal 119412
year 2016 and fiscal year 2017. 119413

Section 327.80. INTEGRATED CARE DELIVERY SYSTEM PERFORMANCE 119414
PAYMENT PROGRAM 119415

At the beginning of each quarter, or as soon as possible 119416
thereafter, the Medicaid Director may certify to the Director of 119417
Budget and Management the amount withheld in accordance with the 119418
section in this act titled "PERFORMANCE PAYMENTS FOR MEDICAID 119419
MANAGED CARE." On receipt of certification, the Director of Budget 119420
and Management shall transfer cash in the amount certified from 119421
the General Revenue Fund to the Managed Care Performance Payment 119422
Fund (Fund 5KW0). The federal share may also be appropriated in a 119423
federal appropriation item specified in the request. The 119424
transferred cash and the corresponding federal share is hereby 119425
appropriated. Appropriation item 651525, Medicaid/Health Care 119426
Services, is hereby reduced by the amount of the transfer and the 119427
corresponding federal share of the transfer. 119428

Section 327.90. HOSPITAL FRANCHISE FEE PROGRAM 119429

The Director of Budget and Management may authorize 119430
additional expenditures from appropriation item 651623, Medicaid 119431
Services - Federal, appropriation item 651525, Medicaid/Health 119432
Care Services, and appropriation item 651656, Medicaid Services - 119433
Hospital/UPL, in order to implement the programs authorized by 119434
sections 5168.20 through 5168.28 of the Revised Code. Any amounts 119435
authorized are hereby appropriated. 119436

Section 327.100. ADMINISTRATIVE ISSUES RELATED TO TERMINATION 119437
OF MEDICAID WAIVER PROGRAMS 119438

(A) As used in this section, "MCD or ODA Medicaid waiver 119439
component" means the following: 119440

(1) The Medicaid waiver component of the PASSPORT program 119441
created under section 173.52 of the Revised Code; 119442

(2) The Medicaid waiver component of the Assisted Living 119443
program created under section 173.54 of the Revised Code. 119444

(3) The Ohio Home Care Waiver program as defined in section 119445
5166.01 of the Revised Code; 119446

(4) The Ohio Transitions II Aging Carve-Out program as 119447
defined in section 5166.01 of the Revised Code; 119448

(B) If an MCD or ODA Medicaid waiver component is terminated 119449
under section 173.52, 173.53, 173.54, 5166.12, or 5166.13 of the 119450
Revised Code, all of the following apply: 119451

(1) All applicable statutes, and all applicable rules, 119452
standards, guidelines, or orders issued by the Medicaid Director 119453
or Department of Medicaid or Director or Department of Aging 119454
before the component is terminated, shall remain in full force and 119455
effect on and after that date, but solely for purposes of 119456
concluding the component's operations, including fulfilling the 119457

Departments' legal obligations for claims arising from the 119458
component relating to eligibility determinations, covered medical 119459
assistance provided to eligible persons, and recovering erroneous 119460
overpayments. 119461

(2) Notwithstanding the termination of the component, the 119462
right of subrogation for the cost of medical assistance given 119463
under section 5160.37 of the Revised Code to the Department of 119464
Medicaid and an assignment of the right to medical assistance 119465
given under section 5160.38 of the Revised Code to the Department 119466
continue to apply with respect to the component and remain in 119467
force to the full extent provided under those sections. 119468

(3) The Department of Medicaid and Department of Aging may 119469
use appropriated funds to satisfy any claims or contingent claims 119470
for medical assistance provided under the component before the 119471
component's termination. 119472

(4) Neither the Department of Medicaid nor the Department of 119473
Aging has liability under the component to reimburse any provider 119474
or other person for claims for medical assistance rendered under 119475
the component after it is terminated. 119476

(C) The Medicaid Director and Director of Aging may adopt 119477
rules in accordance with Chapter 119. of the Revised Code to 119478
implement this section. 119479

Section 327.110. MONEY FOLLOWS THE PERSON ENHANCED 119480
REIMBURSEMENT FUND 119481

The federal payments made to the state under subsection (e) 119482
of section 6071 of the "Deficit Reduction Act of 2005," Pub. L. 119483
No. 109-171, as amended, shall be deposited into the Money Follows 119484
the Person Enhanced Reimbursement Fund. The Department of Medicaid 119485
shall continue to use money deposited into the fund for system 119486
reform activities related to the Money Follows the Person 119487

demonstration project. 119488

Section 327.115. PEOPLE WORKING COOPERATIVELY 119489

Of the foregoing appropriation item 651631, Money Follows the 119490
Person, \$250,000 in each fiscal year shall be allocated to People 119491
Working Cooperatively to perform home modification/repair services 119492
to low-income, frail, or cognitively impaired persons sixty years 119493
of age and older to achieve independent living in their private 119494
residence and to avoid institutional placement. 119495

Section 327.120. MEDICARE PART D 119496

The foregoing appropriation item 651526, Medicare Part D, may 119497
be used by the Department of Medicaid for the implementation and 119498
operation of the Medicare Part D requirements contained in the 119499
"Medicare Prescription Drug, Improvement, and Modernization Act of 119500
2003," Pub. L. No. 108-173, as amended. Upon the request of the 119501
Department of Medicaid, the Director of Budget and Management may 119502
transfer the state share of appropriations between appropriation 119503
item 651525, Medicaid/Health Care Services, and appropriation item 119504
651526, Medicare Part D. If the state share of appropriation item 119505
651525, Medicaid/Health Care Services, is adjusted, the Director 119506
of Budget and Management shall adjust the federal share 119507
accordingly. The Department of Medicaid shall provide notification 119508
to the Controlling Board of any transfers at the next scheduled 119509
Controlling Board meeting. 119510

Section 327.130. OHIO ACCESS SUCCESS PROJECT 119511

Of the foregoing appropriation item, 651525, Medicaid/Health 119512
Care Services, up to \$450,000 in each fiscal year may be used to 119513
provide one-time transitional benefits under the Ohio Access 119514
Success Project that the Medicaid Director may establish under 119515
section 5166.35 of the Revised Code. 119516

Section 327.140. HEALTH CARE SERVICES ADMINISTRATION FUND 119517

Of the amount received by the Department of Medicaid during 119518
fiscal year 2016 and fiscal year 2017 from the first installment 119519
of assessments paid under section 5168.06 of the Revised Code and 119520
intergovernmental transfers made under section 5168.07 of the 119521
Revised Code, the Medicaid Director shall deposit \$350,000 in each 119522
fiscal year into the state treasury to the credit of the Health 119523
Care Services Administration Fund (Fund 5U30). 119524

Section 327.150. TRANSFERS OF OFFSETS TO THE HEALTH CARE 119525
SERVICES ADMINISTRATION FUND 119526

(A) As used in this section: 119527

"Hospital offset" means an offset from a hospital's Medicaid 119528
payment authorized by section 5168.991 of the Revised Code. 119529

"Vendor offset" means a reduction of a Medicaid payment to a 119530
Medicaid provider to correct a previous, incorrect Medicaid 119531
payment. 119532

(B) During fiscal year 2016 and fiscal year 2017, at 119533
intervals selected by the Medicaid Director, the Director shall 119534
certify to the Director of Budget and Management the amount of 119535
hospital offsets and vendor offsets for the period covered by the 119536
certification and the particular funds that would have been used 119537
to make Medicaid payments to providers if not for the offsets. 119538
Each certification shall specify the amount that would have been 119539
taken from each of the funds if not for the hospital offsets and 119540
vendor offsets. 119541

(C) On receipt of a certification under division (B) of this 119542
section, the Director of Budget and Management shall transfer cash 119543
from the funds identified in the certification to the Health Care 119544
Services Administration Fund (Fund 5U30). The amount transferred 119545
from a fund shall equal the amount that would have been taken from 119546

the fund if not for the hospital offsets and vendor offsets as 119547
specified in the certification. The federal share may also be 119548
appropriated in a federal appropriation item specified in the 119549
certification. The transferred cash and the corresponding federal 119550
share is hereby appropriated. The appropriations for those 119551
appropriation items identified in the certification, and from 119552
which transfers occurred, are hereby reduced by the amount of the 119553
transfer and the amount of the corresponding federal share. 119554

Section 327.160. HOSPITAL CARE ASSURANCE MATCH 119555

If receipts credited to the Health Care Federal Fund (Fund 119556
3F00) exceed the amounts appropriated from the fund for making the 119557
hospital care assurance program distribution, the Medicaid 119558
Director may request the Director of Budget and Management to 119559
authorize expenditures from the fund in excess of the amounts 119560
appropriated. Upon the approval of the Director of Budget and 119561
Management, the additional amounts are hereby appropriated. 119562

The foregoing appropriation item 651649, Medicaid Services - 119563
HCAP, shall be used by the Department of Medicaid for distributing 119564
the state share of all hospital care assurance program funds to 119565
hospitals under section 5168.09 of the Revised Code. If receipts 119566
credited to the Hospital Care Assurance Program Fund (Fund 6510) 119567
exceed the amounts appropriated from the fund for making the 119568
hospital care assurance program distribution, the Medicaid 119569
Director may request the Director of Budget and Management to 119570
authorize expenditures from the fund in excess of the amounts 119571
appropriated. Upon the approval of the Director of Budget and 119572
Management, the additional amounts are hereby appropriated. 119573

Section 327.170. REFUNDS AND RECONCILIATION FUND 119574

The Refunds and Reconciliation Fund (Fund R055) shall be used 119575
to hold refund and reconciliation revenues until the appropriate 119576

fund is determined or until the revenues are directed to the 119577
appropriate governmental agency other than the Department of 119578
Medicaid. Any Medicaid refunds or reconciliations received or held 119579
by the Department of Job and Family Services shall be transferred 119580
or credited to this fund. If receipts credited to the Refunds and 119581
Reconciliation Fund exceed the amounts appropriated from the fund, 119582
the Medicaid Director may request the Director of Budget and 119583
Management to authorize expenditures from the fund in excess of 119584
the amounts appropriated. Upon approval of the Director of Budget 119585
and Management, the additional amounts are hereby appropriated. 119586

Section 327.180. MEDICAID INTERAGENCY PASS-THROUGH 119587

The Medicaid Director may request the Director of Budget and 119588
Management to increase appropriation item 651655, Medicaid 119589
Interagency Pass-Through. Upon the approval of the Director of 119590
Budget and Management, the additional amounts are hereby 119591
appropriated. 119592

Section 327.190. STATE PLAN HOME AND COMMUNITY-BASED SERVICES 119593

(A) As used in this section: 119594

"Federal poverty line" means the official poverty line 119595
defined by the United States Office of Management and Budget based 119596
on the most recent data available from the United States Bureau of 119597
the Census and revised by the United States Secretary of Health 119598
and Human Services pursuant to the "Omnibus Budget Reconciliation 119599
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 119600

"State plan home and community-based services" means home and 119601
community-based services that may be included in the Medicaid 119602
state plan pursuant to the "Social Security Act," section 1915(i), 119603
42 U.S.C. 1396n(i). 119604

(B) During fiscal year 2016 and fiscal year 2017, the 119605
Medicaid program may cover state plan home and community-based 119606

services for Medicaid recipients of any age who have behavioral 119607
health issues and countable incomes not exceeding one hundred 119608
fifty per cent of the federal poverty line. A Medicaid recipient 119609
is not required to undergo a level of care determination to be 119610
eligible for the state plan home and community-based services. 119611

The Medicaid Director may adopt rules under section 5164.02 119612
of the Revised Code as necessary to implement this section. 119613

Section 327.200. UPDATING AUTHORIZING STATUTE CITATIONS 119614

As used in this section, "authorizing statute" means a 119615
Revised Code section or provision of a Revised Code section that 119616
is cited in the Ohio Administrative Code as the statute that 119617
authorizes the adoption of a rule. 119618

The Medicaid Director is not required to amend any rule for 119619
the sole purpose of updating the citation in the Ohio 119620
Administrative Code to the rule's authorizing statute to reflect 119621
that this act renumbers the authorizing statute or relocates it to 119622
another Revised Code section. Such citations shall be updated as 119623
the Director amends the rules for other purposes. 119624

Section 327.210. NON-EMERGENCY MEDICAL TRANSPORTATION 119625

In order to ensure access to a non-emergency medical 119626
transportation brokerage program established pursuant to section 119627
1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), 119628
upon the request of the Medicaid Director, the Director of Budget 119629
and Management may transfer the state share appropriations between 119630
General Revenue Fund appropriation item 651525, Medicaid/Health 119631
Care Services, within the Department of Medicaid and 655523, 119632
Medicaid Program Support - Local Transportation, within the 119633
Department of Job and Family Services. If such a transfer occurs, 119634
the Director of Budget and Management shall adjust, using the 119635
federal reimbursement rate, the federal share appropriations of 119636

General Revenue Fund appropriation line 651525, Medicaid/Health Care Services, within the Department of Medicaid, and the Medicaid Program Support Fund (3F01) appropriation line 655624, Medicaid Program Support, within the Department of Job and Family Services. The Director of Medicaid shall transmit to the Medicaid Program Support Fund (3F01) the federal funds which the Department of Medicaid, as the state's sole point of contact with the federal government for Medicaid reimbursements, has drawn for this transaction.

Section 327.220. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION SYSTEM IMPLEMENTATION

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to \$7,200,000 of state share appropriations in each fiscal year between General Revenue Fund appropriation item 651525, Medicaid/Health Care Services, within the Department of Medicaid, and 655522, Medicaid Program Support - Local, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of General Revenue Fund appropriation item 651525, Medicaid/Health Care Services, within the Department of Medicaid, and the Medicaid Program Support Fund (Fund 3F01) appropriation item 655624, Medicaid Program Support, within the Department of Job and Family Services. The Director of Medicaid shall transmit to the Medicaid Program Support Fund (3F01) the federal funds which the Department of Medicaid, as the state's sole point of contact with the federal government for Medicaid reimbursements, has drawn for this transaction.

Any increase in funding shall be provided to county departments of job and family services and shall only be used for costs related to transitioning to a new public assistance

eligibility determination system. These funds shall not be used 119668
for existing and ongoing operating expenses. The Medicaid Director 119669
shall establish criteria for distributing these funds and for 119670
county departments of job and family services to submit allowable 119671
expenses. 119672

County departments of job and family services shall comply 119673
with new roles, processes, and responsibilities related to the new 119674
eligibility determination system. County departments of job and 119675
family services shall report to the Ohio Department of Job and 119676
Family Services and the Ohio Department of Medicaid, on a schedule 119677
determined by the Medicaid Director, how the funds were used. 119678

Section 327.230. ABOLISHMENT OF THE HOME AND COMMUNITY-BASED 119679
SERVICES FUND (FUND 4J50) 119680

On July 1, 2015, or as soon as possible thereafter, the 119681
Director of Budget and Management shall transfer the cash balance 119682
in the Home and Community - Based Services Fund (Fund 4J50) to the 119683
Nursing Facility Franchise Permit Fee Fund (Fund 5R20), both used 119684
by the Department of Medicaid. Upon completion of the transfer, 119685
Fund 4J50 is hereby abolished. 119686

Section 327.243. HOLZER CLINIC PAYMENT 119687

The Department of Medicaid shall cease implementing rule 119688
5160-1-60.1 of the Administrative Code on July 1, 2015, and 119689
rescind the rule as soon as possible thereafter. Beginning July 1, 119690
2015, the Medicaid payment rates for physician, pregnancy-related, 119691
evaluation, and management services rendered by a physician group 119692
practice to which that rule applies on June 30, 2015, shall be the 119693
same as the Medicaid payment rates for such services rendered by 119694
other physician group practices. 119695

Section 327.245. MATERNAL AND CHILD HEALTH 119696

The foregoing appropriation item 651528, Maternal and Child Health, shall be allocated to Integrating Professionals for Appalachian Children. These funds shall be used to improve maternal and child health outcomes in the service area comprised of Athens, Gallia, Hocking, Jackson, Meigs, Perry, Ross, Vinton, and Washington counties.

Section 327.250. RATE FOR HOME HEALTH AIDE SERVICES 119703

(A) As used in this section, "independent provider" means an individual who personally provides home health aide services and is not employed by, under contract with, or affiliated with another entity that provides those services.

(B) Notwithstanding section 5164.77 of the Revised Code, the Medicaid payment rate for home health aide services that are provided by a provider, other than an independent provider, during the period beginning July 1, 2015, and ending June 30, 2017, shall be at least five per cent higher than the rate in effect on June 30, 2015, for those services.

Section 327.260. HOME HEALTH AIDE SERVICES 119714

Of the foregoing appropriation item 651525, Medicaid/Health Care Services, \$14,500,000 in each fiscal year shall be used to increase the Medicaid payment rate for agency providers for home health services rendered under the Medicaid program by home health aides, during fiscal year 2016 and fiscal year 2017, by five per cent relative to such rate in effect on June 30, 2015.

Section 327.270. NURSING FACILITY DEMONSTRATION PROJECT 119721

(A) As used in this section: 119722

(1) "Freestanding long-term care hospital" means a hospital to which all of the following apply: 119724

(a) It is a freestanding long-term care hospital as defined in 42 C.F.R. 412.23(e)(5). 119725
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(b) It has a Medicaid provider agreement to provide inpatient hospital services. 119727
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(c) Pursuant to rules adopted under section 5164.02 of the Revised Code, it is exempt from the all patient refined diagnosis related groups (APR-DRG) and prospective payment methodology the Department of Medicaid uses to determine Medicaid payment rates for inpatient services provided by other types of hospitals not also excluded from the methodology. 119729
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(2) "Nursing facility," "nursing facility services," "nursing home," and "provider" have the same meanings as in section 5165.01 of the Revised Code. 119735
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(B) Not later than thirty days after the effective date of this section, the Department of Medicaid shall submit to the United States Secretary of Health and Human Services a request for a Medicaid Waiver to operate, beginning January 1, 2016, a two-year demonstration project under which Medicaid recipients receive nursing facility services in participating nursing facilities in lieu of hospital inpatient services in freestanding long-term care hospitals. 119738
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(1) The Department shall select four nursing facilities to participate in the demonstration project. To be selected for participation, a nursing facility must meet all of the following requirements: 119746
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(a) The nursing facility's provider must hold the nursing facility out to the public as providing short-term rehabilitation services. 119750
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(b) The nursing facility must have a hydrotherapy pool. 119753

(c) The nursing facility's Medicaid-certified capacity must 119754

include at least ten single-occupancy sleeping rooms that will be 119755
used for Medicaid recipients admitted to the nursing facility 119756
under the demonstration project. 119757

(d) The nursing facility must have been initially 119758
constructed, licensed as a nursing home, and certified as a 119759
nursing facility on or after January 1, 2010. 119760

(2) In selecting four nursing facilities to participate in 119761
the demonstration project, the Department shall select one nursing 119762
facility located in Cuyahoga county, one located in Franklin 119763
county, one located in Hamilton county, and one located in Lucas 119764
county. However, the Department may select a nursing facility 119765
located in another county if necessary to find four nursing 119766
facilities that meet the requirements specified in division (B)(1) 119767
of this section. 119768

(C)(1) The provider of each participating nursing facility 119769
shall develop admission criteria that Medicaid recipients must 119770
meet to be admitted to the nursing facility under the 119771
demonstration project. The provider shall give the criteria to 119772
each hospital that is located within fifty miles of the nursing 119773
facility and routinely refers Medicaid patients to freestanding 119774
long-term care hospitals. A hospital that receives the criteria 119775
shall consider the criteria when determining where to refer a 119776
Medicaid recipient who needs the types of services freestanding 119777
long-term care hospitals provide. 119778

(2) A Medicaid recipient may refuse a referral to a 119779
participating nursing facility and instead seek admission to a 119780
freestanding long-term care hospital. If a Medicaid recipient 119781
seeks admission to a participating nursing facility under the 119782
demonstration project, the nursing facility's staff shall ensure 119783
that the recipient meets the nursing facility's criteria before 119784
admitting the recipient. 119785

(3) A participating nursing facility shall notify the Department each time it admits a Medicaid recipient under the demonstration project. A Medicaid recipient's admission to a participating nursing facility under the demonstration project is not subject to prior authorization from the Department or a designee of the Department.

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(D) Notwithstanding Chapter 5165. of the Revised Code, the Medicaid payment rate for nursing facility services that a Medicaid recipient receives from a participating nursing facility under the demonstration project shall not exceed the Medicaid payment rate for comparable hospital inpatient services provided by freestanding long-term care hospitals in effect at the time the nursing facility services are provided.

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(E) Not later than thirty days after the end of each quarter of the demonstration project, the provider of each participating nursing facility shall report to the Department all of the following information about each Medicaid recipient residing in the nursing facility under the demonstration project during the quarter:

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(1) The cost of the nursing facility services that the nursing facility provided to the recipient that quarter;

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(2) The number of days the recipient resided in the nursing facility that quarter;

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(3) The recipient's health outcomes;

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(4) The recipient's satisfaction with the nursing facility as reported to the nursing facility's staff;

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(5) All other information that the Department requires the providers to include in the reports.

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(F) Not later than three months after the demonstration project ends, the Department shall complete a report about it. The

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report shall include an analysis of the information submitted to 119816
the Department under division (D) of this section. The report also 119817
shall include recommendations about resuming operation of the 119818
demonstration project and selecting nursing facilities from 119819
additional counties to participate. The Department shall submit 119820
the report to all of the following: 119821

(1) The Governor; 119822

(2) In accordance with section 101.68 of the Revised Code, 119823
the General Assembly; 119824

(3) The Joint Medicaid Oversight Committee. 119825

Section 327.280. PRE-ENROLLMENT PROVIDER SCREENINGS AND 119826
REVIEWS 119827

During fiscal year 2016 and fiscal year 2017, it is 119828
recommended that the Department of Medicaid perform pre-enrollment 119829
screenings and reviews of Medicaid providers designated as 119830
moderate or high categorical risks to the Medicaid program under 119831
the categorical risk levels established pursuant to Subpart E of 119832
Part 455 of Title 42 of the Code of Federal Regulations. 119833

Section 327.290. PILOT PROGRAM FOR NEWBORNS WITH NEONATAL 119834
ABSTINENCE SYNDROME 119835

As used in this section, "hospital" has the same meaning as 119836
in section 3727.01 of the Revised Code. 119837

In consultation with the Office of the Attorney General, the 119838
Department of Medicaid shall develop a pilot program under which 119839
newborns who have neonatal abstinence syndrome are, after being 119840
medically stabilized at a hospital, transferred to a nonhospital, 119841
community facility that is located in Montgomery County and 119842
provides the newborns medical, pharmacological, and therapeutic 119843
services specified by Department. The Department shall begin 119844

operation of the pilot program not later than ninety days after 119845
the effective date of this section. The pilot program shall be 119846
operated for two years. 119847

Not later than ninety days after the date the pilot program 119848
ends, the Department, in consultation with the Office of the 119849
Attorney General, shall complete a report about the pilot program. 119850
The report shall include recommendations for making the pilot 119851
program statewide and part of the Medicaid program. The Department 119852
shall submit the report to the General Assembly in accordance with 119853
section 101.68 of the Revised Code. 119854

The foregoing appropriation item 651529, Brigid's Path Pilot, 119855
shall be used to fund the Brigid's Path Pilot Program. 119856

Section 327.300. MEDICAID RATES FOR AMBULETTE SERVICES 119857

The Medicaid payment rates for ambulette services provided 119858
during the period beginning July 1, 2015, and ending June 30, 119859
2017, shall be at least ten per cent higher than the amount of the 119860
rates for the services in effect on June 30, 2015. 119861

Section 327.310. TERMINATION OF 209(b) OPTION 119862

As used in this section, "209(b) option" means the option 119863
described in section 1902(f) of the "Social Security Act," 42 119864
U.S.C. 1396a(f), under which the Medicaid program's eligibility 119865
requirements for aged, blind, and disabled individuals are more 119866
restrictive than the eligibility requirements for the Supplemental 119867
Security Income program. 119868

The Department of Medicaid shall not terminate the 119869
implementation of the 209(b) option before July 1, 2016. 119870

Section 327.320. GRADUATE MEDICAL EDUCATION STUDY COMMITTEE 119871

(A) There is hereby created the Graduate Medical Education 119872

Study Committee. The Committee shall consist of all of the 119873
following members: 119874

(1) The Executive Director of the Office of Health 119875
Transformation; 119876

(2) The Medicaid Director; 119877

(3) The Chancellor of the Board of Regents; 119878

(4) Four deans of medical schools of colleges and 119879
universities located in this state, appointed by the President of 119880
the Senate; 119881

(5) Four presidents of colleges and universities that are 119882
located in this state and have medical schools, appointed by the 119883
Speaker of the House of Representatives; 119884

(6) The chief executive officer of each of the following: 119885

(a) The Ohio State Medical Association; 119886

(b) The Ohio Osteopathic Association; 119887

(c) The Ohio Hospital Association; 119888

(d) The Ohio Children's Hospital Association. 119889

(B) Appointments to the Committee shall be made not later 119890
than fifteen days after the effective date of this section. A 119891
member of the Committee may designate an individual to serve on 119892
the Committee in the member's place for one or more meetings. 119893
Members shall serve without compensation or reimbursement, except 119894
to the extent that serving on the Committee is considered part of 119895
their usual job duties. 119896

(C) The Executive Director of the Office of Health 119897
Transformation shall serve as chairperson of the Committee. The 119898
Department of Medicaid shall provide the Committee all support 119899
services the Committee needs. 119900

(D) The Committee shall study the issue of Medicaid payments 119901

to hospitals for the costs of graduate medical education. The 119902
 Committee shall include in its study the feasibility of targeting 119903
 the payments in a manner that rewards graduates of medical schools 119904
 of colleges and universities located in this state who practice 119905
 medicine and surgery or osteopathic medicine and surgery in this 119906
 state for at least five years after graduation. The Committee 119907
 shall complete a report about its study not later than December 119908
 31, 2015. The Committee shall submit copies of the report to the 119909
 Governor, the General Assembly (in accordance with section 101.68 119910
 of the Revised Code), and the Joint Medicaid Oversight Committee. 119911
 The Graduate Medical Education Study Committee shall cease to 119912
 exist on submission of the report. 119913

Section 329.10. MED STATE MEDICAL BOARD 119914

Dedicated Purpose Fund Group				119915
5C60 883609	Operating Expenses	\$ 9,467,737	\$ 9,655,200	119916
TOTAL DPF Dedicated Purpose Fund Group				119917
		\$ 9,467,737	\$ 9,655,200	119918
TOTAL ALL BUDGET FUND GROUPS				119918

Section 331.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 119920

SERVICES				119921
General Revenue Fund				119922
GRF 336321	Central Administration	\$ 13,632,646	\$ 13,632,646	119923
GRF 336402	Resident Trainees	\$ 450,000	\$ 450,000	119924
GRF 336405	Family & Children First	\$ 1,386,000	\$ 1,386,000	119925
GRF 336406	Prevention and Wellness	\$ 3,368,659	\$ 3,368,659	119926
GRF 336412	Hospital Services	\$ 200,658,333	\$ 200,658,333	119927
GRF 336415	Mental Health	\$ 20,817,900	\$ 19,902,200	119928

		Facilities					
		Lease-Rental Bond					
		Payments					
GRF	336421	Continuum of Care	\$	72,289,846	\$	72,239,846	119929
		Services					
GRF	336422	Criminal Justice	\$	8,416,418	\$	8,416,418	119930
		Services					
GRF	336423	Addiction Services	\$	27,422,269	\$	34,362,315	119931
		Partnership with					
		Corrections					
GRF	336424	Recovery Housing	\$	2,500,000	\$	2,500,000	119932
GRF	336425	Specialized Docket	\$	5,000,000	\$	5,000,000	119933
		Support					
GRF	336504	Community Innovations	\$	9,250,000	\$	9,250,000	119934
GRF	336506	Court Costs	\$	1,284,210	\$	1,284,210	119935
GRF	336510	Residential State	\$	15,002,875	\$	15,002,875	119936
		Supplement					
GRF	336511	Early Childhood	\$	2,500,000	\$	2,500,000	119937
		Mental Health					
		Counselors and					
		Consultation					
GRF	652321	Medicaid Support	\$	1,736,600	\$	1,736,600	119938
TOTAL GRF		General Revenue Fund	\$	385,715,756	\$	391,690,102	119939
		Dedicated Purpose Fund Group					119940
2320	336621	Family and Children	\$	400,000	\$	400,000	119941
		First Administration					
4750	336623	Statewide Treatment	\$	15,550,000	\$	15,550,000	119942
		and Prevention					
4850	336632	Mental Health	\$	2,611,733	\$	2,611,733	119943
		Operating					
5AU0	336615	Behavioral Health	\$	7,850,000	\$	7,850,000	119944
		Care					
5JL0	336629	Problem Gambling and	\$	6,250,000	\$	6,250,000	119945

		Casino Addictions					
5T90	336641	Problem Gambling	\$	435,000	\$	435,000	119946
		Services					
6320	336616	Community Capital	\$	350,000	\$	350,000	119947
		Replacement					
6890	336640	Education and	\$	150,000	\$	150,000	119948
		Conferences					
TOTAL DPF		Dedicated Purpose Fund	\$	33,596,733	\$	33,596,733	119949
		Group					
		Internal Service Activity Fund Group					119950
1490	336609	Hospital Operating	\$	24,790,000	\$	24,790,000	119951
		Expenses					
1490	336610	Operating Expenses	\$	6,743,190	\$	6,743,190	119952
1500	336620	Special Education	\$	150,000	\$	150,000	119953
1510	336601	Ohio Pharmacy	\$	75,000,000	\$	75,000,000	119954
		Services					
4P90	336604	Community Mental	\$	250,000	\$	250,000	119955
		Health Projects					
TOTAL ISA		Internal Service Activity	\$	106,933,190	\$	106,933,190	119956
		Fund Group					
		Federal Fund Group					119957
3240	336605	Medicaid/Medicare	\$	28,200,000	\$	28,200,000	119958
3A60	336608	Federal Miscellaneous	\$	2,510,000	\$	2,510,000	119959
3A70	336612	Social Services Block	\$	8,450,000	\$	8,450,000	119960
		Grant					
3A80	336613	Federal Grants	\$	11,417,000	\$	11,417,000	119961
3A90	336614	Mental Health Block	\$	16,058,470	\$	16,058,470	119962
		Grant					
3B10	652635	Community Medicaid	\$	5,000,000	\$	5,000,000	119963
		Legacy Costs					
3B10	652636	Community Medicaid	\$	7,000,000	\$	7,000,000	119964
		Legacy Support					

3FR0	336638	Race to the Top - Early Learning Challenge Grant	\$	1,164,000	\$	1,164,000	119965
3G40	336618	Substance Abuse Block Grant	\$	65,865,756	\$	65,865,756	119966
3H80	336606	Demonstration Grants	\$	20,050,000	\$	20,050,000	119967
3N80	336639	Administrative Reimbursement	\$	1,300,000	\$	1,300,000	119968
TOTAL FED	Federal Fund Group		\$	167,015,226	\$	167,015,226	119969
TOTAL ALL BUDGET FUND GROUPS			\$	693,260,905	\$	699,235,251	119970

Section 331.40. PREVENTION AND WELLNESS 119972

Of the foregoing appropriation item 336406, Prevention and
Wellness: 119973
119974

(A) Up to \$1,500,000 in each fiscal year shall be used to
expand evidence-based prevention resources statewide. 119975
119976

(B) Up to \$1,000,000 in each fiscal year shall be used to
support and expand suicide prevention efforts. 119977
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Section 331.50. HOSPITAL SERVICES 119979

The foregoing appropriation item 336412, Hospital Services,
shall be used for the operation of the State Regional Psychiatric
Hospitals, including, but not limited to, all aspects involving
civil and forensic commitment, treatment, and discharge as
determined by the Director of Mental Health and Addiction
Services. A portion of this appropriation may be used by the
Department of Mental Health and Addiction Services to create,
purchase, or contract for the custody, supervision, control, and
treatment of persons committed to the Department of Mental Health
and Addiction Services in other clinically appropriate
environments, consistent with public safety. 119980
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Section 331.60. MENTAL HEALTH FACILITIES LEASE-RENTAL BOND 119991
PAYMENTS 119992

The foregoing appropriation item 336415, Mental Health 119993
Facilities Lease-Rental Bond Payments, shall be used to meet all 119994
payments during the period from July 1, 2015, through June 30, 119995
2017, by the Department of Mental Health and Addiction Services 119996
under leases and agreements made under section 154.20 of the 119997
Revised Code. These appropriations are the source of funds pledged 119998
for bond service charges on obligations issued pursuant to Chapter 119999
154. of the Revised Code. 120000

Section 331.70. CONTINUUM OF CARE SERVICES 120001

The foregoing appropriation item 336421, Continuum of Care 120002
Services, shall be used as follows: 120003

(A) A portion of this appropriation shall be allocated to 120004
community alcohol, drug addiction, and mental health services 120005
boards in accordance with a distribution methodology determined by 120006
the Director of Mental Health and Addiction Services for the 120007
boards to purchase mental health and addiction services permitted 120008
under Chapter 340. of the Revised Code. Boards may use a portion 120009
of the funds allocated: 120010

(1) To provide subsidized support for psychotropic medication 120011
needs of indigent citizens in the community to reduce unnecessary 120012
hospitalization due to lack of medication; and 120013

(2) To provide subsidized support for medication-assisted 120014
treatment costs. 120015

(B) A portion of this appropriation may be distributed to 120016
community alcohol, drug addiction, and mental health services 120017
boards, community addiction and/or mental health services 120018
providers, courts, or other governmental entities to provide 120019
specific grants in support of initiatives concerning mental health 120020

and addiction services. 120021

(C)(1) \$300,000 in fiscal year 2016 and \$250,000 in fiscal 120022
year 2017 shall be allocated to the Geauga County Board of Mental 120023
Health and Recovery Services to support the Chardon Pilot Program. 120024
These funds shall be distributed to the Chardon School District to 120025
be used for program-related activities. 120026

(2) The Department of Mental Health and Addiction Services 120027
shall submit a report to the General Assembly in accordance with 120028
section 101.68 of the Revised Code regarding the performance of 120029
the program by September 30, 2017. 120030

Section 331.80. CRIMINAL JUSTICE SERVICES 120031

The foregoing appropriation item 336422, Criminal Justice 120032
Services, shall be used to provide forensic psychiatric 120033
evaluations to courts of common pleas and to conduct evaluations 120034
of patients of forensic status in facilities operated or 120035
designated by the Department of Mental Health and Addiction 120036
Services prior to conditional release to the community. A portion 120037
of this appropriation may be allocated through community alcohol, 120038
drug addiction, and mental health services boards to community 120039
addiction and/or mental health services providers in accordance 120040
with a distribution methodology as determined by the Director of 120041
Mental Health and Addiction Services. 120042

Of the foregoing appropriation item 336422, Criminal Justice 120043
Services, up to \$1,000,000 in each fiscal year shall be used to 120044
support specialty dockets and expand and/or create new certified 120045
court programs. 120046

Appropriation item 336422, Criminal Justice Services, may 120047
also be used to: 120048

(A) Provide forensic monitoring and tracking of individuals 120049
on conditional release; 120050

(B) Provide forensic training;	120051
(C) Support projects that assist courts and law enforcement to identify and develop appropriate alternative services to incarceration for nonviolent mentally ill offenders;	120052 120053 120054
(D) Provide specialized re-entry services to offenders leaving prisons and jails;	120055 120056
(E) Provide specific grants in support of addiction services alternatives to incarceration; and	120057 120058
(F) Support therapeutic communities.	120059
Section 331.90. ADDICTION TREATMENT PROGRAM FOR SPECIALIZED DOCKET PROGRAMS	120060 120061
(A) As used in this section:	120062
(1) "Certified drug court" means a session of any of the following that holds initial or final certification from the Supreme Court of Ohio as a specialized docket program for drugs: a common pleas court, municipal court, or county court, or a division of any of those courts.	120063 120064 120065 120066 120067
(2) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.	120068 120069
(B)(1) The Department of Mental Health and Addiction Services shall conduct a pilot program to provide addiction treatment, including medication-assisted treatment, to persons who are offenders within the Criminal Justice System, eligible to participate in a certified drug court program, and are selected under this section to be participants in the pilot program because of their dependence on opioids, alcohol, or both.	120070 120071 120072 120073 120074 120075 120076
(2) The Department shall conduct the program in those courts of Crawford, Franklin, Hardin, and Mercer counties that are conducting certified drug court programs. If in any of these	120077 120078 120079

counties there is no court conducting a certified drug court 120080
program, the Department shall conduct the pilot program in a court 120081
that is conducting a certified drug court program in another 120082
county. 120083

(3) In addition to conducting the program in accordance with 120084
division (B)(2) of this section, the Department may conduct the 120085
program in any court that is conducting a certified drug court 120086
program. 120087

(C) In conducting the program, the Department shall 120088
collaborate with the Supreme Court, the Department of 120089
Rehabilitation and Correction, and any agency of the state that 120090
the Department determines may be of assistance in accomplishing 120091
the objectives of the program. The Department may collaborate with 120092
the boards of alcohol, drug addiction, and mental health services 120093
and with local law enforcement agencies that serve the counties in 120094
which a court participating in the program is located. 120095

(D)(1) A certified drug court program shall select persons 120096
who are criminal offenders to be participants in the pilot 120097
program. A person shall not be selected to be a participant unless 120098
the person meets the legal and clinical eligibility criteria for 120099
the certified drug court program and is an active participant in 120100
the program. 120101

(2) The total number of persons participating in a pilot 120102
program at any time shall not exceed five hundred, except that the 120103
Department of Mental Health and Addiction Services may authorize 120104
the maximum number to be exceeded in circumstances that the 120105
Department considers to be appropriate. 120106

(3) After being enrolled in a certified drug court program, a 120107
participant shall comply with all requirements of the certified 120108
drug court program. 120109

(E) The treatment provided in a certified drug court program 120110

shall be provided by a community addiction services provider that 120111
is certified under section 5119.36 of the Revised Code. In serving 120112
as a treatment provider, a treatment provider shall do all of the 120113
following: 120114

(1) Provide treatment based on an integrated service delivery 120115
model that consists of the coordination of care between a 120116
prescriber and the addiction services provider; 120117

(2) Conduct professional, comprehensive substance abuse and 120118
mental health diagnostic assessments of a person under 120119
consideration for selection as a program participant to determine 120120
whether the person would benefit from substance abuse treatment 120121
and monitoring; 120122

(3) Determine, based on the assessment described in division 120123
(E)(2) of this section, the treatment needs of the participants 120124
served by the treatment provider; 120125

(4) Develop, for participants served by the treatment 120126
provider, individualized goals and objectives; 120127

(5) Provide access to the long-acting antagonist therapies, 120128
partial agonist therapies, or both, that are included in the 120129
program's medication-assisted treatment; 120130

(6) Provide other types of therapies, including psychosocial 120131
therapies, for both substance abuse and any disorders that are 120132
considered by the treatment provider to be co-occurring disorders; 120133

(7) Monitor program compliance through the use of regular 120134
drug testing, including urinalysis, of the participants being 120135
served by the treatment provider. 120136

(F) In the case of medication-assisted treatment provided 120137
under the program, all of the following conditions apply: 120138

(1) A drug may be used only if the drug has been approved by 120139
the United States Food and Drug Administration for use in treating 120140

dependence on opioids, alcohol, or both, or for preventing relapse into the use of opioids, alcohol, or both.

(2) One or more drugs may be used, but each drug that is used must constitute long-acting antagonist therapy or partial agonist therapy.

(3) If a drug constituting partial agonist therapy is used, the program shall provide safeguards to minimize abuse and diversion of the drug, including such safeguards as routine drug testing of program participants.

(G) A report of the findings obtained from the pilot program shall be prepared by a research institution and include data derived from the drug testing and performance measures used in the program. The research institution shall complete its report not later than December 31, 2015. Upon completion, the institution shall submit the report to the Governor, Chief Justice of the Supreme Court, President of the Senate, Speaker of the House of Representatives, Department of Mental Health and Addiction Services, Department of Rehabilitation and Correction, and any other state agency that the Department of Mental Health and Addiction Services collaborates with in conducting the program.

(H) Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$2.5 million in each fiscal year shall be used to support the Addiction Treatment Program for Specialized Docket Programs.

Section 331.100. ADDICTION SERVICES PARTNERSHIP WITH CORRECTIONS

On the effective date of this section, the Bureau of Recovery Services within the Department of Rehabilitation and Correction is abolished and all of its functions, assets, and liabilities, regardless of form or medium, agreements and contracts of the

program are transferred to the Department of Mental Health and 120171
Addiction Services. The Department of Mental Health and Addiction 120172
Services is thereupon and thereafter successor to, assumes the 120173
obligations of, and otherwise constitutes the continuation of the 120174
Bureau of Recovery Services. 120175

Any business commenced but not completed by the effective 120176
date of this section by the Department of Rehabilitation and 120177
Correction regarding recovery services shall be completed by the 120178
Department of Mental Health and Addiction Services. No validation, 120179
cure, right, privilege, remedy, obligation, or liability is lost 120180
or impaired by reason of the transfer required by this section and 120181
shall be administered by the Department of Mental Health and 120182
Addiction Services. Any rules, orders, and determinations 120183
pertaining to the Bureau of Recovery Services continue in effect 120184
as rules, orders, and determinations of the Department of Mental 120185
Health and Addiction Services until modified or rescinded by the 120186
Department of Mental Health and Addiction Services. If necessary 120187
to ensure the integrity of the numbering of the Administrative 120188
Code, the Director of the Legislative Service Commission shall 120189
renumber the numbers to reflect their transfer to the Department 120190
of Mental Health and Addiction Services. 120191

Subject to the lay-off provisions of sections 124.321 to 120192
124.382 of the Revised Code, all employees of the Bureau of 120193
Recovery Services are hereby transferred to the Department of 120194
Mental Health and Addiction Services and retain their positions 120195
and all of their benefits. 120196

Wherever the Bureau of Recovery Services is referred to in 120197
any law, contract, or other document, the reference shall be 120198
deemed to refer to the Department of Mental Health and Addiction 120199
Services or its director, as appropriate. 120200

No action or proceeding pending on the effective date of this 120201
act, is affected by the transfer, and shall be prosecuted or 120202

defended in the name of the Department of Mental Health and 120203
Addiction Services or its director. In all such actions and 120204
proceedings, the Department of Mental Health and Addiction 120205
Services or its director shall be substituted as a party. 120206

On July 1, 2015, or as soon as possible thereafter, the 120207
Director of Budget and Management shall cancel any existing 120208
encumbrances against appropriation item 505321, Institutional 120209
Medical Services, used by the Department of Rehabilitation and 120210
Correction, that pertain to the Bureau of Recovery Services in the 120211
Department of Rehabilitation and Correction. The canceled 120212
encumbrances shall be reestablished against appropriation item 120213
336423, Addiction Services Partnership with Corrections, used by 120214
the Department of Mental Health and Addiction Services. The 120215
reestablished encumbrance amounts are hereby appropriated. Any 120216
business commenced but not completed under appropriation item 120217
505321, Institutional Medical Services, pertaining to the Bureau 120218
of Recovery Services, shall be completed under appropriation item 120219
336423, Addiction Services Partnership with Corrections, in the 120220
same manner, and with the same effect, as if completed with regard 120221
to appropriation item 505321, Institutional Medical Services. 120222

Section 331.110. RECOVERY HOUSING 120223

The foregoing appropriation item 336424, Recovery Housing, 120224
shall be used to expand and support access to recovery housing. 120225
"Recovery housing" means housing for individuals recovering from 120226
alcoholism or drug addiction that provides an alcohol and 120227
drug-free living environment, peer support, assistance with 120228
obtaining alcohol and drug addiction services, and other alcohol 120229
and drug addiction recovery assistance where the length of stay is 120230
not limited to a specific duration. Recovery housing does not 120231
include residential facilities subject to licensure pursuant to 120232
section 5119.34 of the Revised Code. Medication-assisted treatment 120233

may be allowed in recovery housing. Support for projects in 120234
counties of the state that are underserved or do not currently 120235
have recovery housing stock shall be given priority. For 120236
expenditures that are capital in nature, the Department of Mental 120237
Health and Addiction Services shall develop procedures to 120238
administer these funds in a manner that is consistent with current 120239
community capital assistance guidelines. 120240

Section 331.113. SPECIALIZED DOCKET SUPPORT 120241

(A) The foregoing appropriation item 336425, Specialized 120242
Docket Support, shall be used to defray a portion of the annual 120243
payroll costs associated with the employment of one full-time, or 120244
full-time equivalent, specialized docket staff member by a 120245
specialized docket of a common pleas court, municipal court, 120246
county court, juvenile court, or family court that meets all of 120247
the eligibility requirements in division (B) of this section, 120248
including a family dependency treatment docket. A specialized 120249
docket staff member employed under this section shall be 120250
considered an employee of the court. 120251

(B) To be eligible, the specialized docket must have received 120252
Supreme Court of Ohio final certification and include participants 120253
with a drug addiction or dependency in its target population. In 120254
addition, the specialized docket staff member must have received 120255
training for or education in alcohol and other drug addiction, 120256
abuse, and recovery and have demonstrated, prior to or within 120257
ninety days of hire, competencies in fundamental alcohol and other 120258
drug addiction, abuse, and recovery. Fundamental competencies 120259
shall include, at a minimum, an understanding of alcohol and other 120260
drug treatment and recovery, how to engage a person in treatment 120261
and recovery, and an understanding of other health care systems, 120262
social service systems, and the criminal justice system. 120263

(C) For the purposes of this section, payroll costs include 120264

annual compensation and fringe benefits. 120265

(D) The Department, solely for the purpose of determining the 120266
amount of the state share available to a court under division (F) 120267
of this section for the employment of one full-time or full-time 120268
equivalent specialized docket staff member, shall use the lesser 120269
of: 120270

(1) The actual annual compensation and fringe benefits paid 120271
to that staff member proportionally reflecting the staff member's 120272
time allocated for specialized docket duties and responsibilities; 120273
or 120274

(2) \$78,000. 120275

(E) In accordance with any applicable rules, guidelines, or 120276
procedures adopted by the Department pursuant to this section, the 120277
county auditor shall certify, for any court located within the 120278
county that is applying for or receiving funding under this 120279
section, to the Department the information necessary to determine 120280
that court's eligibility for, and the amount of, funding under 120281
this section. 120282

(F) For a specialized docket staff member employed by a 120283
court, the amount of state funding available under this section 120284
shall be sixty-five per cent of the payroll costs specified in 120285
division (D) of this section. The state funding shall not exceed 120286
\$50,700. 120287

(G) The Department shall disburse this state funding in 120288
semi-annual installments to the appropriate county or municipality 120289
in which the court is located. 120290

(H) Of the foregoing appropriation item 336425, Specialized 120291
Docket Support, the Department shall use up to one per cent of the 120292
funds appropriated in each fiscal year to pay the cost it incurs 120293
in administering the duties established in this section. 120294

(I) The Department, in consultation with the Supreme Court of Ohio, may adopt rules, guidelines, and procedures as necessary to carry out the purposes of this section.

Section 331.120. COMMUNITY INNOVATIONS

The foregoing appropriation item 336504, Community Innovations, may be used by the Department of Mental Health and Addiction Services to make targeted investments in programs, projects, or systems operated by or under the authority of other state agencies, governmental entities, or private not-for-profit agencies that impact, or are impacted by, the operations and functions of the Department, with the goal of achieving a net reduction in expenditure of state general revenue funds and/or improved outcomes for Ohio citizens without a net increase in state general revenue fund spending.

The Director shall identify and evaluate programs, projects, or systems proposed or operated, in whole or in part, outside of the authority of the Department, where targeted investment of these funds in the program, project, or system is expected to decrease demand for the Department or other resources funded with state general revenue funds, and/or to measurably improve outcomes for Ohio citizens with mental illness or with alcohol, drug, or gambling addictions. The Director shall have discretion to transfer money from the appropriation item to other state agencies, governmental entities, or private not-for-profit agencies in amounts, and subject to conditions, that the Director determines most likely to achieve state savings and/or improved outcomes. Distribution of moneys from this appropriation item shall not be subject to sections 9.23 to 9.239 or Chapter 125. of the Revised Code.

The Department shall enter into an agreement with each recipient of community innovation funds, identifying: allowable

expenditure of the funds; other commitment of funds or other 120326
resources to the program, project, or system; expected state 120327
savings and/or improved outcomes and proposed mechanisms for 120328
measurement of such savings or outcomes; and required reporting 120329
regarding expenditure of funds and savings or outcomes achieved. 120330

Of the foregoing appropriation item 336504, Community 120331
Innovations, up to \$3,000,000 in each fiscal year shall be used to 120332
provide funding for community projects across the state that focus 120333
on support for families, assisting families in avoiding crisis, 120334
and crisis intervention. 120335

Of the foregoing appropriation item 336504, Community 120336
Innovations, up to \$500,000 in each fiscal year shall be used to 120337
enhance access to Naloxone across the state for county health 120338
departments to then disperse through a grant program to local law 120339
enforcement, emergency personnel, and first responders. 120340

Of the foregoing appropriation item 336504, Community 120341
Innovations, up to \$3,000,000 in each fiscal year shall be used to 120342
improve collaboration between local jails, state hospitals, and 120343
community addiction and mental health services providers in order 120344
to reduce transfers, improve safety and judicial oversight as well 120345
as address capacity issues in both jails and state hospitals. 120346

Of the foregoing appropriation item 336504, Community 120347
Innovations, up to \$100,000 in each fiscal year shall be used to 120348
continue the Department of Mental Health and Addiction Services 120349
cross-agency efforts to share evidence-based practices that 120350
encourage the use of trauma-informed care. 120351

Of the foregoing appropriation item 336504, Community 120352
Innovations, up to \$1,000,000 in each fiscal year shall be used to 120353
implement strategies to increase job opportunities, reduce the 120354
number of positive drug screens, and improve workforce readiness 120355
for individuals in recovery. 120356

Section 331.130. RESIDENTIAL STATE SUPPLEMENT	120357
(A) The foregoing appropriation item 336510, Residential State Supplement, may be used by the Department of Mental Health and Addiction Services to provide training for residential facilities providing accommodations, supervision, and personal care services to three to sixteen unrelated adults with mental illness and to make benefit payments to residential state supplement recipients.	120358 120359 120360 120361 120362 120363 120364
(B) The Department of Mental Health and Addiction Services shall adopt rules establishing eligibility criteria and benefit payment amounts under section 5119.41 of the Revised Code.	120365 120366 120367
Section 331.140. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND CONSULTATION	120368 120369
The foregoing appropriation item 336511, Early Childhood Mental Health Counselors and Consultation, shall be used to promote identification and intervention for early childhood mental health and to enhance healthy social emotional development in order to reduce preschool to third grade classroom expulsions. Funds shall be used by the Department of Mental Health and Addiction Services to support early childhood mental health credentialed counselors and consultation services, as well as administration and workforce development for the program.	120370 120371 120372 120373 120374 120375 120376 120377 120378
Section 331.143. MEDICAID SUPPORT	120379
The Department of Mental Health and Addiction Services shall administer specified Medicaid services as delegated by the State's single agency responsible for the Medicaid program. Effective July 1, 2015, the Department shall use appropriation item 652321, Medicaid Support, to fund the Medicaid-related services and supports performed by the Department.	120380 120381 120382 120383 120384 120385

Section 331.150. PROBLEM GAMBLING AND CASINO ADDICTIONS 120386

A portion of appropriation item 336629, Problem Gambling and 120387
Casino Addictions, shall be allocated to boards of alcohol, drug 120388
addiction, and mental health services in accordance with a 120389
distribution methodology determined by the Director of Mental 120390
Health and Addiction Services. 120391

Section 331.160. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 120392
POOL 120393

A county family and children first council may establish and 120394
operate a flexible funding pool in order to assure access to 120395
needed services by families, children, and older adults in need of 120396
protective services. The operation of the flexible funding pools 120397
shall be subject to the following restrictions: 120398

(A) The county council shall establish and operate the 120399
flexible funding pool in accordance with formal guidance issued by 120400
the Family and Children First Cabinet Council; 120401

(B) The county council shall produce an annual report on its 120402
use of the pooled funds. The annual report shall conform to a 120403
format prescribed in the formal guidance issued by the Family and 120404
Children First Cabinet Council; 120405

(C) Unless otherwise restricted, funds transferred to the 120406
flexible funding pool may include state general revenues allocated 120407
to local entities to support the provision of services to families 120408
and children; 120409

(D) The amounts transferred to the flexible funding pool 120410
shall be limited to amounts that can be redirected without 120411
impairing the achievement of the objectives for which the initial 120412
allocation is designated; and 120413

(E) Each amount transferred to the flexible funding pool from 120414

a specific allocation shall be approved for transfer by the 120415
director of the local agency that was the original recipient of 120416
the allocation. 120417

Section 331.170. MEDICAID SPENDING AS MAINTENANCE OF EFFORT 120418

The designation of administering agency for federal aid shall 120419
be held jointly by the Department of Mental Health and Addiction 120420
Services and the Department of Medicaid for determining 120421
maintenance of effort pursuant to 42 U.S.C. 300x-30. The 120422
Department of Mental Health and Addiction Services remains the 120423
designated agency for all other purposes established by 42 U.S.C. 120424
300x et seq. and section 5119.32 of the Revised Code. 120425

Section 331.180. ACCESS SUCCESS II PROGRAM 120426

To the extent cash is available, the Director of Budget and 120427
Management may transfer cash from the Money Follows the Person 120428
Enhanced Reimbursement Fund (Fund 5AJ0), used by the Department of 120429
Medicaid, to the Sale of Goods and Services Fund (Fund 1490), used 120430
by the Department of Mental Health and Addiction Services. The 120431
transferred cash is hereby appropriated. 120432

The Department of Mental Health and Addiction Services shall 120433
use the transferred funds to administer the Access Success II 120434
Program to help non-Medicaid patients in any hospital established, 120435
controlled, or supervised by the Department under Chapter 5119. of 120436
the Revised Code to transition from inpatient status to a 120437
community setting. 120438

Section 333.10. MIH COMMISSION ON MINORITY HEALTH 120439

General Revenue Fund 120440

GRF 149321 Operating Expenses \$ 591,615 \$ 591,615 120441

GRF 149501 Minority Health \$ 878,975 \$ 878,975 120442

Grants

GRF 149502	Lupus Program	\$	96,000	\$	96,000	120443
TOTAL GRF	General Revenue Fund	\$	1,566,590	\$	1,566,590	120444
	Dedicated Purpose Fund Group					120445
4C20 149601	Minority Health Conference	\$	50,000	\$	50,000	120446
TOTAL DPF	Dedicated Purpose Fund Group	\$	50,000	\$	50,000	120447
	Federal Fund Group					120448
3J90 149602	Federal Grant Program Support	\$	126,833	\$	90,929	120449
TOTAL FED	Federal Fund Group	\$	126,833	\$	90,929	120450
TOTAL ALL	BUDGET FUND GROUPS	\$	1,743,423	\$	1,707,519	120451
	Section 337.10. DNR DEPARTMENT OF NATURAL RESOURCES					120453
	General Revenue Fund					120454
GRF 725401	Division of Wildlife-Operating Subsidy	\$	1,800,000	\$	1,800,000	120455
GRF 725413	Parks and Recreational Facilities Lease Rental Bond Payments	\$	23,239,600	\$	24,655,600	120456
GRF 725456	Canal Lands	\$	135,000	\$	135,000	120457
GRF 725502	Soil and Water Districts	\$	3,250,000	\$	0	120458
GRF 725505	Healthy Lake Erie Program	\$	1,100,000	\$	1,100,000	120459
GRF 725507	Coal and Mine Safety Program	\$	2,600,000	\$	2,700,000	120460
GRF 725510	Indian Lake Watershed Project	\$	125,000	\$	0	120461
GRF 725903	Natural Resources General Obligation	\$	27,079,900	\$	26,074,400	120462

		Bond Debt Service				
GRF	727321	Division of Forestry	\$	4,467,001	\$	4,542,001 120463
GRF	729321	Office of Information Technology	\$	177,405	\$	177,405 120464
GRF	730321	Division of Parks and Recreation	\$	30,000,000	\$	30,000,000 120465
GRF	736321	Division of Engineering	\$	2,324,736	\$	2,324,736 120466
GRF	737321	Division of Soil and Water Resources	\$	2,899,952	\$	1,013,652 120467
GRF	738321	Division of Real Estate and Land Management	\$	670,342	\$	670,342 120468
GRF	741321	Division of Natural Areas and Preserves	\$	1,200,000	\$	1,200,000 120469
TOTAL GRF		General Revenue Fund	\$	101,068,936	\$	96,393,136 120470
		Dedicated Purpose Fund Group				120471
2270	725406	Parks Projects Personnel	\$	685,098	\$	696,995 120472
4300	725671	Canal Lands	\$	883,879	\$	883,879 120473
4J20	725628	Injection Well Review	\$	128,466	\$	128,466 120474
4M70	725686	Wildfire Suppression	\$	100,000	\$	100,000 120475
4S90	725622	NatureWorks Personnel	\$	818,618	\$	833,076 120476
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000 120477
5090	725602	State Forest	\$	6,879,410	\$	6,880,148 120478
5110	725646	Ohio Geological Mapping	\$	1,400,000	\$	1,800,000 120479
5120	725605	State Parks Operations	\$	31,471,044	\$	31,471,044 120480
5140	725606	Lake Erie Shoreline	\$	1,559,583	\$	1,559,583 120481
5160	725620	Water Management	\$	2,559,291	\$	2,559,291 120482
5180	725643	Oil and Gas Regulation and Safety	\$	19,193,271	\$	19,444,876 120483

5180	725677	Oil and Gas Well Plugging	\$	3,000,000	\$	3,000,000	120484
5210	725627	Off-Road Vehicle Trails	\$	143,490	\$	143,490	120485
5220	725656	Natural Areas and Preserves	\$	546,639	\$	546,639	120486
5260	725610	Strip Mining Administration Fee	\$	2,977,956	\$	2,977,955	120487
5270	725637	Surface Mining Administration	\$	1,681,153	\$	1,681,154	120488
5290	725639	Unreclaimed Lands	\$	1,804,180	\$	1,804,180	120489
5310	725648	Reclamation Forfeiture	\$	500,000	\$	500,000	120490
5B30	725674	Mining Regulation	\$	28,135	\$	28,135	120491
5BV0	725658	Heidelberg Water Quality Lab	\$	125,000	\$	0	120492
5BV0	725683	Soil and Water Districts	\$	4,000,000	\$	0	120493
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	120494
5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000	120495
5EN0	725614	Watercraft Law Enforcement	\$	7,500	\$	7,500	120496
5HK0	725625	Ohio Nature Preserves	\$	1,000	\$	1,000	120497
5MF0	725635	Ohio Geology License Plate	\$	2,520	\$	2,520	120498
5MW0	725604	Natural Resources Special Purposes	\$	6,000,000	\$	6,000,000	120499
5P20	725634	Wildlife Boater Angler Administration	\$	3,000,000	\$	3,000,000	120500
6150	725661	Dam Safety	\$	943,517	\$	943,517	120501
6970	725670	Submerged Lands	\$	869,145	\$	869,145	120502
7015	740401	Division of Wildlife Conservation	\$	56,325,976	\$	59,997,307	120503

7086	725414	Waterways Improvement	\$	5,693,671	\$	5,693,671	120504
7086	725418	Buoy Placement	\$	60,000	\$	60,000	120505
7086	725501	Waterway Safety Grants	\$	120,000	\$	120,000	120506
7086	725506	Watercraft Marine Patrol	\$	576,153	\$	576,153	120507
7086	725513	Watercraft Educational Grants	\$	400,000	\$	400,000	120508
7086	739401	Division of Watercraft	\$	21,271,870	\$	21,071,870	120509
8150	725636	Cooperative Management Projects	\$	649,000	\$	456,000	120510
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	120511
8170	725655	Wildlife Conservation Checkoff	\$	2,000,000	\$	2,000,000	120512
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	120513
8190	725685	Ohio River Management	\$	203,584	\$	203,584	120514
81B0	725688	Wildlife Habitats	\$	1,200,000	\$	1,200,000	120515
TOTAL DPF Dedicated Purpose Fund Group			\$	182,422,034	\$	182,254,063	120516
Internal Service Activity Fund Group							120517
1550	725601	Departmental Projects	\$	2,399,403	\$	1,760,753	120518
1570	725651	Central Support Indirect	\$	5,176,611	\$	5,351,233	120519
2040	725687	Information Services	\$	5,633,426	\$	5,633,426	120520
2050	725696	Human Resource Direct Service	\$	2,634,135	\$	2,696,052	120521
2070	725690	Real Estate Services	\$	34,291	\$	34,834	120522
2230	725665	Law Enforcement Administration	\$	2,553,054	\$	2,609,277	120523
4X80	725662	Water Resources Council	\$	138,005	\$	138,005	120524
5100	725631	Maintenance - State-owned	\$	249,611	\$	249,611	120525

		Residences				
6350	725664	Fountain Square	\$	3,457,486	\$	3,469,467 120526
		Facilities Management				
		TOTAL ISA Internal Service Activity				120527
		Fund Group	\$	22,276,022	\$	21,942,658 120528
		Capital Projects Fund Group				120529
7061	725405	Clean Ohio Trail	\$	300,775	\$	300,775 120530
		Operating				
		TOTAL CPF Capital Projects Fund	\$	300,775	\$	300,775 120531
		Group				
		Fiduciary Fund Group				120532
4M80	725675	FOP Contract	\$	20,219	\$	20,219 120533
		TOTAL FID Fiduciary Fund Group	\$	20,219	\$	20,219 120534
		Holding Account Fund Group				120535
R017	725659	Performance Cash Bond	\$	528,993	\$	528,993 120536
		Refunds				
R043	725624	Forestry	\$	2,100,000	\$	2,100,000 120537
		TOTAL HLD Holding Account				120538
		Fund Group	\$	2,628,993	\$	2,628,993 120539
		Federal Fund Group				120540
3320	725669	Federal Mine Safety	\$	265,000	\$	265,000 120541
		Grant				
3B30	725640	Federal Forest	\$	500,000	\$	500,000 120542
		Pass-Thru				
3B40	725641	Federal Flood	\$	500,000	\$	500,000 120543
		Pass-Thru				
3B50	725645	Federal Abandoned	\$	11,851,759	\$	11,851,759 120544
		Mine Lands				
3B60	725653	Federal Land and	\$	950,000	\$	950,000 120545
		Water Conservation				
		Grants				
3B70	725654	Reclamation -	\$	2,977,956	\$	2,977,955 120546

		Regulatory				
3P10	725632	Geological Survey -	\$	160,000	\$	160,000 120547
		Federal				
3P20	725642	Oil and Gas - Federal	\$	234,509	\$	234,509 120548
3P30	725650	Coastal Management -	\$	1,746,000	\$	1,746,000 120549
		Federal				
3P40	725660	Federal - Soil and	\$	4,165,738	\$	1,195,738 120550
		Water Resources				
3R50	725673	Acid Mine Drainage	\$	4,342,280	\$	4,342,280 120551
		Abatement/Treatment				
3Z50	725657	Federal Recreation	\$	1,600,000	\$	1,600,000 120552
		and Trails				
TOTAL FED	Federal Fund Group		\$	29,293,242	\$	26,323,241 120553
TOTAL ALL BUDGET FUND GROUPS			\$	338,010,221	\$	329,863,085 120554

Section 337.20. CENTRAL SUPPORT INDIRECT 120556

The Department of Natural Resources, with approval of the 120557
 Director of Budget and Management, shall utilize a methodology for 120558
 determining each division's payments into the Central Support 120559
 Indirect Fund (Fund 1570). The methodology used shall contain the 120560
 characteristics of administrative ease and uniform application in 120561
 compliance with federal grant requirements. It may include direct 120562
 cost charges for specific services provided. Payments to Fund 1570 120563
 shall be made using an intrastate transfer voucher. The foregoing 120564
 appropriation item 725401, Division of Wildlife-Operating Subsidy, 120565
 shall be used to pay the direct and indirect costs of the Division 120566
 of Wildlife. 120567

Section 337.30. PARKS AND RECREATIONAL FACILITIES LEASE 120568

RENTAL BOND PAYMENTS 120569

The foregoing appropriation item 725413, Parks and 120570
 Recreational Facilities Lease Rental Bond Payments, shall be used 120571
 to meet all payments during the period from July 1, 2015, through 120572

June 30, 2017, by the Department of Natural Resources pursuant to 120573
leases and agreements made under section 154.22 of the Revised 120574
Code. These appropriations are the source of funds pledged for 120575
bond service charges on related obligations issued under Chapter 120576
154. of the Revised Code. 120577

CANAL LANDS 120578

The foregoing appropriation item 725456, Canal Lands, shall 120579
be used to provide operating expenses for the State Canal Lands 120580
Program. 120581

SOIL AND WATER CONSERVATION DISTRICTS 120582

Of the foregoing appropriation item 725502, Soil and Water 120583
Conservation Districts, \$350,000 in fiscal year 2016 shall be used 120584
by the Chief of the Division of Soil and Water Resources for a 120585
program to support soil and water conservation districts in the 120586
Western Lake Erie Basin comply with provisions of Sub. S.B. 1 of 120587
the 131st General Assembly. The Chief shall approve a soil and 120588
water district's application for funding under the program if the 120589
application demonstrates that funding will be used for, but not 120590
limited to, providing technical assistance, developing applicable 120591
nutrient or manure management plans, hiring and training of soil 120592
and water conservation district staff on best conservation 120593
practices, or other activities the Chief determines is appropriate 120594
to assist farmers in the Western Lake Erie Basin in complying with 120595
the provisions of Sub. S.B. 1 of the 131st General Assembly. 120596

HEALTHY LAKE ERIE PROGRAM 120597

The foregoing appropriation item 725505, Healthy Lake Erie 120598
Program, shall be used by the Director of Natural Resources, in 120599
support of (1) conservation measures in the Western Lake Erie 120600
Basin as determined by the Director; (2) funding assistance for 120601
soil testing, winter cover crops, edge of field testing, tributary 120602
monitoring, animal waste abatement; and (3) any additional efforts 120603

to reduce nutrient runoff as the Director may decide. The Director 120604
shall give priority to recommendations that encourage farmers to 120605
adopt agricultural production guidelines commonly known as 4R 120606
nutrient stewardship practices. 120607

Of the foregoing appropriation item 725505, Healthy Lake Erie 120608
Program, \$100,000 in each fiscal year shall be distributed by the 120609
Director of Natural Resources to Portage County for the Portage 120610
County stormwater project. 120611

COAL AND MINE SAFETY PROGRAM 120612

The foregoing appropriation item 725507, Coal and Mine Safety 120613
Program, shall be used for the administration of the Mine Safety 120614
Program and the Coal Regulation Program. 120615

INDIAN LAKE WATERSHED PROJECT 120616

The foregoing appropriation item 725510, Indian Lake 120617
Watershed Project, shall be used to support the administrative 120618
expenses of Indian Lake Watershed Project, Inc. 120619

TRANSFER OF FUNDS FOR MINERAL RESOURCES MANAGEMENT 120620

During fiscal years 2016 and 2017, the Director of Budget and 120621
Management may, at the request of the Director of Natural 120622
Resources, following the identification of available balances by 120623
the Director of Natural Resources in the Unreclaimed Land Fund 120624
(Fund 5290), transfer up to \$500,000 per year from Fund 5290 to 120625
the Coal Mining Administration and Reclamation Reserve Fund (Fund 120626
5260) created in section 1513.181 of the Revised Code. The cash 120627
transfer to Fund 5260 shall be used to operate the Coal Regulatory 120628
Program. 120629

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 120630

The foregoing appropriation item 725903, Natural Resources 120631
General Obligation Bond Debt Service, shall be used to pay all 120632
debt service and related financing costs during the period July 1, 120633

2015, through June 30, 2017, on obligations issued under sections 120634
151.01 and 151.05 of the Revised Code. 120635

Section 337.40. SOIL AND WATER DISTRICTS 120636

In addition to state payments to soil and water conservation 120637
districts authorized by section 1515.10 of the Revised Code, as 120638
amended and renumbered as section 940.12 of the Revised Code by 120639
this act, the Department of Natural Resources may use 120640
appropriation item 725683, Soil and Water Districts, to pay any 120641
soil and water conservation district an annual amount not to 120642
exceed \$40,000, upon receipt of a request and justification from 120643
the district and approval by the Ohio Soil and Water Conservation 120644
Commission. The county auditor shall credit the payments to the 120645
special fund established under section 1515.10 of the Revised 120646
Code, as amended and renumbered as section 940.12 of the Revised 120647
Code by this act, for the local soil and water conservation 120648
district. Moneys received by each district shall be expended for 120649
the purposes of the district. 120650

OIL AND GAS WELL PLUGGING 120651

The foregoing appropriation item 725677, Oil and Gas Well 120652
Plugging, shall be used exclusively for the purposes of plugging 120653
wells and to properly restore the land surface of idle and orphan 120654
oil and gas wells pursuant to section 1509.071 of the Revised 120655
Code. No funds from the appropriation item shall be used for 120656
salaries, maintenance, equipment, or other administrative 120657
purposes, except for those costs directly attributed to the 120658
plugging of an idle or orphan well. This appropriation item shall 120659
not be used to transfer cash to any other fund or appropriation 120660
item. 120661

TRANSFER OF FUNDS FOR OIL AND GAS DIVISION AND GEOLOGICAL 120662
MAPPING OPERATIONS 120663

During fiscal years 2016 and 2017, the Director of Budget and Management may, in consultation with the Director of Natural Resources, transfer such cash as necessary from the General Revenue Fund to the Oil and Gas Well Fund (Fund 5180) and the Geological Mapping Fund (Fund 5110). The cash transfer to Fund 5180 shall be used for handling the increased regulatory work related to the expansion of the oil and gas program that will occur before receipts from this activity are deposited into Fund 5180. The cash transfer to Fund 5110 shall be used for handling the increased field and laboratory research efforts related to the expansion of the oil and gas program that will occur before receipts from this activity are deposited into Fund 5110. Once funds from severance taxes, application and permitting fees, and other sources have accrued to Fund 5180 and Fund 5110 in such amounts as are considered sufficient to sustain expanded operations, the Director of Budget and Management, in consultation with the Director of Natural Resources, shall establish a schedule for repaying the transferred funds from Fund 5180 and Fund 5110 to the General Revenue Fund.

Section 337.43. DIVISION OF WILDLIFE CONSERVATION

Of the foregoing appropriation item 740401, Division of Wildlife Conservation, \$50,000 in FY 2016 shall be used by the Director of Natural Resources to study the effect that zebra mussels and quagga mussels have on Lake Erie.

Of the foregoing appropriation item 740401, Division of Wildlife Conservation, \$50,000 in FY 2016 shall be used by the Director of Natural Resources to study the effect that Canada geese have on Lake Erie.

Section 337.60. WELL LOG FILING FEES

The Chief of the Division of Soil and Water Resources shall

deposit fees forwarded to the Division pursuant to section 1521.05 120694
of the Revised Code into the Departmental Services - Intrastate 120695
Fund (Fund 1550) for the purposes described in that section. 120696

Section 337.70. HUMAN RESOURCES DIRECT SERVICE 120697

The foregoing appropriation item 725696, Human Resources 120698
Direct Service, shall be used to cover the cost of support, 120699
coordination, and oversight of the Department of Natural 120700
Resources' human resources functions. The Human Resources 120701
Chargeback Fund (Fund 2050) shall consist of cash transferred to 120702
it via intrastate transfer voucher from other funds as determined 120703
by the Director of Natural Resources and the Director of Budget 120704
and Management. 120705

Section 337.80. LAW ENFORCEMENT ADMINISTRATION 120706

The foregoing appropriation item 725665, Law Enforcement 120707
Administration, shall be used to cover the cost of support, 120708
coordination, and oversight of the Department of Natural 120709
Resources' law enforcement functions. The Law Enforcement 120710
Administration Fund (Fund 2230) shall consist of cash transferred 120711
to it via intrastate transfer voucher from other funds as 120712
determined by the Director of Natural Resources and the Director 120713
of Budget and Management. 120714

Section 337.90. FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO 120715
EXPO CENTER 120716

The foregoing appropriation item 725664, Fountain Square 120717
Facilities Management, shall be used for payment of repairs, 120718
renovation, utilities, property management, and building 120719
maintenance expenses for the Fountain Square complex and the 120720
Department of Natural Resources grounds at the Ohio Expo Center. 120721
Cash transferred by intrastate transfer vouchers from various 120722

department funds and rental income received by the Department of 120723
Natural Resources shall be deposited into the Fountain Square 120724
Facilities Management Fund (Fund 6350). 120725

Section 337.100. CLEAN OHIO TRAIL OPERATING EXPENSES 120726

The foregoing appropriation item 725405, Clean Ohio Trail 120727
Operating, shall be used by the Department of Natural Resources in 120728
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 120729
to section 1519.05 of the Revised Code. 120730

Section 337.110. PARKS CAPITAL EXPENSES FUND 120731

The Director of Natural Resources shall submit to the 120732
Director of Budget and Management the estimated design, 120733
engineering, and planning costs of capital-related work to be done 120734
by Department of Natural Resources staff for parks projects within 120735
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 120736
Director of Budget and Management approves the estimated costs, 120737
the Director may release appropriations from appropriation item 120738
C725E6, Project Planning, Fund 7035, for those purposes. Upon 120739
release of the appropriations, the Department of Natural Resources 120740
shall pay for these expenses from the Parks Capital Expenses Fund 120741
(Fund 2270). Expenses paid from Fund 2270 shall be reimbursed by 120742
Fund 7035 using an intrastate transfer voucher. 120743

NATUREWORKS CAPITAL EXPENSES FUND 120744

The Department of Natural Resources shall submit to the 120745
Director of Budget and Management the estimated design, planning, 120746
and engineering costs of capital-related work to be done by 120747
Department of Natural Resources staff for each capital improvement 120748
project within the Ohio Parks and Natural Resources Fund (Fund 120749
7031). If the Director of Budget and Management approves the 120750
estimated costs, the Director may release appropriations from 120751
appropriation item C725E5, Project Planning, in Fund 7031, for 120752

those purposes. Upon release of the appropriations, the Department 120753
of Natural Resources shall pay for these expenses from the Capital 120754
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 120755
reimbursed by Fund 7031 by using an intrastate transfer voucher. 120756

Section 339.10. NUR STATE BOARD OF NURSING 120757

Dedicated Purpose Fund Group 120758
4K90 884609 Operating Expenses \$ 7,602,328 \$ 7,622,328 120759
5AC0 884602 Nurse Education Grant \$ 1,523,506 \$ 1,523,506 120760
Program
5P80 884601 Nursing Special \$ 2,000 \$ 2,000 120761
Issues
TOTAL DPF Dedicated Purpose 120762
Fund Group \$ 9,127,834 \$ 9,147,834 120763
TOTAL ALL BUDGET FUND GROUPS \$ 9,127,834 \$ 9,147,834 120764

Section 341.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 120766
AND ATHLETIC TRAINERS BOARD 120767

Dedicated Purpose Fund Group 120768
4K90 890609 Operating Expenses \$ 925,897 \$ 944,865 120769
TOTAL DPF Dedicated Purpose Fund 120770
Group \$ 925,897 \$ 944,865
TOTAL ALL BUDGET FUND GROUPS \$ 925,897 \$ 944,865 120771

Section 343.20. OLA OHIOANA LIBRARY ASSOCIATION 120773

General Revenue Fund 120774
GRF 355501 Library Subsidy \$ 155,000 \$ 160,000 120775
TOTAL GRF General Revenue Fund \$ 155,000 \$ 160,000 120776
TOTAL ALL BUDGET FUND GROUPS \$ 155,000 \$ 160,000 120777

Section 345.10. OOD OPPORTUNITIES FOR OHIOANS WITH 120779
DISABILITIES AGENCY 120780

General Revenue Fund				120781
GRF	415402	Independent Living	\$ 252,000 \$	252,000 120782
GRF	415406	Assistive Technology	\$ 26,618 \$	26,618 120783
GRF	415431	Brain Injury	\$ 126,567 \$	126,567 120784
GRF	415506	Services for Individuals with Disabilities	\$ 15,817,709 \$	15,817,709 120785
GRF	415508	Services for the Deaf	\$ 28,000 \$	28,000 120786
TOTAL GRF General Revenue Fund			\$ 16,250,894 \$	16,250,894 120787
Dedicated Purpose Fund Group				120788
4670	415609	Business Enterprise Operating Expenses	\$ 1,430,633 \$	1,217,633 120789
4680	415618	Partnership Funding	\$ 12,400,000 \$	12,400,000 120790
4L10	415619	Services for Vocational Rehabilitation	\$ 3,099,971 \$	3,099,971 120791
4W50	415606	Program Management	\$ 12,357,482 \$	12,357,482 120792
TOTAL DPF Dedicated Purpose Fund Group				120793
			\$ 29,288,086 \$	29,075,086 120794
Federal Fund Group				120795
3170	415620	Disability Determination	\$ 81,000,000 \$	81,000,000 120796
3790	415616	Federal - Vocational Rehabilitation	\$ 124,415,653 \$	123,628,652 120797
3GH0	415602	Personal Care Assistance	\$ 2,752,396 \$	2,752,396 120798
3GH0	415604	Community Centers for the Deaf	\$ 772,000 \$	772,000 120799
3GH0	415613	Federal Independent Living	\$ 638,431 \$	638,431 120800
3L10	415608	Social Security Vocational	\$ 5,000,000 \$	5,000,000 120801

	Rehabilitation						
3L40	415615	Federal - Supported	\$	1,000,000	\$	1,000,000	120802
	Employment						
3L40	415617	Disability Services	\$	1,514,239	\$	1,514,239	120803
	Programs						
TOTAL FED	Federal Fund Group		\$	217,092,719	\$	216,305,718	120804
TOTAL ALL BUDGET FUND GROUPS			\$	262,631,699	\$	261,631,698	120805
	INDEPENDENT LIVING						120806
	The foregoing appropriation item 415402, Independent Living,						120807
	shall be used to support the state independent living programs and						120808
	centers under Title VII of the Independent Living Services and						120809
	Centers for Independent Living of the Rehabilitation Act						120810
	Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d.						120811
	Of the foregoing appropriation item 415402, Independent						120812
	Living, \$67,662 in each fiscal year shall be used as state						120813
	matching funds for vocational rehabilitation innovation and						120814
	expansion activities.						120815
	ASSISTIVE TECHNOLOGY						120816
	The total amount of the foregoing appropriation item 415406,						120817
	Assistive Technology, shall be provided to Assistive Technology of						120818
	Ohio to provide grants and assistive technology services for						120819
	people with disabilities in the State of Ohio.						120820
	BRAIN INJURY						120821
	The foregoing appropriation item 415431, Brain Injury, shall						120822
	be provided to The Ohio State University College of Medicine to						120823
	support the Brain Injury Program established under section 3304.23						120824
	of the Revised Code.						120825
	VOCATIONAL REHABILITATION SERVICES						120826
	The foregoing appropriation item 415506, Services for						120827
	Individuals with Disabilities, shall be used as state matching						120828

funds to provide vocational rehabilitation services to eligible consumers.	120829 120830
SERVICES FOR THE DEAF	120831
The foregoing appropriation item 415508, Services for the Deaf, shall be used to provide grants to community centers for the deaf.	120832 120833 120834
PROGRAM MANAGEMENT	120835
The foregoing appropriation item 415606, Program Management, shall be used to support the administrative functions of the agency related to the provision of vocational rehabilitation, disability determination services, and ancillary programs.	120836 120837 120838 120839
SOCIAL SECURITY REIMBURSEMENT FUNDS	120840
Reimbursement funds received from the Social Security Administration, United States Department of Health and Human Services, for the costs of providing services and training to return disability recipients to gainful employment shall be expended, to the extent funds are available, as follows:	120841 120842 120843 120844 120845
(A) Appropriation item 415602, Personal Care Assistance, to provide personal care services in accordance with section 3304.41 of the Revised Code;	120846 120847 120848
(B) Appropriation item 415604, Community Centers for the Deaf, to provide grants to community centers for the deaf in Ohio for services to individuals with hearing impairments; and	120849 120850 120851
(C) Appropriation item 415608, Social Security Vocational Rehabilitation, to provide vocational rehabilitation services to individuals with severe disabilities who are Social Security beneficiaries, to enable them to achieve competitive employment.	120852 120853 120854 120855
Section 349.10. OPT STATE BOARD OF OPTOMETRY	120856
Dedicated Purpose Fund Group	120857

4K90 885609	Program Support	\$	612,237	\$	505,875	120858
TOTAL DPF Dedicated Purpose Fund		\$	612,237	\$	505,875	120859
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	612,237	\$	505,875	120860

Section 351.10. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, 120862
AND PEDORTHICS 120863

Dedicated Purpose Fund Group						120864
4K90 973609	Operating Expenses	\$	176,950	\$	186,438	120865
TOTAL DPF Dedicated Purpose Fund		\$	176,950	\$	186,438	120866
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	176,950	\$	186,438	120867

Section 353.10. UST PETROLEUM UNDERGROUND STORAGE TANK 120868
RELEASE COMPENSATION BOARD 120869

Dedicated Purpose Fund Group						120870
6910 810632	Petroleum Underground	\$	1,257,155	\$	1,258,914	120871
Storage Tank Release						
Compensation Board -						
Operating						
TOTAL DPF Dedicated Purpose Fund		\$	1,257,155	\$	1,258,914	120872
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	1,257,155	\$	1,258,914	120873

Section 355.10. PRX STATE BOARD OF PHARMACY 120875

Dedicated Purpose Fund Group						120876
4A50 887605	Drug Law Enforcement	\$	150,000	\$	150,000	120877
4K90 887609	Operating Expenses	\$	6,779,608	\$	6,818,799	120878
TOTAL DPF Dedicated Purpose Fund		\$	6,929,608	\$	6,968,799	120879
Group						
Federal Fund Group						120880
3DV0 887607	Enhancing Ohio's PMP	\$	128,677	\$	0	120881

TOTAL FED Federal Fund Group	\$	128,677	\$	0	120882
TOTAL ALL BUDGET FUND GROUPS	\$	7,058,285	\$	6,968,799	120883

Section 357.10. PSY STATE BOARD OF PSYCHOLOGY 120885

Dedicated Purpose Fund Group					120886
4K90 882609 Operating Expenses	\$	588,690	\$	598,890	120887
TOTAL DPF Dedicated Purpose					120888
Fund Group	\$	588,690	\$	598,890	120889
TOTAL ALL BUDGET FUND GROUPS	\$	588,690	\$	598,890	120890

Section 359.10. PUB OHIO PUBLIC DEFENDER COMMISSION 120892

General Revenue Fund					120893
GRF 019401 State Legal Defense	\$	3,020,855	\$	3,020,855	120894
Services					
GRF 019403 Multi-County: State	\$	1,960,463	\$	1,977,325	120895
Share					
GRF 019404 Trumbull County -	\$	545,658	\$	552,337	120896
State Share					
GRF 019405 Training Account	\$	50,000	\$	50,000	120897
GRF 019501 County Reimbursement	\$	22,985,371	\$	22,985,371	120898
TOTAL GRF General Revenue Fund	\$	28,562,347	\$	28,585,888	120899
Dedicated Purpose Fund Group					120900
1010 019607 Juvenile Legal	\$	200,000	\$	200,000	120901
Assistance					
4070 019604 County Representation	\$	225,800	\$	228,456	120902
4080 019605 Client Payments	\$	969,964	\$	834,277	120903
4C70 019601 Multi-County: County	\$	2,364,693	\$	2,389,985	120904
Share					
4N90 019613 Gifts and Grants	\$	50,250	\$	50,250	120905
4X70 019610 Trumbull County -	\$	654,790	\$	664,809	120906
County Share					
5740 019606 Civil Legal Aid	\$	17,250,000	\$	17,250,000	120907

5CX0 019617	Civil Case Filing Fee	\$	446,820	\$	453,580	120908
5DY0 019618	Indigent Defense	\$	38,005,178	\$	39,409,939	120909
	Support - County					
	Share					
5DY0 019619	Indigent Defense	\$	5,772,000	\$	5,850,000	120910
	Support - State					
	Office					
TOTAL DPF Dedicated Purpose						120911
Fund Group		\$	65,939,495	\$	67,331,296	120912
Federal Fund Group						120913
3GJ0 019622	Byrne Memorial Grant	\$	39,958	\$	39,958	120914
3S80 019608	Federal	\$	202,942	\$	202,942	120915
	Representation					
TOTAL FED Federal Fund Group		\$	242,900	\$	242,900	120916
TOTAL ALL BUDGET FUND GROUPS		\$	94,744,742	\$	96,160,084	120917
	INDIGENT DEFENSE REIMBURSEMENT RATE					120918
	Of the foregoing appropriation items 019403, Multi-County:					120919
	State Share, 019404, Trumbull County-State Share, and 019501,					120920
	County Reimbursement, the distribution of the amount of the					120921
	appropriation in each of these line items that is necessary to					120922
	increase the reimbursement rate for indigent criminal defense					120923
	services from forty per cent to fifty per cent shall be					120924
	distributed to a county only if the board of county commissioners					120925
	of that county establishes a schedule of fee on an hourly basis					120926
	under division (A)(4)(d) of section 120.33 or division (E)(2) of					120927
	section 2941.51 of the Revised Code that exceeds fifty dollars per					120928
	hour, at which time that county shall receive a supplemental					120929
	amount that constitutes five per cent of the total reimbursement					120930
	the county received from the State Public Defender for appointed					120931
	counsel.					120932
	INDIGENT DEFENSE OFFICE					120933
	The foregoing appropriation items 019404, Trumbull County -					120934

State Share, and 019610, Trumbull County - County Share, shall be used to support an indigent defense office for Trumbull County. 120935
120936

MULTI-COUNTY OFFICE 120937

The foregoing appropriation items 019403, Multi-County: State Share, and 019601, Multi-County: County Share, shall be used to support the Office of the Ohio Public Defender's Multi-County Branch Office Program. 120938
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TRAINING ACCOUNT 120942

The foregoing appropriation item 019405, Training Account, shall be used by the Ohio Public Defender to provide legal training programs at no cost for private appointed counsel who represents at least one indigent defendant at no cost and for state and county public defenders and attorneys who contract with the Ohio Public Defender to provide indigent defense services. 120943
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CAPITAL CASE REIMBURSEMENT 120949

Of the foregoing appropriation item 019501, County Reimbursement, \$1,857,103 in each fiscal year shall be used to reimburse counties for the costs and expenses of providing legal representation to indigent persons in capital cases. 120950
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LEGAL AID FUND 120954

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$750,000 cash from the General Revenue Fund to the Legal Aid Fund (Fund 5740). 120955
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120958

Of the foregoing appropriation item 019606, Civil Legal Aid, and notwithstanding any provision of law to the contrary, \$750,000 in each fiscal year shall be distributed by the Ohio Legal Assistance Foundation to Ohio's civil legal aid societies for the sole purpose of providing legal services for economically disadvantaged veterans. None of the funds shall be used for 120959
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administrative costs, including, but not limited to, salaries, 120965
benefits, or travel reimbursements. For purposes of this section, 120966
"economically disadvantaged veteran" is defined as a person: (1) 120967
who presents a valid copy of United States Department of Defense 120968
form DD-214, DD-215, or equivalent service-related document, and 120969
(2) whose income does not exceed one hundred fifty per cent of the 120970
federal poverty line as defined in section 5162.01 of the Revised 120971
Code. 120972

FEDERAL REPRESENTATION 120973

The foregoing appropriation item 019608, Federal 120974
Representation, shall be used to receive reimbursements from the 120975
federal courts when the Ohio Public Defender provides 120976
representation in federal court cases and to support 120977
representation in such cases. 120978

INDIGENT DEFENSE SUPPORT FUND 120979

Notwithstanding section 120.08 of the Revised Code, the Ohio 120980
Public Defender may use up to thirteen per cent of the money in 120981
the indigent defense support fund created by section 120.08 of the 120982
Revised Code for the purposes of appointing assistant state public 120983
defenders, providing other personnel, equipment, and facilities 120984
necessary for the operation of the state public defender office, 120985
and providing training, developing and implementing electronic 120986
forms, or establishing and maintaining an information technology 120987
system used for the uniform operation of Chapter 120. of the 120988
Revised Code. 120989

Section 361.10. DPS DEPARTMENT OF PUBLIC SAFETY 120990

General Revenue Fund 120991

GRF 763403 EMA Operating \$ 4,050,000 \$ 4,050,000 120992

GRF 767420 Investigative Unit - \$ 11,399,300 \$ 11,399,300 120993

Operating

GRF	768425	Justice Program Services	\$	725,000	\$	725,000	120994
GRF	769406	Homeland Security - Operating	\$	2,000,000	\$	2,000,000	120995
TOTAL GRF	General Revenue Fund		\$	18,174,300	\$	18,174,300	120996
Dedicated Purpose Fund Group							120997
4P60	768601	Justice Program Services	\$	150,000	\$	150,000	120998
4V30	763662	STORMS/NOAA Maintenance	\$	265,000	\$	265,000	120999
5BK0	768687	Criminal Justice Services - Operating	\$	400,000	\$	400,000	121000
5BK0	768689	Family Violence Shelter Programs	\$	1,550,000	\$	1,550,000	121001
5ET0	768625	Drug Law Enforcement	\$	7,500,000	\$	6,000,000	121002
5LM0	768698	Criminal Justice Services Law Enforcement Support	\$	850,946	\$	850,946	121003
5ML0	769635	Infrastructure Protection	\$	100,000	\$	100,000	121004
5RH0	767697	OIU Special Projects	\$	460,000	\$	460,000	121005
5RS0	768621	Community Police Relations	\$	1,000,000	\$	1,000,000	121006
5Y10	767696	Ohio Investigative Unit Continuing Professional Training	\$	20,000	\$	20,000	121007
6220	767615	Investigative, Contraband, and Forfeiture	\$	325,000	\$	325,000	121008
6570	763652	Utility Radiological Safety	\$	1,200,000	\$	1,200,000	121009
6810	763653	SARA Title III HAZMAT Planning	\$	262,438	\$	262,438	121010

8500	767628	Investigative Unit Salvage	\$	92,700	\$	92,700	121011
TOTAL	DPF	Dedicated Purpose Fund Group	\$	14,176,084	\$	12,676,084	121012
Federal	Fund	Group					121013
3290	763645	Federal Mitigation Program	\$	10,413,642	\$	10,413,642	121014
3370	763609	Federal Disaster Relief	\$	27,707,636	\$	27,707,636	121015
3390	763647	Emergency Management Assistance and Training	\$	67,684,765	\$	68,684,765	121016
3EU0	768614	Justice Assistance Grants - FFY10	\$	100,000	\$	25,000	121017
3FK0	768615	Justice Assistance Grants - FFY11	\$	300,000	\$	100,000	121018
3FP0	767620	Ohio Investigative Unit Justice Contraband	\$	55,000	\$	55,000	121019
3FY0	768616	Justice Assistance Grant - FFY12	\$	650,000	\$	300,000	121020
3FZ0	768617	Justice Assistance Grant - FFY13	\$	2,000,000	\$	650,000	121021
3GA0	768618	Justice Assistance Grant - FFY14	\$	3,000,000	\$	2,000,000	121022
3GL0	768619	Justice Assistance Grants	\$	7,500,000	\$	10,500,000	121023
3GT0	767691	Equitable Share Account	\$	300,000	\$	300,000	121024
3GU0	769610	Investigation Grants - Food Stamps, Liquor & Tobacco Laws	\$	1,400,000	\$	1,400,000	121025
3GU0	769631	Homeland Security	\$	1,400,000	\$	1,400,000	121026

Disaster Grants

3L50	768604	Justice Program	\$	10,500,000	\$	10,500,000	121027
3N50	763644	U.S. Department of	\$	31,672	\$	31,672	121028

Energy Agreement

TOTAL FED	Federal Fund Group	\$	133,042,715	\$	134,067,715	121029
TOTAL ALL BUDGET FUND GROUPS		\$	165,393,099	\$	164,918,099	121030

CASH TRANSFER - OHIO INVESTIGATIVE UNIT FUND 121031

On July 1, 2015, or as soon as possible thereafter, the 121032
Director of Budget and Management shall transfer \$350,000 in cash 121033
from the Investigations Fund (Fund 5FL0) to the Ohio Investigative 121034
Unit Fund (Fund 5RH0). 121035

CASH TRANSFER - INVESTIGATIVE UNIT FEDERAL EQUITABLE SHARING 121036
FUND 121037

Upon written request of the Director of Public Safety, the 121038
Director of Budget and Management may transfer cash from the 121039
Investigative Unit Federal Equitable Sharing Fund (Fund 5CM0) to 121040
the Investigative Unit Federal Equitable Sharing Fund (Fund 3GT0). 121041

CASH TRANSFER - JUSTICE PROGRAM SERVICES 121042

Upon written request of the Director of Public Safety, the 121043
Director of Budget and Management may transfer cash from the 121044
Justice Program Services Fund (Fund 4P60) to the State Bureau of 121045
Motor Vehicles Fund (Fund 4W40). 121046

STATE DISASTER RELIEF 121047

The State Disaster Relief Fund (Fund 5330) may accept 121048
transfers of cash and appropriations from Controlling Board 121049
appropriation items for the Ohio Emergency Management Agency 121050
disaster response costs and disaster program management costs, and 121051
may also be used for the following purposes: 121052

(A) To accept transfers of cash and appropriations from 121053
Controlling Board appropriation items for Ohio Emergency 121054

Management Agency public assistance and mitigation program match 121055
costs to reimburse eligible local governments and private 121056
nonprofit organizations for costs related to disasters; 121057

(B) To accept transfers of cash to reimburse the costs 121058
associated with Emergency Management Assistance Compact (EMAC) 121059
deployments; 121060

(C) To accept disaster related reimbursement from federal, 121061
state, and local governments. The Director of Budget and 121062
Management may transfer cash from reimbursements received by this 121063
fund to other funds of the state from which transfers were 121064
originally approved by the Controlling Board. 121065

(D) To accept transfers of cash and appropriations from 121066
Controlling Board appropriation items to fund the State Disaster 121067
Relief Program, for disasters that qualify for the program by 121068
written authorization of the Governor, and the State Individual 121069
Assistance Program for disasters that have been declared by the 121070
federal Small Business Administration and that qualify for the 121071
program by written authorization from the Governor. The Ohio 121072
Emergency Management Agency shall publish and make available 121073
application packets outlining procedures for the State Disaster 121074
Relief Program and the State Individual Assistance Program. 121075

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 121076
AGENCY SERVICE AND REIMBURSEMENT FUND 121077

On July 1 of each fiscal year, or as soon as possible 121078
thereafter, the Director of Budget and Management shall transfer 121079
\$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the 121080
Emergency Management Agency Service and Reimbursement Fund (Fund 121081
4V30) to be distributed to the Ohio Task Force One - Urban Search 121082
and Rescue Unit, other similar urban search and rescue units 121083
around the state, and for maintenance of the statewide fire 121084
emergency response plan by an entity recognized by the Ohio 121085

Emergency Management Agency.	121086
COMMUNITY POLICE RELATIONS	121087
Notwithstanding the requirement in division (C) of section	121088
5747.50 of the Revised Code that the Tax Commissioner provide for	121089
payment from the Local Government Fund to each municipal	121090
corporation of an amount calculated using the total amount	121091
available for distribution to municipal corporations during the	121092
current month, as defined in that division, the Tax Commissioner	121093
shall reduce the total amount available for distribution to	121094
municipal corporations during the current month by \$83,333.33 in	121095
each month of fiscal year 2016 and by \$83,333.33 in each month of	121096
fiscal year 2017, before calculating the amount to be distributed	121097
to each municipal corporation. The amounts not distributed to	121098
municipal corporations, \$83,333.33 in each month of fiscal year	121099
2016 and \$83,333.33 in each month of fiscal year 2017, shall be	121100
deposited in the state treasury to the credit of the Community	121101
Police Relations Fund (Fund 5RS0), which is hereby created.	121102
The foregoing appropriation item 768621, Community Police	121103
Relations, shall be used to implement key recommendations of the	121104
Ohio Task Force on Community-Police Relations, including a	121105
database on use of force and officer involved shootings, a public	121106
awareness campaign, and state-provided assistance with	121107
policy-making and manuals.	121108
SARA TITLE III HAZMAT PLANNING	121109
The SARA Title III HAZMAT Planning Fund (Fund 6810) is	121110
entitled to receive grant funds from the Emergency Response	121111
Commission to implement the Emergency Management Agency's	121112
responsibilities under Chapter 3750. of the Revised Code.	121113
Section 363.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO	121114
Dedicated Purpose Fund Group	121115

4A30	870614	Grade Crossing Protection Devices-State	\$	1,347,357	\$	1,347,357	121116
4L80	870617	Pipeline Safety-State	\$	331,992	\$	331,992	121117
5610	870606	Power Siting Board	\$	581,618	\$	581,618	121118
5F60	870622	Utility and Railroad Regulation	\$	30,619,708	\$	30,619,708	121119
5F60	870624	NARUC/NRRI Subsidy	\$	85,000	\$	85,000	121120
5LT0	870640	Intrastate Registration	\$	180,000	\$	180,000	121121
5LT0	870641	Unified Carrier Registration	\$	420,000	\$	420,000	121122
5LT0	870642	Hazardous Materials Registration	\$	753,346	\$	753,346	121123
5LT0	870643	Non-hazardous Materials Civil Forfeiture	\$	277,496	\$	277,496	121124
5LT0	870644	Hazardous Materials Civil Forfeiture	\$	898,800	\$	898,800	121125
5LT0	870645	Motor Carrier Enforcement	\$	4,709,592	\$	4,709,592	121126
5Q50	870626	Telecommunications Relay Service	\$	5,000,000	\$	5,000,000	121127
TOTAL DPF Group		Dedicated Purpose Fund Group	\$	45,204,909	\$	45,204,909	121128
		Federal Fund Group					121129
3330	870601	Gas Pipeline Safety	\$	597,959	\$	597,959	121130
3500	870608	Motor Carrier Safety	\$	7,351,660	\$	7,351,660	121131
3V30	870604	Commercial Vehicle Information Systems/Networks	\$	100,000	\$	100,000	121132
TOTAL FED		Federal Fund Group	\$	8,049,619	\$	8,049,619	121133
TOTAL ALL BUDGET FUND GROUPS			\$	53,254,528	\$	53,254,528	121134

Section 363.20. TELECOMMUNICATIONS TRANSITION PLANNING 121136

The foregoing appropriation item 870622, Utility and Railroad 121137
Regulation, shall be used in part to plan for the transition, 121138
consistent with the directives and policies of the Federal 121139
Communications Commission, from the current public switched 121140
telephone network to an internet-protocol network that will 121141
stimulate investment in the internet-protocol network in Ohio and 121142
that will expand the availability of advanced telecommunications 121143
services to all Ohioans. The transition plan shall include a 121144
review of statutes or rules that may prevent or delay an 121145
appropriate transition. The Public Utilities Commission shall 121146
report to the General Assembly on any further action required to 121147
be taken by the General Assembly to ensure a successful and timely 121148
transition. 121149

Section 363.30. (A) The Public Utilities Commission shall do 121150
both of the following not later than one hundred eighty days after 121151
the effective date of this section: 121152

(1) Adopt rules to implement section 4927.10 of the Revised 121153
Code and the amendments to sections 4927.01, 4927.02, 4927.07, and 121154
4927.11 of the Revised Code made by H.B. 64 of the 131st General 121155
Assembly; 121156

(2) Bring its rules into conformity with this act. 121157

(B) Rules adopted or amended under this section shall include 121158
provisions for reasonable customer notice of the steps to be taken 121159
during, and the actions resulting from, the transition plan 121160
described in Section 363.20 of H.B. 64 of the 131st General 121161
Assembly. 121162

(C) Any rule adopted or amended under this section shall be 121163
consistent with the rules of the Federal Communications 121164
Commission. 121165

(D) If the Public Utilities Commission fails to comply with 121166
division (A) of this section before the Federal Communications 121167
Commission adopts the order described in section 4927.10 of the 121168
Revised Code, any rule of the Public Utilities Commission that is 121169
inconsistent with that order shall not be enforced. 121170

Section 365.10. PWC PUBLIC WORKS COMMISSION 121171

General Revenue Fund 121172

GRF 150904 Conservation General \$ 33,174,900 \$ 37,725,700 121173
Obligation Bond Debt
Service

GRF 150907 Infrastructure \$ 227,937,400 \$ 231,303,200 121174
Improvement General
Obligation Bond Debt
Service

TOTAL GRF General Revenue Fund \$ 261,112,300 \$ 269,028,900 121175

Dedicated Purpose Fund Group 121176

4440 150602 Water & Sewer Loans \$ 500,000 \$ 500,000 121177

TOTAL DPF Dedicated Purpose Fund \$ 500,000 \$ 500,000 121178
Group

Capital Projects Fund Group 121179

7056 150403 Clean Ohio \$ 288,980 \$ 288,980 121180
Conservation
Operating

TOTAL CPF Capital Projects Fund \$ 288,980 \$ 288,980 121181

Group

TOTAL ALL BUDGET FUND GROUPS \$ 261,901,280 \$ 269,817,880 121182

CONSERVATION GENERAL OBLIGATION BOND DEBT SERVICE 121183

The foregoing appropriation item 150904, Conservation General 121184
Obligation Bond Debt Service, shall be used to pay all debt 121185
service and related financing costs during the period from July 1, 121186

2015, through June 30, 2017, at the times they are required to be 121187
made for obligations issued under sections 151.01 and 151.09 of 121188
the Revised Code. 121189

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 121190
SERVICE 121191

The foregoing appropriation item 150907, Infrastructure 121192
Improvement General Obligation Bond Debt Service, shall be used to 121193
pay all debt service and related financing costs during the period 121194
from July 1, 2015, through June 30, 2017, at the times they are 121195
required to be made for obligations issued under sections 151.01 121196
and 151.08 of the Revised Code. 121197

WATER & SEWER LOANS 121198

On July 1 of each fiscal year of the biennium ending June 30, 121199
2017, the Director of Budget and Management shall transfer 121200
\$500,000 cash from the General Revenue Fund to the Water and Sewer 121201
Fund (Fund 4440). 121202

The foregoing appropriation item 150602, Water & Sewer Loans, 121203
shall be used for the purposes described in section 164.13 of the 121204
Revised Code. 121205

CLEAN OHIO CONSERVATION OPERATING 121206

The foregoing appropriation item 150403, Clean Ohio 121207
Conservation Operating, shall be used by the Ohio Public Works 121208
Commission in administering Clean Ohio Conservation Fund (Fund 121209
7056) projects pursuant to sections 164.20 to 164.27 of the 121210
Revised Code. 121211

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 121212

The Director of the Public Works Commission is authorized to 121213
create a District Administration Costs Program for districts 121214
represented by natural resource assistance councils. This program 121215
shall be funded from proceeds of the Clean Ohio Conservation Fund. 121216

This program shall be used by natural resource assistance councils 121217
in order to provide for administration costs of the nineteen 121218
natural resource assistance councils for the direct costs of 121219
council administration. Councils choosing to participate in this 121220
program may be eligible for up to \$15,000 per fiscal year from its 121221
district allocation as provided in section 164.27 of the Revised 121222
Code. The director shall define allowable and nonallowable costs 121223
for the purpose of the District Administration Costs Program. 121224
Nonallowable costs include indirect costs, elected official 121225
salaries and benefits, and project-specific costs. 121226

Section 367.10. RAC STATE RACING COMMISSION 121227

Dedicated Purpose Fund Group 121228

5620 875601 Thoroughbred \$ 1,400,000 \$ 1,400,000 121229
Development

5630 875602 Standardbred \$ 1,300,000 \$ 1,300,000 121230
Development

5650 875604 Racing Commission \$ 3,335,000 \$ 3,335,000 121231
Operating

5JK0 875610 Horse Racing \$ 8,500,000 \$ 8,500,000 121232
Development-Casino

5NL0 875611 Revenue \$ 17,000,000 \$ 17,000,000 121233
Redistribution

TOTAL DPF Dedicated Purpose Fund \$ 31,535,000 \$ 31,535,000 121234
Group

Fiduciary Fund Group 121235

5C40 875607 Simulcast Horse \$ 12,000,000 \$ 12,000,000 121236
Racing Purse

TOTAL FID Fiduciary Fund Group \$ 12,000,000 \$ 12,000,000 121237

Holding Account Fund Group 121238

R021 875605 Bond Reimbursements \$ 100,000 \$ 100,000 121239

TOTAL HLD Holding Account Fund \$ 100,000 \$ 100,000 121240

Group

TOTAL ALL BUDGET FUND GROUPS \$ 43,635,000 \$ 43,635,000 121241

Section 369.10. BOR DEPARTMENT OF HIGHER EDUCATION 121243

General Revenue Fund 121244

GRF 235321 Operating Expenses \$ 5,377,193 \$ 5,377,193 121245

GRF 235402 Sea Grants \$ 299,250 \$ 299,250 121246

GRF 235406 Articulation and
Transfer \$ 2,000,000 \$ 2,000,000 121247

GRF 235408 Midwest Higher
Education Compact \$ 115,000 \$ 115,000 121248

GRF 235414 State Grants and
Scholarship \$ 830,180 \$ 830,180 121249

Administration

GRF 235417 eStudent Services \$ 2,532,688 \$ 2,532,688 121250

GRF 235428 Appalachian New
Economy Partnership \$ 737,366 \$ 737,366 121251

GRF 235438 Choose Ohio First
Scholarship \$ 16,665,114 \$ 16,665,114 121252

GRF 235443 Adult Basic and
Literacy Education - \$ 7,302,416 \$ 7,302,416 121253

State

GRF 235444 Ohio Technical Centers \$ 16,817,547 \$ 16,817,547 121254

GRF 235474 Area Health Education
Centers Program \$ 900,000 \$ 900,000 121255

Support

GRF 235483 Technology Integration \$ 378,598 \$ 378,598 121256

and Professional

Development

GRF 235492 Campus Safety and
Training \$ 2,000,000 \$ 0 121257

GRF 235501 State Share of
Instruction \$ 1,903,285,144 \$ 1,979,416,550 121258

GRF 235502	Student Support Services	\$	632,974	\$	632,974	121259
GRF 235504	War Orphans Scholarships	\$	6,835,710	\$	7,124,141	121260
GRF 235507	OhioLINK	\$	6,211,012	\$	6,211,012	121261
GRF 235508	Air Force Institute of Technology	\$	1,740,803	\$	1,740,803	121262
GRF 235510	Ohio Supercomputer Center	\$	4,247,418	\$	4,247,418	121263
GRF 235511	Cooperative Extension Service	\$	24,209,491	\$	24,209,491	121264
GRF 235514	Central State Supplement	\$	11,063,468	\$	11,063,468	121265
GRF 235515	Case Western Reserve University School of Medicine	\$	2,146,253	\$	2,146,253	121266
GRF 235519	Family Practice	\$	3,166,185	\$	3,166,185	121267
GRF 235520	Shawnee State Supplement	\$	2,326,097	\$	2,326,097	121268
GRF 235524	Police and Fire Protection	\$	107,814	\$	107,814	121269
GRF 235525	Geriatric Medicine	\$	522,151	\$	522,151	121270
GRF 235526	Primary Care Residencies	\$	1,500,000	\$	1,500,000	121271
GRF 235535	Ohio Agricultural Research and Development Center	\$	36,861,470	\$	36,361,470	121272
GRF 235536	The Ohio State University Clinical Teaching	\$	9,668,941	\$	9,668,941	121273
GRF 235537	University of Cincinnati Clinical Teaching	\$	7,952,573	\$	7,952,573	121274

GRF 235538	University of Toledo Clinical Teaching	\$ 6,198,600	\$ 6,198,600	121275
GRF 235539	Wright State University Clinical Teaching	\$ 3,011,400	\$ 3,011,400	121276
GRF 235540	Ohio University Clinical Teaching	\$ 2,911,212	\$ 2,911,212	121277
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$ 2,994,178	\$ 2,994,178	121278
GRF 235552	Capital Component	\$ 10,280,387	\$ 6,350,817	121279
GRF 235555	Library Depositories	\$ 1,440,342	\$ 1,440,342	121280
GRF 235556	Ohio Academic Resources Network	\$ 3,172,519	\$ 3,172,519	121281
GRF 235558	Long-term Care Research	\$ 325,300	\$ 325,300	121282
GRF 235563	Ohio College Opportunity Grant	\$ 97,187,107	\$ 100,187,107	121283
GRF 235572	The Ohio State University Clinic Support	\$ 766,533	\$ 766,533	121284
GRF 235591	Co-op Internship Program	\$ 3,345,000	\$ 3,345,000	121285
GRF 235599	National Guard Scholarship Program	\$ 18,750,552	\$ 18,900,003	121286
GRF 235909	Higher Education General Obligation Bond Debt Service	\$ 252,470,800	\$ 259,289,500	121287
TOTAL GRF	General Revenue Fund	\$ 2,481,286,786	\$ 2,561,245,204	121288
	Dedicated Purpose Fund Group			121289
2200 235614	Program Approval and Reauthorization	\$ 650,000	\$ 650,000	121290
4560 235603	Sales and Services	\$ 199,250	\$ 199,250	121291

4E80	235602	Higher Educational Facility Commission Administration	\$	29,100	\$	29,100	121292
4X10	235674	Telecommunity and Distance Learning	\$	49,150	\$	49,150	121293
5D40	235675	Conferences/Special Purposes	\$	1,884,095	\$	1,884,095	121294
5JC0	235620	Regional Partnership and Training Center	\$	500,000	\$	500,000	121295
5JC0	235668	Defense/Aerospace Workforce Development Initiative	\$	10,000,000	\$	10,000,000	121296
5NH0	235684	OhioMeansJobs Workforce Development Revolving Loan Program	\$	500,000	\$	0	121297
5P30	235663	Variable Savings Plan	\$	8,028,685	\$	8,082,899	121298
6450	235664	Guaranteed Savings Plan	\$	1,068,048	\$	1,061,886	121299
6820	235606	Nursing Loan Program	\$	891,320	\$	891,320	121300
TOTAL DPF		Dedicated Purpose Fund Group	\$	23,799,648	\$	23,347,700	121301
		Bond Research and Development Fund Group					121302
7011	235634	Research Incentive Third Frontier Fund	\$	8,000,000	\$	8,000,000	121303
7011	235699	Federal Research Center Network	\$	10,000,000	\$	15,000,000	121304
TOTAL BRD		Bond Research and Development Fund Group	\$	18,000,000	\$	23,000,000	121305
		Federal Fund Group					121306
3120	235611	Gear-up Grant	\$	3,050,600	\$	3,169,050	121307
3120	235612	Carl D. Perkins	\$	1,350,000	\$	1,350,000	121308

		Grant/Plan				
		Administration				
3120	235617	Improving Teacher	\$	2,800,000	\$	2,800,000 121309
		Quality Grant				
3120	235641	Adult Basic and	\$	15,207,359	\$	15,207,359 121310
		Literacy Education -				
		Federal				
3120	235672	H-1B Tech Skills	\$	2,100,000	\$	2,100,000 121311
		Training				
3H20	235608	Human Services	\$	375,000	\$	375,000 121312
		Project				
TOTAL FED	Federal Fund Group		\$	24,882,959	\$	25,001,409 121313
TOTAL ALL BUDGET FUND GROUPS			\$	2,547,969,393	\$	2,632,594,313 121314

Section 369.13. OPERATING EXPENSES 121316

Of the foregoing appropriation item 235321, Operating 121317
 Expenses, up to \$2,854,000 in fiscal year 2016 and up to 121318
 \$2,996,000 in fiscal year 2017 shall be used by the Chancellor of 121319
 Higher Education to support the development and implementation of 121320
 information technology solutions designed to improve the 121321
 performance and services of the Department of Higher Education and 121322
 the University System of Ohio. The information technology 121323
 solutions may be provided by the Ohio Academic Resources Network 121324
 (OARnet). 121325

Section 369.20. SEA GRANTS 121326

The foregoing appropriation item 235402, Sea Grants, shall be 121327
 used to match federal dollars and leverage additional support by 121328
 The Ohio State University's Sea Grant program, including Stone 121329
 Laboratory, for research, education, and outreach to enhance the 121330
 economic value, public utilization, and responsible management of 121331
 Lake Erie and Ohio's coastal resources. 121332

Section 369.30. ARTICULATION AND TRANSFER 121333

The foregoing appropriation item 235406, Articulation and 121334
Transfer, shall be used by the Chancellor of Higher Education to 121335
maintain and expand the work of the Articulation and Transfer 121336
Council to develop a system of transfer policies to ensure that 121337
students at state institutions of higher education can transfer 121338
and have coursework apply to their majors and degrees at any other 121339
state institution of higher education without unnecessary 121340
duplication or institutional barriers under sections 3333.16, 121341
3333.161, and 3333.162 of the Revised Code. 121342

Section 369.40. MIDWEST HIGHER EDUCATION COMPACT 121343

The foregoing appropriation item 235408, Midwest Higher 121344
Education Compact, shall be distributed by the Chancellor of 121345
Higher Education under section 3333.40 of the Revised Code. 121346

Section 369.50. STATE GRANTS AND SCHOLARSHIP ADMINISTRATION 121347

The foregoing appropriation item 235414, State Grants and 121348
Scholarship Administration, shall be used by the Chancellor of 121349
Higher Education to administer the following student financial aid 121350
programs: Ohio College Opportunity Grant, Ohio War Orphans' 121351
Scholarship, Nurse Education Assistance Loan Program, Ohio Safety 121352
Officers College Memorial Fund, and any other student financial 121353
aid programs created by the General Assembly. The appropriation 121354
item also shall be used to support all state financial aid audits 121355
and student financial aid programs created by Congress, and to 121356
provide fiscal services for the Ohio National Guard Scholarship 121357
Program. 121358

Section 369.60. ESTUDENT SERVICES 121359

The foregoing appropriation item 235417, eStudent Services, 121360

shall be used by the Chancellor of Higher Education to support the 121361
continued implementation of eStudent Services, a consortium 121362
organized under division (T) of section 3333.04 of the Revised 121363
Code to expand access to dual enrollment opportunities for high 121364
school students, as well as adult and higher education 121365
opportunities through technology. The funds shall be used by 121366
eStudent Services to develop and promote learning and assessment 121367
through the use of technology, to test and provide advice on 121368
emerging learning-directed technologies, to support the distance 121369
learning clearinghouse and platform created under section 3333.82 121370
of the Revised Code, to facilitate cost-effectiveness through 121371
shared educational technology investments, and for any other 121372
priorities of the Chancellor of Higher Education. 121373

Section 369.70. APPALACHIAN NEW ECONOMY PARTNERSHIP 121374

The foregoing appropriation item 235428, Appalachian New 121375
Economy Partnership, shall be distributed to Ohio University to 121376
continue a multi-campus and multi-agency coordinated effort to 121377
link Appalachia to the new economy. Ohio University shall use 121378
these funds to provide leadership in the development and 121379
implementation of initiatives in the areas of entrepreneurship, 121380
management, education, and technology. 121381

Section 369.80. CHOOSE OHIO FIRST SCHOLARSHIP 121382

The foregoing appropriation item 235438, Choose Ohio First 121383
Scholarship, shall be used to operate the program prescribed in 121384
sections 3333.60 to 3333.69 of the Revised Code. 121385

Section 369.90. ADULT BASIC AND LITERACY EDUCATION 121386

The foregoing appropriation item 235443, Adult Basic and 121387
Literacy Education - State, shall be used to support the adult 121388
basic and literacy education instructional grant program and state 121389

leadership program. The supported programs shall satisfy the state 121390
match and maintenance of effort requirements for the 121391
state-administered grant program. 121392

Section 369.100. OHIO TECHNICAL CENTERS FUNDING 121393

The foregoing appropriation item 235444, Ohio Technical 121394
Centers, shall be used by the Chancellor of Higher Education to 121395
support post-secondary adult career-technical education. 121396

(A)(1) As soon as possible in each fiscal year, in accordance 121397
with instructions of the Chancellor of Higher Education, each Ohio 121398
Technical Center shall report its actual data, consistent with the 121399
definitions in the Higher Education Information (HEI) system's 121400
files, to the Chancellor. 121401

(a) In defining the number of full-time equivalent students 121402
for state subsidy purposes, the Chancellor of Higher Education 121403
shall exclude all students who are not residents of Ohio. 121404

(b) A full-time equivalent student shall be defined as a 121405
student who completes 450 hours. Those students that complete some 121406
portion of 450 hours shall be counted as a partial full-time 121407
equivalent for funding purposes, while students that complete more 121408
than 450 hours shall be counted as proportionally greater than one 121409
full-time equivalent. 121410

(c) In calculating each Ohio Technical Center's full-time 121411
equivalent students, the Chancellor of Higher Education shall use 121412
a three-year average. 121413

(2) In each fiscal year, twenty-five per cent of the 121414
allocation for Ohio Technical Centers shall be distributed based 121415
on the proportion of each Center's full-time equivalent students 121416
to the total full-time equivalent students who complete a 121417
post-secondary workforce training program approved by the 121418
Chancellor with a grade of C or better or a grade of pass if the 121419

program is evaluated on a pass/fail basis. 121420

(3) In each fiscal year, twenty per cent of the allocation 121421
for Ohio Technical Centers shall be distributed based on the 121422
proportion of each Center's full-time equivalent students to the 121423
total full-time equivalent students who complete 50 per cent of a 121424
program of study as a measure of student retention. 121425

(4) In each fiscal year, fifty per cent of the allocation for 121426
Ohio Technical Centers shall be distributed based on the 121427
proportion of each Center's full-time equivalent students to the 121428
total full-time equivalent students who have found employment, 121429
entered military service, or enrolled in additional post-secondary 121430
education and training in accordance with the placement 121431
definitions of the Carl D. Perkins Career and Technical Education 121432
Act of 2006 (Perkins). The calculation for eligible full-time 121433
equivalent students shall be based on the per cent of Perkins 121434
placements for students who have completed at least 50 per cent of 121435
a program of study. 121436

(5) In each fiscal year, five per cent of the allocation for 121437
Ohio Technical Centers shall be distributed based on the 121438
proportion of each Center's full-time equivalent students to the 121439
total full-time equivalent students who have earned a credential 121440
from an industry-recognized third party. 121441

(B) Of the foregoing appropriation item 235444, Ohio 121442
Technical Centers, up to \$400,000 in each fiscal year shall be 121443
distributed by the Chancellor of Higher Education to the Ohio 121444
Central School System, up to \$48,000 in each fiscal year shall be 121445
utilized for assistance for Ohio Technical Centers, and up to 121446
\$975,000 in each fiscal year shall be distributed by the 121447
Chancellor to Ohio Technical Centers that provide business 121448
consultation with matching local dollars. Centers meeting this 121449
requirement shall receive an amount not to exceed \$25,000 per 121450
center. 121451

(C) The remainder of the foregoing appropriation item 235444, 121452
Ohio Technical Centers, in each fiscal year shall be distributed 121453
in accordance with division (A) of this section. 121454

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL 121455
CENTERS 121456

(1) No Ohio Technical Center shall receive performance 121457
funding calculated under division (A) of this section, excluding 121458
funding for third party credentials calculated under division 121459
(A)(5) of this section, that is less than 96 per cent of the 121460
average allocation the Center received, excluding funding for 121461
third party credentials, in the three prior fiscal years. 121462

(2) In order to ensure that no Center receives less than 96 121463
per cent of the prior three-year average allocation in accordance 121464
with division (D)(1) of this section, funds shall be made 121465
available to support the phase-in allocation by proportionally 121466
reducing formula earnings from each Center not receiving phase-in 121467
funding. 121468

Section 369.110. AREA HEALTH EDUCATION CENTERS 121469

The foregoing appropriation item 235474, Area Health 121470
Education Centers Program Support, shall be used by the Chancellor 121471
of Higher Education to support the medical school regional area 121472
health education centers' educational programs for the continued 121473
support of medical and other health professions education and for 121474
support of the Area Health Education Center Program. 121475

**Section 369.120. TECHNOLOGY INTEGRATION AND PROFESSIONAL 121476
DEVELOPMENT** 121477

The foregoing appropriation item 235483, Technology 121478
Integration and Professional Development, shall be used by the 121479
Chancellor of Higher Education for the provision of staff 121480
development, hardware, software, telecommunications services, and 121481

information resources to support educational uses of technology in 121482
the classroom and at a distance and for professional development 121483
for teachers, administrators, and technology staff on the use of 121484
educational technology in qualifying public schools, including the 121485
State School for the Blind, the School for the Deaf, and the 121486
Department of Youth Services. 121487

Section 369.140. CAMPUS SAFETY AND TRAINING 121488

The foregoing appropriation item 235492, Campus Safety and 121489
Training, shall be used by the Chancellor of Higher Education for 121490
the purpose of developing model best practices for preventing and 121491
responding to sexual assault on campus. By September 1, 2015, the 121492
Chancellor of Higher Education, in consultation with state 121493
institutions of higher education as defined in section 3345.011 of 121494
the Revised Code and private nonprofit institutions of higher 121495
education holding certificates of authorization under Chapter 121496
1713. of the Revised Code, shall develop model best practices for 121497
preventing and responding to sexual assault and protecting 121498
students and staff who are victims of sexual assault on campus. 121499
The Chancellor shall convene state institutions of higher 121500
education and private nonprofit institutions of higher education 121501
in the training and implementation of best practices regarding 121502
campus sexual assault. 121503

Section 369.150. STATE SHARE OF INSTRUCTION FORMULAS 121504

The Chancellor of Higher Education shall establish procedures 121505
to allocate the foregoing appropriation item 235501, State Share 121506
of Instruction, based on the formulas detailed in this section 121507
that utilize the enrollment, course completion, degree attainment, 121508
and student achievement factors reported annually by each state 121509
institution of higher education participating in the Higher 121510
Education Information (HEI) system. 121511

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 121512
COMPLETIONS 121513

(1) As soon as possible during each fiscal year of the 121514
biennium ending June 30, 2017, in accordance with instructions of 121515
the Department of Higher Education, each state institution of 121516
higher education shall report its actual data, consistent with the 121517
definitions in the Higher Education Information (HEI) system's 121518
enrollment files, to the Chancellor of Higher Education. 121519

(2) In defining the number of full-time equivalent students 121520
for state subsidy instructional cost purposes, the Chancellor of 121521
Higher Education shall exclude all undergraduate students who are 121522
not residents of Ohio, except those charged in-state fees in 121523
accordance with reciprocity agreements made under section 3333.17 121524
of the Revised Code or employer contracts entered into under 121525
section 3333.32 of the Revised Code. 121526

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 121527

For purposes of calculating state share of instruction 121528
allocations, the total instructional costs per full-time 121529
equivalent student shall be: 121530

Model	Fiscal Year 2016	Fiscal Year 2017	
ARTS AND HUMANITIES 1	\$7,773	\$7,920	121531
ARTS AND HUMANITIES 2	\$11,093	\$11,302	121532
ARTS AND HUMANITIES 3	\$14,209	\$14,477	121533
ARTS AND HUMANITIES 4	\$21,021	\$21,417	121534
ARTS AND HUMANITIES 5	\$35,834	\$36,509	121535
ARTS AND HUMANITIES 6	\$38,135	\$38,854	121536
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$7,311	\$7,449	121537
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$8,310	\$8,467	121538
BUSINESS, EDUCATION &	\$10,805	\$11,009	121539
			121540

SOCIAL SCIENCES 3			
BUSINESS, EDUCATION &	\$12,842	\$13,084	121541
SOCIAL SCIENCES 4			
BUSINESS, EDUCATION &	\$19,879	\$20,254	121542
SOCIAL SCIENCES 5			
BUSINESS, EDUCATION &	\$21,678	\$22,087	121543
SOCIAL SCIENCES 6			
BUSINESS, EDUCATION &	\$31,806	\$32,406	121544
SOCIAL SCIENCES 7			
SCIENCE, TECHNOLOGY,	\$7,244	\$7,380	121545
ENGINEERING,			
MATHEMATICS, MEDICINE			
1			
SCIENCE, TECHNOLOGY,	\$10,041	\$10,231	121546
ENGINEERING,			
MATHEMATICS, MEDICINE			
2			
SCIENCE, TECHNOLOGY,	\$11,841	\$12,064	121547
ENGINEERING,			
MATHEMATICS, MEDICINE			
3			
SCIENCE, TECHNOLOGY,	\$14,170	\$14,437	121548
ENGINEERING,			
MATHEMATICS, MEDICINE			
4			
SCIENCE, TECHNOLOGY,	\$19,290	\$19,654	121549
ENGINEERING,			
MATHEMATICS, MEDICINE			
5			
SCIENCE, TECHNOLOGY,	\$20,814	\$21,206	121550
ENGINEERING,			
MATHEMATICS, MEDICINE			
6			

SCIENCE, TECHNOLOGY, \$23,462 \$23,905 121551
ENGINEERING,
MATHEMATICS, MEDICINE

7

SCIENCE, TECHNOLOGY, \$36,983 \$37,680 121552
ENGINEERING,
MATHEMATICS, MEDICINE

8

SCIENCE, TECHNOLOGY, \$49,923 \$50,864 121553
ENGINEERING,
MATHEMATICS, MEDICINE

9

Doctoral I and Doctoral II models shall be allocated in 121554
accordance with division (D)(2) of this section. 121555

Medical I and Medical II models shall be allocated in 121556
accordance with divisions (D)(3) and (D)(4) of this section. 121557

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, 121558
AND GRADUATE WEIGHTS 121559

For the purpose of implementing the recommendations of the 121560
2006 State Share of Instruction Consultation and the Higher 121561
Education Funding Study Council that priority be given to 121562
maintaining state support for science, technology, engineering, 121563
mathematics, medicine, and graduate programs, the costs in 121564
division (B) of this section shall be weighted by the amounts 121565
provided below: 121566

Model	Fiscal Year 2016	Fiscal Year 2017	
ARTS AND HUMANITIES 1	1.0000	1.0000	121567
ARTS AND HUMANITIES 2	1.0000	1.0000	121568
ARTS AND HUMANITIES 3	1.0000	1.0000	121569
ARTS AND HUMANITIES 4	1.0000	1.0000	121570
ARTS AND HUMANITIES 5	1.0425	1.0425	121571
ARTS AND HUMANITIES 6	1.0425	1.0425	121572
			121573

BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	121574
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	121575
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	121576
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	121577
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	121578
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	121579
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	121580
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	121581
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	121582
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	121583
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	121584
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE	1.4222	1.4222	121585

5
SCIENCE, TECHNOLOGY, 1.8798 1.8798 121586
ENGINEERING,
MATHEMATICS, MEDICINE

6
SCIENCE, TECHNOLOGY, 1.4380 1.4380 121587
ENGINEERING,
MATHEMATICS, MEDICINE

7
SCIENCE, TECHNOLOGY, 1.5675 1.5675 121588
ENGINEERING,
MATHEMATICS, MEDICINE

8
SCIENCE, TECHNOLOGY, 1.1361 1.1361 121589
ENGINEERING,
MATHEMATICS, MEDICINE

9
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 121590
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES 121591

(1) Of the foregoing appropriation item 235501, State Share 121592
of Instruction, 50 per cent of the appropriation for universities, 121593
as established in division (A)(2) of the section of this act 121594
entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND 121595
2017," in each fiscal year shall be reserved for support of 121596
associate, baccalaureate, master's, and professional level degree 121597
attainment. 121598

The degree attainment funding shall be allocated to 121599
universities in proportion to each campus's share of the total 121600
statewide degrees granted, weighted by the cost of the degree 121601
programs. The degree cost calculations shall include the model 121602
cost weights for the science, technology, engineering, 121603
mathematics, and medicine models as established in division (C) of 121604

this section. 121605

For degrees including credits earned at multiple 121606
institutions, degree attainment funding shall be allocated to 121607
universities in proportion to each campus's share of the cost of 121608
earned credits for the degree. Each institution shall receive its 121609
prorated share of degree funding for credits earned at that 121610
institution. Cost of credits not earned at a university main or 121611
regional campus shall be credited to the degree-granting 121612
institution for the first degree earned by a student at each 121613
degree level. The cost credited to the degree-granting institution 121614
shall not be eligible for at-risk weights and shall be limited to 121615
12.5 per cent of the degree costs. However, the 12.5 per cent 121616
limitation shall not apply if the student transferred 12 or fewer 121617
credits into the degree granting institution. 121618

In calculating the subsidy entitlements for degree attainment 121619
for universities, the Chancellor of Higher Education shall use the 121620
following count of degrees and degree costs: 121621

(a) The subsidy eligible undergraduate degrees shall be 121622
defined as follows: 121623

(i) The subsidy eligible degrees conferred to students 121624
identified as residents of the state of Ohio in any term of their 121625
studies, as reported through the Higher Education Information 121626
(HEI) system student enrollment file, shall be weighted by a 121627
factor of 1. 121628

(ii) The subsidy eligible degrees conferred to students 121629
identified as out-of-state residents during all terms of their 121630
studies, as reported through the Higher Education Information 121631
(HEI) system student enrollment file, who remain in the state of 121632
Ohio at least one year after graduation, as calculated based on 121633
the three-year average in-state residency rate for out-of-state 121634
graduates at each institution, shall be weighted by a factor of 50 121635

per cent. 121636

(iii) Subsidy eligible associate degrees are defined as those 121637
earned by students attending any state-supported university main 121638
or regional campus. 121639

(b) In calculating each campus's count of degrees, the 121640
Chancellor of Higher Education shall use the three-year average 121641
associate, baccalaureate, master's, and professional degrees 121642
awarded for the three-year period ending in the prior year. 121643

(i) If a student is awarded an associate degree and, 121644
subsequently, is awarded a baccalaureate degree, the amount funded 121645
for the baccalaureate degree shall be limited to either the 121646
difference in cost between the cost of the baccalaureate degree 121647
and the cost of the associate degree paid previously, or if the 121648
associate degree has a higher cost than the baccalaureate degree, 121649
the cost of the credits earned by the student after the associate 121650
degree was awarded. 121651

(ii) If a student earns an associate degree then, 121652
subsequently, earns a baccalaureate degree, the associate degree 121653
granting institution shall only receive the prorated share of the 121654
baccalaureate degree funding for the credits earned at that 121655
institution after the associate degree is awarded. 121656

(iii) If a student earns more than one degree at the same 121657
institution at the same degree level in the same fiscal year, the 121658
funding for the highest cost degree shall be prorated among 121659
institutions based on where the credits were earned and additional 121660
degrees shall be funded at 25 per cent of the cost of the degrees. 121661

(c) Associate degrees and baccalaureate degrees earned by a 121662
student defined as at-risk based on academic underpreparation, 121663
age, minority status, or financial status, shall be defined as 121664
degrees earned by an at-risk student and shall be weighted by the 121665
following: 121666

A student-specific degree completion weight, where the weight is calculated based on the at-risk factors of the individual student, determined by calculating the difference between the percentage of students with each risk factor who earned a degree and the percentage of non-at-risk students who earned a degree.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, up to 11.78 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 and 2017," in each fiscal year shall be reserved for support of doctoral programs to implement the funding recommendations made by representatives of the universities. The amount so reserved shall be referred to as the doctoral set-aside.

In fiscal year 2016, NEOMED shall receive \$150,000 and in fiscal year 2017 NEOMED shall receive \$200,000 of the doctoral set-aside funding allocation with the remaining doctoral set-aside allocated to universities as follows:

(a) 47.50 per cent of the remaining doctoral set-aside in fiscal year 2016 and 40 per cent of the remaining doctoral set-aside in fiscal year 2017 shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Doctoral I equivalent FTEs as calculated on an institutional basis using historical FTEs for the period fiscal year 1994 through fiscal year 1998 with annualized FTEs for fiscal years 1994 through 1997 and all-term FTEs for fiscal year 1998 as adjusted to reflect the effects of doctoral review and subsequent changes in Doctoral I equivalent enrollments. For the purposes of this calculation, Doctoral I equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs.

(b) 35 per cent of the doctoral set-aside in fiscal year 2016 and 40 per cent of the doctoral set-aside in fiscal year 2017

shall be allocated to universities in proportion to each campus's 121699
share of the total statewide doctoral degrees, weighted by the 121700
cost of the doctoral discipline. In calculating each campus's 121701
doctoral degrees the Chancellor of Higher Education shall use the 121702
three-year average doctoral degrees awarded for the three-year 121703
period ending in the prior year. 121704

(c) 17.5 per cent of the doctoral set-aside in fiscal year 121705
2016 and 20 per cent of the doctoral set-aside in fiscal year 2017 121706
shall be allocated to universities in proportion to their share of 121707
research grant activity. Funding for this component shall be 121708
allocated to eligible universities in proportion to their share of 121709
research grant activity published by the National Science 121710
Foundation. Grant awards from the Department of Health and Human 121711
Services shall be weighted at 50 per cent. 121712

(3) Of the foregoing appropriation item 235501, State Share 121713
of Instruction, 6.41 per cent of the appropriation for 121714
universities, as established in division (A)(2) of the section of 121715
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 121716
2016 AND 2017," in each fiscal year shall be reserved for support 121717
of Medical II FTEs. The amount so reserved shall be referred to as 121718
the medical II set-aside. 121719

The medical II set-aside shall be allocated to universities 121720
in proportion to their share of the statewide total of each state 121721
institution's three-year average Medical II FTEs as calculated in 121722
division (A) of this section. 121723

In calculating the core subsidy entitlements for Medical II 121724
models only, students repeating terms may be no more than five per 121725
cent of current year enrollment. 121726

(4) Of the foregoing appropriation item 235501, State Share 121727
of Instruction, 1.48 per cent of the appropriation for 121728
universities, as established in division (A)(2) of the section of 121729

this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 121730
2016 AND 2017," in each fiscal year shall be reserved for support 121731
of Medical I FTEs. The amount so reserved shall be referred to as 121732
the medical I set-aside. 121733

The medical I set-aside shall be allocated to universities in 121734
proportion to their share of the statewide total of each state 121735
institution's three-year average Medical I FTEs as calculated in 121736
division (A) of this section. 121737

(5) In calculating the course completion funding for 121738
universities, the Chancellor of Higher Education shall use the 121739
following count of FTE students: 121740

(a) The subsidy eligible enrollments by model shall equal 121741
only those FTE students who successfully complete the course as 121742
defined and reported through the Higher Education Information 121743
(HEI) system course enrollment file; 121744

(b) Those undergraduate FTE students with successful course 121745
completions, identified in division (D)(5)(a) of this section, 121746
that had an expected family contribution less than 2190 or were 121747
determined to have been academically underprepared shall be 121748
defined as at-risk students and shall have their eligible 121749
completions weighted by the following: 121750

(i) Campus-specific course completion indexes, where the 121751
indexes are calculated based upon the number of at-risk students 121752
enrolled during the 2012 - 2014 academic years; and 121753

(ii) A statewide average at-risk course completion weight 121754
determined for each subsidy model. The statewide average at-risk 121755
course completion weight shall be determined by calculating the 121756
difference between the percentage of traditional students who 121757
complete a course and the percentage of at-risk students who 121758
complete the same course. 121759

(c) The course completion earnings shall be determined by 121760

multiplying the amounts listed above in divisions (B) and (C) of 121761
this section by the subsidy-eligible FTEs for the three-year 121762
period ending in the prior year for all models except Medical I, 121763
Medical II, Doctoral I, and Doctoral II. 121764

(d) For universities, the Chancellor of Higher Education 121765
shall compute the course completion earnings by dividing the 121766
appropriation for universities, established in division (A)(2) of 121767
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 121768
FISCAL YEARS 2016 AND 2017," and adjusted pursuant to division (B) 121769
of that section, less the degree attainment funding as calculated 121770
in division (D)(1) of this section, less the doctoral set-aside, 121771
less the medical I set-aside, and less the medical II set-aside, 121772
by the sum of all campuses' instructional costs as calculated in 121773
division (D)(5) of this section. 121774

(6) In addition to the Access Challenge funding as described 121775
in divisions (B)(1) and (B)(2) of the section of this act entitled 121776
"STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND 2017," 121777
doctoral set-aside, medical I set-aside, medical II set-aside, and 121778
the degree attainment allocation determined in division (D)(1) of 121779
this section and the course completion earnings calculated in 121780
division (D)(5) of this section, an allocation based on a 121781
facility-based plant operations and maintenance (POM) subsidy 121782
shall be made. 121783

(a) In fiscal year 2016, for each eligible university, the 121784
amount of the POM allocation shall be two-thirds of the POM 121785
distributed in fiscal year 2015 based on what each campus received 121786
in the fiscal year 2009 POM allocation. 121787

(b) In fiscal year 2017, for each eligible university, the 121788
amount of the POM allocation shall be one-third of the POM 121789
distributed in fiscal year 2015 based on what each campus received 121790
in the fiscal year 2009 POM allocation. 121791

(c) Any POM allocations required by this division shall be 121792
funded by proportionately reducing formula earnings, including the 121793
POM allocations, for all universities. 121794

(d) POM allocations shall expire on June 30, 2017. 121795

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 121796
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 121797

(1) Of the foregoing appropriation item 235501, State Share 121798
of Instruction, 50 per cent of the appropriation for 121799
state-supported community colleges, state community colleges, and 121800
technical colleges as established in division (A)(1) of the 121801
section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 121802
YEARS 2016 AND 2017," in each fiscal year shall be reserved for 121803
course completion FTEs as aggregated by the subsidy models defined 121804
in division (B) of this section. 121805

The course completion funding shall be allocated to campuses 121806
in proportion to each campus's share of the total sector's course 121807
completions, weighted by the instructional cost of the subsidy 121808
models. 121809

To calculate the subsidy entitlements for course completions 121810
at community colleges, state community colleges, and technical 121811
colleges, the Chancellor of Higher Education shall use the 121812
following calculations: 121813

(a) In calculating each campus's count of FTE course 121814
completions, the Chancellor of Higher Education shall use a 121815
three-year average for course completions for the three year 121816
period ending in the prior year. 121817

(b) The subsidy eligible enrollments by model shall equal 121818
only those FTE students who successfully complete the course as 121819
defined and reported through the Higher Education Information 121820
(HEI) system course enrollment file. 121821

(c) Those students with successful course completions, that 121822
are or have been Pell eligible at any time while enrolled at a 121823
state institution of higher education, meet the definition of 121824
minority status, are enrolled at a given institution after age 24, 121825
or are academically underprepared shall be defined as access 121826
students and shall have their eligible course completions weighted 121827
by a statewide access weight. The weight given to any student that 121828
meets any access factor shall be 15 per cent for all course 121829
completions. 121830

(d) The model costs as used in the calculation shall be 121831
augmented by the model weights for science, technology, 121832
engineering, mathematics, and medicine models as established in 121833
division (C) of this section. 121834

(2) Of the foregoing appropriation item 235501, State Share 121835
of Instruction, 25 per cent of the appropriation for 121836
state-supported community colleges, state community colleges, and 121837
technical colleges as established in division (A)(1) of the 121838
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 121839
FISCAL YEARS 2016 AND 2017," in each fiscal year shall be reserved 121840
for colleges in proportion to their share of college student 121841
success factors as recommended in formal communication from 121842
community college presidents to the Chancellor of Higher Education 121843
dated December 31, 2013, using a three year average. 121844

(3) Of the foregoing appropriation item 235501, State Share 121845
of Instruction, 25 per cent of the appropriation for 121846
state-supported community colleges, state community colleges, and 121847
technical colleges shall be reserved for completion milestones as 121848
identified in formal communication from community college 121849
presidents to the Chancellor of Higher Education dated December 121850
31, 2013. 121851

Completion milestones shall include associate degrees, 121852
certificates over 30 credit hours approved by the Department of 121853

Higher Education, and students transferring to any four-year 121854
institution with at least 12 credit hours earned at that community 121855
college, state community college, or technical college. 121856

The completion milestone funding shall be allocated to 121857
colleges in proportion to each institution's share of the sector's 121858
total completion milestones, weighted by the instructional cost of 121859
the associate degree, certificate, or transfer models. Costs for 121860
certificates over 30 hours shall be weighted one-half of the 121861
associate degree model costs and transfers with at least 12 credit 121862
hours shall be weighted one-fourth of the average cost for all 121863
associate degree model costs. 121864

(4) To calculate the subsidy entitlements for completions at 121865
community colleges, state community colleges, and technical 121866
colleges, the Chancellor of Higher Education shall use the 121867
following calculations: 121868

(a) In calculating each campus's count of completions, the 121869
Chancellor of Higher Education shall use a three-year average for 121870
completion metrics. 121871

(b) The subsidy eligible completions by model shall equal 121872
only those students who successfully complete an associate degree 121873
or certificate over 30 credit hours, or transfer to any four-year 121874
institution with at least 12 credit hours as defined and reported 121875
in the Higher Education Information (HEI) system. 121876

(c) Those students with successful completions for associate 121877
degrees, certificates over 30 credit hours, or transfer to any 121878
four-year institution with at least 12 credit hours, identified in 121879
division (E)(3) of this section, that are or have been Pell 121880
eligible at any time while enrolled at a state institution of 121881
higher education, meet the definition of minority status, first 121882
enrolled at a given institution after age 24, or are academically 121883
underprepared, shall be defined as access students and shall have 121884

their eligible completions weighted by a statewide access weight. 121885
The weight shall be 25 per cent for students with one access 121886
factor, 66 per cent for students with two access factors, 150 per 121887
cent for students with three access factors, and 200 per cent for 121888
students with four access factors. 121889

(d) For those students who complete more than one completion 121890
metric, funding for each additional associate degree or 121891
certificate over 30 credit hours approved by the Department of 121892
Higher Education shall be funded at 50 per cent of the model costs 121893
as defined in division (3) of this section. 121894

(F) CAPITAL COMPONENT DEDUCTION 121895

After all other adjustments have been made, state share of 121896
instruction earnings shall be reduced for each campus by the 121897
amount, if any, by which debt service charged in Am. H.B. 748 of 121898
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 121899
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 121900
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 121901
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 121902
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 121903
562 of the 127th General Assembly for that campus exceeds that 121904
campus's capital component earnings. The sum of the amounts 121905
deducted shall be transferred to appropriation item 235552, 121906
Capital Component, in each fiscal year. 121907

(G) EXCEPTIONAL CIRCUMSTANCES 121908

Adjustments may be made to the state share of instruction 121909
payments and other subsidies distributed by the Chancellor of 121910
Higher Education to state colleges and universities for 121911
exceptional circumstances. No adjustments for exceptional 121912
circumstances may be made without the recommendation of the 121913
Chancellor and the approval of the Controlling Board. 121914

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 121915

INSTRUCTION	121916
The standard provisions of the state share of instruction calculation as described in the preceding sections of temporary law shall apply to any reductions made to appropriation item 235501, State Share of Instruction, before the Chancellor of Higher Education has formally approved the final allocation of the state share of instruction funds for any fiscal year.	121917 121918 121919 121920 121921 121922
Any reductions made to appropriation item 235501, State Share of Instruction, after the Chancellor of Higher Education has formally approved the final allocation of the state share of instruction funds for any fiscal year, shall be uniformly applied to each campus in proportion to its share of the final allocation.	121923 121924 121925 121926 121927
(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION	121928
The state share of instruction payments to the institutions shall be in substantially equal monthly amounts during the fiscal year, unless otherwise determined by the Director of Budget and Management pursuant to section 126.09 of the Revised Code. Payments during the first six months of the fiscal year shall be based upon the state share of instruction appropriation estimates made for the various institutions of higher education and payments during the last six months of the fiscal year shall be based on the final data from the Chancellor of Higher Education.	121929 121930 121931 121932 121933 121934 121935 121936 121937
Section 369.160. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND 2017	121938 121939
(A) The foregoing appropriation item 235501, State Share of Instruction, shall be distributed according to the section of this act entitled "STATE SHARE OF INSTRUCTION FORMULAS."	121940 121941 121942
(1) Of the foregoing appropriation item 235501, State Share of Instruction, \$428,205,070 in fiscal year 2016 and \$436,769,171 in fiscal year 2017 shall be distributed to state-supported	121943 121944 121945

community colleges, state community colleges, and technical colleges. 121946
121947

(2) Of the foregoing appropriation item 235501, State Share of Instruction, \$1,429,546,937 in fiscal year 2016 and \$1,458,137,876 in fiscal year 2017 shall be distributed to state-supported university main and regional campuses. 121948
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121950
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(B) Of the amounts earmarked in division (A)(2) of this section: 121952
121953

(1) In fiscal year 2016, two-thirds of \$3,923,764 shall be distributed to university main campuses in proportion to each campus' share of the appropriation item 235418, Access Challenge, in fiscal year 2009. 121954
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121957

(2) In fiscal year 2017, one-third of \$3,923,764 shall be distributed to university main campuses in proportion to each campus' share of the appropriation item 235418, Access Challenge, in fiscal year 2009. 121958
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Of the foregoing appropriation item, 235501, State Share of Instruction, \$45,533,137 in fiscal year 2016 and \$84,509,503 in fiscal year 2017 shall be allocated to each state-supported institution of higher education proportionally based on each institution's share of total in-state undergraduate instructional and general fees for fiscal year 2015. Each institution participating in an approved tuition guarantee program under section 3345.48 of the Revised Code shall receive seventy per cent of its allocation in each fiscal year. The remaining thirty per cent of its allocation in each fiscal year shall be distributed to each institution not participating in an approved tuition guarantee program under section 3345.48 of the Revised Code in proportion and in addition to those institutions' original allocations. 121962
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Section 369.170. RESTRICTION ON FEE INCREASES 121976

In fiscal years 2016 and 2017, the boards of trustees of 121977
state institutions of higher education shall restrain increases in 121978
in-state undergraduate instructional and general fees. For the 121979
2015-2016 and 2016-2017 academic years, each state institution of 121980
higher education shall not increase its in-state undergraduate 121981
instructional and general fees over what the institution charged 121982
for the 2014-2015 academic year. 121983

These limitations shall not apply to increases required to 121984
comply with institutional covenants related to their obligations 121985
or to meet unfunded legal mandates or legally binding obligations 121986
incurred or commitments made prior to the effective date of this 121987
section with respect to which the institution had identified such 121988
fee increases as the source of funds. Any increase required by 121989
such covenants and any such mandates, obligations, or commitments 121990
shall be reported by the Chancellor of Higher Education to the 121991
Controlling Board. These limitations may also be modified by the 121992
Chancellor of Higher Education, with the approval of the 121993
Controlling Board, to respond to exceptional circumstances as 121994
identified by the Chancellor of Higher Education. 121995

These limitations shall not apply to institutions 121996
participating in an undergraduate tuition guarantee program 121997
pursuant to section 3345.48 of the Revised Code. 121998

Section 369.180. HIGHER EDUCATION - BOARD OF TRUSTEES 121999

(A) Funds appropriated for instructional subsidies at 122000
colleges and universities may be used to provide such branch or 122001
other off-campus undergraduate courses of study and such master's 122002
degree courses of study as may be approved by the Chancellor of 122003
Higher Education. 122004

(B) In providing instructional and other services to 122005

students, boards of trustees of state institutions of higher 122006
education shall supplement state subsidies with income from 122007
charges to students. Except as otherwise provided in this act, 122008
each board shall establish the fees to be charged to all students, 122009
including an instructional fee for educational and associated 122010
operational support of the institution and a general fee for 122011
noninstructional services, including locally financed student 122012
services facilities used for the benefit of enrolled students. The 122013
instructional fee and the general fee shall encompass all charges 122014
for services assessed uniformly to all enrolled students. Each 122015
board may also establish special purpose fees, service charges, 122016
and fines as required; such special purpose fees and service 122017
charges shall be for services or benefits furnished individual 122018
students or specific categories of students and shall not be 122019
applied uniformly to all enrolled students. A tuition surcharge 122020
shall be paid by all students who are not residents of Ohio. 122021

The board of trustees of a state institution of higher 122022
education shall not authorize a waiver or nonpayment of 122023
instructional fees or general fees for any particular student or 122024
any class of students other than waivers specifically authorized 122025
by law or approved by the Chancellor. This prohibition is not 122026
intended to limit the authority of boards of trustees to provide 122027
for payments to students for services rendered the institution, 122028
nor to prohibit the budgeting of income for staff benefits or for 122029
student assistance in the form of payment of such instructional 122030
and general fees. 122031

Each state institution of higher education in its statement 122032
of charges to students shall separately identify the instructional 122033
fee, the general fee, the tuition charge, and the tuition 122034
surcharge. Fee charges to students for instruction shall not be 122035
considered to be a price of service but shall be considered to be 122036
an integral part of the state government financing program in 122037

support of higher educational opportunity for students. 122038

(C) The boards of trustees of state institutions of higher 122039
education shall ensure that faculty members devote a proper and 122040
judicious part of their work week to the actual instruction of 122041
students. Total class credit hours of production per academic term 122042
per full-time faculty member is expected to meet the standards set 122043
forth in the budget data submitted by the Chancellor of Higher 122044
Education. 122045

(D) The authority of government vested by law in the boards 122046
of trustees of state institutions of higher education shall in 122047
fact be exercised by those boards. Boards of trustees may consult 122048
extensively with appropriate student and faculty groups. 122049
Administrative decisions about the utilization of available 122050
resources, about organizational structure, about disciplinary 122051
procedure, about the operation and staffing of all auxiliary 122052
facilities, and about administrative personnel shall be the 122053
exclusive prerogative of boards of trustees. Any delegation of 122054
authority by a board of trustees in other areas of responsibility 122055
shall be accompanied by appropriate standards of guidance 122056
concerning expected objectives in the exercise of such delegated 122057
authority and shall be accompanied by periodic review of the 122058
exercise of this delegated authority to the end that the public 122059
interest, in contrast to any institutional or special interest, 122060
shall be served. 122061

Section 369.190. STUDENT SUPPORT SERVICES 122062

The foregoing appropriation item 235502, Student Support 122063
Services, shall be distributed by the Chancellor of Higher 122064
Education to Ohio's state colleges and universities that incur 122065
disproportionate costs in the provision of support services to 122066
disabled students. 122067

Section 369.200. WAR ORPHANS SCHOLARSHIPS 122068

The foregoing appropriation item 235504, War Orphans 122069
Scholarships, shall be used to reimburse state institutions of 122070
higher education for waivers of instructional fees and general 122071
fees provided by them, to provide grants to institutions that have 122072
received a certificate of authorization from the Chancellor of 122073
Higher Education under Chapter 1713. of the Revised Code, in 122074
accordance with the provisions of section 5910.04 of the Revised 122075
Code, and to fund additional scholarship benefits provided by 122076
section 5910.032 of the Revised Code. 122077

Section 369.210. OHIOLINK 122078

The foregoing appropriation item 235507, OhioLINK, shall be 122079
used by the Chancellor of Higher Education to support OhioLINK, a 122080
consortium organized under division (T) of section 3333.04 of the 122081
Revised Code to serve as the state's electronic library 122082
information and retrieval system, which provides access statewide 122083
to an extensive set of electronic databases and resources, the 122084
library holdings of Ohio's public and participating private 122085
nonprofit colleges and universities, and the State Library of 122086
Ohio. 122087

Section 369.220. AIR FORCE INSTITUTE OF TECHNOLOGY 122088

The foregoing appropriation item 235508, Air Force Institute 122089
of Technology, shall be used to: (A) strengthen the research and 122090
educational linkages between the Wright Patterson Air Force Base 122091
and institutions of higher education in Ohio; and (B) support the 122092
Dayton Area Graduate Studies Institute, an engineering graduate 122093
consortium of Wright State University, the University of Dayton, 122094
and the Air Force Institute of Technology, with the participation 122095
of the University of Cincinnati and The Ohio State University. 122096

Section 369.230. OHIO SUPERCOMPUTER CENTER 122097

The foregoing appropriation item 235510, Ohio Supercomputer Center, shall be used by the Chancellor of Higher Education to support the operation of the Ohio Supercomputer Center, a consortium organized under division (T) of section 3333.04 of the Revised Code, located at The Ohio State University. The Ohio Supercomputer Center is a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate.

Funds shall be used, in part, to support the Ohio Supercomputer Center's Computational Science Initiative, which includes its industrial outreach program, Blue Collar Computing, and its School of Computational Science. These collaborations between the Ohio Supercomputer Center and Ohio's colleges and universities shall be aimed at making Ohio a leader in using computer modeling to promote economic development.

Section 369.240. COOPERATIVE EXTENSION SERVICE 122114

The foregoing appropriation item 235511, Cooperative Extension Service, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

Of the foregoing appropriation item 235511, Cooperative Extension Service, \$134,244 in fiscal year 2016 and \$141,136 in fiscal year 2017 shall be used to support salaries and benefits for one after-school 4-H Club at an elementary school in Cleveland and one after-school 4-H Club at an elementary school in Cincinnati.

Of the foregoing appropriation item 235511, Cooperative 122126

Extension Service, \$7,000 in each fiscal year shall be used to 122127
support mileage, telephone, supplies, and classroom activities 122128
costs at after-school 4-H Clubs in Cleveland and Cincinnati. 122129
Seventy per cent of this amount shall be spent directly in 122130
relation to student involvement in 4-H. 122131

Section 369.250. CENTRAL STATE SUPPLEMENT 122132

The foregoing appropriation item 235514, Central State 122133
Supplement, shall be disbursed by the Chancellor of Higher 122134
Education to Central State University in accordance with the plan 122135
developed by the Chancellor and submitted to the Governor and the 122136
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 122137
General Assembly. Funds shall be used in a manner consistent with 122138
the goals of increasing enrollment, improving course completion, 122139
and increasing the number of degrees conferred. 122140

The Chancellor shall monitor the implementation of the plan 122141
and the use of funds. Central State University shall provide any 122142
information requested by the Chancellor related to the 122143
implementation of the plan. If the Chancellor determines that 122144
Central State University's use of supplemental funds is not in 122145
accordance with the plan or if the plan is not having the desired 122146
effect, the Chancellor may notify Central State University that 122147
the plan is suspended. Upon receiving such notice, Central State 122148
University shall avoid all unnecessary expenditures under the 122149
plan. The Chancellor shall notify the Controlling Board of the 122150
suspension of the plan and within sixty days prepare a new plan 122151
for the use of any remaining funds. 122152

Section 369.260. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 122153
MEDICINE 122154

The foregoing appropriation item 235515, Case Western Reserve 122155
University School of Medicine, shall be disbursed to Case Western 122156

Reserve University through the Chancellor of Higher Education in 122157
accordance with agreements entered into under section 3333.10 of 122158
the Revised Code, provided that the state support per full-time 122159
medical student shall not exceed that provided to full-time 122160
medical students at state universities. 122161

Section 369.270. FAMILY PRACTICE 122162

The Chancellor of Higher Education shall develop plans 122163
consistent with existing criteria and guidelines as may be 122164
required for the distribution of appropriation item 235519, Family 122165
Practice. 122166

Section 369.280. SHAWNEE STATE SUPPLEMENT 122167

The foregoing appropriation item 235520, Shawnee State 122168
Supplement, shall be disbursed by the Chancellor of Higher 122169
Education to Shawnee State University in accordance with the plan 122170
developed by the Chancellor and submitted to the Governor and the 122171
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 122172
General Assembly. Funds shall be used in a manner consistent with 122173
the goals of improving course completion, increasing the number of 122174
degrees conferred, and furthering the university's mission of 122175
service to the Appalachian region. 122176

The Chancellor shall monitor the implementation of the plan 122177
and the use of funds. Shawnee State University shall provide any 122178
information requested by the Chancellor related to the 122179
implementation of the plan. If the Chancellor determines that 122180
Shawnee State University's use of supplemental funds is not in 122181
accordance with the plan or if the plan is not having the desired 122182
effect, the Chancellor may notify Shawnee State University that 122183
the plan is suspended. Upon receiving such notice, Shawnee State 122184
University shall avoid all unnecessary expenditures under the 122185
plan. The Chancellor shall notify the Controlling Board of the 122186

suspension of the plan and within sixty days prepare a new plan 122187
for the use of any remaining funds. 122188

Section 369.290. POLICE AND FIRE PROTECTION 122189

The foregoing appropriation item 235524, Police and Fire 122190
Protection, shall be used for police and fire services in the 122191
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 122192
Portsmouth, Xenia Township (Greene County), Rootstown Township, 122193
and the City of Nelsonville that may be used to assist these local 122194
governments in providing police and fire protection for the 122195
central campus of the state-affiliated university located therein. 122196

Section 369.300. GERIATRIC MEDICINE 122197

The Chancellor of Higher Education shall develop plans 122198
consistent with existing criteria and guidelines as may be 122199
required for the distribution of appropriation item 235525, 122200
Geriatric Medicine. 122201

Section 369.310. PRIMARY CARE RESIDENCIES 122202

The Chancellor of Higher Education shall develop plans 122203
consistent with existing criteria and guidelines as may be 122204
required for the distribution of appropriation item 235526, 122205
Primary Care Residencies. 122206

The foregoing appropriation item 235526, Primary Care 122207
Residencies, shall be distributed in each fiscal year of the 122208
biennium, based on whether or not the institution has submitted 122209
and gained approval for a plan. If the institution does not have 122210
an approved plan, it shall receive five per cent less funding per 122211
student than it would have received from its annual allocation. 122212
The remaining funding shall be distributed among those 122213
institutions that meet or exceed their targets. 122214

Section 369.320. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 122215
CENTER 122216

The foregoing appropriation item 235535, Ohio Agricultural 122217
Research and Development Center, shall be disbursed through the 122218
Chancellor of Higher Education to The Ohio State University in 122219
monthly payments, unless otherwise determined by the Director of 122220
Budget and Management under section 126.09 of the Revised Code. 122221
The Ohio Agricultural Research and Development Center shall not be 122222
required to remit payment to The Ohio State University during the 122223
biennium ending June 30, 2017, for cost reallocation assessments. 122224
The cost reallocation assessments include, but are not limited to, 122225
any assessment on state appropriations to the Center. 122226

The Ohio Agricultural Research and Development Center, an 122227
entity of the College of Food, Agricultural, and Environmental 122228
Sciences of The Ohio State University, shall further its mission 122229
of enhancing Ohio's economic development and job creation by 122230
continuing to internally allocate on a competitive basis 122231
appropriated funding of programs based on demonstrated 122232
performance. Academic units, faculty, and faculty-driven programs 122233
shall be evaluated and rewarded consistent with agreed-upon 122234
performance expectations as called for in the College's 122235
Expectations and Criteria for Performance Assessment. 122236

Section 369.330. STATE UNIVERSITY CLINICAL TEACHING 122237

The foregoing appropriation items 235536, The Ohio State 122238
University Clinical Teaching; 235537, University of Cincinnati 122239
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 122240
235539, Wright State University Clinical Teaching; 235540, Ohio 122241
University Clinical Teaching; and 235541, Northeast Ohio Medical 122242
University Clinical Teaching, shall be distributed through the 122243
Chancellor of Higher Education. 122244

Section 369.340. CAPITAL COMPONENT 122245

The foregoing appropriation item 235552, Capital Component, 122246
shall be used by the Chancellor of Higher Education to provide 122247
funding for prior commitments made pursuant to the state's former 122248
capital funding policy for state colleges and universities that 122249
was originally established in Am. H.B. 748 of the 121st General 122250
Assembly. Appropriations from this item shall be distributed to 122251
all campuses for which the estimated campus debt service 122252
attributable to qualifying capital projects was less than the 122253
campus's formula-determined capital component allocation. Campus 122254
allocations shall be determined by subtracting the estimated 122255
campus debt service attributable to qualifying capital projects 122256
from the campus's formula-determined capital component allocation. 122257
Moneys distributed from this appropriation item shall be 122258
restricted to capital-related purposes. 122259

Any campus for which the estimated campus debt service 122260
attributable to qualifying capital projects is greater than the 122261
campus's formula-determined capital component allocation shall 122262
have the difference subtracted from its State Share of Instruction 122263
allocation in each fiscal year. Appropriation equal to the sum of 122264
all such amounts except that of the Ohio Agricultural Research and 122265
Development Center shall be transferred from appropriation item 122266
235501, State Share of Instruction, to appropriation item 235552, 122267
Capital Component. Appropriation equal to any estimated Ohio 122268
Agricultural Research and Development Center debt service 122269
attributable to qualifying capital projects that is greater than 122270
the Center's formula-determined capital component allocation shall 122271
be transferred from appropriation item 235535, Ohio Agricultural 122272
Research and Development Center, to appropriation item 235552, 122273
Capital Component. 122274

Section 369.350. LIBRARY DEPOSITORIES 122275

The foregoing appropriation item 235555, Library 122276
Depositories, shall be distributed to the state's five regional 122277
depository libraries for the cost-effective storage of and access 122278
to lesser-used materials in university library collections. The 122279
depositories shall be administrated by the Chancellor of Higher 122280
Education, or by OhioLINK at the discretion of the Chancellor. 122281

Section 369.360. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 122282

The foregoing appropriation item 235556, Ohio Academic 122283
Resources Network, shall be used by the Chancellor of Higher 122284
Education to support the operations of the Ohio Academic Resources 122285
Network, a consortium organized under division (T) of section 122286
3333.04 of the Revised Code, which shall include support for 122287
Ohio's colleges and universities in maintaining and enhancing 122288
network connections, using new network technologies to improve 122289
research, education, and economic development programs, and 122290
sharing information technology services. To the extent network 122291
capacity is available, OARnet shall support allocating bandwidth 122292
to eligible programs directly supporting Ohio's economic 122293
development. 122294

Section 369.370. LONG-TERM CARE RESEARCH 122295

The foregoing appropriation item 235558, Long-term Care 122296
Research, shall be disbursed to Miami University for long-term 122297
care research. 122298

Section 369.380. OHIO COLLEGE OPPORTUNITY GRANT 122299

(A) Except as provided in division (C) of this section: 122300

Of the foregoing appropriation item 235563, Ohio College 122301
Opportunity Grant, \$88,914,884 in fiscal year 2016 and \$91,747,278 122302
in fiscal year 2017 shall be used by the Chancellor of Higher 122303
Education to award need-based financial aid to students enrolled 122304

in eligible public and private nonprofit institutions of higher 122305
education, excluding early college high school and post-secondary 122306
enrollment option participants. 122307

The remainder of the foregoing appropriation item 235563, 122308
Ohio College Opportunity Grant, shall be used by the Chancellor of 122309
Higher Education to award needs-based financial aid to students 122310
enrolled in eligible private for-profit career colleges and 122311
schools. 122312

(B)(1) As used in this section: 122313

(a) "Eligible institution" means any institution described in 122314
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 122315
Code. 122316

(b) The three "sectors" of institutions of higher education 122317
consist of the following: 122318

(i) State colleges and universities, community colleges, 122319
state community colleges, university branches, and technical 122320
colleges; 122321

(ii) Eligible private nonprofit institutions of higher 122322
education; 122323

(iii) Eligible private for-profit career colleges and 122324
schools. 122325

(2) Awards for students attending eligible private nonprofit 122326
institutions of higher education shall be determined at twice the 122327
rate of the awards for students attending eligible public 122328
institutions of higher education. 122329

(3) For students attending an eligible institution 122330
year-round, awards may be distributed on an annual basis, once 122331
Pell grants have been exhausted. 122332

(4) If the Chancellor determines that the amounts 122333
appropriated for support of the Ohio College Opportunity Grant 122334

program are inadequate to provide grants to all eligible students 122335
as calculated under division (D) of section 3333.122 of the 122336
Revised Code, the Chancellor may create a distribution formula for 122337
fiscal year 2016 and fiscal year 2017 based on the formula used in 122338
fiscal year 2015, or may follow methods established in division 122339
(C)(1)(a) or (b) of section 3333.122 of the Revised Code. The 122340
Chancellor shall notify the Controlling Board of the distribution 122341
method. Any formula calculated under this division shall be 122342
complete and established to coincide with the start of the 122343
2015-2016 academic year. 122344

(C) Prior to determining the amount of funds available to 122345
award under this section and section 3333.122 of the Revised Code, 122346
the Chancellor shall use the foregoing appropriation item 235563, 122347
Ohio College Opportunity Grant, to pay for renewals or partial 122348
renewals of scholarships students receive under the Ohio Academic 122349
Scholarship Program under sections 3333.21 and 3333.22 of the 122350
Revised Code. In paying for scholarships under this division, the 122351
Chancellor shall deduct funds from the allocations made under 122352
division (A) of this section. Deductions shall be proportionate to 122353
the amounts allocated to each sector from the total amounts 122354
appropriated for each sector under the foregoing appropriation 122355
item 235563, Ohio College Opportunity Grant. 122356

In each fiscal year, the Chancellor shall spend the full 122357
amounts appropriated under the foregoing appropriation item 122358
235563, Ohio College Opportunity Grant. However, with the 122359
exception of sections 3333.121 and 3333.124 of the Revised Code 122360
and Section 363.530 of this act, the Chancellor shall not 122361
distribute or obligate or commit to be distributed an amount 122362
greater than what is appropriated under the foregoing 122363
appropriation item 235563, Ohio College Opportunity Grant. 122364

(D) The Chancellor shall establish, and post on the 122365
Department of Higher Education's web site, award tables based on 122366

any formulas created under division (B) of this section. The 122367
Chancellor shall notify students and institutions of any 122368
reductions in awards under this section. 122369

On or before August 31, 2015, the Chancellor of Higher 122370
Education shall submit award tables to the Controlling Board for 122371
the 2015-2016 academic year and allocations of Ohio College 122372
Opportunity Grant awards not already specified in section 3333.122 122373
of the Revised Code. 122374

(E) Notwithstanding section 3333.122 of the Revised Code, no 122375
student shall be eligible to receive an Ohio College Opportunity 122376
Grant for more than ten semesters, fifteen quarters, or the 122377
equivalent of five academic years, less the number of semesters or 122378
quarters in which the student received an Ohio Instructional 122379
Grant. 122380

Section 369.390. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 122381

The foregoing appropriation item 235572, The Ohio State 122382
University Clinic Support, shall be distributed through the 122383
Chancellor of Higher Education to The Ohio State University for 122384
support of dental and veterinary medicine clinics. 122385

Section 369.393. CO-OP INTERNSHIP PROGRAM 122386

Of the foregoing appropriation item 235591, Co-op Internship 122387
Program, \$75,000 in each fiscal year shall be used to support the 122388
operations of Ohio University's Voinovich School of Leadership and 122389
Public Affairs. 122390

Of the foregoing appropriation item 235591, Co-op Internship 122391
Program, \$75,000 in each fiscal year, shall be used to support the 122392
operations of The Ohio State University's John Glenn College of 122393
Public Affairs. 122394

Of the foregoing appropriation item 235591, Co-op Internship 122395

Program, \$75,000 in each fiscal year shall be used to support the 122396
Bliss Institute of Applied Politics at the University of Akron. 122397

Of the foregoing appropriation item 235591, Co-op Internship 122398
Program, \$75,000 in each fiscal year shall be used to support the 122399
Center for Public Management and Regional Affairs at Miami 122400
University. 122401

Of the foregoing appropriation item 235591, Co-op Internship 122402
Program, \$245,000 in each fiscal year shall be used to support 122403
students who attend institutions of higher education in Ohio and 122404
are participating in the Washington Center Internship Program. 122405

Of the foregoing appropriation item 235591, Co-op Internship 122406
Program, \$75,000 in each fiscal year shall be used to support the 122407
Ohio Center for the Advancement of Women in Public Service at the 122408
Maxine Goodman Levin College of Urban Affairs at Cleveland State 122409
University. 122410

Of the foregoing appropriation item 235591, Co-op Internship 122411
Program, \$75,000 in each fiscal year shall be used to support the 122412
University of Cincinnati Internship Program. 122413

Of the foregoing appropriation item 235591, Co-op Internship 122414
Program, \$75,000 in each fiscal year shall be used to support the 122415
operations of the Center for Regional Development at Bowling Green 122416
State University. 122417

Of the foregoing appropriation item 235591, Co-op Internship 122418
Program, \$75,000 in each fiscal year shall be used to support the 122419
operations of the Center for Liberal Arts Student Success at 122420
Wright State University. 122421

Of the foregoing appropriation item 235591, Co-op Internship 122422
Program, \$75,000 in each fiscal year shall be used to support the 122423
Kent State University Columbus Program. 122424

Of the foregoing appropriation item 235591, Co-op Internship 122425

Program, \$75,000 in each fiscal year shall be used to support the 122426
University of Toledo Urban Affairs Center. 122427

Of the foregoing appropriation item 235591, Co-op Internship 122428
Program, \$10,000 in each fiscal year shall be provided to the Ohio 122429
College Access Network to support the Ohio Student Education 122430
Policy Institute. 122431

Of the foregoing appropriation item 235591, Co-op Internship 122432
Program, \$75,000 in each fiscal year shall be used to support the 122433
Center for Urban and Regional Studies at Youngstown State 122434
University. 122435

Of the foregoing appropriation item 235591, Co-op Internship 122436
Program, \$250,000 shall be used to establish and support the 122437
Wright State Policy Institute at Wright State University and the 122438
Workforce Immersion Program at the Wright State Policy Institute. 122439
The Wright State Policy Institute shall offer a premier leadership 122440
development program designed to identify, educate, and motivate a 122441
network of future community leaders and critical workforce as well 122442
as increase their capacity to serve their community, state, and 122443
country while preparing to enter public service or for in-demand 122444
jobs in Ohio. The Workforce Immersion Program shall provide an 122445
intensive learning and pre-professional experience in four tracks: 122446
local government, state government, federal government, and 122447
in-demand jobs as identified by OhioMeansJobs. It shall increase 122448
the number of students pursuing careers in public services and 122449
in-demand occupations and encourage them to remain in Ohio for 122450
their employment. 122451

Section 369.400. NATIONAL GUARD SCHOLARSHIP PROGRAM 122452

The Chancellor of Higher Education shall disburse funds from 122453
appropriation item 235599, National Guard Scholarship Program. 122454
During each fiscal year, the Chancellor of Higher Education, as 122455
soon as possible after cancellation, may certify to the Director 122456

of Budget and Management the amount of canceled prior-year 122457
encumbrances in appropriation item 235599, National Guard 122458
Scholarship Program. Upon receipt of the certification, the 122459
Director of Budget and Management may transfer cash in an amount 122460
up to the amount certified from the General Revenue Fund to the 122461
National Guard Scholarship Reserve Fund (Fund 5BM0). 122462

Section 369.410. PLEDGE OF FEES 122463

Any new pledge of fees, or new agreement for adjustment of 122464
fees, made in the biennium ending June 30, 2017, to secure bonds 122465
or notes of a state institution of higher education for a project 122466
for which bonds or notes were not outstanding on the effective 122467
date of this section shall be effective only after approval by the 122468
Chancellor of Higher Education, unless approved in a previous 122469
biennium. 122470

Section 369.420. HIGHER EDUCATION GENERAL OBLIGATION BOND 122471
DEBT SERVICE 122472

The foregoing appropriation item 235909, Higher Education 122473
General Obligation Bond Debt Service, shall be used to pay all 122474
debt service and related financing costs during the period from 122475
July 1, 2015, through June 30, 2017, for obligations issued under 122476
sections 151.01 and 151.04 of the Revised Code. 122477

Section 369.430. SALES AND SERVICES 122478

The Chancellor of Higher Education is authorized to charge 122479
and accept payment for the provision of goods and services. Such 122480
charges shall be reasonably related to the cost of producing the 122481
goods and services. Except as otherwise provided by law, no 122482
charges may be levied for goods or services that are produced as 122483
part of the routine responsibilities or duties of the Chancellor. 122484
All revenues received by the Chancellor of Higher Education shall 122485

be deposited into Fund 4560, and may be used by the Chancellor of 122486
Higher Education to pay for the costs of producing the goods and 122487
services. 122488

Section 369.440. HIGHER EDUCATIONAL FACILITY COMMISSION 122489
ADMINISTRATION 122490

The foregoing appropriation item 235602, Higher Educational 122491
Facility Commission Administration, shall be used by the 122492
Chancellor of Higher Education for operating expenses related to 122493
the Chancellor of Higher Education's support of the activities of 122494
the Ohio Higher Educational Facility Commission. Upon the request 122495
of the Chancellor of Higher Education, the Director of Budget and 122496
Management may transfer up to \$29,100 cash in each fiscal year 122497
from the HEFC Operating Expenses Fund (Fund 4610) to the HEFC 122498
Administration Fund (Fund 4E80). 122499

Section 369.450. TELECOMMUNITY AND DISTANCE LEARNING 122500

Of the foregoing appropriation item 235674, Telecommunity and 122501
Distance Learning, up to \$25,000 in each fiscal year shall be 122502
distributed by the Chancellor of Higher Education on a grant basis 122503
to eligible school districts to establish "distance learning" 122504
through interactive video technologies in the school district. Per 122505
agreements with eight Ohio local telephone companies, ALLTEL Ohio, 122506
CENTURY Telephone of Ohio, Chillicothe Telephone Company, 122507
Cincinnati Bell Telephone Company, Orwell Telephone Company, 122508
Sprint North Central Telephone, VERIZON, and Western Reserve 122509
Telephone Company, school districts are eligible for funds if they 122510
are within one of the listed telephone company service areas. 122511
Funds to administer the program shall be expended by the 122512
Chancellor of Higher Education up to the amount specified in the 122513
agreements with the listed telephone companies. 122514

Within thirty days after the effective date of this section, 122515

the Director of Budget and Management shall transfer to Fund 4X10 122516
in the Dedicated Purpose Fund Group any investment earnings from 122517
moneys paid by any telephone company as part of any settlement 122518
agreement between the listed companies and the Public Utilities 122519
Commission in fiscal years 1996 and beyond. 122520

Of the foregoing appropriation item 235674, Telecommunity and 122521
Distance Learning, up to \$24,150 in each fiscal year shall be 122522
distributed by the Chancellor of Higher Education on a grant basis 122523
to eligible school districts to establish "distance learning" in 122524
the school district. Per an agreement with Ameritech, school 122525
districts are eligible for funds if they are within an Ameritech 122526
service area. Funds to administer the program shall be expended by 122527
the Chancellor of Higher Education up to the amount specified in 122528
the agreement with Ameritech. 122529

Within thirty days after the effective date of this section, 122530
the Director of Budget and Management shall transfer to Fund 4X10 122531
in the Dedicated Purpose Fund Group any investment earnings from 122532
moneys paid by any telephone company as part of a settlement 122533
agreement between the company and the Public Utilities Commission 122534
in fiscal year 1995. 122535

Section 369.453. REGIONAL PARTNERSHIP AND TRAINING CENTER 122536

The foregoing appropriation item 235620, Regional Partnership 122537
and Training Center, shall be used by Ohio University Southern in 122538
Ironton to establish the Higher Education Regional Partnership and 122539
Training Center at the Point Industrial Park to bring necessary 122540
technical degree and training programs to Lawrence County and the 122541
surrounding region. 122542

Section 369.455. DEFENSE/AEROSPACE WORKFORCE DEVELOPMENT 122543
INITIATIVE 122544

The foregoing appropriation item 235668, Defense/Aerospace 122545

Workforce Development Initiative, shall be used by the Applied 122546
Research Corporation to collaborate with the aviation, aerospace, 122547
and defense industries, to strengthen job training programs, equip 122548
Ohio's workforce with needed skills, and strengthen and grow 122549
research and educational linkages among Ohio's defense and 122550
aerospace aviation industry, federal agencies, state-assisted Ohio 122551
universities, and the University System of Ohio. A portion of 122552
these funds shall be used to support the Aerospace Professional 122553
Development Center to establish processes necessary to link 122554
underemployed or unemployed persons to job openings in these 122555
industries. The funds appropriated in this appropriation item 122556
shall be matched by private industry or educational partners or 122557
federal agencies in the aggregate amount of \$4,000,000 over the FY 122558
2016-FY 2017 biennium. 122559

Of the foregoing appropriation item 235668, Defense/Aerospace 122560
Workforce Development Initiative, \$100,000 in fiscal year 2016 122561
shall be awarded to the largest Chamber of Commerce in each 122562
JobsOhio region to support workforce development and talent 122563
attraction efforts for in-demand career opportunities in order to 122564
provide parents, students, and teachers with information about the 122565
skills needed in targeted industries, with the goal of building a 122566
strong regional pipeline of future workers who can fill 122567
high-paying, sustainable positions in the key industries of each 122568
JobsOhio region. In addition to reaching parents, students, and 122569
teachers, the projects shall also work to retain the talent 122570
developed by engaging interns and potential employees from outside 122571
the area in the region's quality of life issues and exploration of 122572
in-demand jobs within the region's targeted industries. 122573

Section 369.470. OHIO MEANS JOBS WORKFORCE DEVELOPMENT 122574
REVOLVING LOAN PROGRAM 122575

The foregoing appropriation item 235684, OhioMeansJobs 122576

Workforce Development Revolving Loan Program, shall be used for 122577
the OhioMeansJobs Workforce Development Revolving Loan Program to 122578
provide loans to individuals for workforce training. 122579

Of the foregoing appropriation item 235684, OhioMeansJobs 122580
Workforce Development Revolving Loan Program, up to \$250,000 in 122581
fiscal year 2016 may be used by the Chancellor of Higher Education 122582
to administer the program. 122583

An amount equal to the unexpended, unencumbered portion of 122584
the foregoing appropriation item 235684, OhioMeansJobs Workforce 122585
Development Revolving Loan Program, at the end of fiscal year 2015 122586
is hereby reappropriated to the Treasurer of State appropriation 122587
item, 090610, OhioMeansJobs Workforce Development Revolving Loan 122588
Program, for the same purpose for fiscal year 2016. 122589

Any unexpended and unencumbered portion of the foregoing 122590
appropriation item 235684, OhioMeansJobs Workforce Development 122591
Revolving Loan Program, at the end of fiscal year 2016 is hereby 122592
reappropriated for the same purpose in fiscal year 2017. To the 122593
extent that reappropriated funds are available, of the foregoing 122594
appropriation item 235684, OhioMeansJobs Workforce Development 122595
Revolving Loan Program, up to \$250,000 in fiscal year 2017 may be 122596
used by the Chancellor of Higher Education to administer the 122597
program. 122598

Section 369.490. STATE NEED-BASED FINANCIAL AID 122599
RECONCILIATION 122600

By the first day of August in each fiscal year, or as soon as 122601
possible thereafter, the Chancellor of Higher Education shall 122602
certify to the Director of Budget and Management the amount 122603
necessary to pay any outstanding prior year obligations to higher 122604
education institutions for the state's need-based financial aid 122605
programs. The amounts certified are hereby appropriated to 122606
appropriation item 235618, State Need-based Financial Aid 122607

Reconciliation, from revenues received in the State Need-based 122608
Financial Aid Reconciliation Fund (Fund 5Y50). 122609

Section 369.500. NURSING LOAN PROGRAM 122610

The foregoing appropriation item 235606, Nursing Loan 122611
Program, shall be used to administer the nurse education 122612
assistance program. Up to \$50,000 in each fiscal year may be used 122613
for operating expenses associated with the program. Any additional 122614
funds needed for the administration of the program are subject to 122615
Controlling Board approval. 122616

Section 369.510. RESEARCH INCENTIVE THIRD FRONTIER FUND 122617

The foregoing appropriation item 235634, Research Incentive 122618
Third Frontier Fund, shall be used by the Chancellor of Higher 122619
Education to advance collaborative research at institutions of 122620
higher education. Of the foregoing appropriation item 235634, 122621
Research Incentive Third Frontier Fund, up to \$2,000,000 in each 122622
fiscal year may be allocated toward research regarding the 122623
improvement of water quality. Of the foregoing appropriation item 122624
235634, Research Incentive Third Frontier Fund, up to \$1,000,000 122625
in each fiscal year may be allocated toward research regarding the 122626
reduction of infant mortality. 122627

Section 369.513. FEDERAL RESEARCH CENTER NETWORK 122628

The foregoing appropriation item 235699, Federal Research 122629
Center Network, shall be allocated to Applied Research Corporation 122630
to collaborate with Wright Patterson Air Force Base, NASA Glenn 122631
Research Center, Ohio's research universities, and the private 122632
sector to align the state's research assets with emerging missions 122633
and job growth opportunities emanating from the two federal 122634
installations, strengthen related workforce development and 122635
technology commercialization programs, and better position the 122636

state's university system to directly impact new job creation in 122637
Ohio. A portion of the foregoing appropriation item shall be used 122638
to support the growth of small business federal contractors in the 122639
state and expand the participation of Ohio businesses in the 122640
federal Small Business Innovation Research Program and related 122641
federal programs. The foregoing appropriation item shall be used 122642
for "research and development purposes" as defined under Article 122643
VIII, Section 2p of the Ohio Constitution. 122644

Section 369.520. VETERANS PREFERENCES 122645

The Chancellor of Higher Education shall work with the 122646
Department of Veterans Services to develop specific veterans 122647
preference guidelines for higher education institutions. These 122648
guidelines shall ensure that the institutions' hiring practices 122649
are in accordance with the intent of Ohio's veterans preference 122650
laws. 122651

Section 369.530. (A) As used in this section: 122652

(1) "Board of trustees" includes the managing authority of a 122653
university branch district. 122654

(2) "State institution of higher education" has the same 122655
meaning as in section 3345.011 of the Revised Code. 122656

(B) The board of trustees of any state institution of higher 122657
education, notwithstanding any rule of the institution to the 122658
contrary, may adopt a policy providing for mandatory furloughs of 122659
employees, including faculty, to achieve spending reductions 122660
necessitated by institutional budget deficits. 122661

Section 369.540. EFFICIENCY ADVISORY COMMITTEE 122662

The Chancellor of Higher Education shall maintain an 122663
efficiency advisory committee for the purpose of generating 122664
optimal efficiency plans for campuses, identifying shared services 122665

opportunities, streamlining administrative operations, and sharing 122666
best practices in efficiencies among public institutions of higher 122667
education. The committee shall meet at the call of the Chancellor 122668
or the Chancellor's designee. Each state institution of higher 122669
education shall designate an employee to serve as its efficiency 122670
officer responsible for the evaluation and improvement of 122671
operational efficiencies on campus. Each efficiency officer shall 122672
serve on the efficiency advisory committee. 122673

By December 31 of each year, the Chancellor of Higher 122674
Education shall provide a report to the Office of Budget and 122675
Management, the Governor, and the General Assembly compiling 122676
efficiency reports from all public institutions of higher 122677
education and benchmarking efficiency gains realized over the 122678
preceding year. The reports from each institution shall identify 122679
efficiencies at each public institution of higher education, and 122680
quantify revenue enhancements, reallocation of resources, expense 122681
reductions, and cost avoidance where possible in the areas of 122682
general operational functions, academic program delivery, energy 122683
usage, and information technology and procurement reforms. The 122684
reports shall particularly emphasize areas where these reforms are 122685
demonstrating savings or cost avoidance to students. The report 122686
shall also be made available to the public on the Department of 122687
Higher Education's web site. 122688

Section 369.550. AGENCY NAME CHANGE 122689

On the effective date of this section, the office of the 122690
Chancellor of the Board of Regents is renamed the Department of 122691
Higher Education. The office of the Chancellor of the Board of 122692
Regents' functions, and its assets and liabilities, are 122693
transferred to the Department of Higher Education. The Department 122694
of Higher Education is successor to, assumes the obligations and 122695
authority of, and otherwise continues the office of the Chancellor 122696

of the Board of Regents. No right, privilege, or remedy, and no 122697
duty, liability, or obligation, accrued under the office of the 122698
Chancellor of the Board of Regents is impaired or lost by reason 122699
of the renaming and shall be recognized, administered, performed, 122700
or enforced by the Department of Higher Education. 122701

Business commenced but not completed by the office of the 122702
Chancellor of the Board of Regents or by the Chancellor shall be 122703
completed by the Department of Higher Education or the Chancellor 122704
of Higher Education in the same manner, and with the same effect, 122705
as if completed by the office of the Chancellor of the Board of 122706
Regents or the Chancellor. 122707

All of the office of the Chancellor of the Board of Regents' 122708
rules, orders, and determinations continue in effect as rules, 122709
orders, and determinations of the Department of Higher Education 122710
until modified or rescinded by the Department of Higher Education. 122711

All employees of the office of the Chancellor of the Board of 122712
Regents continue with the Department of Higher Education and 122713
retain their positions and all benefits accruing thereto. 122714

Except as otherwise noted in law, whenever the Board of 122715
Regents or the Chancellor of the Board of Regents is referred to 122716
in a statute, contract, or other instrument, the reference is 122717
deemed to refer to the Department of Higher Education or to the 122718
Chancellor of Higher Education, whichever is appropriate in 122719
context. 122720

No pending action or proceeding being prosecuted or defended 122721
in court or before an agency by the office of the Chancellor of 122722
the Board of Regents or by the Chancellor of the Board of Regents 122723
is affected by the renaming and shall be prosecuted or defended in 122724
the name of the Department of Higher Education or the Chancellor 122725
of Higher Education, whichever is appropriate. Upon application to 122726
the court or agency, the Department of Higher Education or the 122727

Chancellor of Higher Education shall be substituted. 122728

Section 369.560. OHIO TASK FORCE ON AFFORDABILITY AND 122729
EFFICIENCY IN HIGHER EDUCATION REPORT 122730

Upon submission of the Ohio task force on affordability and 122731
efficiency in higher education report as established by governor's 122732
executive order, all boards of trustees for state institutions of 122733
higher education as defined in section 3345.011 of the Revised 122734
Code, shall complete, by July 1, 2016, an efficiency review based 122735
on the report and recommendations of the task force, and provide a 122736
report to the Chancellor of Higher Education within 30 days of the 122737
completion of the efficiency review that includes how each 122738
institution will implement the recommendations and any other cost 122739
savings measures. 122740

Section 369.570. WORK EXPERIENCE STRATEGIES 122741

By December 31, 2015, the Chancellor of Higher Education, in 122742
consultation with state institutions of higher education as 122743
defined in section 3345.011 of the Revised Code and nonprofit 122744
institutions of higher education that have certificates of 122745
authorization under Chapter 1713. of the Revised Code, shall 122746
develop implementation strategies to embed work experiences, 122747
including but not limited to internships and cooperatives, into 122748
the curriculum of degree programs starting in the 2016-2017 122749
academic year, to explore ways to increase student participation 122750
in in-demand occupations, including computer sciences, and to 122751
create industry clusters to develop curriculum that can be used 122752
for competency based tests. These implementation strategies shall 122753
also include the use of OhioMeansJobs.com as a central location 122754
for higher education students to access information on work 122755
experiences and career opportunities. By December 31, 2015, each 122756
state institution of higher education as defined in section 122757

3345.011 of the Revised Code and each nonprofit institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code shall display a link to OhioMeansJobs.com in a prominent location on the institution's web site.

The Chancellor shall work with state institutions of higher education and nonprofit institutions of higher education to have a career counseling program in place by December 31, 2015.

Section 369.580. TECHNOLOGY TRANSFER AND COMMERCIALIZATION RECOMMENDATIONS

By July 1, 2016, the Chancellor of Higher Education shall study and make recommendations regarding ways to improve technology transfer and commercialization, including the potential for intellectual property auctions after a set number of years.

Section 369.600. (A) The board of trustees of each state institution of higher education shall develop and implement a plan to provide all in-state, undergraduate students the opportunity to reduce the student cost of earning a degree by five per cent.

(B) The plan may include, but shall not be limited to, the following:

(1) Reducing the credit hours required to complete an associate or baccalaureate degree offered by the institution;

(2) Offering a tuition discount or rebate to any student that completes a full load of coursework, as determined by the board of trustees;

(3) Offering a tuition discount or rebate or reduced tuition option to students enrolling in a summer semester or quarter;

(4) Offering online courses or degrees;

(5) Reducing the cost of textbooks using cost-saving measures

identified and implemented by the board of trustees;	122787
(6) Incorporation of remediation in the coursework and curriculum of credit-bearing courses;	122788 122789
(7) Offering a fixed rate of instructional and general fees for any additional credits taken by students above a full course load, as determined by the board of trustees;	122790 122791 122792
(8) Offering fast-track degree completion programs;	122793
(9) Eliminating, reducing or freezing auxiliary fees;	122794
(10) Increased participation in the college credit plus program established in Chapter 3365. of the Revised Code;	122795 122796
(11) Offering programs to reduce or eliminate the need for remediation coursework.	122797 122798
(C) Not later than September 1, 2015, the board of trustees of each state institution of higher education shall submit the plan required under this section to the Chancellor of Higher Education.	122799 122800 122801 122802
(D) As used in this section:	122803
(1) "Auxiliary fees" mean charges assessed by a state institution of higher education to a student for various educational expenses including, but not limited to, course-related fees, laboratory fees, books and supplies, room and board, transportation, enrollment application fees, and other miscellaneous charges. "Auxiliary fees" do not include instructional or general fees uniformly assessed to all students.	122804 122805 122806 122807 122808 122809 122810
(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.	122811 122812
(3) "Tuition" means the instructional and general fees charged by a state institution of higher education.	122813 122814
Section 369.610. COMPETENCY BASED PILOT PROJECT	122815

The Director of Higher Education shall work with state 122816
institutions of higher education as defined in section 3345.011 of 122817
the Revised Code to develop competency based education programs. 122818
Competency based education programs shall measure student success 122819
based on competencies instead of credit hours earned. Any state 122820
institutions of higher education that choose to offer competency 122821
based education programs may submit plans for how the institution 122822
would design, develop, structure and implement such programs to 122823
the Department of Higher Education by July 1, 2016. State 122824
institutions of higher education that choose to develop and submit 122825
such a plan shall be granted a reasonable period of time to 122826
implement the plan, including the time it takes to seek and 122827
receive the necessary approvals, accreditations, and any other 122828
conditions that must be met in order to set up, operate, and 122829
administer such a program. 122830

Section 371.10. DRC DEPARTMENT OF REHABILITATION AND				122831
CORRECTION				122832
General Revenue Fund				122833
GRF 501321	Institutional	\$ 950,215,085	\$ 975,215,085	122834
	Operations			
GRF 501405	Halfway House	\$ 54,369,687	\$ 56,541,437	122835
GRF 501406	Adult Correctional	\$ 82,595,700	\$ 79,702,800	122836
	Facilities Lease			
	Rental Bond Payments			
GRF 501407	Community	\$ 51,477,390	\$ 53,365,890	122837
	Nonresidential			
	Programs			
GRF 501408	Community Misdemeanor	\$ 14,356,800	\$ 14,356,800	122838
	Programs			
GRF 501501	Community Residential	\$ 74,491,705	\$ 78,329,955	122839
	Programs - CBCF			

GRF	503321	Parole and Community Operations	\$	73,346,119	\$	75,149,295	122840
GRF	504321	Administrative Operations	\$	21,475,332	\$	21,999,343	122841
GRF	505321	Institution Medical Services	\$	240,000,000	\$	249,000,000	122842
GRF	506321	Institution Education Services	\$	24,586,681	\$	30,454,204	122843
TOTAL GRF General Revenue Fund			\$	1,586,914,499	\$	1,634,114,809	122844
Dedicated Purpose Fund Group							122845
4B00	501601	Sewer Treatment Services	\$	2,393,506	\$	2,420,848	122846
4D40	501603	Prisoner Programs	\$	5,490,000	\$	500,000	122847
4L40	501604	Transitional Control	\$	700,000	\$	700,000	122848
4S50	501608	Education Services	\$	3,432,164	\$	3,490,471	122849
5AF0	501609	State and Non-Federal Awards	\$	2,000,000	\$	2,000,000	122850
5H80	501617	Offender Financial Responsibility	\$	2,000,000	\$	2,000,000	122851
TOTAL DPF Dedicated Purpose Fund Group			\$	16,015,670	\$	11,111,319	122852
Internal Service Activity Fund Group							122853
1480	501602	Institutional Services	\$	3,139,577	\$	3,139,577	122854
2000	501607	Ohio Penal Industries	\$	54,492,119	\$	54,925,441	122855
4830	501605	Leased Property Maintenance & Operating	\$	467,844	\$	469,540	122856
5710	501606	Corrections Training Maintenance & Operating	\$	500,000	\$	500,000	122857
5L60	501611	Information	\$	500,000	\$	500,000	122858

Technology Services

TOTAL ISA Internal Activity				122859	
Fund Group	\$	59,099,540	\$	59,534,558	122860
Federal Fund Group				122861	
3230 501619 Federal Grants	\$	4,200,000	\$	4,200,000	122862
3CW0 501622 Federal Equitable	\$	400,000	\$	400,000	122863
Sharing					
TOTAL FED Federal				122864	
Fund Group	\$	4,600,000	\$	4,600,000	122865
TOTAL ALL BUDGET FUND GROUPS	\$	1,666,629,709	\$	1,709,360,686	122866

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 122867

The foregoing appropriation item 501406, Adult Correctional 122868
Facilities Lease Rental Bond Payments, shall be used to meet all 122869
payments during the period from July 1, 2015, through June 30, 122870
2017, by the Department of Rehabilitation and Correction under the 122871
primary leases and agreements for those buildings made under 122872
Chapters 152. and 154. of the Revised Code. These appropriations 122873
are the source of funds pledged for bond service charges on 122874
related obligations issued under Chapters 152. and 154. of the 122875
Revised Code. 122876

OSU MEDICAL CHARGES 122877

Notwithstanding section 341.192 of the Revised Code, at the 122878
request of the Department of Rehabilitation and Correction, The 122879
Ohio State University Medical Center, including the Arthur G. 122880
James Cancer Hospital and Richard J. Solove Research Institute and 122881
the Richard M. Ross Heart Hospital, shall provide necessary care 122882
to persons who are confined in state adult correctional 122883
facilities. The provision of necessary inpatient care shall be 122884
billed to the Department or the Department of Medicaid at a rate 122885
not to exceed the authorized reimbursement rate for the same 122886
service established by the Department of Medicaid under the 122887
Medicaid Program. 122888

Section 373.10. RCB RESPIRATORY CARE BOARD				122889
Dedicated Purpose Fund Group				122890
4K90 872609	Operating Expenses	\$ 572,005	\$ 570,123	122891
TOTAL DPF Dedicated Purpose				122892
Fund Group		\$ 572,005	\$ 570,123	122893
TOTAL ALL BUDGET FUND GROUPS				122894
 Section 375.10. RDF STATE REVENUE DISTRIBUTIONS				122896
General Revenue Fund Group				122897
GRF 110908	Property Tax	\$ 664,740,000	\$ 675,760,000	122898
	Reimbursement - Local			
	Government			
GRF 200903	Property Tax	\$ 1,181,760,000	\$ 1,201,340,000	122899
	Reimbursement -			
	Education			
TOTAL GRF General Revenue Fund		\$ 1,846,500,000	\$ 1,877,100,000	122900
Group				
Dedicated Purpose Fund Group				122901
5KT0 955501	Racetrack Host	\$ 1,500,000	\$ 1,500,000	122902
	Supplement			
TOTAL DPF Dedicated Purpose Fund		\$ 1,500,000	\$ 1,500,000	122903
Group				
Revenue Distribution Fund Group				122904
5JG0 110633	Gross Casino Revenue	\$ 123,500,000	\$ 114,100,000	122905
	County Distribution			
5JH0 110634	Gross Casino Revenue	\$ 82,300,000	\$ 76,100,000	122906
	County Student			
	Distribution			
5JJ0 110636	Gross Casino Revenue	\$ 12,100,000	\$ 11,100,000	122907
	Host City			
	Distribution			

7047	200902	Property Tax Replacement Phase Out-Education	\$ 361,773,101	\$ 251,560,497	122908
7049	336900	Indigent Drivers Alcohol Treatment	\$ 2,250,000	\$ 2,250,000	122909
7050	762900	International Registration Plan Distribution	\$ 20,000,000	\$ 20,000,000	122910
7051	762901	Auto Registration Distribution	\$ 345,000,000	\$ 345,000,000	122911
7060	110960	Gasoline Excise Tax Fund	\$ 395,000,000	\$ 395,000,000	122912
7065	110965	Public Library Fund	\$ 389,520,000	\$ 404,310,000	122913
7066	800966	Undivided Liquor Permits	\$ 14,100,000	\$ 14,100,000	122914
7068	110968	State and Local Government Highway Distributions	\$ 196,000,000	\$ 196,000,000	122915
7069	110969	Local Government Fund	\$ 383,520,000	\$ 399,310,000	122916
7081	110907	Property Tax Replacement Phase Out-Local Government	\$ 66,070,450	\$ 40,444,766	122917
7082	110982	Horse Racing Tax	\$ 100,000	\$ 100,000	122918
7083	700900	Ohio Fairs Fund	\$ 1,200,000	\$ 1,200,000	122919
TOTAL RDF Revenue Distribution					122920
Fund Group			\$ 2,392,433,551	\$ 2,270,575,263	122921
Fiduciary Fund Group					122922
4P80	001698	Cash Management Improvement Fund	\$ 3,100,000	\$ 3,100,000	122923
6080	001699	Investment Earnings	\$ 100,000,000	\$ 120,000,000	122924
7001	110996	Horse-Racing Tax Municipality Fund	\$ 125,000	\$ 125,000	122925
7062	110962	Resort Area Excise	\$ 1,200,000	\$ 1,200,000	122926

		Tax Distribution				
7063	110963	Permissive Tax	\$ 2,356,000,000	\$ 2,475,000,000	122927	
		Distribution				
7067	110967	School District	\$ 430,000,000	\$ 453,000,000	122928	
		Income Tax				
		Distribution				
7085	800985	Volunteer Firemen's	\$ 300,000	\$ 300,000	122929	
		Dependents Fund				
7093	110640	Next Generation 9-1-1	\$ 2,600,000	\$ 2,600,000	122930	
7094	110641	Wireless 9-1-1	\$ 28,200,000	\$ 28,200,000	122931	
		Government Assistance				
7099	762902	Permissive Tax	\$ 184,000,000	\$ 184,000,000	122932	
		Distribution - Auto				
		Registration				
TOTAL FID	Fiduciary Fund Group		\$ 3,105,525,000	\$ 3,267,525,000	122933	
	Holding Account Fund Group				122934	
R045	110617	International Fuel	\$ 40,000,000	\$ 40,000,000	122935	
		Tax Distribution				
TOTAL HLD	Holding Account Fund		\$ 40,000,000	\$ 40,000,000	122936	
	Group					
TOTAL ALL BUDGET FUND GROUPS			\$ 7,385,958,551	\$ 7,456,700,263	122937	
	ADDITIONAL APPROPRIATIONS				122938	
	Appropriation items in this section shall be used for the				122939	
	purpose of administering and distributing the designated revenue				122940	
	distribution funds according to the Revised Code. If it is				122941	
	determined that additional appropriations are necessary for this				122942	
	purpose, such amounts are hereby appropriated.				122943	
	GENERAL REVENUE FUND TRANSFERS				122944	
	Notwithstanding any provision of law to the contrary, in				122945	
	fiscal year 2016 and fiscal year 2017, the Director of Budget and				122946	
	Management may transfer from the General Revenue Fund to the Local				122947	
	Government Tangible Property Tax Replacement Fund (Fund 7081) and				122948	

the School District Tangible Property Tax Replacement Fund (Fund 122949
7047) in the Revenue Distribution Fund Group, those amounts 122950
necessary to reimburse local taxing units and school districts 122951
under sections 5709.92 and 5709.93 of the Revised Code. Also, in 122952
fiscal year 2016 and fiscal year 2017, the Director of Budget and 122953
Management may make temporary transfers from the General Revenue 122954
Fund to ensure sufficient balances in the Local Government 122955
Tangible Property Tax Replacement Fund (Fund 7081) and the School 122956
District Tangible Property Tax Replacement Fund (Fund 7047) and to 122957
replenish the General Revenue Fund for such transfers. 122958

PROPERTY TAX REIMBURSEMENT - EDUCATION 122959

The Superintendent of Public Instruction shall not request, 122960
and the Controlling Board shall not approve, the transfer of 122961
appropriation from appropriation item 200903, Property Tax 122962
Reimbursement - Education, to any other appropriation item. 122963

The foregoing appropriation item 200903, Property Tax 122964
Reimbursement - Education, is appropriated to pay for the state's 122965
costs incurred because of the homestead exemption, the property 122966
tax rollback, and payments required under division (C) of section 122967
5705.2110 of the Revised Code. In cooperation with the Department 122968
of Taxation, the Department of Education shall distribute these 122969
funds directly to the appropriate school districts of the state, 122970
notwithstanding sections 321.24 and 323.156 of the Revised Code, 122971
which provide for payment of the homestead exemption and property 122972
tax rollback by the Tax Commissioner to the appropriate county 122973
treasurer and the subsequent redistribution of these funds to the 122974
appropriate local taxing districts by the county auditor. 122975

Upon receipt of these amounts, each school district shall 122976
distribute the amount among the proper funds as if it had been 122977
paid as real or tangible personal property taxes. Payments for the 122978
costs of administration shall continue to be paid to the county 122979
treasurer and county auditor as provided for in sections 319.54, 122980

321.26, and 323.156 of the Revised Code. 122981

Any sums, in addition to the amount specifically appropriated 122982
in appropriation item 200903, Property Tax Reimbursement - 122983
Education, for the homestead exemption and the property tax 122984
rollback payments, and payments required under division (C) of 122985
section 5705.2110 of the Revised Code, which are determined to be 122986
necessary for these purposes, are hereby appropriated. 122987

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 122988

The foregoing appropriation item 110908, Property Tax 122989
Reimbursement-Local Government, is hereby appropriated to pay for 122990
the state's costs incurred due to the Homestead Exemption, the 122991
Manufactured Home Property Tax Rollback, and the Property Tax 122992
Rollback. The Tax Commissioner shall distribute these funds 122993
directly to the appropriate local taxing districts, except for 122994
school districts, notwithstanding the provisions in sections 122995
321.24 and 323.156 of the Revised Code, which provide for payment 122996
of the Homestead Exemption, the Manufactured Home Property Tax 122997
Rollback, and Property Tax Rollback by the Tax Commissioner to the 122998
appropriate county treasurer and the subsequent redistribution of 122999
these funds to the appropriate local taxing districts by the 123000
county auditor. 123001

Upon receipt of these amounts, each local taxing district 123002
shall distribute the amount among the proper funds as if it had 123003
been paid as real property taxes. Payments for the costs of 123004
administration shall continue to be paid to the county treasurer 123005
and county auditor as provided for in sections 319.54, 321.26, and 123006
323.156 of the Revised Code. 123007

Any sums, in addition to the amounts specifically 123008
appropriated in appropriation item 110908, Property Tax Allocation 123009
- Local Government, for the Homestead Exemption, the Manufactured 123010
Home Property Tax Rollback, and the Property Tax Rollback 123011

payments, which are determined to be necessary for these purposes, 123012
are hereby appropriated. 123013

PUBLIC LIBRARY FUND 123014

Notwithstanding the requirement in division (C) of section 123015
131.51 of the Revised Code that the Director of Budget and 123016
Management use the percentage calculated in division (A)(2) of 123017
section 131.51 of the Revised Code for calculating the credit each 123018
month to the Public Library Fund, the Director of Budget and 123019
Management shall instead calculate these amounts during fiscal 123020
year 2016 and fiscal year 2017 using 1.70 per cent as the 123021
percentage. 123022

LOCAL GOVERNMENT FUND 123023

Notwithstanding the requirement in division (C) of section 123024
5747.50 of the Revised Code that the Tax Commissioner provide for 123025
payment from the Local Government Fund to each municipal 123026
corporation of an amount calculated using the total amount 123027
available for distribution to municipal corporations during the 123028
current month, as defined in that division, the Tax Commissioner 123029
shall reduce the total amount available for distribution to 123030
municipal corporations during the current month by \$1,000,000 in 123031
each month of fiscal years 2016 and 2017, before calculating the 123032
amount to be distributed to each municipal corporation. 123033

From the amounts not distributed to municipal corporations, 123034
\$833,333.33 in each month of fiscal years 2016 and 2017 shall be 123035
used solely to provide a supplement to townships. The Tax 123036
Commissioner shall determine amounts to be distributed to each 123037
county undivided local government fund. Half is to be divided 123038
among the counties so that each township in the state receives the 123039
same amount, and half is to be apportioned based on township road 123040
miles. The Tax Commissioner shall transfer these amounts, and 123041
shall separately identify to each county treasurer the amount to 123042

be divided equally among townships in the county and the amount to 123043
be divided among the townships based on road miles. Each 123044
appropriate county officer shall transfer cash from the county 123045
undivided local government fund to townships in the county based 123046
on this division of funds. 123047

From the amounts not distributed to municipal corporations, 123048
\$166,666.67 in each month of fiscal years 2016 and 2017 shall be 123049
used solely to provide a supplement to villages with populations 123050
under 1,000 residents in the 2010 Census of Population. The Tax 123051
Commissioner shall determine amounts to be distributed to each 123052
county undivided local government fund. Half is to be divided 123053
among the counties so that each qualifying village in the state 123054
receives the same amount, and half is to be apportioned based on 123055
village road miles. The Tax Commissioner shall transfer these 123056
amounts, and shall separately identify to each county treasurer 123057
the amount to be divided equally among qualifying villages in the 123058
county and the amount to be divided among the qualifying villages 123059
based on road miles. Each appropriate county officer shall 123060
transfer cash from the county undivided local government fund to 123061
qualifying villages in the county based on this division of funds. 123062

Section 377.10. SAN BOARD OF SANITARIAN REGISTRATION 123063

Dedicated Purpose Fund Group				123064	
4K90 893609 Operating Expenses	\$	158,250	\$	153,650	123065
TOTAL DPF Dedicated Purpose					123066
Fund Group	\$	158,250	\$	153,650	123067
TOTAL ALL BUDGET FUND GROUPS	\$	158,250	\$	153,650	123068

Section 379.10. OSB OHIO STATE SCHOOL FOR THE BLIND 123070

General Revenue Fund				123071	
GRF 226321 Operations	\$	8,100,000	\$	8,100,000	123072
TOTAL GRF General Revenue Fund	\$	8,100,000	\$	8,100,000	123073

Dedicated Purpose Fund Group				123074
4H80	226602	Education Reform	\$ 27,000 \$	27,000 123075
Grants				
4M50	226601	Work Study and	\$ 461,521 \$	461,521 123076
Technology Investment				
5NJ0	226622	Food Service Program	\$ 9,000 \$	9,000 123077
TOTAL DPF Dedicated Purpose				123078
Fund Group				\$ 497,521 \$ 497,521 123079
Federal Fund Group				123080
3100	226626	Coordinating Unit	\$ 2,527,104 \$	2,527,104 123081
3DT0	226621	Ohio Transition	\$ 650,000 \$	650,000 123082
Collaborative				
3P50	226643	Medicaid Professional	\$ 50,000 \$	50,000 123083
Services				
Reimbursement				
TOTAL FED Federal Fund Group				\$ 3,227,104 \$ 3,227,104 123084
TOTAL ALL BUDGET FUND GROUPS				\$ 11,824,625 \$ 11,824,625 123085
Section 381.10. OSD OHIO SCHOOL FOR THE DEAF				123087
General Revenue Fund				123088
GRF	221321	Operations	\$ 9,804,435 \$	10,228,878 123089
TOTAL GRF General Revenue Fund				\$ 9,804,435 \$ 10,228,878 123090
Dedicated Purpose Fund Group				123091
4M00	221601	Educational Program	\$ 95,000 \$	95,000 123092
Expenses				
4M10	221602	Education Reform	\$ 35,000 \$	35,000 123093
Grants				
5H60	221609	Even Start Fees and	\$ 35,000 \$	35,000 123094
Gifts				
5NK0	221610	Food Service Program	\$ 9,000 \$	9,000 123095
TOTAL DPF Dedicated Purpose				123096
Fund Group				\$ 174,000 \$ 174,000 123097

Federal Fund Group					123098	
3110 221625	Coordinating Unit	\$	2,153,246	\$	2,153,246	123099
3R00 221684	Medicaid Professional	\$	160,000	\$	160,000	123100
	Services					
	Reimbursement					
TOTAL FED	Federal Fund Group	\$	2,313,246	\$	2,313,246	123101
TOTAL ALL BUDGET	FUND GROUPS	\$	12,291,681	\$	12,716,124	123102

Section 383.10. SOS SECRETARY OF STATE 123104

General Revenue Fund 123105

GRF 050321	Operating Expenses	\$	2,144,030	\$	2,144,030	123106
GRF 050407	Poll Workers Training	\$	234,196	\$	234,196	123107
TOTAL GRF	General Revenue Fund	\$	2,378,226	\$	2,378,226	123108

Dedicated Purpose Fund Group 123109

4120 050609	Notary Commission	\$	475,000	\$	475,000	123110
5990 050603	Business Services	\$	14,385,400	\$	14,385,400	123111
	Operating Expenses					
TOTAL DPF	Dedicated Purpose Fund	\$	14,860,400	\$	14,860,400	123112

Group

Internal Service Activity Fund Group 123113

4S80 050610	Board of Voting	\$	7,200	\$	7,200	123114
	Machine Examiners					
5FG0 050620	BOE Reimbursement and	\$	80,000	\$	80,000	123115
	Education					
TOTAL ISA	Internal Service Activity	\$	87,200	\$	87,200	123116

Fund Group

Holding Account Fund Group 123117

R001 050605	Uniform Commercial	\$	30,000	\$	30,000	123118
	Code Refunds					
R002 050606	Corporate/Business	\$	85,000	\$	85,000	123119
	Filing Refunds					

TOTAL HLD Holding Account Fund	\$	115,000	\$	115,000	123120
Group					
Federal Fund Group					123121
3AS0 050616 Help America Vote Act	\$	502,000	\$	0	123122
(HAVA)					
TOTAL FED Federal Fund Group	\$	502,000	\$	0	123123
TOTAL ALL BUDGET FUND GROUPS	\$	17,942,826	\$	17,440,826	123124
POLL WORKERS TRAINING					123125
The foregoing appropriation item 050407, Poll Workers					123126
Training, shall be used to reimburse county boards of elections					123127
for poll worker training pursuant to section 3501.27 of the					123128
Revised Code. At the end of fiscal year 2016, an amount equal to					123129
the unexpended, unencumbered portion of the foregoing					123130
appropriation item 050407, Poll Workers Training, is hereby					123131
reappropriated in fiscal year 2017 for the same purpose.					123132
BOARD OF VOTING MACHINE EXAMINERS					123133
The foregoing appropriation item 050610, Board of Voting					123134
Machine Examiners, shall be used to pay for the services and					123135
expenses of the members of the Board of Voting Machine Examiners,					123136
and for other expenses that are authorized to be paid from the					123137
Board of Voting Machine Examiners Fund (Fund 4S80) created in					123138
section 3506.05 of the Revised Code. Moneys not used shall be					123139
returned to the person or entity submitting equipment for					123140
examination. If it is determined that additional appropriations					123141
are necessary, such amounts are hereby appropriated.					123142
HOLDING ACCOUNT FUND GROUP					123143
The foregoing appropriation items 050605, Uniform Commercial					123144
Code Refunds, and 050606, Corporate/Business Filing Refunds, shall					123145
be used to hold revenues until they are directed to the					123146
appropriate accounts or until they are refunded. If it is					123147
determined that additional appropriations are necessary, such					123148

amounts are hereby appropriated. 123149

HAVA FUNDS 123150

At the end of fiscal year 2015, an amount equal to the 123151

unexpended, unencumbered portion of the foregoing appropriation 123152

item 050616, Help America Vote Act (HAVA) is hereby reappropriated 123153

in fiscal year 2016 for the same purpose. 123154

At the end of fiscal year 2016, an amount equal to the 123155

unexpended, unencumbered portion of the foregoing appropriation 123156

item 050616, Help America Vote Act (HAVA), is hereby 123157

reappropriated in fiscal year 2017 for the same purpose. 123158

Section 385.10. SEN THE OHIO SENATE 123159

General Revenue Fund 123160

GRF 020321 Operating Expenses \$ 12,518,143 \$ 12,518,143 123161

TOTAL GRF General Revenue Fund \$ 12,518,143 \$ 12,518,143 123162

Internal Service Activity Fund Group 123163

1020 020602 Senate Reimbursement \$ 425,800 \$ 425,800 123164

4090 020601 Miscellaneous Sales \$ 34,497 \$ 34,497 123165

TOTAL ISA Internal Service Activity 123166

Fund Group \$ 460,297 \$ 460,297 123167

TOTAL ALL BUDGET FUND GROUPS \$ 12,978,440 \$ 12,978,440 123168

OPERATING EXPENSES 123169

On July 1, 2015, or as soon as possible thereafter, the Clerk 123170

of the Senate may certify to the Director of Budget and Management 123171

the amount of the unexpended, unencumbered balance of the 123172

foregoing appropriation item 020321, Operating Expenses, at the 123173

end of fiscal year 2015 to be reappropriated to fiscal year 2016. 123174

The amount certified is hereby reappropriated to the same 123175

appropriation item for fiscal year 2016. 123176

On July 1, 2016, or as soon as possible thereafter, the Clerk 123177

of the Senate may certify to the Director of Budget and Management 123178

the amount of the unexpended, unencumbered balance of the 123179
foregoing appropriation item 020321, Operating Expenses, at the 123180
end of fiscal year 2016 to be reappropriated to fiscal year 2017. 123181
The amount certified is hereby reappropriated to the same 123182
appropriation item for fiscal year 2017. 123183

Section 387.20. CSV COMMISSION ON SERVICE AND VOLUNTEERISM 123184

General Revenue Fund 123185

GRF 866321 CSV Operations \$ 305,834 \$ 304,547 123186

TOTAL GRF General Revenue Fund \$ 305,834 \$ 304,547 123187

Dedicated Purpose Fund Group 123188

5GN0 866605 Serve Ohio Support \$ 30,000 \$ 30,000 123189

TOTAL DPF Dedicated Purpose Fund \$ 30,000 \$ 30,000 123190

Group

Federal Fund Group 123191

3R70 866617 AmeriCorps Programs \$ 7,182,899 \$ 7,178,630 123192

TOTAL FED Federal Fund Group \$ 7,182,899 \$ 7,178,630 123193

TOTAL ALL BUDGET FUND GROUPS \$ 7,518,733 \$ 7,513,177 123194

Section 389.10. CSF COMMISSIONERS OF THE SINKING FUND 123196

Debt Service Fund Group 123197

7070 155905 Third Frontier \$ 79,091,400 \$ 98,712,000 123198

Research and
Development Bond
Retirement Fund

7072 155902 Highway Capital \$ 119,937,500 \$ 134,101,700 123199

Improvement Bond
Retirement Fund

7073 155903 Natural Resources Bond \$ 27,079,900 \$ 26,074,400 123200

Retirement Fund

7074 155904 Conservation Projects \$ 34,674,900 \$ 39,225,700 123201

Bond Retirement Fund

7076	155906	Coal Research and Development Bond Retirement Fund	\$	5,991,400	\$	5,038,700	123202
7077	155907	State Capital Improvement Bond Retirement Fund	\$	234,437,400	\$	235,303,200	123203
7078	155908	Common Schools Bond Retirement Fund	\$	375,706,700	\$	386,754,800	123204
7079	155909	Higher Education Bond Retirement Fund	\$	254,970,800	\$	261,789,500	123205
7080	155901	Persian Gulf, Afghanistan, and Iraq Conflicts Bond Retirement Fund	\$	9,083,700	\$	23,343,400	123206
7090	155912	Job Ready Site Development Bond Retirement Fund	\$	19,384,000	\$	15,735,900	123207
TOTAL DSF Debt Service Fund Group			\$	1,160,357,700	\$	1,226,079,300	123208
TOTAL ALL BUDGET FUND GROUPS			\$	1,160,357,700	\$	1,226,079,300	123209
ADDITIONAL APPROPRIATIONS							123210
Appropriation items in this section are for the purpose of							123211
paying debt service and financing costs during the period from							123212
July 1, 2015 through June 30, 2017 on bonds or notes of the state							123213
issued under the Ohio Constitution and acts of the General							123214
Assembly. If it is determined that additional amounts are							123215
necessary for this purpose, such amounts are hereby appropriated.							123216
Section 393.10. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY &							123217
AUDIOLOGY							123218
Dedicated Purpose Fund Group							123219
4K90	886609	Operating Expenses	\$	508,660	\$	508,660	123220
TOTAL DPF Dedicated Purpose Fund			\$	508,660	\$	508,660	123221

Group

TOTAL ALL BUDGET FUND GROUPS \$ 508,660 \$ 508,660 123222

Section 395.10. BTA BOARD OF TAX APPEALS 123224

General Revenue Fund 123225

GRF 116321 Operating Expenses \$ 1,700,000 \$ 1,700,000 123226

TOTAL GRF General Revenue Fund \$ 1,700,000 \$ 1,700,000 123227

TOTAL ALL BUDGET FUND GROUPS \$ 1,700,000 \$ 1,700,000 123228

Section 397.10. TAX DEPARTMENT OF TAXATION 123230

General Revenue Fund 123231

GRF 110321 Operating Expenses \$ 68,905,605 \$ 68,905,605 123232

GRF 110404 Tobacco Settlement \$ 160,380 \$ 160,380 123233

Enforcement

TOTAL GRF General Revenue Fund \$ 69,065,985 \$ 69,065,985 123234

Dedicated Purpose Fund Group 123235

2280 110628 CAT Administration \$ 16,100,000 \$ 16,100,000 123236

4330 110602 Municipal Data \$ 175,000 \$ 175,000 123237

Exchange

Administration

4350 110607 Local Tax \$ 19,006,950 \$ 19,006,950 123238

Administration

4360 110608 Motor Vehicle Audit \$ 1,459,609 \$ 1,459,609 123239

Administration

4370 110606 Income Tax Refund \$ 38,800 \$ 38,800 123240

Contribution

Administration

4380 110609 School District \$ 5,402,044 \$ 5,402,044 123241

Income Tax

Administration

4C60 110616 International \$ 682,415 \$ 682,415 123242

Registration Plan

		Administration					
4R60	110610	Tire Tax	\$	244,193	\$	244,193	123243
		Administration					
5BP0	110639	Wireless 9-1-1	\$	290,000	\$	290,000	123244
		Administration					
5BW0	110630	Tax Amnesty Promotion and Administration	\$	2,500,000	\$	0	123245
5JM0	110637	Casino Tax	\$	75,000	\$	75,000	123246
		Administration					
5MN0	110638	STARS Development and Implementation	\$	3,000,000	\$	3,000,000	123247
5N50	110605	Municipal Income Tax Administration	\$	150,000	\$	150,000	123248
5N60	110618	Kilowatt Hour Tax Administration	\$	100,000	\$	100,000	123249
5NY0	110643	Petroleum Activity Tax Administration	\$	1,000,000	\$	1,000,000	123250
5V70	110622	Motor Fuel Tax Administration	\$	5,035,374	\$	5,035,374	123251
5V80	110623	Property Tax Administration	\$	11,178,310	\$	11,178,310	123252
5W70	110627	Exempt Facility Administration	\$	49,500	\$	49,500	123253
6390	110614	Cigarette Tax Enforcement	\$	1,750,000	\$	1,750,000	123254
6880	110615	Local Excise Tax Administration	\$	775,015	\$	775,015	123255
TOTAL	DPF	Dedicated Purpose Fund Group	\$	69,012,210	\$	66,512,210	123256
		Fiduciary Fund Group					123257
4250	110635	Tax Refunds	\$	1,546,800,000	\$	1,546,800,000	123258
5CZ0	110631	Vendor's License Application	\$	340,000	\$	340,000	123259

6420	110613	Ohio Political Party	\$	267,500	\$	265,000	123260
		Distributions					
7095	110995	Municipal Income Tax	\$	8,100,000	\$	7,900,000	123261
TOTAL FID	Fiduciary Fund Group		\$	1,555,507,500	\$	1,555,305,000	123262
	Holding Account Fund Group						123263
R010	110611	Tax Distributions	\$	230,000	\$	230,000	123264
R011	110612	Miscellaneous Income	\$	50,000	\$	50,000	123265
		Tax Receipts					
TOTAL HLD	Holding Account Fund		\$	280,000	\$	280,000	123266
	Group						
TOTAL ALL BUDGET FUND GROUPS			\$	1,693,865,695	\$	1,691,163,195	123267
		MUNICIPAL INCOME TAX					123268
		The foregoing appropriation item 110995, Municipal Income					123269
		Tax, shall be used to make payments to municipal corporations					123270
		under section 5745.05 of the Revised Code. If it is determined					123271
		that additional appropriations are necessary to make such					123272
		payments, such amounts are hereby appropriated.					123273
		TAX REFUNDS					123274
		The foregoing appropriation item 110635, Tax Refunds, shall					123275
		be used to pay refunds under section 5703.052 of the Revised Code.					123276
		If it is determined that additional appropriations are necessary					123277
		for this purpose, such amounts are hereby appropriated.					123278
		VENDOR'S LICENSE PAYMENTS					123279
		The foregoing appropriation item 110631, Vendor's License					123280
		Application, shall be used to make payments to county auditors					123281
		under section 5739.17 of the Revised Code. If it is determined					123282
		that additional appropriations are necessary to make such					123283
		payments, such amounts are hereby appropriated.					123284
		INTERNATIONAL REGISTRATION PLAN ADMINISTRATION					123285
		The foregoing appropriation item 110616, International					123286

Registration Plan Administration, shall be used under section	123287
5703.12 of the Revised Code for audits of persons with vehicles	123288
registered under the International Registration Plan.	123289
TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	123290
Of the foregoing appropriation item 110607, Local Tax	123291
Administration, the Tax Commissioner may disburse funds, if	123292
available, for the purposes of paying travel expenses incurred by	123293
members of Ohio's delegation to the Streamlined Sales Tax Project,	123294
as appointed under section 5740.02 of the Revised Code. Any travel	123295
expense reimbursement paid for by the Department of Taxation shall	123296
be done in accordance with applicable state laws and guidelines.	123297
TOBACCO SETTLEMENT ENFORCEMENT	123298
The foregoing appropriation item 110404, Tobacco Settlement	123299
Enforcement, shall be used by the Tax Commissioner to pay costs	123300
incurred in the enforcement of divisions (F) and (G) of section	123301
5743.03 of the Revised Code.	123302
STARS DEVELOPMENT AND IMPLEMENTATION FUND	123303
The foregoing appropriation item 110638, STARS Development	123304
and Implementation, shall be used to pay costs incurred in the	123305
development and implementation of the department's State Tax	123306
Accounting and Revenue System. The Director of Budget and	123307
Management, under a plan submitted by the Tax Commissioner, or as	123308
otherwise determined by the Director of Budget and Management,	123309
shall set a schedule to transfer cash from the Revenue Enhancement	123310
Fund, Local Sales Tax Administrative Fund, General School District	123311
Income Tax Administrative Fund, Motor Vehicle Sales Audit Fund,	123312
Property Tax Administration Fund, and the Motor Fuel Tax	123313
Administration Fund to the credit of the STARS Development and	123314
Implementation Fund (Fund 5MN0). The transfers of cash shall not	123315
exceed \$6,000,000 in the biennium.	123316
TAX AMNESTY PROMOTION AND ADMINISTRATION	123317

The foregoing appropriation item 110630, Tax Amnesty Promotion and Administration, shall be used to pay expenses incurred to promote and administer the tax amnesty program to be conducted from January 1, 2016, to February 15, 2016, by the Department of Taxation. The Department of Taxation and Attorney General's Office shall work in close collaboration on promotion activities in relation to the Tax Amnesty Promotion and Administration program.

Section 399.10. DOT DEPARTMENT OF TRANSPORTATION				123326
General Revenue Fund				123327
GRF	775451	Public Transportation	\$ 7,300,000 \$ 7,300,000	123328
- State				
GRF	776465	Rail Development	\$ 2,000,000 \$ 2,000,000	123329
GRF	777471	Airport Improvements	\$ 3,375,000 \$ 3,375,000	123330
- State				
TOTAL GRF	General Revenue Fund		\$ 12,675,000 \$ 12,675,000	123331
Highway Operating Fund Group				123332
7002	772601	Beachwood Noise Wall	\$ 383,000 \$ 0	123333
TOTAL HOF	Highway Operating Fund		\$ 383,000 \$ 0	123334
Group				
TOTAL ALL BUDGET FUND GROUPS			\$ 13,058,000 \$ 12,675,000	123335

Section 399.15. PUBLIC TRANSPORTATION - STATE 123337

Of the foregoing appropriation item 775451, Public Transportation - State, not less than \$500,000 in each fiscal year shall be allocated to rural transit systems. 123338
123339
123340

AIRPORT IMPROVEMENTS - STATE 123341

(A) The foregoing appropriation item 777471, Airport Improvements - State, shall be used by the Department of Transportation for the following purposes: 123342
123343
123344

(1) Providing matching funds for federal grants and funding 123345
under the airport improvement program pursuant to 49 U.S.C. 47101 123346
et seq., or any similar federal program administered by the 123347
Federal Aviation Administration; 123348

(2) Providing loans and grants for airport capital 123349
improvements at Ohio airports or within Ohio airspace. Such 123350
improvements may include infrastructure and safety projects and 123351
development and implementation of the Federal Aviation 123352
Administration's "NextGen" programs and unmanned aerial systems 123353
technologies; 123354

(3) Providing loans and grants for economic development and 123355
job creation projects that may involve cooperation between 123356
airports and the development services agency or a state or 123357
regional nonprofit entity engaged in economic development 123358
activities. 123359

(B)(1) The Director of Transportation shall adopt rules in 123360
accordance with Chapter 119. of the Revised Code for the purpose 123361
of distributing money under this section. Specifically, the 123362
Director shall consult with interested parties to promulgate rules 123363
for the means and methods of accepting applications, scoring, and 123364
awarding grants and loans under this section. 123365

(2) Prior to submitting rules to the Joint Committee on 123366
Agency Rule Review under division (B)(1) of this section, the 123367
Director of Transportation shall seek a vote of approval of the 123368
Director's proposed rules from the Ohio Aerospace and Aviation 123369
Technology Committee. Any rules proposed pursuant to this section 123370
shall be submitted to the Ohio Aerospace and Aviation Technology 123371
Committee by October 1, 2015. 123372

Section 399.20. BEACHWOOD NOISE WALL 123373

The foregoing appropriation item 772601, Beachwood Noise 123374

Wall, shall be used to construct a noise wall for a section of 123375
Interstate Route 271 in Beachwood stretching from Shaker Boulevard 123376
to Woodland Road. 123377

Section 401.10. TOS TREASURER OF STATE 123378

General Revenue Fund 123379

GRF 090321 Operating Expenses \$ 7,743,553 \$ 7,743,553 123380

GRF 090401 Office of the Sinking \$ 502,304 \$ 502,304 123381
Fund

GRF 090402 Continuing Education \$ 377,702 \$ 377,702 123382

GRF 090406 Treasury Management \$ 1,117,400 \$ 1,116,800 123383
System Lease Rental
Payments

GRF 090524 Police and Fire \$ 5,000 \$ 5,000 123384
Disability Pension
Fund

GRF 090534 Police and Fire Ad Hoc \$ 55,000 \$ 55,000 123385
Cost of Living

GRF 090554 Police and Fire \$ 443,000 \$ 443,000 123386
Survivor Benefits

GRF 090575 Police and Fire Death \$ 20,000,000 \$ 20,000,000 123387
Benefits

TOTAL GRF General Revenue Fund \$ 30,243,959 \$ 30,243,359 123388

Dedicated Purpose Fund Group 123389

4E90 090603 Securities Lending \$ 5,200,000 \$ 5,200,000 123390
Income

5770 090605 Investment Pool \$ 550,000 \$ 550,000 123391
Reimbursement

5C50 090602 County Treasurer \$ 170,057 \$ 170,057 123392
Education

5NH0 090610 OhioMeansJobs \$ 23,500,000 \$ 0 123393
Workforce Development

	Revolving Loan				
	Program				
6050 090609	Treasurer of State	\$	700,000	\$	700,000
	Administrative Fund				123394
TOTAL DPF Dedicated Purpose					123395
Fund Group		\$	30,120,057	\$	6,620,057
					123396
Fiduciary Fund Group					123397
4250 090635	Tax Refunds	\$	6,000,000	\$	6,000,000
TOTAL FID Fiduciary Fund Group					123398
		\$	6,000,000	\$	6,000,000
TOTAL ALL BUDGET FUND GROUPS					123399
		\$	66,364,016	\$	42,863,416
					123400

Section 401.20. OFFICE OF THE SINKING FUND 123402

The foregoing appropriation item 090401, Office of the 123403
Sinking Fund, shall be used for costs incurred by or on behalf of 123404
the Commissioners of the Sinking Fund and the Ohio Public 123405
Facilities Commission with respect to State of Ohio general 123406
obligation bonds or notes, and the Treasurer of State with respect 123407
to State of Ohio general obligation and special obligation bonds 123408
or notes, including, but not limited to, printing, advertising, 123409
delivery, rating fees and the procurement of ratings, professional 123410
publications, membership in professional organizations, and other 123411
services referred to in division (D) of section 151.01 of the 123412
Revised Code. The General Revenue Fund shall be reimbursed for 123413
such costs relating to the issuance and administration of Highway 123414
Capital Improvement bonds or notes authorized under Ohio 123415
Constitution, Article VIII, Section 2m and Chapter 151. of the 123416
Revised Code. That reimbursement shall be made from appropriation 123417
item 155902, Highway Capital Improvement Bond Retirement Fund, by 123418
intrastate transfer voucher pursuant to a certification by the 123419
Office of the Sinking Fund of the actual amounts used. The amounts 123420
necessary to make such a reimbursement are hereby appropriated 123421
from the Highway Capital Improvement Bond Retirement Fund created 123422
in section 151.06 of the Revised Code. 123423

POLICE AND FIRE DEATH BENEFIT FUND 123424

The foregoing appropriation item 090575, Police and Fire 123425
Death Benefits, shall be disbursed quarterly by the Treasurer of 123426
State at the beginning of each quarter of each fiscal year to the 123427
Board of Trustees of the Ohio Police and Fire Pension Fund. The 123428
Treasurer of State shall certify such amounts quarterly to the 123429
Director of Budget and Management. By the twentieth day of June of 123430
each fiscal year, the Board of Trustees of the Ohio Police and 123431
Fire Pension Fund shall certify to the Treasurer of State the 123432
amount disbursed in the current fiscal year to make the payments 123433
required by section 742.63 of the Revised Code and shall return to 123434
the Treasurer of State moneys received from this appropriation 123435
item but not disbursed. 123436

TAX REFUNDS 123437

The foregoing appropriation item 090635, Tax Refunds, shall 123438
be used to pay refunds under section 5703.052 of the Revised Code. 123439
If the Director of Budget and Management determines that 123440
additional amounts are necessary for this purpose, such amounts 123441
are hereby appropriated. 123442

Section 401.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL 123443
PAYMENTS 123444

The foregoing appropriation item 090406, Treasury Management 123445
System Lease Rental Payments, shall be used for payments during 123446
the period from July 1, 2015, through June 30, 2017, pursuant to 123447
leases and agreements entered into under Section 701.20 of Am. 123448
Sub. H.B. 497 of the 130th General Assembly with respect to 123449
financing the costs associated with the acquisition and 123450
implementation of the Treasury Management System. If it is 123451
determined that additional appropriations are necessary for this 123452
purpose, the amounts are hereby appropriated. 123453

Section 401.40. OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING LOAN PROGRAM 123454
123455

The foregoing appropriation item 090610, OhioMeansJobs Workforce Development Revolving Loan Program, shall be used for the OhioMeansJobs Workforce Development Revolving Loan Program to provide loans to individuals for workforce training. 123456
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Of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development Revolving Loan Program, up to \$250,000 in fiscal year 2016 may be used by the Treasurer of State to administer the program. 123460
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Any unexpended and unencumbered portion of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development Revolving Loan Program, at the end of fiscal year 2016 is hereby reappropriated for the same purpose in fiscal year 2017. To the extent that reappropriated funds are available, of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development Revolving Loan Program, up to \$250,000 in fiscal year 2017 may be used by the Treasurer of State to administer the program. 123464
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Section 403.10. VTO VETERANS' ORGANIZATIONS 123472
General Revenue Fund 123473

VAP AMERICAN EX-PRISONERS OF WAR 123474
GRF 743501 State Support \$ 28,910 \$ 28,910 123475

VAN ARMY AND NAVY UNION, USA, INC. 123476
GRF 746501 State Support \$ 63,539 \$ 63,539 123477

VKW KOREAN WAR VETERANS 123478
GRF 747501 State Support \$ 57,118 \$ 57,118 123479

VJW JEWISH WAR VETERANS 123480
GRF 748501 State Support \$ 34,321 \$ 34,321 123481

VCW CATHOLIC WAR VETERANS 123482
GRF 749501 State Support \$ 66,978 \$ 66,978 123483

		VPH MILITARY ORDER OF THE PURPLE HEART				123484
GRF	750501	State Support	\$	65,116	\$	65,116 123485
		VVV VIETNAM VETERANS OF AMERICA				123486
GRF	751501	State Support	\$	214,776	\$	214,776 123487
		VAL AMERICAN LEGION OF OHIO				123488
GRF	752501	State Support	\$	349,189	\$	349,189 123489
		VII AMVETS				123490
GRF	753501	State Support	\$	332,547	\$	332,547 123491
		VAV DISABLED AMERICAN VETERANS				123492
GRF	754501	State Support	\$	249,836	\$	249,836 123493
		VMC MARINE CORPS LEAGUE				123494
GRF	756501	State Support	\$	133,947	\$	133,947 123495
		V37 37TH DIVISION VETERANS' ASSOCIATION				123496
GRF	757501	State Support	\$	6,868	\$	6,868 123497
		VFW VETERANS OF FOREIGN WARS				123498
GRF	758501	State Support	\$	284,841	\$	284,841 123499
TOTAL GRF		General Revenue Fund	\$	1,887,986	\$	1,887,986 123500
TOTAL ALL BUDGET FUND GROUPS			\$	1,887,986	\$	1,887,986 123501
		RELEASE OF FUNDS				123502
		The Director of Budget and Management may release the				123503
		foregoing appropriation items 743501, 746501, 747501, 748501,				123504
		749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501,				123505
		and 758501, State Support.				123506
		Section 405.10. DVS DEPARTMENT OF VETERANS SERVICES				123507
		General Revenue Fund				123508
GRF	900321	Veterans' Homes	\$	26,992,608	\$	26,992,608 123509
GRF	900402	Hall of Fame	\$	107,075	\$	107,075 123510
GRF	900408	Department of	\$	2,567,113	\$	2,567,113 123511
		Veterans Services				
GRF	900901	Veterans Compensation	\$	9,083,700	\$	23,343,400 123512
		General Obligation				

Bond Debt Service			
TOTAL GRF General Revenue Fund	\$	38,750,496	\$ 53,010,196 123513
Dedicated Purpose Fund Group 123514			
4840 900603 Veterans' Homes	\$	883,523	\$ 985,523 123515
Services			
4E20 900602 Veterans' Homes	\$	12,804,826	\$ 13,139,648 123516
Operating			
5DB0 900643 Military Injury	\$	2,000,000	\$ 2,000,000 123517
Relief Program			
5PH0 900642 Veterans Initiatives	\$	50,000	\$ 50,000 123518
TOTAL DPF Dedicated Purpose Fund	\$	15,738,349	\$ 16,175,171 123519
Group			
Debt Service Fund Group 123520			
7041 900615 Veteran Bonus Program	\$	359,173	\$ 359,173 123521
- Administration			
7041 900641 Persian Gulf,	\$	2,173,139	\$ 942,754 123522
Afghanistan, and Iraq			
Compensation			
TOTAL DSF Debt Service			123523
Fund Group	\$	2,532,312	\$ 1,301,927 123524
Federal Fund Group 123525			
3680 900614 Veterans Training	\$	730,000	\$ 740,000 123526
3740 900606 Troops to Teachers	\$	150,000	\$ 150,000 123527
3BX0 900609 Medicare Services	\$	2,475,000	\$ 2,846,250 123528
3L20 900601 Veterans' Homes	\$	28,110,159	\$ 29,245,411 123529
Operations - Federal			
TOTAL FED Federal Fund Group	\$	31,465,159	\$ 32,981,661 123530
TOTAL ALL BUDGET FUND GROUPS	\$	88,486,316	\$ 103,468,955 123531
TRAUMATIC BRAIN INJURY PROGRAMS 123532			
Of the foregoing appropriation item 900408, Department of 123533			
Veterans Services, \$25,000 in each fiscal year shall be 123534			
distributed directly to the Resurrecting Lives Foundation to fund 123535			

the 2015 Employment Initiative, which aids the transition of 123536
traumatic brain injury affected service members into civilian life 123537
and employment. 123538

Of the foregoing appropriation item 900408, Department of 123539
Veterans Services, \$20,375 in each fiscal year shall be 123540
distributed directly to the Resurrecting Lives Foundation to fund 123541
the Community TBI Education Program, which provides education and 123542
awareness for the legal community and lay community about 123543
traumatic brain injury, its effect on the veteran community, and 123544
the resulting challenges veterans face in the criminal justice 123545
system. 123546

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE 123547

The foregoing appropriation item 900901, Veterans 123548
Compensation General Obligation Bond Debt Service, shall be used 123549
to pay all debt service and related financing costs during the 123550
period from July 1, 2015, through June 30, 2017, on obligations 123551
issued under sections 151.01 and 151.12 of the Revised Code. 123552

Section 405.20. Effective July 1, 2015, the Director of 123553
Budget and Management shall cancel any existing encumbrances 123554
against appropriation item 600637, Military Injury Relief 123555
Subsidies, and reestablish them against appropriation item 900643, 123556
Military Injury Relief Subsidies. The reestablished encumbrance 123557
amounts are hereby appropriated. Any business commenced but not 123558
completed under appropriation item 600637 by July 1, 2015, shall 123559
be completed under appropriation item 900643 in the same manner 123560
and with the same effect as if it were completed with regard to 123561
appropriation item 600637. 123562

Section 407.10. DVM STATE VETERINARY MEDICAL LICENSING BOARD 123563
Dedicated Purpose Fund Group 123564
4K90 888609 Operating Expenses \$ 372,195 \$ 378,195 123565

TOTAL DPF Dedicated Purpose				123566
Fund Group	\$	372,195	\$ 378,195	123567
Internal Service Activity Fund Group				123568
5BU0 888602 Veterinary Student	\$	30,000	\$ 30,000	123569
Loan Program				
TOTAL ISA Internal Service Activity				123570
Fund Group	\$	30,000	\$ 30,000	123571
TOTAL ALL BUDGET FUND GROUPS	\$	402,195	\$ 408,195	123572
Section 409.10. DYS DEPARTMENT OF YOUTH SERVICES				123574
General Revenue Fund				123575
GRF 470401 RECLAIM Ohio	\$	153,087,537	\$ 153,087,537	123576
GRF 470412 Juvenile Correctional	\$	25,407,400	\$ 21,137,700	123577
Facilities Lease				
Rental Bond Payments				
GRF 470510 Youth Services	\$	16,702,728	\$ 16,702,728	123578
GRF 472321 Parole Operations	\$	10,950,100	\$ 10,950,100	123579
GRF 477321 Administrative	\$	10,855,389	\$ 10,855,389	123580
Operations				
TOTAL GRF General Revenue Fund	\$	217,003,154	\$ 212,733,454	123581
Dedicated Purpose Fund Group				123582
1470 470612 Vocational Education	\$	1,700,000	\$ 1,700,000	123583
1750 470613 Education	\$	3,600,000	\$ 3,600,000	123584
Reimbursement				
4790 470609 Employee Food Service	\$	125,000	\$ 125,000	123585
4A20 470602 Child Support	\$	250,000	\$ 250,000	123586
4G60 470605 Juvenile Special	\$	115,000	\$ 115,000	123587
Revenue - Non-Federal				
5BN0 470629 E-Rate Program	\$	349,000	\$ 300,000	123588
TOTAL DPF Dedicated Purpose				123589
Fund Group	\$	6,139,000	\$ 6,090,000	123590
Federal Fund Group				123591

3210	470601	Education	\$	1,000,000	\$	1,000,000	123592
3210	470603	Juvenile Justice Prevention	\$	300,000	\$	300,000	123593
3210	470606	Nutrition	\$	1,033,947	\$	1,033,947	123594
3210	470614	Title IV-E Reimbursements	\$	3,714,548	\$	3,714,548	123595
3CR0	470639	Federal Juvenile Programs FFY 10	\$	22,000	\$	7,000	123596
3FB0	470641	Federal Juvenile Programs FFY 11	\$	50,000	\$	5,000	123597
3FC0	470642	Federal Juvenile Programs FFY 12	\$	50,000	\$	5,000	123598
3GB0	470643	Federal Juvenile Programs FFY 13	\$	324,000	\$	59,000	123599
3V50	470604	Juvenile Justice/Delinquency Prevention	\$	1,720,000	\$	1,720,000	123600
TOTAL FED Federal							123601
Fund Group			\$	8,214,495	\$	7,844,495	123602
TOTAL ALL BUDGET FUND GROUPS			\$	231,356,649	\$	226,667,949	123603

COMMUNITY PROGRAMS 123604

For purposes of implementing juvenile sentencing reforms, and 123605
notwithstanding any provision of law to the contrary, the 123606
Department of Youth Services may use up to forty-five per cent of 123607
the unexpended, unencumbered balance of the portion of 123608
appropriation item 470401, RECLAIM Ohio, that is allocated to 123609
juvenile correctional facilities in each fiscal year to expand 123610
Targeted RECLAIM, the Behavioral Health Juvenile Justice 123611
Initiative, and other evidence-based community programs. 123612

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 123613

The foregoing appropriation item 470412, Juvenile 123614
Correctional Facilities Lease Rental Bond Payments, shall be used 123615

to meet all payments during the period from July 1, 2015, through 123616
June 30, 2017, by the Department of Youth Services under the 123617
leases and agreements for facilities made under Chapters 152. and 123618
154. of the Revised Code. This appropriation is the source of 123619
funds pledged for bond service charges on related obligations 123620
issued under Chapters 152. and 154. of the Revised Code. 123621

EDUCATION REIMBURSEMENT 123622

The foregoing appropriation item 470613, Education 123623
Reimbursement, shall be used to fund the operating expenses of 123624
providing educational services to youth supervised by the 123625
Department of Youth Services. Operating expenses include, but are 123626
not limited to, teachers' salaries, maintenance costs, and 123627
educational equipment. This appropriation item may be used for 123628
capital expenses related to the education program. 123629

EMPLOYEE FOOD SERVICE AND EQUIPMENT 123630

Notwithstanding section 125.14 of the Revised Code, the 123631
foregoing appropriation item 470609, Employee Food Service, may be 123632
used to purchase any food operational items with funds received 123633
into the fund from reimbursements for state surplus property. 123634

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 123635

In collaboration with the county family and children first 123636
council, the juvenile court of that county that receives 123637
allocations from one or both of the foregoing appropriation items 123638
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 123639
portions of those allocations to a flexible funding pool as 123640
authorized by the section of Am. Sub. H.B. 153 of the 129th 123641
General Assembly titled "FAMILY AND CHILDREN FIRST FLEXIBLE 123642
FUNDING POOL." 123643

Section 501.10. All items set forth in this section are 123644
hereby appropriated for the biennium ending on June 30, 2016, out 123645

of any moneys in the state treasury to the credit of the Public 123646
School Building Fund (Fund 7021) that are not otherwise 123647
appropriated. 123648

Appropriations

FCC OHIO FACILITIES CONSTRUCTION COMMISSION 123649
C230W4 Community School Classroom Facilities \$ 25,000,000 123650
Grants
TOTAL Public School Building Fund \$ 25,000,000 123651

COMMUNITY SCHOOL CLASSROOM FACILITIES GRANTS 123652

The foregoing appropriation item C230W4, Community School 123653
Classroom Facilities Grants, may be used by the School Facilities 123654
Commission to provide grant funding to an eligible high-performing 123655
community school established under Chapter 3314. of the Revised 123656
Code. For purposes of this section, an "eligible high-performing 123657
community school" means a community school that meets the 123658
following conditions: 123659

(A) Except as provided in division (B) or (C) of this 123660
section, the school both: 123661

(1) Has received a grade of "A," "B," or "C" for the 123662
performance index score under division (C)(1)(b) of section 123663
3302.03 of the Revised Code or has increased its performance index 123664
score under division (C)(1)(b) of section 3302.03 of the Revised 123665
Code in each of the previous three years of operation; and 123666

(2) Has received a grade of "A" or "B" for the value-added 123667
progress dimension under division (C)(1)(e) of section 3302.03 of 123668
the Revised Code on its most recent report card rating issued 123669
under that section. 123670

(B) If the school serves only grades kindergarten through 123671
three, the school received a grade of "A" or "B" for making 123672
progress in improving literacy in grades kindergarten through 123673

three under division (C)(1)(g) of section 3302.03 of the Revised Code on its most recent report card issued under that section.

(C) If the school primarily serves students enrolled in a dropout prevention and recovery program as described in division (A)(4)(a) of section 3314.35 of the Revised Code, the school received a rating of "exceeds standards" on its most recent report card issued under section 3314.017 of the Revised Code.

Notwithstanding the definition of an eligible community school under divisions (A) to (C) of this section, a newly established community school may be eligible for assistance under this section, if it is implementing a community school model that has a track record of high quality academic performance, as determined by the Department of Education.

The foregoing appropriation may be used for the purchase, construction, reconstruction, renovation, remodeling, or addition to classroom facilities. A grant may be awarded to an eligible high-performing community school that demonstrates that the funds will be used to purchase or support classroom facilities construction or modifications that increase the supply of seats in effective schools, service specific unmet student needs through community school education, and show innovation in design and potential as a successful, replicable school model. The School Facilities Commission may award a grant to an eligible high-performing community school upon the approval of a grant application by the Executive Director of the Commission and the Superintendent of Public Instruction. A facility that is purchased, constructed, or modified by the grant funds shall be used for educational purposes for a minimum of ten years after receiving the grant funds. The School Facilities Commission, in consultation with the Superintendent of Public Instruction, shall develop guidelines and may adopt rules under Chapter 111. of the Revised Code for the administration of the grants. Notwithstanding

any provision of law to the contrary, all Revised Code exemptions 123706
applicable to grants awarded and projects administered by the 123707
School Facilities Commission or Facilities Construction Commission 123708
shall apply to the grants pursuant to this section. 123709

Section 503.10. PERSONAL SERVICE EXPENSES 123710

Unless otherwise prohibited by law, any appropriation from 123711
which personal service expenses are paid shall bear the employer's 123712
share of public employees' retirement, workers' compensation, 123713
disabled workers' relief, and insurance programs; and the costs of 123714
centralized financial services, centralized payroll processing, 123715
and related reports and services; centralized human resources 123716
services, including affirmative action and equal employment 123717
opportunity programs; the Office of Collective Bargaining; 123718
centralized information technology management services; 123719
administering the enterprise resource planning system; and 123720
administering the state employee merit system as required by 123721
section 124.07 of the Revised Code. These costs shall be 123722
determined in conformity with the appropriate sections of law and 123723
paid in accordance with procedures specified by the Office of 123724
Budget and Management. Expenditures from appropriation item 123725
070601, Public Audit Expense - Intra-State, may be exempted from 123726
the requirements of this section. 123727

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 123728
AGAINST THE STATE 123729

Except as otherwise provided in this section, an 123730
appropriation in this act or any other act may be used for the 123731
purpose of satisfying judgments, settlements, or administrative 123732
awards ordered or approved by the Court of Claims or by any other 123733
court of competent jurisdiction in connection with civil actions 123734
against the state. This authorization does not apply to 123735

appropriations to be applied to or used for payment of guarantees 123736
by or on behalf of the state, or for payments under lease 123737
agreements relating to, or debt service on, bonds, notes, or other 123738
obligations of the state. Notwithstanding any other statute to the 123739
contrary, this authorization includes appropriations from funds 123740
into which proceeds of direct obligations of the state are 123741
deposited only to the extent that the judgment, settlement, or 123742
administrative award is for, or represents, capital costs for 123743
which the appropriation may otherwise be used and is consistent 123744
with the purpose for which any related obligations were issued or 123745
entered into. Nothing contained in this section is intended to 123746
subject the state to suit in any forum in which it is not 123747
otherwise subject to suit, and is not intended to waive or 123748
compromise any defense or right available to the state in any suit 123749
against it. 123750

Section 503.30. CAPITAL PROJECT SETTLEMENTS 123751

This section specifies an additional and supplemental 123752
procedure to provide for payments of judgments and settlements if 123753
the Director of Budget and Management determines, pursuant to 123754
division (C)(4) of section 2743.19 of the Revised Code, that 123755
sufficient unencumbered moneys do not exist in the fund to support 123756
a particular appropriation to pay the amount of a final judgment 123757
rendered against the state or a state agency, including the 123758
settlement of a claim approved by a court, in an action upon and 123759
arising out of a contractual obligation for the construction or 123760
improvement of a capital facility if the costs under the contract 123761
were payable in whole or in part from a state capital projects 123762
appropriation. In such a case, the Director may either proceed 123763
pursuant to division (C)(4) of section 2743.19 of the Revised Code 123764
or apply to the Controlling Board to increase an appropriation or 123765
create an appropriation out of any unencumbered moneys in the 123766
state treasury to the credit of the capital projects fund from 123767

which the initial state appropriation was made. The amount of an 123768
increase in appropriation or new appropriation approved by the 123769
Controlling Board is hereby appropriated from the applicable 123770
capital projects fund and made available for the payment of the 123771
judgment or settlement. 123772

If the Director does not make the application authorized by 123773
this section or the Controlling Board disapproves the application, 123774
and the Director does not make application under division (C)(4) 123775
of section 2743.19 of the Revised Code, the Director shall for the 123776
purpose of making that payment make a request to the General 123777
Assembly as provided for in division (C)(5) of that section. 123778

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 123779

In order to provide funds for the reissuance of voided 123780
warrants under section 126.37 of the Revised Code, there is hereby 123781
appropriated, out of moneys in the state treasury from the fund 123782
credited as provided in section 126.37 of the Revised Code, that 123783
amount sufficient to pay such warrants when approved by the Office 123784
of Budget and Management. 123785

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 123786
BALANCES OF OPERATING APPROPRIATIONS 123787

(A) An unexpended balance of an operating appropriation or 123788
reappropriation that a state agency lawfully encumbered prior to 123789
the close of a fiscal year is hereby reappropriated on the first 123790
day of July of the following fiscal year from the fund from which 123791
it was originally appropriated or reappropriated for the following 123792
period and shall remain available only for the purpose of 123793
discharging the encumbrance: 123794

(1) For an encumbrance for personal services, maintenance, 123795
equipment, or items for resale, other than an encumbrance for an 123796
item of special order manufacture not available on term contract 123797

or in the open market or for reclamation of land or oil and gas wells, for a period of not more than five months from the end of the fiscal year;

(2) For an encumbrance for an item of special order manufacture not available on term contract or in the open market, for a period of not more than five months from the end of the fiscal year or, with the written approval of the Director of Budget and Management, for a period of not more than twelve months from the end of the fiscal year;

(3) For an encumbrance for reclamation of land or oil and gas wells, for a period ending when the encumbered appropriation is expended or for a period of two years, whichever is less;

(4) For an encumbrance for any other expense, for such period as the Director approves, provided such period does not exceed two years.

(B) Any operating appropriations for which unexpended balances are reappropriated beyond a five-month period from the end of the fiscal year by division (A)(2) of this section shall be reported to the Controlling Board by the Director of Budget and Management by the thirty-first day of December of each year. The report on each such item shall include the item, the cost of the item, and the name of the vendor. The report shall be updated on a quarterly basis for encumbrances remaining open.

(C) Upon the expiration of the reappropriation period set out in division (A) of this section, a reappropriation made by this section lapses, and the Director of Budget and Management shall cancel the encumbrance of the unexpended reappropriation not later than the end of the weekend following the expiration of the reappropriation period.

(D) Notwithstanding division (C) of this section, with the approval of the Director of Budget and Management, an unexpended

balance of an encumbrance that was reappropriated on the first day 123829
of July by this section for a period specified in division (A)(3) 123830
or (4) of this section and that remains encumbered at the close of 123831
the fiscal biennium is hereby reappropriated on the first day of 123832
July of the following fiscal biennium from the fund from which it 123833
was originally appropriated or reappropriated for the applicable 123834
period specified in division (A)(3) or (4) of this section and 123835
shall remain available only for the purpose of discharging the 123836
encumbrance. 123837

(E) The Director of Budget and Management may correct 123838
accounting errors committed by the staff of the Office of Budget 123839
and Management, such as reestablishing encumbrances or 123840
appropriations cancelled in error, during the cancellation of 123841
operating encumbrances in November and of nonoperating 123842
encumbrances in December. 123843

(F) The Director of Budget and Management may at any time 123844
correct accounting errors committed by the staff of a state agency 123845
or state institution of higher education, as defined in section 123846
3345.011 of the Revised Code, such as reestablishing prior year 123847
nonoperating encumbrances canceled or modified in error. The 123848
reestablished encumbrance amounts are hereby appropriated. 123849

(G) If the Controlling Board approved a purchase, that 123850
approval remains in effect so long as the appropriation used to 123851
make that purchase remains encumbered. 123852

Section 503.60. RE-ESTABLISHING ENCUMBRANCES THAT USE 123853
OUTDATED EXPENSE ACCOUNT CODES 123854

On or after January 1, 2015, the Director of Budget and 123855
Management may cancel any existing operating or capital 123856
encumbrances from prior fiscal years that reference outdated 123857
expense account codes and, if needed, reestablish them against the 123858
same appropriation items referencing updated expense account 123859

codes. The reestablished encumbrance amounts are hereby 123860
appropriated. Any business commenced but not completed under the 123861
prior encumbrances by January 1, 2015, shall be completed under 123862
the new encumbrances in the same manner and with the same effect 123863
as if it was completed with regard to the old encumbrances. 123864

Section 503.70. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 123865
RE-ESTABLISHMENT OF ENCUMBRANCES 123866

Any cash transferred by the Director of Budget and Management 123867
under section 126.15 of the Revised Code is hereby appropriated. 123868
Any amounts necessary to re-establish appropriations or 123869
encumbrances under section 126.15 of the Revised Code are hereby 123870
appropriated. 123871

Section 503.80. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 123872

The Director of Budget and Management may transfer 123873
appropriations between the Third Frontier Research and Development 123874
Fund (Fund 7011) and Third Frontier Research and Development 123875
Taxable Bond Fund (Fund 7014) as necessary to maintain the 123876
exclusion from the calculation of gross income for federal income 123877
taxation purposes under the "Internal Revenue Code of 1986," 100 123878
Stat. 2085, 26 U.S.C. 1 et seq., with respect to obligations 123879
issued to fund projects appropriated from the Third Frontier 123880
Research and Development Fund (Fund 7011). 123881

The Director may also create new appropriation items within 123882
the Third Frontier Research and Development Taxable Bond Fund 123883
(Fund 7014) and make transfers of appropriations to them for 123884
projects originally funded from appropriations made from the Third 123885
Frontier Research and Development Fund (Fund 7011). 123886

Section 503.90. INCOME TAX DISTRIBUTION TO COUNTIES 123887

There are hereby appropriated out of any moneys in the state 123888

treasury to the credit of the General Revenue Fund, which are not 123889
 otherwise appropriated, funds sufficient to make any payment 123890
 required by division (B)(2) of section 5747.03 of the Revised 123891
 Code. 123892

Section 503.100. EXPENDITURES AND APPROPRIATION INCREASES 123893
 APPROVED BY THE CONTROLLING BOARD 123894

Any money that the Controlling Board approves for expenditure 123895
 or any increase in appropriation that the Controlling Board 123896
 approves under sections 127.14, 131.35, and 131.39 of the Revised 123897
 Code or any other provision of law is hereby appropriated for the 123898
 period ending June 30, 2017. 123899

Section 503.110. FUNDS RECEIVED FOR USE OF GOVERNOR'S 123900
 RESIDENCE 123901

If the Governor's Residence Fund (Fund 4H20) receives payment 123902
 for use of the residence pursuant to section 107.40 of the Revised 123903
 Code, the amounts so received are hereby appropriated to 123904
 appropriation item 100604, Governor's Residence Gift. 123905

Section 506.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 123906

Unless the agency and nuclear electric utility mutually agree 123907
 to a higher amount by contract, the maximum amounts that may be 123908
 assessed against nuclear electric utilities under division (B)(2) 123909
 of section 4937.05 of the Revised Code and deposited into the 123910
 specified funds are as follows: 123911

<u>Fund</u>	<u>User</u>	<u>FY 2016</u>	<u>FY 2017</u>	
Utility	Department of	\$ 125,000	\$ 125,000	123913
Radiological	Agriculture			
Safety Fund				
(Fund 4E40)				
Radiation	Department of	\$1,086,098	\$ 1,086,098	123914

Emergency	Health				
Response Fund					
(Fund 6100)					
ER Radiological	Environmental	\$ 298,304	\$	303,174	123915
Safety Fund	Protection Agency				
(Fund 6440)					
Emergency	Department of	\$1,200,000	\$	1,200,000	123916
Response Plan	Public Safety				
Fund (Fund 6570)					

Section 512.10. TRANSFERS TO THE GENERAL REVENUE FUND OF INTEREST EARNED 123917
123918

Notwithstanding any provision of law to the contrary, the 123919
Director of Budget and Management, through June 30, 2017, may 123920
transfer interest earned by any state fund to the General Revenue 123921
Fund. This section does not apply to funds whose source of revenue 123922
is restricted or protected by the Ohio Constitution, federal tax 123923
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 123924
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 123925

Section 512.13. CASH TRANSFER FROM THE HEALTH CARE/MEDICAID SUPPORT AND RECOVERIES FUND TO THE GRF 123926
123927

On July 1 of each fiscal year, or as soon as possible 123928
thereafter, the Director of Budget and Management shall transfer 123929
\$7,500,000 cash from the Health Care/Medicaid Support and 123930
Recoveries Fund (Fund 5DL0) to the General Revenue Fund. 123931

Section 512.20. CASH TRANSFERS TO THE GENERAL REVENUE FUND FROM NON-GRF FUNDS 123932
123933

Notwithstanding any provision of law to the contrary, the 123934
Director of Budget and Management may transfer up to \$60,000,000 123935
in each fiscal year in cash from non-General Revenue Funds that 123936
are not constitutionally restricted to the General Revenue Fund in 123937

order to ensure that available General Revenue Fund receipts and 123938
balances are sufficient to support General Revenue Fund 123939
appropriations in each fiscal year. 123940

Section 512.30. FISCAL YEAR 2015 GENERAL REVENUE FUND ENDING 123941
BALANCE 123942

Notwithstanding divisions (B) and (C) of section 131.44 of 123943
the Revised Code, the Director of Budget and Management shall 123944
determine the surplus General Revenue Fund revenue that existed on 123945
June 30, 2015, in excess of the amount required under division 123946
(A)(3) of section 131.44 of the Revised Code, and allocate that 123947
amount, to the extent of the amount so determined, as follows: 123948

(A) First, the Director of Budget and Management shall 123949
reserve in the General Revenue Fund a cash amount of up to 123950
\$247,000,000 to support personal income tax reductions; 123951

(B) Second, the Director shall transfer a cash amount of up 123952
to \$375,500,000 to the Budget Stabilization Fund to increase the 123953
balance of that fund to an amount equal to five per cent of 123954
estimated fiscal year 2017 General Revenue Fund revenue; 123955

(C) Third, the Director shall transfer a cash amount of up to 123956
\$10,000,000 to the College Credit Plus Credential Fund (Fund 123957
5RB0), which is hereby created in the state treasury. 123958

(D) Fourth, the Director shall transfer a cash amount of up 123959
to \$40,000,000 to the Unemployment Compensation Interest 123960
Contingency Fund (Fund 5HC0) for payment to the United States 123961
Secretary of the Treasury of accrued interest costs related to 123962
federal unemployment account borrowing; 123963

(E) Fifth, the Director shall transfer a cash amount of up to 123964
\$20,000,000 to the Disaster Services Fund (Fund 5E20); 123965

(F) Sixth, the Director shall transfer a cash amount of up to 123966
\$7,500,000 to the Systems Transformation Support Fund (Fund 5QM0); 123967

(G) Seventh, the Director shall transfer a cash amount of up to \$12,000,000 to the Natural Resources Special Purposes Fund (Fund 5MW0), which is hereby created in the state treasury;

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(H) Eighth, the Director shall transfer a cash amount of up to \$10,000,000 to the Local Government Innovation Fund (Fund 5KN0).

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(I) Ninth, the Director shall transfer a cash amount of up to \$30,000,000 to the School District TPP Supplement Fund (Fund 5RE0).

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(J) Tenth, the Director shall transfer a cash amount of up to \$50,000,000 to the Health and Human Services Fund.

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Section 512.33. CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE HEALTH AND HUMAN SERVICES FUND

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On July 1, 2016, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$150,000,000 cash from the General Revenue Fund to the Health and Human Services Fund.

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Section 512.40. CASINO OPERATOR SETTLEMENT FUND

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On July 1, 2015, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$4,701,620 cash from the Casino Operator Settlement Fund (Fund 5KT0) to the State Lottery Fund (Fund 7044).

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The Director of Budget and Management, in consultation with the Executive Director of the Casino Control Commission, shall establish a schedule of transfers totaling \$4,701,620 to the Casino Operator Settlement Fund (Fund 5KT0) from the Casino Control Commission Fund (Fund 5HS0).

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Section 512.50. DIESEL EMISSIONS REDUCTION GRANT PROGRAM

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There is hereby established in the Highway Operating Fund 123996
(Fund 7002), used by the Department of Transportation, a Diesel 123997
Emissions Reduction Grant Program. The Director of Environmental 123998
Protection shall administer the program and shall solicit, 123999
evaluate, score, and select projects submitted by public and 124000
private entities that are eligible for the federal Congestion 124001
Mitigation and Air Quality (CMAQ) Program. The Director of 124002
Transportation shall process Federal Highway 124003
Administration-approved projects as recommended by the Director of 124004
Environmental Protection. 124005

In addition to the allowable expenditures set forth in 124006
section 122.861 of the Revised Code, Diesel Emissions Reduction 124007
Grant Program funds also may be used to fund projects involving 124008
the purchase or use of hybrid and alternative fuel vehicles that 124009
are allowed under guidance developed by the Federal Highway 124010
Administration for the CMAQ Program. 124011

Public entities eligible to receive funds under section 124012
122.861 of the Revised Code and CMAQ shall be reimbursed from 124013
moneys in Fund 7002 designated for the Department of 124014
Transportation's Diesel Emissions Reduction Grant Program. 124015

Private entities eligible to receive funds under section 124016
122.861 of the Revised Code and CMAQ shall be reimbursed at the 124017
direction of the local public agency sponsor and upon approval of 124018
the Department of Transportation, through direct payments to the 124019
vendor in the prorated share of federal/state participation. These 124020
reimbursements shall be made from moneys in Fund 7002 designated 124021
for the Department of Transportation's Diesel Emissions Reduction 124022
Grant Program. There shall be no new appropriations from Fund 7002 124023
for the Diesel Emissions Reduction Grant Program in fiscal year 124024
2016. New appropriations from Fund 7002 for the Diesel Emissions 124025
Reduction Grant Program shall not exceed \$5,000,000 in fiscal year 124026
2017. 124027

Any allocations under this section represent CMAQ program 124028
moneys within the Department of Transportation for use by the 124029
Diesel Emissions Reduction Grant Program by the Environmental 124030
Protection Agency. These allocations shall not reduce the amount 124031
of such moneys designated for metropolitan planning organizations. 124032

The Director of Environmental Protection, in consultation 124033
with the Director of Transportation, shall develop guidance for 124034
the distribution of funds and for the administration of the Diesel 124035
Emissions Reduction Grant Program. The guidance shall include a 124036
method of prioritization for projects, acceptable technologies, 124037
and procedures for awarding grants. 124038

Section 512.60. CASH TRANSFERS AND ABOLISHMENT OF FUNDS 124039

(A) On July 1, 2015, or as soon as possible thereafter, the 124040
Director of Budget and Management shall transfer the cash balance 124041
from each of the funds as indicated in the table below to the fund 124042
also indicated in the table below. Upon completion of each 124043
transfer and on the effective date of its repeal by this act, 124044
where applicable, the fund from which the cash balance was 124045
transferred is hereby abolished. 124046

User	Transfer from:		Transfer to:		
Agency	Fund		Fund		
Code	Code	Fund Name	Code	Fund Name	
AGR	5750	Agricultural Financing Commission Administration	GRF	General Revenue Fund	124050
DAS	5HU0	Construction Reform Demonstration Compliance	1880	Equal Opportunity Division - Operating	124051
DAS	4P30	Departmental MIS	1330	Information Technology	124052
DAS	5LA0	Building Operation	1320	Building Management	124053
DPS	5CM0	Investigative Unit - Treasury Contraband	3GT0	Investigative Unit - Treasury Contraband	124054

DSA	5HJ0	Motion Picture Tax Credit Program Operating	4510	Business Assistance	124055
DSA	5S80	Rural Development Initiative Program	7037	Facilities Establishment	124056
DSA	5AR0	Industrial Sites Improvements Program	5M50	Advanced Energy Loan Program	124057
DSA	4Z60	Rural Industrial Park Loan	7037	Facilities Establishment	124058
EPA	4U70	Construction and Demolition Debris	4K30	Solid Waste	124059
EPA	6600	Infectious Waste Management	4K30	Solid Waste	124060
FCC	4T80	Cultural Facilities Administration Fund	7030	Cultural and Sports Facilities Building	124061
FCC	N087	Education Facilities Trust	7021	Public School Building	124062
FCC	5E30	Ohio School Facilities Commission Fund	7021	Public School Building	124063
LOT	2310	Charitable Gaming Oversight	7044	State Lottery	124064
MCD	5Q90	Supplemental Inpatient Hospital	5GF0	Hospital Assessment Fund	124065
MCD	5CR0	Children's Hospital - State	GRF	General Revenue Fund	124066
MCD	5HA0	Health Care Services - Other	GRF	General Revenue Fund	124067
MHA	5DG0	Recovery Assistance	4P90	Mental Health Trust	124068
MHA	4C50	Revolving Loans for Recovery Homes	4P90	Mental Health Trust	124069
MHA	5BR0	Tobacco Use Prevention and Control	4P90	Mental Health Trust	124070
MHA	5DV0	Criminal Justice Prevention and Treatment	4P90	Mental Health Trust	124071

		Collaborative			
MHA	5V20	Non-Federal Grant	4P90	Mental Health Trust	124072
MHA	5JW0	Board Match	4P90	Mental Health Trust	124073
		Reimbursement			
MHA	6920	Mental Health Board Risk	4P90	Mental Health Trust	124074
MHA	3J80	Medicaid Legacy Costs	3B10	Community Medicaid	124075
		Support			
PAY	8140	Cost Savings	8060	Accrued Leave	124076
RAC	5640	Quarter Horse	5620	Thoroughbred Race Fund	124077
		Development			
SOS	4130	Information Systems	5990	Corporate and Uniform	124078
				Commercial Code Filing	
		(B) On July 1, 2015, or as soon as possible thereafter, the			124079
		Director of Budget and Management shall cancel any existing			124080
		encumbrances against each appropriation item as indicated in the			124081
		table below and reestablish them against the appropriation item			124082
		also indicated in the table below. In addition, if any other			124083
		existing encumbrances must be cancelled and reestablished to			124084
		properly close out the funds identified in division (A) of this			124085
		section, the Director is hereby authorized to carry out those			124086
		necessary transactions. These amounts are hereby appropriated.			124087
		Cancel existing encumbrances		Reestablish encumbrances	124088
		against:		against:	
		Fund		Fund	124089
		Code Appropriation Item		Code Appropriation Item	124090
		5CM0 767691 - Equitable Share		3GT0 767691 - Equitable Share	124091
		Account		Account	
		5HU0 100655 - Construction		1880 100649 - Equal	124092
		Reform Demo Compliance		Opportunity Division -	
				Operating	
		4T80 230603 - Community Project		GRF 230458 - State	124093
		Administration		Construction Management	
				Services	

4P30	100603 - DAS Information Services	1330	100607 - IT Services Delivery	124094
5LA0	100660 - Building Operation	1320	100631 - DAS Building Management	124095
6600	715629 - Infectious Waste Management	4K30	715649 - Solid Waste	124096
4U70	715660 - Construction and Demolition Debris	4K30	715649 - Solid Waste	124097
5E30	230644 - Operating Expenses	GRF	230321 - Operating Expenses	124098
4130	050601 - Information Systems	5990	050603 - Business Services Operating Expenses	124099

(C) The following funds, used by the Department of Rehabilitation and Corrections, shall be abolished on the effective date of their repeal by this act: the Laboratory Services Fund (Fund 5930), the Adult Parole/Probation Service Fund (Fund 5A30), the Sex Offender Supervision Fund (Fund 5CL0), and the Confinement Cost Reimbursement Fund (Fund 5D50).

(D) The following funds, used by the Department of Public Safety shall be abolished on the effective date of their repeal by this act: the Justice Assistance Grant - FFY06 Fund (Fund 3CB0), the Justice Assistance Grant - FFY07 Fund (Fund 3CC0), the Justice Assistance Grant - FFY08 Fund (Fund 3CD0), the Justice Assistance Grant - FFY09 Fund (Fund 3CE0), the Justice Assistance Grant Supplemental FFY08 Fund (Fund 3CV0), the Justice Assistance Grant Fund (Fund 3DE0), and the Federal Stimulus Justice Programs Fund (Fund 3DH0).

Section 512.70. MEDICAID RESERVE FUND TRANSFERS AND BALANCE 124115

On July 1, 2015, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$158,000,000 cash

from the Medicaid Reserve Fund (Fund 5Y80) to the General Revenue Fund and \$72,000,000 cash from Fund 5Y80 to the School District TPP Supplement Fund (Fund 5RE0), used by the Department of Education. The remaining balance in Fund 5Y80 shall be transferred to the Budget Stabilization Fund.

Section 512.90. Notwithstanding any provision of law to the contrary, not later than thirty days following the effective date of this section, the Director of Budget and Management shall transfer \$2,500,000 in cash from the Budget Stabilization Fund (Fund 7013) to the Tax Amnesty Promotion and Administration Fund (Fund 5BW0), which is hereby created in the state treasury. The money shall be used by the Department of Taxation to pay expenses incurred in promoting and administering the tax amnesty program that is to be conducted from January 1, 2016, to February 15, 2016, pursuant to Section 757.130 of this act.

After receiving the revenue receipts from the tax amnesty program, the Director of Budget and Management shall transfer the first \$2,500,000 in payments from the amnesty program to the Budget Stabilization Fund as repayment, the next \$10,000,000 to the General Revenue Fund, and the remaining excess fund balance to the Budget Stabilization Fund.

Section 515.10. (A) On the effective date of the enactment of section 3734.49 of the Revised Code by this act, the functions, together with the assets and liabilities, of the Solid Waste Management Advisory Council created in section 3734.51 of the Revised Code, as repealed by this act, and the Recycling and Litter Prevention Advisory Council created in section 3736.04 of the Revised Code, as repealed by this act, are transferred to the Materials Management Advisory Council created in section 3734.49 of the Revised Code, as enacted by this act.

(B) Any business commenced but not completed by the Solid Waste Management Advisory Council and the Recycling and Litter Prevention Advisory Council on the effective date of the transfer shall be completed by the Materials Management Advisory Council. Any validation, cure, right, privilege, remedy, obligation, or liability is not lost or impaired solely by reason of the transfer required by this section and shall be administered by the Materials Management Advisory Council in accordance with this act.

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(C) All of the determinations of the Solid Waste Management Advisory Council and the Recycling and Litter Prevention Advisory Council in relation to those Advisory Councils continue in effect as determinations of the Materials Management Advisory Council until modified or rescinded by the Materials Management Advisory Council.

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(D) Whenever the Solid Waste Management Advisory Council or the Recycling and Litter Prevention Advisory Council or the chairperson of the applicable Advisory Council is referred to in any law, contract, or other document, the reference shall be deemed to refer to the Materials Management Advisory Council or to the chairperson of the Materials Management Advisory Council, whichever is appropriate in context.

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(E) Any action or proceeding pending on the effective date of the enactment of section 3734.49 of the Revised Code by this act is not affected by the transfer of the functions of the Solid Waste Management Advisory Council and the Recycling and Litter Prevention Advisory Council by this act and shall be prosecuted or defended in the name of the Materials Management Advisory Council. In all such actions and proceedings, the Materials Management Advisory Council, upon application to the court, shall be substituted as a party.

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Section 515.80. On the effective date of this section, the

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Ohio Optical Dispensers Board shall be merged into the State Board 124179
of Optometry. All of the functions, and assets and liabilities, of 124180
the Ohio Optical Dispensers Board are transferred to the State 124181
Board of Optometry. The State Board of Optometry is thereupon and 124182
thereafter successor to, assumes the obligations of, and otherwise 124183
constitutes the continuation of the Ohio Optical Dispensers Board. 124184

Any business commenced but not completed by the Ohio Optical 124185
Dispensers Board on the effective date of this section shall be 124186
completed by the State Board of Optometry in the same manner, and 124187
with the same effect, as if completed by the Ohio Optical 124188
Dispensers Board. No validation, cure, right, privilege, remedy, 124189
obligation, or liability is lost or impaired by reason of the 124190
transfer required by this section and shall be administered by the 124191
State Board of Optometry. All of the rules, orders, and 124192
determinations of the Ohio Optical Dispensers Board continue in 124193
effect as rules, orders, and determinations of the State Board of 124194
Optometry, until modified or rescinded by the State Board of 124195
Optometry. If necessary to ensure the integrity of the numbering 124196
of the Administrative Code, the Director of the Legislative 124197
Service Commission shall renumber the rules of the Ohio Optical 124198
Dispensers Board to reflect the transfer of authority and 124199
responsibility to the State Board of Optometry. 124200

Subject to the lay-off provisions of sections 124.321 to 124201
124.328 of the Revised Code, all of the employees of the Ohio 124202
Optical Dispensers Board are transferred to the State Board of 124203
Optometry and shall retain their positions and benefits, unless 124204
the State Board of Optometry determines otherwise. 124205

The Director of Budget and Management shall determine the 124206
amount of the unexpended balances in the appropriation accounts 124207
that pertain to the Ohio Optical Dispensers Board and shall 124208
recommend to the Controlling Board their transfer to the 124209
appropriation accounts that pertain to the State Board of 124210

Optometry. The Ohio Optical Dispensers Board shall provide full 124211
and timely information to the Controlling Board to facilitate the 124212
transfer. 124213

Wherever the Ohio Optical Dispensers Board is referred to in 124214
any law, contract, or other document, the reference shall be 124215
deemed to refer to the State Board of Optometry. 124216

No action or proceeding pending on the effective date of this 124217
act is affected by the transfer, and shall be prosecuted or 124218
defended in the name of the State Board of Optometry. In all such 124219
actions and proceedings, the State Board of Optometry, on 124220
application to the court, shall be substituted as a party. 124221

Section 518.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 124222

Certain appropriations are in this act for the purpose of 124223
paying debt service and financing costs on general obligation 124224
bonds or notes of the state issued pursuant to the Ohio 124225
Constitution and acts of the General Assembly. If it is determined 124226
that additional appropriations are necessary for this purpose, 124227
such amounts are hereby appropriated. 124228

Section 518.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE 124229

Certain appropriations are in this act for the purpose of 124230
making lease rental payments pursuant to leases and agreements 124231
relating to bonds or notes issued by the Treasurer of State, or 124232
previously by the Ohio Building Authority, pursuant to the Ohio 124233
Constitution and acts of the General Assembly. If it is determined 124234
that additional appropriations are necessary for this purpose, 124235
such amounts are hereby appropriated. 124236

Section 518.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM 124237
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 124238

The Office of Budget and Management shall process payments 124239

from general obligation and lease rental payment appropriation 124240
items during the period from July 1, 2015, through June 30, 2017, 124241
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 124242
2n, 2o, 2p, 2q, 2r, 2s, and 15 of Article VIII, Ohio Constitution, 124243
and Chapters 151., 152., and 154. of the Revised Code. Payments 124244
shall be made upon certification by the Treasurer of State of the 124245
dates and the amounts due on those dates. 124246

Section 521.10. STATE AND LOCAL REBATE AUTHORIZATION 124247

There is hereby appropriated, from those funds designated by 124248
or pursuant to the applicable proceedings authorizing the issuance 124249
of state obligations, amounts computed at the time to represent 124250
the portion of investment income to be rebated or amounts in lieu 124251
of or in addition to any rebate amount to be paid to the federal 124252
government in order to maintain the exclusion from gross income 124253
for federal income tax purposes of interest on those state 124254
obligations under section 148(f) of the Internal Revenue Code. 124255

Rebate payments shall be approved and vouchered by the Office 124256
of Budget and Management. 124257

Section 521.20. STATEWIDE INDIRECT COST RECOVERY 124258

Whenever the Director of Budget and Management determines 124259
that an appropriation made to a state agency from a fund of the 124260
state is insufficient to provide for the recovery of statewide 124261
indirect costs under section 126.12 of the Revised Code, the 124262
amount required for such purpose is hereby appropriated from the 124263
available receipts of such fund. 124264

**Section 521.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 124265
COST ALLOCATION PLAN** 124266

The total transfers made from the General Revenue Fund by the 124267
Director of Budget and Management under this section shall not 124268

exceed the amounts transferred into the General Revenue Fund under 124269
section 126.12 of the Revised Code. 124270

The director of an agency may certify to the Director of 124271
Budget and Management the amount of expenses not allowed to be 124272
included in the Statewide Indirect Cost Allocation Plan under 124273
federal regulations, from any fund included in the Statewide 124274
Indirect Cost Allocation Plan, prepared as required by section 124275
126.12 of the Revised Code. 124276

Upon determining that no alternative source of funding is 124277
available to pay for such expenses, the Director of Budget and 124278
Management may transfer cash from the General Revenue Fund into 124279
the fund for which the certification is made, up to the amount of 124280
the certification. The director of the agency receiving such funds 124281
shall include, as part of the next budget submission prepared 124282
under section 126.02 of the Revised Code, a request for funding 124283
for such activities from an alternative source such that further 124284
federal disallowances would not be required. 124285

The director of an agency may certify to the Director of 124286
Budget and Management the amount of expenses paid in error from a 124287
fund included in the Statewide Indirect Cost Allocation Plan. The 124288
Director of Budget and Management may transfer cash from the fund 124289
from which the expenditure should have been made into the fund 124290
from which the expenses were erroneously paid, up to the amount of 124291
the certification. 124292

The director of an agency may certify to the Director of 124293
Budget and Management the amount of expenses or revenues not 124294
allowed to be included in the Statewide Indirect Cost Allocation 124295
Plan under federal regulations, for any fund included in the 124296
Statewide Indirect Cost Allocation Plan, for which the federal 124297
government requires payment. If the Director of Budget and 124298
Management determines that an appropriation made to a state agency 124299
from a fund of the state is insufficient to pay the amount 124300

required by the federal government, the amount required for such 124301
purpose is hereby appropriated from the available receipts of such 124302
fund, up to the amount of the certification. 124303

Section 521.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 124304

Notwithstanding any provision of law to the contrary, on or 124305
before the first day of September of each fiscal year, the 124306
Director of Budget and Management, in order to reduce the payment 124307
of adjustments to the federal government, as determined by the 124308
plan prepared under division (A) of section 126.12 of the Revised 124309
Code, may designate such funds as the Director considers necessary 124310
to retain their own interest earnings. 124311

Section 521.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 124312

Pursuant to the plan for compliance with the Federal Cash 124313
Management Improvement Act required by section 131.36 of the 124314
Revised Code, the Director of Budget and Management may cancel and 124315
re-establish all or part of encumbrances in like amounts within 124316
the funds identified by the plan. The amounts necessary to 124317
re-establish all or part of encumbrances are hereby appropriated. 124318

Section 521.60. FISCAL STABILIZATION AND RECOVERY 124319

To ensure the level of accountability and transparency 124320
required by federal law, the Director of Budget and Management may 124321
issue guidelines to any agency applying for federal money made 124322
available to this state for fiscal stabilization and recovery 124323
purposes, and may prescribe the process by which agencies are to 124324
comply with any reporting requirements established by the federal 124325
government. 124326

Section 591.10. That Sections 4 and 5 of Am. Sub. H.B. 7 of 124327
the 131st General Assembly be amended to read as follows: 124328

Sec. 4. Notwithstanding anything in the Revised Code to the contrary, division (E)(3) of section 3317.03, division (L)(3) of section 3314.08, and division (C) of section 3326.37 of the Revised Code shall not apply in the case of a pupil who did not take an assessment prescribed under division (A) of section 3301.0710 or division (B)(2) of section 3301.0712 of the Revised Code that was administered during the 2014-2015, 2015-2016, or 2016-2017 school ~~year~~ years and was not excused pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code from taking that assessment.

Sec. 5. (A) Notwithstanding anything in the Revised Code to the contrary, a student receiving a scholarship under a state scholarship program, as defined in section 3301.0711 of the Revised Code, who did not take an assessment prescribed under division (A) of section 3301.0710 or division (B)(2) of section 3301.0712 of the Revised Code that is administered in the 2014-2015, 2015-2016, or 2016-2017 school ~~year~~ years shall be considered to be an eligible student for purposes of the respective scholarship program, so long as the student satisfies all other prescribed conditions of the program.

(B) Notwithstanding anything in the Revised Code to the contrary, division (A) of section 3310.14, section 3310.522, and division (A)(11) of section 3313.976 of the Revised Code, and paragraph (C) of rule 3301-103-04 of the Administrative Code shall not apply in the case of a student who did not take an assessment prescribed under division (A) of section 3301.0710 or division (B)(2) of section 3301.0712 of the Revised Code that is administered in the 2014-2015, 2015-2016, or 2016-2017 school ~~year~~ years.

Section 591.11. That existing Sections 4 and 5 of Am. Sub.

H.B. 7 of the 131st General Assembly are hereby repealed. 124359

Section 610.01. That Section 755.40 of Sub. H.B. 53 of the 124360
131st General Assembly be amended to read as follows: 124361

Sec. 755.40. (A) There is hereby created the Joint 124362
Legislative Task Force on Department of Transportation Issues. The 124363
Task Force shall consist of three members of the House Finance and 124364
Appropriations Committee, one of whom is a member of the Minority 124365
party, all of whom shall be appointed by the Speaker of the House 124366
of Representatives; and three members of the Senate Transportation 124367
Committee, one of whom is a member of the Minority party, all of 124368
whom shall be appointed by the President of the Senate. In making 124369
Minority party appointments, the Speaker shall consult with the 124370
Minority Leader of the House of Representatives, and the President 124371
shall consult with the Minority Leader of the Senate. 124372

(B)(1) The Task Force shall study methods for increasing the 124373
speed on, and access to, rural highways and freeways in Ohio. ~~The~~ 124374
~~Task Force also shall study~~ and methods for saving money on 124375
license plates, including specifically a single license plate 124376
requirement. 124377

(2) In addition to the areas of study specified in division 124378
(B)(1) of this section, the Task Force shall study the cost and 124379
feasibility of establishing a limited driving privilege license 124380
that: 124381

(a) Contains embedded information, accessible only to law 124382
enforcement officers, that specifies the period during which the 124383
license holder may exercise limited driving privileges and the 124384
purposes for which limited driving privileges have been granted; 124385

(b) Is issued to any person to whom any of the following 124386
applies: 124387

(i) The person's driver's license has been suspended and the 124388

person has been granted limited driving privileges under section 124389
4510.021 of the Revised Code; 124390

(ii) The person's driver's license was previously suspended, 124391
the period of suspension has ended, and the person is complying 124392
with a Bureau of Motor Vehicles fee installment plan under O.A.C. 124393
4501:1-1-45 in order to pay the person's reinstatement fees; or 124394

(iii) The person's driver's license was previously suspended, 124395
the period of suspension has ended, and the person has been issued 124396
a court order under division (D)(2) of section 4510.10 of the 124397
Revised Code that authorizes the person to operate a vehicle until 124398
the person can pay the reinstatement fees. 124399

(3) Not later than December 15, 2015, the Task Force shall 124400
issue a report containing its findings and recommendations with 124401
regard to the areas of study specified in division (B)(1) and (2) 124402
of this section to the President of the Senate, the Minority 124403
Leader of the Senate, the Speaker of the House of Representatives, 124404
and the Minority Leader of the House of Representatives. 124405

(C)(1) The Task Force shall examine the funding needs of the 124406
Ohio Department of Transportation and shall study specifically the 124407
issue of the effectiveness of the Ohio motor fuel tax in meeting 124408
those funding needs. The Task Force also shall study alternative 124409
methods for funding the construction and maintenance of Ohio's 124410
roadways and infrastructure. 124411

(2) Not later than December 15, 2016, the Task Force shall 124412
issue a report containing its findings and recommendations with 124413
regard to the areas of study specified in division (C)(1) of this 124414
section to the President of the Senate, the Minority Leader of the 124415
Senate, the Speaker of the House of Representatives, and the 124416
Minority Leader of the House of Representatives. At that time, the 124417
Task Force shall cease to exist. 124418

Section 610.02. That existing Section 755.40 of Sub. H.B. 53 124419
of the 131st General Assembly is hereby repealed. 124420

Section 610.10. That Sections 125.10 and 125.11 of Am. Sub. 124421
H.B. 59 of the 130th General Assembly be amended to read as 124422
follows: 124423

Sec. 125.10. (A) Sections 5168.01, 5168.02, 5168.03, 5168.04, 124424
5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 124425
~~5168.12~~, 5168.13, 5168.99, and 5168.991 of the Revised Code are 124426
hereby repealed, effective October 16, ~~2015~~ 2017. 124427

(B) ~~Any~~ Notwithstanding the repeal by this act of section 124428
5168.12 of the Revised Code, any money remaining in the 124429
Legislative Budget Services Fund on ~~October 16, 2015~~, the 124430
effective date of the repeal of that section 5168.12 of the 124431
~~Revised Code is repealed by division (A) of this section~~, shall be 124432
used solely for the purposes stated in then former section 5168.12 124433
of the Revised Code. When all money in the Legislative Budget 124434
Services Fund has been spent after then former section 5168.12 of 124435
the Revised Code is repealed ~~under division (A) of this section~~, 124436
the fund shall cease to exist. 124437

Sec. 125.11. Sections 5168.20, 5168.21, 5168.22, 5168.23, 124438
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 124439
Code are hereby repealed, effective October 1, ~~2015~~ 2017. 124440

Section 610.11. That existing Sections 125.10 and 125.11 of 124441
Am. Sub. H.B. 59 of the 130th General Assembly are hereby 124442
repealed. 124443

Section 610.14. That Section 745.10 of Am. Sub. H.B. 483 of 124444
the 130th General Assembly be amended to read as follows: 124445

Sec. 745.10. (A) There is hereby created the Maritime Port Funding Study Committee. The committee shall consist of the following ten members who shall be appointed not later than thirty days after the effective date of this section:

(1) Two members of the Senate, one of whom shall be a member of the majority party and one of whom shall be a member of the minority party, both appointed by the President of the Senate;

(2) Two members of the House of Representatives, one of whom shall be a member of the majority party and one of whom shall be a member of the minority party, both appointed by the Speaker of the House of Representatives;

(3) Two members appointed by the Governor, one of whom shall be from the Ohio Department of Transportation and be knowledgeable about maritime ports and one of whom shall be from the Development Services Agency;

(4) Four members appointed jointly by the President of the Senate and the Speaker of the House of Representatives, each of whom shall represent maritime port interests on behalf of a major maritime port and none of whom shall represent the same maritime port.

(B) The Committee shall select a chairperson and vice-chairperson from among its members. The Committee first shall meet within one month after the effective date of this section at the call of the President of the Senate. Thereafter, the Committee shall meet at the call of its chairperson as necessary to carry out its duties. Members of the Committee are not entitled to compensation for serving on the Committee, but may continue to receive the compensation and benefits accruing from their regular offices or employments.

(C) The Committee shall study alternative funding mechanisms

for maritime ports in Ohio that may be utilized beginning in 124476
fiscal year 2016-2017. Not later than January 1, ~~2015~~ 2016, the 124477
Study Committee shall issue a report of its findings and 124478
recommendations to the Governor, the President of the Senate, the 124479
Minority Leader of the Senate, the Speaker of the House of 124480
Representatives, and the Minority Leader of the House of 124481
Representatives. After submitting the report, the Study Committee 124482
shall cease to exist. 124483

Section 610.15. That existing Section 745.10 of Am. Sub. H.B. 124484
483 of the 130th General Assembly is hereby repealed. 124485

Section 610.17. That Section 13 of Am. Sub. H.B. 487 of the 124486
130th General Assembly be amended to read as follows: 124487

Sec. 13. Notwithstanding anything in the Revised Code to the 124488
contrary, the board of education of a school district, the 124489
governing authority of a community school established under 124490
Chapter 3314. of the Revised Code, or the governing body of a STEM 124491
school established under Chapter 3326. of the Revised Code that 124492
has entered into a collective bargaining agreement with its 124493
teachers under Chapter 4117. of the Revised Code may enter into a 124494
separate memorandum of understanding with the exclusive 124495
representative of its teachers stipulating that the value-added 124496
progress dimension rating that is based on the results of the 124497
assessments prescribed under sections 3301.0710 and 3301.0712 of 124498
the Revised Code administered in the 2014-2015, 2015-2016, or 124499
2016-2017 school ~~year~~ years and is used to assess student academic 124500
growth for purposes of teacher evaluations under sections 3311.80, 124501
3319.111, and 3319.112 of the Revised Code will not be used when 124502
making decisions regarding the dismissal, retention, tenure, or 124503
compensation of the district's or school's teachers. 124504

As used in this section, "value-added progress dimension" 124505

means the value-added progress dimension prescribed by section 124506
3302.021 of the Revised Code or an alternative student academic 124507
progress measure if adopted under division (C)(1)(e) of section 124508
3303.03 of the Revised Code. 124509

Section 610.18. That existing Section 13 of Am. Sub. H.B. 487 124510
of the 130th General Assembly is hereby repealed. 124511

Section 610.20. That Sections 207.70, 207.200, 221.20, 124512
235.10, 245.10, and 259.10 of Am. H.B. 497 of the 130th General 124513
Assembly be amended to read as follows: 124514

Sec. 207.70. CLT CLARK STATE COMMUNITY COLLEGE 124515
Higher Education Improvement Fund (Fund 7034) 124516
C38519 Energy Efficiency Improvements \$ 2,100,000 124517
C38520 Springfield Downtown Parking Facility \$ 250,000 124518
C38521 Springfield UAS Hangar \$ 500,000 124519
C38522 Food and Bioscience Training Center \$ 1,000,000 124520
TOTAL Higher Education Improvement Fund \$ 3,850,000 124521
TOTAL ALL FUNDS \$ 3,850,000 124522

SPRINGFIELD DOWNTOWN PARKING FACILITY 124523

The foregoing appropriation item C38520, Springfield Downtown 124524
Parking Facility, may be used for transportation and community 124525
strategic planning, including, but not limited to, construction of 124526
a parking garage, studies of parking issues, and long-term 124527
strategic community planning. 124528

Sec. 207.200. NCC NORTH CENTRAL TECHNICAL COLLEGE 124529
Higher Education Improvement Fund (Fund 7034) 124530
C38010 Kehoe Center Infrastructure Renovation \$ 350,000 124531
C38014 IT Data Infrastructure Upgrade Project \$ 1,400,000 124532
C38015 Crawford County Higher Education Center \$ 850,000 124533

C38016	MEDAL Talent Innovation Network	\$	500,000	124534
C38017	Ashland University College of Nursing	\$	1,000,000	124535
TOTAL	Higher Education Improvement Fund	\$	4,100,000	124536
			<u>3,100,000</u>	
TOTAL ALL FUNDS		\$	4,100,000	124537
			<u>3,100,000</u>	

Sec. 221.20. The Treasurer of State is hereby authorized to 124539
issue and sell in accordance with Section 2i of Article VIII, Ohio 124540
Constitution, and Chapter 154. of the Revised Code, particularly 124541
section 154.20 of the Revised Code, original obligations in an 124542
aggregate principal amount not to exceed ~~\$40,000,000~~ \$41,000,000 124543
in addition to the original issuance of obligations heretofore 124544
authorized by prior acts of the General Assembly. These authorized 124545
obligations shall be issued, subject to applicable constitutional 124546
and statutory limitations, as needed to provide sufficient moneys 124547
to the credit of the Mental Health Facilities Improvement Fund 124548
(Fund 7033) to pay costs of capital facilities as defined in 124549
section 154.01 of the Revised Code for mental hygiene and 124550
retardation. 124551

Sec. 235.10. DEV DEVELOPMENT SERVICES AGENCY 124552

Coal Research and Development Fund (Fund 7046)				124553
C19505	Coal Research and Development	\$	3,000,000	124554
TOTAL	Coal Research and Development Fund	\$	3,000,000	124555
	<u>Service Station Cleanup Fund (Fund 7100)</u>			124556
<u>C19507</u>	<u>Service Station Cleanup</u>	<u>\$</u>	<u>20,000,000</u>	124557
<u>TOTAL</u>	<u>Service Station Cleanup Fund</u>	<u>\$</u>	<u>20,000,000</u>	124558
TOTAL ALL FUNDS		\$	3,000,000	124559
			<u>23,000,000</u>	

SERVICE STATION CLEANUP FUND 124560

(A) For purposes of this section: 124561

<u>(1) "Political subdivision" means a county, municipal corporation, township, or port authority.</u>	124562
	124563
<u>(2) "Class C release" has the same meaning as in section 3737.87 of the Revised Code.</u>	124564
	124565
<u>(3) "Property assessment" means a property assessment conducted in accordance with section 3746.04 of the Revised Code or a corrective action process or source investigation process under section 1301:7-9-13 of the Ohio Administrative Code.</u>	124566
	124567
	124568
	124569
<u>(4) "Property owner" means a political subdivision and an organization that owns publicly owned lands.</u>	124570
	124571
<u>(5) "Cleanup or remediation" means any action at a Class C release site to contain, remove, or dispose of petroleum or other hazardous substances or remove underground storage tanks used to store petroleum or other hazardous substances.</u>	124572
	124573
	124574
	124575
<u>(6) "Publicly owned lands" includes lands that are owned by an organization that has entered into a relevant agreement with a political subdivision.</u>	124576
	124577
	124578
<u>(B) The Abandoned Gas Station Cleanup Grant Program is established in the Development Services Agency for the purpose of cleanup and remediation of Class C release sites to provide for and enable the environmentally safe and productive reuse of publicly owned lands by the remediation or cleanup, or planning and assessment for that remediation or cleanup, of contamination or by addressing property conditions or circumstances that may be deleterious to public health and safety or the environment or that preclude or inhibit environmentally sound or economic reuse of the property as authorized by Section 2o of Article VIII of the Ohio Constitution. Under this program, the Director of Development Services may do either or both of the following:</u>	124579
	124580
	124581
	124582
	124583
	124584
	124585
	124586
	124587
	124588
	124589
	124590
<u>(1) Award a grant of up to \$100,000 to a property owner for purposes of a property assessment on a Class C release site;</u>	124591
	124592

(2) Award a grant of up to \$500,000 to a property owner for 124593
purposes of cleanup or remediation of a Class C release site. 124594

Grants under divisions (B)(1) and (2) of this section shall 124595
be used by a property owner to create a site that provides 124596
opportunities for economic impact through redevelopment. The 124597
Director of Development Services may consult with the 124598
Environmental Protection Agency, the State Fire Marshal, the Ohio 124599
Water Development Authority, and the Ohio Public Works Commission 124600
in connection with this program and the awarding of these grants. 124601
Sections 122.651 to 122.658 of the Revised Code do not apply to 124602
this program. 124603

(C) A property owner applying for a grant under division 124604
(B)(1) or (2) of this section shall submit an application for the 124605
grant on a form prescribed by the Director of Development 124606
Services. 124607

An authorized representative of the property owner shall sign 124608
and submit an affidavit with the application certifying that the 124609
property owner did not cause or contribute to any prior release of 124610
petroleum or other hazardous substances on the site. 124611

Upon receipt of an application, the Director shall examine 124612
the application and all accompanying information to determine if 124613
the application is complete. If the Director determines that the 124614
application is not complete, the Director shall promptly notify 124615
the property owner that the application is not complete, provide a 124616
description of the information that is missing from the 124617
application, and return the application and all accompanying 124618
information to the property owner. The property owner may resubmit 124619
the application. 124620

If the Director approves an application under this section, 124621
the Director may enter into an agreement with the property owner 124622
to award a grant to the property owner. The agreement shall be 124623

executed prior to paying or disbursing any grant funds approved by 124624
the Director under this section. 124625

(D) The Service Station Cleanup Fund (Fund 7100) is hereby 124626
created in the state treasury. The fund shall consist of moneys 124627
transferred to it pursuant to this section from the Clean Ohio 124628
Revitalization Fund (Fund 7003) created in section 122.658 of the 124629
Revised Code. Investment earnings of the fund shall be credited to 124630
the fund. Moneys in the fund shall be used to award grants 124631
pursuant to the Abandoned Gas Station Cleanup Grant Program 124632
established in this section. 124633

(E) At the request of the Director of Development Services 124634
the Director of Budget and Management may transfer up to 124635
\$20,000,000 cash from the Clean Ohio Revitalization Fund (Fund 124636
7003) to the Service Station Cleanup Fund (Fund 7100) as needed to 124637
provide for grants awarded by the Director of Development Services 124638
under this section. 124639

Sec. 245.10. PWC PUBLIC WORKS COMMISSION 124640

State Capital Improvements Fund (Fund 7038) 124641

C15000 Local Public Infrastructure/State CIP \$ 300,000,000 124642

TOTAL State Capital Improvements Fund \$ 300,000,000 124643

State Capital Improvements Revolving Loan Fund (Fund 7040) 124644

C15030 Revolving Loan \$ 69,000,000 124645

TOTAL State Capital Improvements Revolving Loan \$ 69,000,000 124646

Fund

Clean Ohio Conservation Fund (Fund 7056) 124647

C15060 Clean Ohio Conservation Program \$ 75,000,000 124648

TOTAL Clean Ohio Conservation Fund \$ 75,000,000 124649

TOTAL ALL FUNDS \$ 444,000,000 124650

LOCAL PUBLIC INFRASTRUCTURE 124651

The foregoing appropriation item C15000, Local Public 124652

Infrastructure/State CIP, shall be used in accordance with 124653
sections 164.01 to 164.12 of the Revised Code. The Director of the 124654
Public Works Commission may certify to the Director of Budget and 124655
Management that a need exists to appropriate investment earnings 124656
to be used in accordance with sections 164.01 to 164.12 of the 124657
Revised Code. If the Director of Budget and Management determines 124658
pursuant to division (D) of section 164.08 and section 164.12 of 124659
the Revised Code that investment earnings are available to support 124660
additional appropriations, such amounts are hereby appropriated. 124661

If the Public Works Commission receives refunds due to 124662
project overpayments that are discovered during a post-project 124663
audit, the Director of the Public Works Commission may certify to 124664
the Director of Budget and Management that refunds have been 124665
received. In certifying the refunds, the Director of the Public 124666
Works Commission shall provide the Director of Budget and 124667
Management information on the project refunds. The certification 124668
shall detail by project the source and amount of project 124669
overpayments received and include any supporting documentation 124670
required or requested by the Director of Budget and Management. 124671
Upon receipt of the certification, the Director of Budget and 124672
Management shall determine if the project refunds are necessary to 124673
support existing appropriations. If the project refunds are 124674
available to support additional appropriations, these amounts are 124675
hereby appropriated to appropriation item C15030, Revolving Loan. 124676

REVOLVING LOAN 124677

The foregoing appropriation item C15030, Revolving Loan, 124678
shall be used in accordance with sections 164.01 to 164.12 of the 124679
Revised Code. 124680

If the Public Works Commission receives refunds due to 124681
project overpayments that are discovered during a post-project 124682
audit, the Director of the Public Works Commission may certify to 124683
the Director of Budget and Management that refunds have been 124684

received. In certifying the refunds, the Director of the Public Works Commission shall provide the Director of Budget and Management information on the project refunds. The certification shall detail by project the source and amount of project overpayments received and include any supporting documentation required or requested by the Director of Budget and Management. Upon receipt of the certification, the Director of Budget and Management shall determine if the project refunds are necessary to support existing appropriations. If the project refunds are available to support additional appropriations, these amounts are hereby appropriated to appropriation item C15030, Revolving Loan.

STATE CAPITAL IMPROVEMENTS REVOLVING LOAN FUND

Revenues to the State Capital Improvements Revolving Loan Fund (Fund 7040) shall consist of all repayments of loans made to local subdivisions for capital improvements, investment earnings on moneys in the fund, and moneys obtained from federal or private grants or from other sources for the purpose of making loans for the purpose of financing or assisting in the financing of the cost of capital improvement projects of local subdivisions.

If the Public Works Commission receives refunds due to project overpayments that are discovered during the post-project audit, the Director of the Public Works Commission may certify to the Director of Budget and Management that refunds have been received. If the Director of Budget and Management determines that the project refunds are available to support additional appropriations, such amounts are hereby appropriated.

CLEAN OHIO CONSERVATION GRANT REPAYMENTS

Any amount in grant repayments received by the Public Works Commission and deposited into the Clean Ohio Conservation Fund pursuant to section 164.261 of the Revised Code is hereby appropriated through the foregoing appropriation item C15060,

Clean Ohio Conservation. 124716

Reappropriations

Sec. 259.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES			124717
Administrative Building Fund (Fund 7026)			124718
C10000	Governor's Residence	\$ 376,384	124719
C10010	Office Services Building Renovation	\$ 776,561	124720
C10011	Statewide Communications System	\$ 199,723	124721
C10015	SOCC Renovations	\$ 333,180	124722
C10016	Hamilton St/Local Government Center - Plan	\$ 57,500	124723
C10019	25 S. Front Street Renovations	\$ 367,932	124724
C10020	North High Building Complex Renovations	\$ 10,685,993	124725
C10021	Office Space Planning	\$ 4,796,323	124726
C10022	Governor's Residence Security Upgrade	\$ 24,250	124727
C10023	eSecure Ohio	\$ 160,043	124728
C10025	eGovernment Infrastructure	\$ 82,675	124729
C10026	DAS Building Security	\$ 11,067	124730
C10031	Operations Facilities Improvement	\$ 191,978	124731
TOTAL Administrative Building Fund			\$ 18,063,609 124732
General Revenue Fund (GRF)			124733
C10008	Urban Areas Community Improvement	\$ 20,000	124734
TOTAL General Revenue Fund			\$ 20,000 124735
TOTAL ALL FUNDS			\$ 18,083,609 124736

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM 124737

There is hereby continued a Multi-Agency Radio Communications 124738
System (MARCS) Steering Committee consisting of the designees of 124739
the Directors of Administrative Services, Public Safety, Natural 124740
Resources, Transportation, Rehabilitation and Correction, and 124741
Budget and Management, and the State Fire Marshal or the State 124742
Fire Marshal's designee. The Director of Administrative Services 124743
or the Director's designee shall chair the Committee. The 124744

Committee shall provide assistance to the Director of 124745
Administrative Services for effective and efficient implementation 124746
of MARCS as well as develop policies for the ongoing management of 124747
the system. Upon dates prescribed by the Directors of 124748
Administrative Services and Budget and Management, the MARCS 124749
Steering Committee shall report to the Directors on the progress 124750
of MARCS implementation and the development of policies related to 124751
the system. 124752

The Committee may establish a subcommittee to represent MARCS 124753
users on the local government level. If the Committee establishes 124754
such a subcommittee, the chairperson of the subcommittee also may 124755
serve as a member of the MARCS Steering Committee. 124756

The foregoing appropriation item C10011, Statewide 124757
Communications System, shall be used to purchase or construct the 124758
components of MARCS that are not specific to any one agency. The 124759
equipment may include, but is not limited to, multi-agency 124760
equipment at the Emergency Operations Center/Joint Dispatch 124761
Facility, computer and telecommunications equipment used for the 124762
functioning and integration of the system, communications towers, 124763
tower sites, tower equipment, and linkages among towers and 124764
between towers and the State of Ohio Network for Integrated 124765
Communication (SONIC) system. The Director of Administrative 124766
Services shall, with the concurrence of the MARCS Steering 124767
Committee, determine the specific use of funds. 124768

The amount reappropriated for the foregoing appropriation 124769
item C10011, Statewide Communications System, is the unencumbered 124770
and unallotted balance as of June 30, 2014, in appropriation item 124771
C10011, Statewide Communications System, plus \$66,092. Prior to 124772
the expenditure of this reappropriation, the Director of 124773
Administrative Services shall certify to the Director of Budget 124774
and Management canceled encumbrances in the Administrative 124775
Building Fund (Fund 7026) in the amount of at least \$66,092. 124776

Spending from this appropriation item shall not be subject to	124777
Chapters 123. and 153. of the Revised Code.	124778
SOCC RENOVATIONS	124779
The amount reappropriated for the foregoing appropriation	124780
item C10015, SOCC Renovations, is the unencumbered and unallotted	124781
balance as of June 30, 2014, in appropriation item C10015, SOCC	124782
Renovations, plus \$36,166. Prior to the expenditure of this	124783
reappropriation, the Director of Administrative Services shall	124784
certify to the Director of Budget and Management canceled	124785
encumbrances in the Administrative Building Fund (Fund 7026) in	124786
the amount of at least \$36,166.	124787
NORTH HIGH BUILDING COMPLEX RENOVATIONS	124788
The amount reappropriated for the foregoing appropriation	124789
item C10020, North High Building Complex Renovations, is the	124790
unencumbered and unallotted balance as of June 30, 2014, in	124791
appropriation item C10020, North High Building Complex	124792
Renovations, plus \$845,454. Prior to the expenditure of this	124793
reappropriation, the Director of Administrative Services shall	124794
certify to the Director of Budget and Management canceled	124795
encumbrances in the Administrative Building Fund (Fund 7026) in	124796
the amount of at least \$845,454.	124797
OFFICE SPACE PLANNING	124798
The amount reappropriated for the foregoing appropriation	124799
item C10021, Office Space Planning, is the unencumbered and	124800
unallotted balance as of June 30, 2014, in appropriation item	124801
C10021, Office Space Planning, plus \$60,126. Prior to the	124802
expenditure of this reappropriation, the Director of	124803
Administrative Services shall certify to the Director of Budget	124804
and Management canceled encumbrances in the Administrative	124805
Building Fund (Fund 7026) in the amount of at least \$60,126.	124806
ESECURE OHIO	124807

The amount reappropriated for the foregoing appropriation 124808
item C10023, eSecure Ohio, is the unencumbered and unallotted 124809
balance as of June 30, 2014, in appropriation item C10023, eSecure 124810
Ohio, plus \$31,590. Prior to the expenditure of this 124811
reappropriation, the Director of Administrative Services shall 124812
certify to the Director of Budget and Management canceled 124813
encumbrances in the Administrative Building Fund (Fund 7026) in 124814
the amount of at least \$31,590. 124815

Section 610.21. That existing Sections 207.70, 207.200, 124816
221.20, 235.10, 245.10, and 259.10 of Am. H.B. 497 of the 130th 124817
General Assembly are hereby repealed. 124818

Section 610.22. That Section 2 of Am. Sub. S.B. 1 of the 124819
130th General Assembly be amended to read as follows: 124820

Sec. 2. (A) As used in this section: 124821

(1) "Institution" means any of the following: 124822

(a) A state institution of higher education, as defined in 124823
section 3345.011 of the Revised Code; 124824

(b) A private career school, as defined in section 3332.01 of 124825
the Revised Code; 124826

(c) A private, nonprofit institution in this state holding a 124827
certificate of authorization pursuant to Chapter 1713. of the 124828
Revised Code; 124829

(d) A private institution exempt from regulation under 124830
Chapter 3332. of the Revised Code as prescribed in section 124831
3333.046 of the Revised Code, if the program has a certificate of 124832
authorization pursuant to Chapter 1713. of the Revised Code; 124833

(e) A career-technical center, joint vocational school 124834
district, comprehensive career-technical center, or compact 124835

career-technical center offering adult training. 124836

(2) "Workforce training program" includes any of the 124837
following: 124838

(a) Courses, programs, or a degree from an institution; 124839

(b) Vocational education classes offered to adult learners; 124840

(c) Any other training program designed to meet the special 124841
requirements of a particular employer. 124842

(B)(1) The OhioMeansJobs Workforce Development Revolving Loan 124843
Program is hereby established for the purpose of assisting with 124844
job growth and advancement through training and retraining. The 124845
Chancellor of ~~the Ohio Board of Regents~~ Higher Education shall 124846
~~administer the program and shall~~ award funds to an institution 124847
that the institution shall use to award loans to participants in a 124848
workforce training program that is approved by the Chancellor and 124849
that is administered by the institution. 124850

(2) In awarding funds under this section, the Chancellor 124851
shall give a preference to an institution for a workforce training 124852
program in which the institution partners with a business that is 124853
willing to repay all or part of the loan on behalf of a program 124854
participant or with a business that also provides funding for the 124855
program, in comparison to a program that does not have such a 124856
partnership. The Chancellor shall consider a program that has 124857
employment opportunities in areas that are in demand, including, 124858
but not limited to, energy exploration. 124859

(3) The Chancellor also shall consider all of the following 124860
factors when determining whether to award funds under this section 124861
to an institution for a workforce training program, to the extent 124862
that these factors apply to the program: 124863

(a) The success rate of the workforce training program 124864
offered by the institution; 124865

(b) The cost of the workforce training program based upon a comparison of similar workforce training programs offered in this state; 124866
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(c) The rate that the workforce training program participants obtain employment in the field in which they receive training under the program; 124869
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124871

(d) The willingness of the institution to assist a participant in paying for the costs of participating in the workforce training program; 124872
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(e) The extent to which the program has demonstrated support from business partners. 124875
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(4) After the initial funds are awarded to institutions under this section, the Chancellor, in awarding subsequent funds under this section, shall give greater weight to the factors listed in division (B)(3)(a) of this section in comparison to the other factors listed in division (B)(3) of this section, but shall not give that factor greater weight than the preference given in division (B)(2) of this section. 124877
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(C) Funds shall be disbursed to successful applicants using moneys from the OhioMeansJobs Workforce Development Revolving Loan Fund established in section 6301.14 of the Revised Code. The Chancellor shall not award to an institution more than one hundred thousand dollars per workforce training program per year under this section. An institution receiving funds under this section shall establish, in consultation with the ~~Board of Regents~~ Department of Higher Education, eligibility requirements that a participant in the workforce training program for which the institution received the funds shall satisfy to receive a loan under this section, and the institution shall ~~disburse~~ apply the loan proceeds to program costs for those participants who satisfy those requirements. A loan ~~awarded~~ applied by an institution to a 124884
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program costs for a participant under this section shall not 124897
exceed ten thousand dollars per program in which the participant 124898
participates. 124899

(D) Except as provided in the rules adopted by the ~~Chancellor~~ 124900
Treasurer of State pursuant to division ~~(E)(3)(G)~~ of this section, 124901
a loan to a program participant shall remain interest-free until 124902
six months after the date the participant successfully completes 124903
the workforce training program, if the participant also continues 124904
to reside in this state. Beginning on the earlier of the date that 124905
is six months after the individual completes the workforce 124906
training program for which the participant received a loan under 124907
this section, the date the individual terminates enrollment in the 124908
workforce training program without completion, or the date the 124909
participant ceases to reside in this state, the ~~Chancellor~~ 124910
Treasurer of State shall assess a rate of interest of not more 124911
than four per cent per annum on any outstanding principal balance 124912
of that loan. The ~~Chancellor~~ Treasurer of State shall not assess a 124913
zero per cent interest rate. The ~~Chancellor~~ Treasurer of State 124914
shall establish a payment schedule not to exceed seven years after 124915
the date a participant successfully completes the workforce 124916
training program. 124917

(E) The Chancellor shall prescribe, by rule adopted in 124918
accordance with Chapter 119. of the Revised Code, procedures 124919
necessary to carry out this section, including all of the 124920
following: 124921

(1) Application procedures for funds under this section, 124922
which shall require an applicant to include a description of the 124923
workforce training program for which the institution intends to 124924
award loans and the number of individuals who will be 124925
participating in that program; 124926

(2) ~~Terms for repayment of a loan;~~ 124927

~~(3) Assessment of interest on loans for a participant who fails to comply with continuing eligibility requirements, who fails to complete the workforce training program for which the participant received the loan, or whose participation in the program is on a staggered basis;~~ 124928
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~~(4) A method to determine the amount of funds awarded to an institution based on the costs of the workforce training program for which a program participant receives a loan and the number of individuals the institution estimates will participate in the program;~~ 124933
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~~(5) Disbursement of funds to an institution;~~ 124938

~~(6)(3) The process by which the Chancellor approves workforce training programs for which loans are granted under this section.~~ 124939
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~~(F) The Treasurer of State shall serve as an agent for the Chancellor in the be responsible for making of deposits and withdrawals and maintenance of maintaining records pertaining to the OhioMeansJobs Workforce Development Revolving Loan Fund.~~ 124941
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~~(G)(1) The Chancellor may designate either the Treasurer of State or a third party to serve as the Chancellor's agent in servicing the loans described in this section. The agent designated by the Chancellor pursuant to this division is authorized to take such actions and to enter into such contracts and to execute all instruments necessary or appropriate to service loans described in this section. If the Chancellor or an agent of the Chancellor designated by the Chancellor who is not the Treasurer of State services the loans described in this section, the Chancellor shall adopt rules in accordance with Chapter 119 of the Revised Code to establish a fee to be charged to a loan recipient to offset the cost of servicing the loan.~~ 124945
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~~(2) If the The Treasurer of State is designated the agent pursuant to this division, the Treasurer of State shall service~~ 124957
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the loans described in this section and may designate a third 124959
party to serve as an agent of the Treasurer of State in servicing 124960
the loans. ~~The~~ A third party designated by the Treasurer of State 124961
is authorized to take such actions, to enter into such contracts, 124962
and to execute all instruments necessary or appropriate to service 124963
those loans. ~~If the~~ The Treasurer of State ~~or an agent of the~~ 124964
~~Treasurer of State services the loans pursuant to this division,~~ 124965
~~the Treasurer of State shall adopt rules pursuant to section~~ 124966
111.15 of the Revised Code to ~~establish~~ do all of the following: 124967

(1) Establish a fee to be charged to a loan recipient to 124968
offset the cost of servicing the loan; 124969

(2) Establish terms of repayment for a loan; 124970

(3) Assess interest on loans for a participant who fails to 124971
comply with continuing eligibility requirements, who fails to 124972
complete the workforce training program for which the participant 124973
received the loan, or whose participation in the program is on a 124974
staggered basis; 124975

(4) Disburse funds to an institution. ~~The~~ 124976

(H) The Treasurer of State may adopt any additional rules 124977
pursuant to section 111.15 of the Revised Code that the Treasurer 124978
of State considers necessary to implement ~~this~~ division (G) of 124979
this section. 124980

~~(3)~~(I) The loan servicing fee established pursuant to 124981
division (G)(1) ~~or (2)~~ of this section shall not exceed the actual 124982
cost of servicing the loan. 124983

~~(H)~~(J)(1) The Chancellor shall prepare a report outlining the 124984
amount each institution received under this section during the 124985
previous year, including the amount awarded to each individual 124986
workforce training program. ~~The Chancellor may include in the~~ 124987
~~report any recommendations for legislative changes to the Program~~ 124988
~~that the Chancellor determines are necessary to improve the~~ 124989

~~functioning and efficiency of the Program.~~ 124990

(2) Beginning on July 1, 2014, and continuing every year 124991
thereafter for so long as the Chancellor awards funds under the 124992
Program, the Chancellor shall submit the report prepared in 124993
division ~~(H)~~(J)(1) of this section to the Governor, the Speaker 124994
and Minority Leader of the House of Representatives, and the 124995
President and Minority Leader of the Senate. 124996

Section 610.23. That existing Section 2 of Am. Sub. S.B. 1 of 124997
the 130th General Assembly is hereby repealed. 124998

Section 610.30. That Section 5 of Am. Sub. S.B. 314 of the 124999
129th General Assembly be amended to read as follows: 125000

Sec. 5. (A) There is hereby established a five-year pilot 125001
program to test a new funding mechanism for the state's travel and 125002
tourism marketing. The funding mechanism shall begin operation in 125003
fiscal year 2014 and be calculated as follows: 125004

(1)(a) Not later than the twentieth day of October of each 125005
year, starting in 2013 and ending in 2017, the Tax Commissioner 125006
shall calculate the growth in fiscal year sales tax revenue from 125007
certain defined categories that are related to tourism and certify 125008
that amount to the Director of Budget and Management. 125009

(b) Not later than the twentieth day of October of each year, 125010
starting in 2013 and ending in 2017, the Commissioner shall 125011
calculate and certify to the Director the difference, if greater 125012
than zero, between the revenue collected from the tax imposed 125013
under section 5739.02 of the Revised Code during the twelve-month 125014
period ending on the last day of the preceding June and the 125015
revenue collected during the same twelve-month period one year 125016
earlier, for all vendors classified under the industry codes 125017
identified in division (A)(2) of this section. On or before the 125018

last day of October of each year, starting in 2013 and ending in 2017, the Director of Budget and Management shall transfer from the General Revenue Fund to the Tourism Fund created in section 122.072 of the Revised Code the amount certified by the Commissioner under this division, except that the transfer shall not exceed ten million dollars for any fiscal year.

(c) Each fiscal year, beginning in fiscal year 2015, the Tax Commissioner shall adjust the ten million annual dollar limit on transfers to the Tourism Fund. The adjustment shall be made by ~~adding to the annual limit the product of~~ multiplying the limit for the preceding fiscal year by the sum of one plus the percentage ~~increase~~ change in the Consumer Price Index for all urban consumers for the Midwest region, as determined by the United States Bureau of Labor Statistics, for the twelve-month period corresponding to the preceding fiscal year. The result shall be rounded to the nearest one thousand dollars. The calculation of the percentage increase in the Consumer Price Index shall be done by taking the average index value over the twelve months of the last completed fiscal year and comparing that to the average index value over the twelve months of the immediately preceding fiscal year.

(2) The following industries included in the industrial classification system used by the Tax Commissioner shall be used in the computations under division (A)(1) of this section: air transportation; water transportation; interurban and rural bus transportation; taxi service; limousine service; other transit and ground passenger transportation; scenic and sightseeing transportation; support activities for air transportation; automotive equipment rental and leasing; travel arrangement and reservation services; performing arts companies; spectator sports; independent artists, writers, and performers; museums, historical sites, and similar institutions; amusement parks and arcades;

gambling industries; hotels and motels; casino hotels; 125051
bed-and-breakfast inns; other travel accommodations; recreational 125052
vehicle parks and recreational camps; full-service restaurants; 125053
limited-service eating places; drinking places (alcoholic 125054
beverages). 125055

(B) The pilot program shall terminate when the last transfer 125056
of funds made in accordance with division (A)(1)(b) of this 125057
section occurs in fiscal year 2018, specifically in October 2017. 125058
At that time, the Director of Development Services, the Director 125059
of Budget and Management, and the Tax Commissioner shall jointly 125060
review the pilot program and make recommendations to the Governor 125061
and the General Assembly on whether to make the funding mechanism 125062
permanent and, if so, whether any changes should be made to it. If 125063
the recommendation is to make the funding mechanism permanent, the 125064
Director of Development Services, the Director of Budget and 125065
Management, and the Tax Commissioner shall also study and make 125066
recommendations to the Governor and the General Assembly as to 125067
whether the Office of TourismOhio and its functions should be 125068
removed from the Development Services Agency and established as a 125069
private nonprofit corporation or a subsidiary corporation of 125070
JobsOhio. 125071

Section 610.31. That existing Section 5 of Am. Sub. S.B. 314 125072
of the 129th General Assembly is hereby repealed. 125073

Section 610.32. That Section 9 of Am. Sub. H.B. 386 of the 125074
129th General Assembly, as amended by Am. Sub. H.B. 59 of the 125075
130th General Assembly, be amended to read as follows: 125076

Sec. 9. (A) As used in this section, ~~"permit:~~ 125077

"Permit holder" and "track" have the same meanings as in 125078
Section 7 of this act. 125079

"Eligible entity" means a municipal corporation or township that received moneys from the Casino Operator Settlement Fund under Section 10 of Am. Sub. H.B. 386 of the 129th General Assembly, as subsequently amended.

~~(B) The Governor, in consultation with the State Racing Commission, shall discuss, negotiate in good faith, and reach an agreement with necessary parties regarding providing five hundred thousand dollars per year, with the first payment by December 31, 2014, and annually thereafter, to the municipal corporations or townships receiving moneys from the Casino Operator Settlement Fund under Section 10 of Am. Sub. H.B. 386 of the 129th General Assembly, as subsequently amended~~ Each eligible entity shall receive a total of one million dollars in the following manner:

(1) The Director of Budget and Management shall pay two hundred fifty thousand dollars to each eligible entity not later than December 31, 2015, from the Casino Operator Settlement Fund;

(2) The permit holder of a track located in an eligible entity shall pay two hundred fifty thousand dollars to the eligible entity not later than December 31, 2015;

(3) The Director of Budget and Management shall pay two hundred fifty thousand dollars to each eligible entity not later than December 31, 2016, from the Casino Operator Settlement Fund;
and

(4) The permit holder of a track located in an eligible entity shall pay two hundred fifty thousand dollars to the municipal corporation or township not later than December 31, 2016.

Section 610.33. That existing Section 9 of Am. Sub. H.B. 386 of the 129th General Assembly, as amended by Am. Sub. H.B. 59 of the 130th General Assembly, is hereby repealed.

Section 610.40. That Section 20.15 of H.B. 215 of the 122nd 125110
General Assembly be amended to read as follows: 125111

Sec. 20.15. Departmental MIS 125112

The foregoing appropriation item 100-603, Departmental MIS 125113
Services, may be used to pay operating expenses of Management 125114
Information Systems activities in the Department of Administrative 125115
Services. 125116

Notwithstanding any other language to the contrary, the 125117
Director of Budget and Management may transfer in total up to 125118
\$683,000 cash from any fund administered by the Department of 125119
Administrative Services in the General Services Fund Group or 125120
Intragovernmental Service Fund Group to the Departmental MIS 125121
Services Fund (Fund 4P3) to pay operating costs of the 125122
Departmental MIS program. 125123

After final payments are made from fiscal year 1997 125124
encumbrances in the Computer Services Fund, the Department of 125125
Administrative Services shall reconcile fiscal year 1997 financial 125126
activity in the Computer Services Fund and determine the amount of 125127
the fund cash balance due to Management Information System program 125128
operations. 125129

Not later than June 30, 1998, the Director of Administrative 125130
Services shall make a determination of any cash transfer which is 125131
required to finalize the transfer of Management Information 125132
Systems program operations from the Computer Services Fund to the 125133
Departmental MIS Services Fund. Upon concurrence with this 125134
determination, the Director of Budget and Management may transfer 125135
this amount between the Computer Services Fund and the 125136
Departmental MIS Fund. 125137

Notwithstanding any other language to the contrary, the 125138
Director of Budget and Management may transfer up to \$1,530,643 of 125139

fiscal year 1998 appropriations and up to \$1,837,860 of fiscal 125140
year 1999 appropriations from appropriation item 100-603 to any 125141
Department of Administrative Services appropriation item in the 125142
General Services or Intragovernmental Service Fund Groups. The 125143
appropriations transferred shall be used to make payments for 125144
Management Information Systems services. 125145

Notwithstanding any other language to the contrary, the 125146
Director of Budget and Management may transfer up to \$696,104 of 125147
fiscal year 1998 appropriations and up to \$715,287 of fiscal year 125148
1999 appropriations from appropriation item 100-409, Departmental 125149
Information Services, to any Department of Administrative Services 125150
appropriation item in the General Revenue Fund. The appropriations 125151
transferred shall be used to make payments for Management 125152
Information Systems services. The Department of Administrative 125153
Services shall establish charges for recovering the costs of 125154
Management Information Systems activities. These charges shall be 125155
deposited to the credit of the ~~Departmental MIS Information~~ 125156
Technology Fund (Fund ~~4P3 1330~~), which is hereby created in 125157
section 125.15 of the Revised Code. 125158

Section 610.41. That existing Section 20.15 of H.B. 215 of 125159
the 122nd General Assembly is hereby repealed. 125160

Section 610.50. That Sections 221.10, 223.10, and 223.40 of 125161
Am. H.B. 497 of the 130th General Assembly, as amended by Am. Sub. 125162
H.B. 483 of the 130th General Assembly, be amended to read as 125163
follows: 125164

Sec. 221.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 125165
SERVICES 125166
Mental Health Facilities Improvement Fund (Fund 7033) 125167
C58001 Community Assistance Projects \$ 15,000,000 125168

C58007	Infrastructure Renovations	\$	2,000,000	125169
C58021	Providence House	\$	191,640	125170
C58022	Talbert House	\$	300,000	125171
C58023	Cornerstone of Hope Butterfly Treehouse	\$	40,000	125172
C58024	Bellefaire Jewish Children's Home	\$	1,500,000	125173
C58025	Nancy's Place Replacement	\$	500,000	125174
C58026	Cocoon Shelter	\$	47,500	125175
<u>C58027</u>	<u>Ashland University College of Nursing</u>	<u>\$</u>	<u>1,000,000</u>	125176
TOTAL	Mental Health Facilities Improvement Fund	\$	19,579,140	125177
			<u>20,579,140</u>	
TOTAL ALL FUNDS		\$	19,579,140	125178
			<u>20,579,140</u>	

COMMUNITY ASSISTANCE PROJECTS 125179

The foregoing appropriation for the Department of Mental Health and Addiction Services, C58001, Community Assistance Projects, may be used for facilities constructed or to be constructed pursuant to Chapter 340., 3793., 5119., 5123., or 5126. of the Revised Code or the authority granted by section 154.20 of the Revised Code and the rules issued pursuant to those chapters and shall be distributed by the Department of Mental Health and Addiction Services subject to Controlling Board approval. Of the forgoing appropriation item C58001, Community Assistance Projects, \$5,000,000 shall be used to expand access to recovery housing in accordance with the guidelines contained in Section 327.83 of Am. Sub. H.B. 59 of the 130th General Assembly, as amended by Am. Sub. H.B. 483 of the 130th General Assembly.

Sec. 223.10. DNR DEPARTMENT OF NATURAL RESOURCES 125193

Wildlife Fund (Fund 7015)				125194
C725K9	Wildlife Area Building	\$	6,400,000	125195
	Development/Renovations			
TOTAL Wildlife Fund		\$	6,400,000	125196

Administrative Building Fund (Fund 7026)			125197
C725D5	Fountain Square Telephone Improvements	\$ 2,250,000	125198
C725D7	MARCS Equipment	\$ 2,490,150	125199
C725E0	DNR Fairgrounds Areas Upgrading	\$ 485,000	125200
C725N7	District Office Renovations	\$ 2,000,000	125201
TOTAL Administrative Building Fund		\$ 7,225,150	125202
Ohio Parks and Natural Resources Fund (Fund 7031)			125203
C72549	Facilities Development	\$ 1,250,000	125204
C725C2	Canals Hydraulics Work and Support Facilities	\$ 200,000	125205
C725E1	Local Parks Projects Statewide	\$ 7,945,485	125206
C725E5	Project Planning	\$ 2,749,000	125207
C725J0	Natural Areas/Preserves Maintenance/Facilities	\$ 1,000,000	125208
C725K0	State Park Renovations/Upgrading	\$ 1,027,940	125209
C725N5	Wastewater/Water Systems Upgrades	\$ 12,055,000	125210
C725N8	Operations Facilities Development	\$ 2,500,000	125211
C72501	The Wilds	\$ 500,000	125212
C725T3	Healthy Lake Erie Initiative	\$ 10,000,000	125213
C725U0	Cleveland Zoological Society Savannah Ridge Project	\$ 500,000	125214
TOTAL Ohio Parks and Natural Resources Fund		\$ 39,727,425	125215
Parks and Recreation Improvement Fund (Fund 7035)			125216
C725A0	State Parks, Campgrounds, Lodges, Cabins	\$ 44,650,000	125217
C725B2	State Park Maintenance Facility Development	\$ 3,000,000	125218
C725B5	Buckeye Lake Dam Rehabilitation	\$ 4,000,000 <u>14,000,000</u>	125219
C725E2	Local Parks Projects	\$ 47,006,120	125220
C725E6	Project Planning	\$ 5,901,000	125221
C725M5	Lake Erie Island State Park/Middle Bass Island State Park	\$ 6,000,000	125222

C725R3	State Park Renovations Upgrades	\$	12,000,000	125223
C725R4	Dam Rehabilitation - Parks	\$	41,100,000	125224
TOTAL Parks and Recreation Improvement Fund		\$	163,657,120	125225
			<u>173,657,120</u>	
Clean Ohio Trail Fund (Fund 7061)				125226
C72514	Clean Ohio Trail Fund	\$	12,500,000	125227
TOTAL Clean Ohio Trail Fund		\$	12,500,000	125228
Waterways Safety Fund (Fund 7086)				125229
C725A7	Cooperative Funding for Boating Facilities	\$	9,200,000	125230
C725N9	Operations Facilities Development	\$	820,000	125231
C725Q6	Facilities Development	\$	5,363,274	125232
TOTAL Waterways Safety Fund		\$	15,383,274	125233
TOTAL ALL FUNDS		\$	244,892,969	125234
			<u>254,892,969</u>	

FEDERAL REIMBURSEMENT 125235

All reimbursements received from the federal government for 125236
any expenditures made pursuant to this section shall be deposited 125237
in the state treasury to the credit of the fund from which the 125238
expenditure originated. 125239

Of the foregoing appropriation item C725B5, Buckeye Lake Dam 125240
Rehabilitation, \$10,000,000 shall be used by the Director of 125241
Natural Resources for dam construction projects at Buckeye Lake. 125242
The Director may enter into contracts with qualified construction 125243
companies to complete dam construction projects. Any such contract 125244
shall include incentives for the early completion of construction 125245
projects. 125246

LOCAL PARKS PROJECTS 125247

Of the foregoing appropriation item C725E2, Local Parks 125248
Projects, an amount equal to two per cent of the projects listed 125249
may be used by the Department of Natural Resources for the 125250

administration of local projects, \$15,000,000 shall be used for 125251
the Veterans Memorial, \$5,000,000 shall be used for the City of 125252
Cleveland - Lakefront Access Project, \$4,000,000 shall be used for 125253
the Banks Project - Phase IIIA, \$1,500,000 shall be used for the 125254
Fifth Third Field Sports Plaza, \$1,500,000 shall be used for the 125255
Lima Stadium Park, \$1,000,000 shall be used for the Little Miami 125256
Scenic Trail- Bridge Construction, \$500,000 shall be used for the 125257
Shaker Heights Van Aken District, \$500,000 shall be used for the 125258
Cascade Plaza Renovation, \$500,000 shall be used for the Olentangy 125259
Greenway Trail Highbanks Connector, \$500,000 shall be used for 125260
Hilliard Station Park, \$500,000 shall be used for the MidPointe 125261
Crossing - Swift Park, \$500,000 shall be used for the Smale 125262
Riverfront Park, \$500,000 shall be used for the Green Township 125263
Harrison Avenue Hike/Bike Fitness Trail, \$300,000 shall be used 125264
for the Historic Loveland Bike Trail Parking Spur, \$400,000 shall 125265
be used for the City of Sylvania River Trail, \$285,545 shall be 125266
used for the Celina Westview Park Quad, \$250,000 shall be used for 125267
the New Bremen Lions Park Development, \$250,000 shall be used for 125268
the Montgomery County Agricultural Facility Improvements, \$250,000 125269
shall be used for Northam Park, \$250,000 shall be used for the 125270
Urban Youth Academy - Roselawn Park, \$250,000 shall be used for 125271
the Miamisburg Riverfront Park, \$218,000 shall be used for Laurel 125272
Park, Winesburg, \$165,000 shall be used for the Fredericktown Bike 125273
Path, \$150,000 shall be used for the Logan County Agricultural 125274
Facility Improvements, \$150,000 shall be used for the Help All 125275
Kids Play Hilliard Fields Sports Complex, \$150,000 shall be used 125276
for York Township Park, \$150,000 shall be used for Eastview Park, 125277
\$120,000 shall be used for the Shelby County Agricultural Facility 125278
Improvements, \$100,000 shall be used for the Ohio to Erie Trail, 125279
\$100,000 shall be used for Mt. Vernon Foundation Park, \$100,000 125280
shall be used for the Shanes Park Expansion, \$92,000 shall be used 125281
for the Defiance County Agricultural Facility Improvements, 125282
\$50,000 shall be used for the Moonville Rail Trail Bridges and 125283

Construction, \$50,000 shall be used for the All-Pro Freight	125284
Stadium Improvements, \$50,000 shall be used for the Bowling Green	125285
Nature Center, \$49,000 shall be used for the Lynchburg Old School	125286
Park, \$45,000 shall be used for the Bruce L. Chapin Bridge -	125287
Northcoast Inland Trail, \$40,000 shall be used for Pyramid Hill	125288
Sculpture Park, \$35,000 shall be used for Coldwater Memorial Park,	125289
\$32,300 shall be used for the Norwalk Soccer Shelter, \$30,000	125290
shall be used for the Round Town Bike Trail, and \$27,750 shall be	125291
used for the Shalersville Park Walking Trail, \$3,500,000 shall be	125292
used for the Flats East Gateway and Riverfront Park, \$1,000,000	125293
shall be used for the City of Celina Boardwalk, \$1,000,000 shall	125294
be used for the Middletown River Center, \$1,000,000 shall be used	125295
for the Voice of America Multi-Purpose Field and Athletic Complex,	125296
\$1,000,000 shall be used for the Euclid Waterfront Improvements	125297
Plan - Phase II Implementation, \$875,000 shall be used for the	125298
Preble County Agricultural Facility Improvements, \$500,000 shall	125299
be used for the New Economy Neighborhood - Phase II, \$500,000	125300
shall be used for the Nimisila Spillway Replacement Project,	125301
\$350,000 shall be used for the Perry Township Park Lakeshore	125302
Stabilization, \$300,000 shall be used for the Fairfield Sports	125303
Complex Entrance, \$250,000 shall be used for the Riverfront	125304
Enhancement, \$250,000 shall be used for the Earl Thomas Conley	125305
Riverside Park Campground <u>Waterpark</u> , \$150,000 shall be used for	125306
the Treasure Island River Corridor Improvement, \$150,000 shall be	125307
used for the Russ Nature Reserve, \$100,000 shall be used for the	125308
Hillsboro North High Trail and Pedestrian Bridge, \$100,000 shall	125309
be used for the PASA Field Lighting, \$100,000 shall be used for	125310
the Gallipolis Riverfront Project - Phase I, \$80,000 shall be used	125311
for the Black River Landing Pavilion, \$50,000 shall be used for	125312
the Loudonville Public Swimming Pool, \$35,000 shall be used for	125313
the A.S.K. Playground, \$30,000 shall be used for the Medina	125314
Community Recreation Center, \$25,000 shall be used for the Newbury	125315
Veterans' Memorial Park, and \$21,525 shall be used for the Black	125316

Swamp Education Center Parking Lot. 125317

Sec. 223.40. The Treasurer of State is hereby authorized to 125318
issue and sell, in accordance with Section 2i of Article VIII, 125319
Ohio Constitution, and Chapter 154. of the Revised Code, 125320
particularly section 154.22 of the Revised Code, original 125321
obligations in an aggregate principal amount not to exceed 125322
~~\$165,000,000~~ \$175,000,000, in addition to the original issuance of 125323
obligations heretofore authorized by prior acts of the General 125324
Assembly. These authorized obligations shall be issued, subject to 125325
applicable constitutional and statutory limitations, as needed to 125326
provide sufficient moneys to the credit of the Parks and 125327
Recreation Improvement Fund (Fund 7035) to pay the costs of 125328
capital facilities for parks and recreation as defined in section 125329
154.01 of the Revised Code. 125330

Section 610.51. That existing Sections 221.10, 223.10, and 125331
223.40 of Am. H.B. 497 of the 130th General Assembly, as amended 125332
by Am. Sub. H.B. 483 of the 130th General Assembly, are hereby 125333
repealed. 125334

Section 610.53. That Section 239.10 of Am. H.B. 497 of the 125335
130th General Assembly, as most recently amended by Am. Sub. S.B. 125336
243 of the 130th General Assembly, be amended to read as follows: 125337

Sec. 239.10. FCC FACILITIES CONSTRUCTION COMMISSION 125338

Lottery Profits Education Fund (Fund 7017) 125339

C23014 Classroom Facilities Assistance Program \$ 100,000,000 125340
- Lottery Profits

TOTAL Lottery Profits Education Fund \$ 100,000,000 125341

Public School Building Fund (Fund 7021) 125342

C230V9 School Security Grants \$ 17,345,000 125343

TOTAL Public School Building Fund	\$	17,345,000	125344
Administrative Building Fund (Fund 7026)			125345
C23016 Energy Conservation Projects	\$	3,000,000	125346
C230E5 State Agency Planning/Assessment	\$	500,000	125347
TOTAL Administrative Building Fund	\$	3,500,000	125348
Cultural and Sports Facilities Building Fund (Fund 7030)			125349
C23022 Woodward Opera House Redevelopment	\$	100,000	125350
C23023 OHS - Ohio History Center Exhibit Replacement	\$	840,750	125351
C23024 OHS - Statewide Site Exhibit Renovation	\$	420,000	125352
C23025 OHS - Statewide Site Repairs	\$	1,152,700	125353
C23027 OHS - Zoar Village Building Restoration	\$	502,500	125354
C23028 OHS - Basic Renovations and Emergency Repairs	\$	850,000	125355
C23030 OHS - Rankin House State Memorial	\$	653,000	125356
C23031 OHS - Harding Home State Memorial	\$	250,000	125357
C23032 OHS - Ohio Historical Center Rehabilitation	\$	985,000	125358
C23033 OHS - Stowe House State Memorial	\$	300,000	125359
C23038 OHS - Fort Amanda State Memorial	\$	395,000	125360
C23042 Tecumseh - Sugarloaf Mountain Amphitheatre	\$	33,500	125361
C23044 OHS - Ohio River Museum	\$	52,200	125362
C23045 OHS - Lockington Locks Stabilization	\$	358,900	125363
C23057 OHS - Online Portal to Ohio's Heritage	\$	1,246,000	125364
C23059 Lake Erie Nature and Science Center	\$	300,000	125365
C23068 Huntington House	\$	75,000	125366
C23077 Columbus Museum of Art: Expansion and Renovation Phase 3	\$	1,101,000	125367
C23083 Stan Hywet Hall & Gardens Restoration	\$	1,560,522	125368
C23091 Ohio Theatre - Toledo	\$	201,000	125369
C23098 Twin City Opera House	\$	400,000	125370

C230A1	Preble County Historical Society	\$	50,000	125371
C230A6	Secrest Auditorium Renovation	\$	125,000	125372
C230B1	Karamu House	\$	1,060,522	125373
C230C5	OHS - Collections Storage Facility Object Evaluation	\$	212,000	125374
C230C6	OHS - Historic Site Signage	\$	300,000	125375
C230C8	OHS - Serpent Mound	\$	397,900	125376
C230D1	OHS - Great Circle Earthworks	\$	75,000	125377
C230D4	OHS - Fort Laurens	\$	45,000	125378
C230E6	OHS - Exhibits for Native American Sites	\$	500,000	125379
C230E7	OHS - Hayes Presidential Center	\$	50,000	125380
C230E8	OHS - Armstrong Air and Space Museum	\$	45,000 295,000	125381
C230E9	OHS - Museum of Ceramics	\$	223,850	125382
C230F1	OHS - Campus Martius Museum	\$	145,200	125383
C230F2	Second Century Project	\$	200,000	125384
C230F3	Stuart's Opera House	\$	500,000	125385
C230F4	The Gordon, Hauss, Folk Company Mill	\$	250,000	125386
C230F5	Thatcher Temple Art Building	\$	37,500	125387
C230F6	Fitton Center for Creative Arts	\$	100,000	125388
C230F7	Oxford Community Arts Center	\$	450,000	125389
C230F8	Gammon House Improvements	\$	75,000	125390
C230F9	Clark State Community College Performing Arts Center	\$	275,000	125391
C230G1	Murphy Theatre	\$	150,000	125392
C230G2	Johnson-Humrick House Museum	\$	57,960	125393
C230G3	Public artPARK	\$	200,000	125394
C230G4	Schines Art Park	\$	357,500	125395
C230G5	Bedford Historical Society	\$	100,000	125396
C230G6	Rainey Institute - Safe Parking	\$	125,000	125397
C230G7	Ukrainian Museum - Archives	\$	125,000	125398
C230G8	Cleveland African American Museum Restoration and Expansion	\$	150,000	125399
C230G9	Great Lakes Science Center Omnimax	\$	500,000	125400

Theatre				
C230H1	Cleveland Music School Settlement - Burke Mansion Performing Arts Center	\$	255,000	125401
C230H2	Cozad Bates House	\$	365,131	125402
C230H3	Beck Center	\$	402,349	125403
C230H7	Western Reserve Historical Society	\$	750,000	125404
C230H9	Gordon Square Arts District	\$	1,000,000	125405
C230J4	Cleveland Museum of Natural History	\$	2,500,000	125406
C230J5	Phillis Wheatley - Hunter's Cove House	\$	350,000	125407
C230J6	West Side Market Renovation	\$	500,000	125408
C230J7	Cardinal Center	\$	75,000	125409
C230J8	War of 1812 Bicentennial Native American Bowery Education Center	\$	24,913	125410
C230J9	St. Clair Memorial Hall	\$	500,000	125411
C230K1	Historic Strand Theatre Renovation	\$	150,000	125412
C230K2	Delaware Veterans Memorial Plaza	\$	320,000	125413
C230K3	African-American Legacy Project	\$	75,000	125414
C230K4	Ohio Glass Museum Furnace System	\$	10,000	125415
C230K5	Saylor House and Reese-Peters House Preservation	\$	20,000	125416
C230K6	Victoria Opera House Restoration Phase 2	\$	30,000	125417
C230K7	Georgian Museum Storage Facility	\$	30,000	125418
C230K8	Sherman House Museum	\$	35,000	125419
C230K9	Washington Court House Auditorium Project	\$	100,000	125420
C230L1	McCoy Community Center of the Arts - Video Projection System	\$	50,000	125421
C230L2	Glass Axis Relocation	\$	150,000	125422
C230L3	Harmony Project	\$	300,000	125423
C230L4	CCAD Cinematic Arts and Motion Capture Studio and Auditorium	\$	750,000	125424
C230L5	Columbus Theater-Based Community Development Project	\$	1,000,000	125425

C230L6	Franklin Park Conservatory Joint Recreation District	\$	1,000,000	125426
C230L7	Sauder Village - 1920 Homestead	\$	300,000	125427
C230L8	Fulton County Visitor and Heritage Center	\$	1,000,000	125428
C230L9	Ariel-Ann Carson Dater Performing Arts Centre	\$	100,000	125429
C230M1	French Art Colony/Riverby Theatre Guild	\$	100,000	125430
C230M2	Geauga County Historical Society	\$	56,000	125431
C230M3	Chardon Lyric Theatre	\$	50,000	125432
C230M4	Chardon Heritage House	\$	200,000	125433
C230M5	Incline Theater Project	\$	550,000	125434
C230M6	Cincinnati Art Museum - Make Room for Art	\$	825,000	125435
C230M7	Hamilton County Memorial Hall	\$	2,000,000	125436
C230M8	Cincinnati Zoo	\$	2,000,000	125437
C230M9	Union Terminal Restoration	\$	5,000,000	125438
C230N1	Cincinnati Music Hall Revitalization	\$	5,000,000	125439
C230N2	Kan Du Community Arts Center	\$	520,000	125440
C230N3	Findlay Central Auditorium	\$	1,000,000	125441
C230N4	Appalachian Forest Museum	\$	100,000	125442
C230N5	Logan Theater	\$	25,000	125443
C230N6	Willard Train Viewing Platform	\$	50,000	125444
C230N7	Markay Theatre Renovation	\$	150,000	125445
C230N8	Grand Theater Restoration Project	\$	140,000	125446
C230N9	South Leroy Historic Meeting House Restoration	\$	15,000	125447
C230P1	Willoughby Fine Arts Association - Facility Expansion	\$	500,000	125448
C230P2	Ironton Cultural Arts Operations Facility	\$	100,000	125449
C230P3	Sterling Theater Revitalization Project	\$	200,000	125450
C230P4	Logan County Veterans' Memorial Hall	\$	250,000	125451

C230P5	Columbia Station 1812 Block House Project	\$	28,000	125452
C230P6	Avon Isle Renovation Phase 2	\$	82,775	125453
C230P7	Oberlin Gasholder Building/Underground Railroad Center	\$	200,000	125454
C230P8	Carnegie Building Renovation	\$	500,000	125455
C230P9	Toledo Zoo	\$	750,000	125456
C230Q1	Imagination Station Improvements	\$	695,000	125457
C230Q2	War of 1812 Exhibit	\$	35,000	125458
C230Q3	Columbus Zoo and Aquarium	\$	1,000,000	125459
C230Q4	Toledo Repertoire Theatre	\$	150,000	125460
C230Q5	Valentine Theatre Initiative	\$	136,000	125461
C230Q6	Southern Park Historic District	\$	250,000	125462
C230Q7	Butler Institute of Art	\$	279,717	125463
C230Q8	Stambaugh Auditorium	\$	500,000	125464
C230Q9	Marion Palace Theatre	\$	731,000	125465
C230R1	Bradford Rail Museum	\$	275,000	125466
C230R2	K12 and TEJAS Building Project	\$	50,000	125467
C230R3	River Run Murals Project	\$	82,500	125468
C230R4	Dayton Contemporary Dance Company Studio Renovations	\$	125,000	125469
C230R5	Wright Company Factory Project	\$	250,000	125470
C230R6	Victoria Theatre and Metropolitan Arts Center	\$	825,000	125471
C230R7	Preserving & Updating the Historic Dayton Art Institute	\$	2,198,500	125472
C230R8	National Ceramic Museum and Heritage Center Renovation	\$	100,000	125473
C230R9	Opera House Project	\$	100,000	125474
C230S1	Tecumseh Theater - Opera House Restoration	\$	140,000	125475
C230S2	Perry County Historical and Cultural Arts Center	\$	341,600	125476

C230S3	Hayden Auditorium - Hiram	\$	260,854	125477
C230S4	Majestic Theater Renovation	\$	36,000	125478
C230S5	Lucy Webb Hayes Heritage Center Exterior Replacement and Restoration	\$	100,000	125479
C230S6	Pumphouse Center for the Arts	\$	130,000	125480
C230S7	Historic Sidney Theatre	\$	500,000	125481
C230S8	Pro Football Hall of Fame	\$	10,000,000	125482
C230S9	Park Theater Renovation	\$	159,078	125483
C230T1	Akron Civic Theater	\$	530,261	125484
C230T2	John Brown House and Grounds	\$	50,000	125485
C230T3	Hale Farm	\$	500,000	125486
C230T4	Urichsville Clay Museum	\$	150,000	125487
C230T5	Mason Historical Society	\$	350,000	125488
C230T6	Cincinnati Zoo - Big Cat Facility	\$	1,000,000	125489
C230T7	Historic Theatre Restoration	\$	500,000	125490
C230T8	County Line Historical Society	\$	46,000	125491
C230T9	Pemberville Opera House Elevator Project	\$	220,000	125492
C230U1	Wood County Historical Center & Museum Accessibility Project	\$	600,000	125493
C230U2	Avon Lake - Folger House	\$	150,000	125494
C230U3	DeYor Performing Arts Center	\$	100,000	125495
TOTAL	Cultural and Sports Facilities Building Fund	\$	74,840,182	125496
	School Building Program Assistance Fund (Fund 7032)			125497
C23002	School Building Program Assistance	\$	575,000,000	125498
TOTAL	School Building Program Assistance Fund	\$	575,000,000	125499
TOTAL ALL FUNDS		\$	770,685,182	125500

SCHOOL SECURITY GRANTS 125501

The foregoing appropriation item C230V9, School Security 125502
 Grants, shall be used by the School Facilities Commission to 125503
 provide funding to all public and chartered nonpublic schools for 125504
 the purchase and installation of one Multi-Agency Radio 125505
 Communications System (MARCS) unit per school building and a 125506

security door system, consisting of a security camera, an 125507
intercom, and remote access, at one main entrance per school 125508
building. If law enforcement agencies with jurisdiction over all 125509
or a portion of the geographical area of a public or chartered 125510
nonpublic school do not use MARCS, a public or chartered nonpublic 125511
school may purchase one emergency communications system compatible 125512
with the system or systems in use by law enforcement agencies with 125513
jurisdiction over the school territory. A public or chartered 125514
nonpublic school may apply to the School Facilities Commission for 125515
reimbursement up to \$2,000 for one MARCS unit or other emergency 125516
communications system per school building and up to \$5,000 for 125517
costs incurred with the purchase of a security door system 125518
installed on or after January 1, 2013. A public or chartered 125519
nonpublic school may receive reimbursement for either a MARCS unit 125520
or another emergency communications system, but not both. A school 125521
previously awarded funds for one of the grant items under this 125522
program may not receive a second award for that same grant item. 125523

STATE AGENCY PLANNING/ASSESSMENT 125524

The foregoing appropriation item C230E5, State Agency 125525
Planning/Assessment, shall be used by the Facilities Construction 125526
Commission to provide assistance to any state agency for 125527
assessment, capital planning, and maintenance management. 125528

GEAUGA COUNTY HISTORICAL SOCIETY 125529

Of the foregoing appropriation item C230M2, Geauga County 125530
Historical Society, \$12,000 shall be used for Geauga Historical 125531
Society - White Barn Restoration, \$18,000 shall be used for Geauga 125532
Historical Society - Maple Museum, and \$26,000 shall be used for 125533
Gauga Historical Society - Lennah Bond Center. 125534

SCHOOL BUILDING PROGRAM ASSISTANCE 125535

The foregoing appropriation item C23002, School Building 125536
Program Assistance, shall be used by the School Facilities 125537

Commission to provide funding to school districts that receive 125538
conditional approval from the Commission pursuant to Chapter 3318. 125539
of the Revised Code. 125540

Section 610.54. That existing Section 239.10 of Am. H.B. 497 125541
of the 130th General Assembly, as most recently amended by Am. 125542
Sub. S.B. 243 of the 130th General Assembly, is hereby repealed. 125543

Section 690.10. That Sections 701.10 and 701.61 of Am. Sub. 125544
H.B. 59 of the 130th General Assembly, Section 13 of Sub. H.B. 477 125545
of the 130th General Assembly, and Sections 551.10 and 733.20 of 125546
Am. Sub. H.B. 483 of the 130th General Assembly are hereby 125547
repealed. 125548

Section 695.10. That Section 5 of Am. Sub. H.B. 486 of the 125549
130th General Assembly is hereby repealed. 125550

Section 701.20. CLASSIFICATION PLAN RULE RESCISSION 125551

The following Ohio Administrative Code rules in effect on 125552
June 30, 2015, are hereby permanently rescinded upon the effective 125553
date of the amendments to sections 124.14 and 124.15 of the 125554
Revised Code: 125555

Ohio Administrative Code rule 123:1-7-15 (State managerial 125556
and supervisory classifications); 125557

Ohio Administrative Code rule 123:1-7-21 (Classifications for 125558
the office of the Attorney General); 125559

Ohio Administrative Code rule 123:1-7-24 (Classifications for 125560
the office of the Secretary of State); 125561

Ohio Administrative Code rule 123:1-7-25 (Classifications for 125562
the Auditor of State); 125563

Ohio Administrative Code rule 123:1-7-26 (Classifications for 125564

the office of the Treasurer of State). 125565

Section 701.30. TORT LIABILITY SELF-INSURANCE STUDY 125566

The Department of Administrative Services shall conduct a 125567
study of the state's current liability insurance program to 125568
determine, generally, whether its statutory framework is 125569
protecting and maintaining the financial integrity of the state's 125570
assets compared to similar programs in other states. The study 125571
shall examine the possibility of expanding the state's 125572
self-insurance program to include non-vehicle tort liability 125573
claims, including those for which private insurance is either 125574
unavailable or is cost-prohibitive, in addition to identifying 125575
which types of claims should be covered by a self-insured tort 125576
liability program. The study may include an analysis of the 125577
current practice by which state agencies pay for unplanned losses 125578
from operating funds. Additionally, the study shall include an 125579
actuarial analysis of the Risk Management Reserve Fund to 125580
determine required reserves should additional tort liability 125581
claims be investigated, settled, and paid through the fund. The 125582
analysis shall include estimated premium allocations to be paid by 125583
state agencies based on each agency's history of paid losses. The 125584
study may recommend changes to the current statutory framework to 125585
allow the Office of Risk Management to settle or compromise 125586
non-vehicle tort liability claims. 125587

Section 701.40. The Ohio Geographically Referenced 125588
Information Program Council, as revised by the amendments of this 125589
act to section 125.901 of the Revised Code, constitutes a 125590
continuation of the Ohio Geographically Referenced Information 125591
Program Council established by section 125.901 of the Revised Code 125592
as that section existed prior to the effective date of those 125593
amendments. 125594

Section 701.80. JOINT LEGISLATIVE COMMITTEE ON MULTI-SYSTEM	125595
YOUTH	125596
(A) As used in this section, "multi-system youth" is a youth	125597
that is in need of services from two or more of the following:	125598
(1) The child welfare system;	125599
(2) The mental health and addiction services system;	125600
(3) The developmental disabilities services system;	125601
(4) The juvenile court system.	125602
(B) There is hereby created the Joint Legislative Committee	125603
on Multi-system Youth consisting of the following members:	125604
(1) Five members appointed by the President of the Senate,	125605
three from the majority party and two from the minority party;	125606
(2) Five members appointed by the Speaker of the House of	125607
Representatives, three from the majority party and two from the	125608
minority party.	125609
(C) The Committee shall:	125610
(1) Identify the services currently provided to multi-system	125611
youths and the costs and outcomes of those services;	125612
(2) Identify existing best practices to eliminate custody	125613
relinquishment as a means of gaining access to services for	125614
multi-system youths;	125615
(3) Identify the best methods for person-centered care	125616
coordination related to behavioral health, developmental	125617
disabilities, juvenile justice, and employment;	125618
(4) Build a system of accountability to monitor the progress	125619
of multi-system youths in residential placement; and	125620
(5) Recommend an equitable, adequate, sustainable funding and	125621
service delivery system to meet the needs of all multi-system	125622

youths.	125623
(D) The Committee, in the performance of its duties, may consult with any of the following:	125624
(1) The Directors of the following:	125625
(a) Office of Health Transformation;	125626
(b) Department of Youth Services;	125627
(c) Department of Mental Health and Addiction Services;	125628
(d) Department of Medicaid;	125629
(e) Department of Developmental Disabilities;	125630
(f) Department of Job and Family Services;	125631
(g) Office of Human Services Innovation;	125632
(h) Ohio Family and Children First Cabinet Council.	125633
(2) The Superintendent of Public Instruction;	125634
(3) Representatives of any of the following organizations:	125635
(a) Public Children Services Association of Ohio;	125636
(b) Ohio Association of Child Caring Agencies;	125637
(c) National Alliance on Mental Illness of Ohio;	125638
(d) Autism Society of Ohio;	125639
(e) Ohio Association of County Boards Serving People with Developmental Disabilities;	125640
(f) Ohio Council of Behavioral Health and Family Services Providers;	125641
(g) Ohio Association of County Behavioral Health Authorities;	125642
(h) Juvenile Justice Coalition;	125643
(i) Children's Defense Fund-Ohio;	125644
(j) Ohio Family Care Association;	125645

(k) Ohio Children's Hospital Association; 125649

(l) County Commissioners Association of Ohio; 125650

(m) Center for Innovative Practices; 125651

(n) Disability Rights Ohio; 125652

(o) The ARC of Ohio. 125653

(E) Appointments to the Committee shall be made not later 125654
than fifteen days after the effective date of this section. 125655
Appointments to fill vacancies shall be filled in the same manner 125656
as the original appointments. 125657

(F) Meetings of the Committee shall take place at the call of 125658
the chairperson, and the first meeting shall occur not later than 125659
forty-five days after the effective date of this section. At the 125660
first meeting, the Committee shall elect a chairperson and 125661
vice-chairperson. 125662

(G) The departments listed in division (D)(1) of this section 125663
and the Department of Education shall cooperate with the Committee 125664
and provide, upon request, any information that will assist the 125665
Committee in the performance of its duties. 125666

(H) Not later than December 31, 2015, the Committee shall 125667
prepare a report of its findings and recommendations and submit 125668
the report to the General Assembly and the Governor. Upon 125669
submission of its report, the Committee shall cease to exist. 125670

Section 701.90. The Third Frontier Commission shall operate, 125671
for fiscal years 2016 and 2017, the Ohio Third Frontier Internship 125672
Program to contribute to the expansion of a technologically 125673
proficient workforce in Ohio, and to encourage the retention in 125674
Ohio of highly knowledgeable and talented students through 125675
employing them upon graduation at for-profit companies doing 125676
business in Ohio. 125677

Section 701.100. (A) The Ohio Judicial Conference shall form 125678
an advisory committee consisting of five members of the Conference 125679
who are not justices of the Supreme Court. 125680

(B) Not later than October 31, 2015, the advisory committee 125681
shall submit a report to the President and Minority Leader of the 125682
Senate and the Speaker and Minority Leader of the House of 125683
Representatives that describes all of the following: 125684

(1) By which of the following methods the advisory committee 125685
recommends that the interests of the courts of appeals, common 125686
pleas courts, probate courts, juvenile courts, municipal courts, 125687
and county courts of this state be represented to the General 125688
Assembly and the reasons for that recommendation: 125689

(a) By an independent association that does not receive 125690
public funds; 125691

(b) By the staff of the Supreme Court in the manner directed 125692
by the Chief Justice of the Supreme Court. 125693

(2) The manner in which the committee recommends that the 125694
staff of the Supreme Court carry out the Ohio Judicial 125695
Conference's current statutory functions, other than representing 125696
the interests of the courts of appeals, common pleas courts, 125697
probate courts, juvenile courts, municipal courts, and county 125698
courts of this state to the General Assembly. 125699

Section 707.10. (A) Notwithstanding anything to the contrary 125700
in sections 709.24 and 709.27 of the Revised Code, until January 125701
1, 2017, in a chartered county with a population of at least one 125702
million, petitions presented to the legislative authority for an 125703
annexation under section 709.24 of the Revised Code shall be 125704
signed by resident electors who voted at the last regular 125705
municipal election, numbering not less than ten per cent of the 125706
electors who voted in such election in the territory proposed to 125707

be annexed. 125708

(B) If, within thirty days after receipt of a certified copy 125709
of an ordinance from a municipal corporation proposing annexation 125710
designating its three commissioners, the legislative authority of 125711
the municipal corporation with which annexation is proposed fails 125712
to pass an ordinance designating three commissioners to represent 125713
it in annexation negotiations, then, on receipt of a petition 125714
signed by resident electors of a number not less than ten per cent 125715
of the number of electors voting at the last regular municipal 125716
election of the municipal corporation with which annexation is 125717
proposed, petitioning the legislative authority to take such 125718
action as is necessary to initiate proceedings and to appoint 125719
three commissioners to represent it therein, the legislative 125720
authority shall pass an ordinance appointing those commissioners. 125721

Section 709.20. For purposes of the transfer by this act of 125722
the Agricultural Soil and Water Conservation Program established 125723
prior to the effective date of the amendment of the statutes 125724
governing the Program by this act under Chapter 1511. of the 125725
Revised Code from the Department of Natural Resources to the 125726
Department of Agriculture, all of the following apply: 125727

(A) The Director of Natural Resources shall enter into a 125728
memorandum of understanding with the Director of Agriculture 125729
regarding the transfer of the Program. The Director of Natural 125730
Resources shall identify in the memorandum of understanding all 125731
applicable rules regarding the Program. 125732

(B) On the date on which the two Directors sign a memorandum 125733
of understanding under division (A) of this section, the Director 125734
of Natural Resources shall provide the Director of Agriculture 125735
with both of the following: 125736

(1) Copies of all operation and management plans, or 125737

applicable portions of such plans, developed or approved by the 125738
Chief of the Division of Soil and Water Resources under Chapter 125739
1511. of the Revised Code or the supervisors of a soil and water 125740
conservation district under Chapter 1515. of the Revised Code for 125741
the abatement of the degradation of the waters of the state by 125742
residual farm products, manure, and soil sediment, including 125743
attached substances, that were developed or approved prior to the 125744
effective date of the amendment of the statutes governing the 125745
Program by this act; 125746

(2) Copies of all operation and management plans, or 125747
applicable portions of such plans, and accompanying information 125748
that were submitted for approval by the Chief or the supervisors 125749
of a soil and water conservation district under Chapter 1511. or 125750
1515. of the Revised Code, as applicable, prior to the effective 125751
date of the amendment of the statutes governing the Program by 125752
this act for the abatement of the degradation of the waters of the 125753
state by residual farm products, manure, and soil sediment, 125754
including attached substances. 125755

(C) The Director of Agriculture shall adopt rules in 125756
accordance with Chapter 119. of the Revised Code that are 125757
identical to the rules that are identified in the memorandum of 125758
understanding signed under this section, except that references to 125759
the Division of Soil and Water Resources in the Department of 125760
Natural Resources shall be replaced with references to the 125761
Department of Agriculture, and references to the Chief of the 125762
Division of Soil and Water Resources in the Department of Natural 125763
Resources shall be replaced with references to the Director of 125764
Agriculture. If necessary to ensure the integrity of the numbering 125765
system of the Administrative Code, the Director of the Legislative 125766
Service Commission shall renumber the rules to reflect their 125767
transfer to the Department of Agriculture. 125768

On the effective date of the rules adopted by the Director of 125769

Agriculture, the rules adopted by the Chief of the Division of 125770
Soil and Water Resources as identified in the memorandum of 125771
understanding are abolished. 125772

(D) Any business commenced but not completed by the Chief of 125773
the Division of Soil and Water Resources relating to the Program 125774
on the effective date of the amendment of the statutes governing 125775
the Program by this act shall be completed by the Director of 125776
Agriculture. Any validation, cure, right, privilege, remedy, 125777
obligation, or liability is not lost or impaired solely by reason 125778
of the transfer required by this act and shall be administered by 125779
the Director of Agriculture in accordance with this act. 125780

(E) All of the orders and determinations of the Chief of the 125781
Division of Soil and Water Resources relating to the Program 125782
continue in effect as orders and determinations of the Director of 125783
Agriculture until modified or rescinded by the Director. 125784

(F) Subject to the layoff provisions of sections 124.321 to 125785
124.328 of the Revised Code or the applicable collective 125786
bargaining agreement, all of the employees of the Division of Soil 125787
and Water Resources in the Department of Natural Resources 125788
relating to the Program are transferred to the Department of 125789
Agriculture and retain their same positions and all benefits 125790
accruing thereto. 125791

(G) All equipment and assets relating to the Program are 125792
transferred from the Division of Soil and Water Resources to the 125793
Department of Agriculture. 125794

(H) Whenever the Division of Soil and Water Resources or the 125795
Chief of the Division of Soil and Water Resources, in relation to 125796
the Program, is referred to in any law, contract, or other 125797
document, the reference shall be deemed to refer to the Department 125798
of Agriculture or to the Director of Agriculture, whichever is 125799
appropriate in context. 125800

(I) Any action or proceeding pending on the effective date of the amendment of the statutes governing the Program by this act is not affected by the transfer of the functions of that Program by this act and shall be prosecuted or defended in the name of the Department of Agriculture. In all such actions and proceedings, the Department of Agriculture, upon application to the court, shall be substituted as a party.

(J) As used in this section:

(1) "Soil and water conservation district" has the same meaning as in section 940.01 of the Revised Code as amended by this act.

(2) "Manure," "residual farm products," "operation and management plan," and "waters of the state" have the same meanings as in section 939.01 of the Revised Code as enacted by this act.

Section 709.30. Operation and management plans that were developed or approved under Chapter 1511. or 1515. of the Revised Code prior to the amendment of those chapters by this act continue in effect as operation and management plans under Chapter 939. or 940. of the Revised Code as enacted or amended by this act, as applicable.

Section 709.40. The Agricultural Pollution Abatement Fund that is created in section 939.10 of the Revised Code, as enacted by this act, is a continuation of the Agricultural Pollution Abatement Fund that was created in section 1511.071 of the Revised Code prior to its repeal by this act. Money credited to the Fund under section 1511.071 of the Revised Code, as repealed by this act, shall be used for the purposes specified in section 939.10 of the Revised Code, as enacted by this act.

Section 709.50. The Ohio Soil and Water Conservation

Commission created within the Department of Agriculture by section 125830
940.02 of the Revised Code, as amended and renumbered by this act, 125831
is a continuation of the Ohio Soil and Water Conservation 125832
Commission created within the Department of Natural Resources by 125833
section 1515.02 of the Revised Code prior to its amendment and 125834
renumbering by this act. 125835

Section 715.20. On the effective date of this section and for 125836
the purposes of Chapters 1521., 1522., and 1523. of the Revised 125837
Code, as amended by this act, all of the following apply: 125838

(A) The Division of Soil and Water Resources in the 125839
Department of Natural Resources is renamed the Division of Water 125840
Resources. 125841

(B) The Division of Soil and Water Resources' functions, and 125842
its assets and liabilities, are transferred to the Division of 125843
Water Resources. 125844

(C) The Division of Water Resources is successor to, assumes 125845
the obligations and authority of, and otherwise continues the 125846
Division of Soil and Water Resources. No right, privilege, or 125847
remedy, and no duty, liability, or obligation, accrued under the 125848
Division of Soil and Water Resources is impaired or lost by reason 125849
of the renaming and shall be recognized, administered, performed, 125850
or enforced by the Division of Water Resources. 125851

(D) Business commenced but not completed by the Division of 125852
Soil and Water Resources or by the Chief of the Division of Soil 125853
and Water Resources shall be completed by the Division of Water 125854
Resources or the Chief of the Division of Water Resources in the 125855
same manner, and with the same effect, as if completed by the 125856
Division of Soil and Water Resources or the Chief of the Division 125857
of Soil and Water Resources. 125858

(E) All of the Division of Soil and Water Resources' rules, 125859

orders, and determinations continue in effect as rules, orders, 125860
and determinations of the Division of Water Resources until 125861
modified or rescinded by the Division of Water Resources. 125862

(F) The Director of Budget and Management shall determine the 125863
amount of unexpended balances in the appropriation accounts that 125864
pertain to the Division of Soil and Water Resources and shall 125865
recommend to the Controlling Board their transfer to the 125866
appropriation accounts that pertain to the Division of Water 125867
Resources. The Chief of the Division of Soil and Water Resources 125868
shall provide full and timely information to the Controlling Board 125869
to facilitate the transfer. 125870

(G) Whenever the Division of Soil and Water Resources or the 125871
Chief of the Division of Soil and Water Resources is referred to 125872
in a statute, contract, or other instrument, the reference is 125873
deemed to refer to the Division of Water Resources or to the Chief 125874
of the Division of Water Resources, whichever is appropriate in 125875
context. 125876

(H) No pending action or proceeding being prosecuted or 125877
defended in court or before an agency by the Division of Soil and 125878
Water Resources or the Chief of the Division of Soil and Water 125879
Resources is affected by the renaming and shall be prosecuted or 125880
defended in the name of the Division of Water Resources or the 125881
Chief of the Division of Water Resources, whichever is 125882
appropriate. Upon application to the court or agency, the Division 125883
of Water Resources or the Chief of the Division of Water Resources 125884
shall be substituted. 125885

Section 715.30. For purposes of the transfer of the 125886
Silvicultural Assistance Program established prior to the 125887
effective date of the amendment of the statutes governing the 125888
Program by this act under Chapter 1511. of the Revised Code from 125889
the Division of Soil and Water Resources in the Department of 125890

Natural Resources to the Division of Forestry in that Department, 125891
all of the following apply: 125892

(A) On the effective date of this section, the Chief of the 125893
Division of Soil and Water Resources shall provide the Chief of 125894
the Division of Forestry with both of the following: 125895

(1) Copies of all operation and management plans, or 125896
applicable portions of such plans, developed or approved by the 125897
Chief of the Division of Soil and Water Resources under Chapter 125898
1511. of the Revised Code or the supervisors of a soil and water 125899
conservation district under Chapter 1515. of the Revised Code for 125900
the abatement of the degradation of the waters of the state by 125901
soil sediment, including attached substances, from silvicultural 125902
operations that were developed or approved prior to the effective 125903
date of the amendment of the statutes governing the Program by 125904
this act; 125905

(2) Copies of all operation and management plans, or 125906
applicable portions of such plans, and accompanying information 125907
that were submitted for approval by the Chief or the supervisors 125908
of a soil and water conservation district under Chapter 1511. or 125909
1515. of the Revised Code, as applicable, prior to the effective 125910
date of the amendment of the statutes governing the Program by 125911
this act for the abatement of the degradation of the waters of the 125912
state by soil sediment, including attached substances, from 125913
silvicultural operations. 125914

(B) The Chief of the Division of Soil and Water Resources 125915
shall identify all applicable rules regarding the Program. The 125916
Chief of the Division of Forestry shall adopt rules in accordance 125917
with Chapter 119. of the Revised Code that are identical to the 125918
rules that are identified by the Chief of the Division of Soil and 125919
Water Resources under this section, except that references to the 125920
Division of Soil and Water Resources shall be replaced with 125921

references to the Division of Forestry, and references to the Chief of the Division of Soil and Water Resources shall be replaced with references to the Chief of the Division of Forestry. If necessary to ensure the integrity of the numbering system of the Administrative Code, the Director of the Legislative Service Commission shall renumber the rules to reflect their transfer to the Division of Forestry.

On the effective date of the rules adopted by the Chief of the Division of Forestry, the rules adopted by the Chief of the Division of Soil and Water Resources as identified by the Chief under this section are abolished.

(C) Any business commenced but not completed by the Chief of the Division of Soil and Water Resources relating to the Program on the effective date of the amendment of the statutes governing the Program by this act shall be completed by the Chief of the Division of Forestry. Any validation, cure, right, privilege, remedy, obligation, or liability is not lost or impaired solely by reason of the transfer required by this act and shall be administered by the Chief of the Division of Forestry in accordance with this act.

(D) All of the orders and determinations of the Chief of the Division of Soil and Water Resources relating to the Program continue in effect as orders and determinations of the Chief of the Division of Forestry until modified or rescinded by that Chief.

(E) Whenever the Division of Soil and Water Resources or the Chief of the Division of Soil and Water Resources, in relation to the Program, is referred to in any law, contract, or other document, the reference shall be deemed to refer to the Division of Forestry or to the Chief of the Division of Forestry, whichever is appropriate in context.

(F) Any action or proceeding pending on the effective date of the amendment of the statutes governing the Program by this act is not affected by the transfer of the functions of that Program by this act and shall be prosecuted or defended in the name of the Division of Forestry. In all such actions and proceedings, the Division of Forestry, upon application to the court, shall be substituted as a party.

(G) As used in this section:

(1) "Soil and water conservation district" has the same meaning as in section 940.01 of the Revised Code as amended by this act.

(2) "Operation and management plan" and "waters of the state" have the same meanings as in section 939.01 of the Revised Code as enacted by this act.

Section 715.40. Operation and management plans regarding silvicultural operations that were developed or approved under Chapter 1511. or 1515. of the Revised Code prior to the amendment of those chapters by this act continue in effect as timber harvest plans under sections 1503.50 to 1503.55 and 1503.99 of the Revised Code as enacted by this act.

Section 733.30. (A) The Competency-Based Education Pilot Program is hereby established. Under the Program, the Department of Education shall provide grants to city, local, and exempted village school districts, including municipal school districts as defined in section 3311.71 of the Revised Code, joint vocational school districts, community schools established under Chapter 3314. of the Revised Code, and STEM schools established under Chapter 3326. of the Revised Code, and consortia of one or more school districts, community schools, and STEM schools led by one or more educational service centers for designing and implementing

competency-based models of education for their students during the 125983
2016-2017, 2017-2018, and 2018-2019 school years. 125984

(B)(1) A district, community school, STEM school, or 125985
consortium shall submit an application to participate in the 125986
Competency-Based Education Pilot Program to the Department not 125987
later than November 1, 2015. The application shall be submitted in 125988
a form and manner prescribed by the Department. 125989

(2) Not later than March 1, 2016, the Department shall select 125990
not more than five districts, schools, or consortia to participate 125991
in the Program. The Department shall require a district, school, 125992
or consortium to agree to an annual performance review conducted 125993
by the Department as a condition of participating in the Program. 125994

(C) The competency-based education offered by a district, 125995
school, or consortium selected to participate in the Program under 125996
division (B) of this section shall satisfy all of the following 125997
requirements: 125998

(1) Students shall advance upon mastery. 125999

(2) Competencies shall include clear, measurable, 126000
transferable learning objectives that empower students. 126001

(3) Assessments shall be meaningful and a positive learning 126002
experience for students. 126003

(4) Students shall receive timely, differentiated support 126004
based on their individual learning needs. 126005

(5) Learning outcomes shall emphasize competencies that 126006
include application and creation of knowledge, along with the 126007
development of work-ready skills. 126008

(6) It shall incorporate partnerships with post-secondary 126009
institutions and members of industry. 126010

(D) A district, school, or consortium selected to participate 126011
in the Program under division (B) of this section shall remain 126012

subject to all accountability requirements in state and federal 126013
law that are applicable to that district, school, or consortium. 126014

(E)(1) If a district is selected to participate in the 126015
Program or is selected to participate in the Program as part of a 126016
consortium under division (B) of this section, each student 126017
enrolled in the district who is participating in competency-based 126018
education shall be considered to be a full-time equivalent student 126019
while participating in competency-based education for purposes of 126020
funding under Chapter 3317. of the Revised Code, as determined by 126021
the Department. 126022

(2) If a community school is selected to participate in the 126023
Program or is selected to participate in the Program as part of a 126024
consortium under division (B) of this section, each student 126025
enrolled in the school who is participating in competency-based 126026
education shall be considered to be a full-time equivalent student 126027
while participating in competency-based education for purposes of 126028
funding under Chapter 3314. of the Revised Code, as determined by 126029
the Department. 126030

(3) If a STEM school is selected to participate in the 126031
Program or is selected to participate in the Program as part of a 126032
consortium under division (B) of this section, each student 126033
enrolled in the school who is participating in competency-based 126034
education shall be considered to be a full-time equivalent student 126035
while participating in competency-based education for purposes of 126036
funding under Chapter 3326. of the Revised Code, as determined by 126037
the Department. 126038

(F)(1) Not later than January 31, 2017, the Department shall 126039
post on its web site a preliminary report that examines the 126040
planning and implementation of competency-based education in the 126041
districts, schools, and consortia selected to participate in the 126042
Program under division (B) of this section. 126043

(2) Not later than December 31, 2018, the Department shall 126044
post on its web site a report that includes all of the following: 126045

(a) A review of the competency-based education offered by the 126046
districts, schools, and consortia selected to participate in the 126047
Program under division (B) of this section; 126048

(b) An evaluation of the implementation of competency-based 126049
education by the districts, schools, and consortia selected to 126050
participate in the Program and student outcomes resulting from 126051
that competency-based education; 126052

(c) A determination of the feasibility of a funding model 126053
that reflects student achievement outcomes as demonstrated through 126054
competency-based education. 126055

Section 733.40. Notwithstanding section 3305.062 of the 126056
Revised Code, as enacted by this act, if between July 1, 2015, and 126057
the effective date of section 3305.062 of the Revised Code, as 126058
enacted by this act, the State Teachers Retirement Board increases 126059
the percentage of an electing employee's compensation contributed 126060
to the State Teachers Retirement System by a public institution of 126061
higher education under division (D) of section 3305.06 of the 126062
Revised Code, all of the following are the case: 126063

(A) The percentage is four per cent until the amount 126064
specified in division (B) of this section is repaid to each public 126065
institution employing an electing employee. 126066

(B) The Board shall repay to each public institution 126067
employing an electing employee an amount equal to the difference 126068
between the percentage established by the Board during the time 126069
period described in this section and the percentage specified 126070
under section 3305.062 of the Revised Code. 126071

(C) The public institution that employs an electing employee 126072
shall credit the amount specified in division (B) of this section 126073

to the investment provider the employee has selected under section 126074
3305.053 of the Revised Code. 126075

(D) The Board shall reimburse each public institution 126076
employing an electing employee an amount equal to the reasonable 126077
costs of reprogramming the institution's computers and other 126078
administrative expenses related to increasing the percentage. 126079

Section 737.10. The Legislative Committee on Public Health 126080
Futures is re-established. The committee shall review the June 126081
2012 report of the Public Health Futures Project Steering 126082
Committee of the Association of Ohio Health Commissioners, and the 126083
October 2012 report of the previous Legislative Committee on 126084
Public Health Futures that was established by Am. Sub. H.B. 487 of 126085
the 129th General Assembly. The Legislative Committee shall review 126086
the effectiveness of recommendations from those reports that are 126087
being or that have been implemented. And, based on the knowledge 126088
and insight gained from its reviews, the Legislative Committee 126089
shall make legislative and fiscal policy recommendations that it 126090
believes would improve local public health services in Ohio. 126091

The Legislative Committee, not later than January 31, 2016, 126092
shall prepare a report that describes its review of the reports 126093
and its review and of the recommendations that are being or that 126094
have been implemented, and that states and provides explanations 126095
of the Committee's new policy recommendations. 126096

The Legislative Committee shall transmit a copy of its report 126097
to the Governor, the President and Minority Leader of the Senate, 126098
and the Speaker and Minority Leader of the House of 126099
Representatives. Upon transmitting its report, the Legislative 126100
Committee ceases to exist. 126101

Each of the following associations shall appoint one 126102
individual to the Legislative Committee: the County Commissioners 126103
Association of Ohio, the Ohio Township Association, the Department 126104

of Health, the Ohio Public Health Association, the Ohio
Environmental Health Association, the Ohio Boards of Health
Association, the Ohio Municipal League, and the Ohio Hospital
Association. The Association of Ohio Health Commissioners shall
appoint two individuals to the Legislative Committee. The
President and Minority Leader of the Senate each shall appoint two
members to the Legislative Committee. The Speaker and Minority
Leader of the House of Representatives each shall appoint two
members to the Legislative Committee. Of the two appointments made
by each legislative leader, one shall be a member of the General
Assembly from the appointing member's chamber. Appointments shall
be made as soon as possible but not later than thirty days after
the effective date of this section. Vacancies on the Legislative
Committee shall be filled in the same manner as the original
appointment.

As soon as all members have been appointed to the Legislative
Committee, the President of the Senate shall fix a time and place
for the committee to hold its first meeting. At that meeting, the
committee shall elect from among its membership a chairperson, a
vice-chairperson, and a secretary. The Director of Health shall
provide the Legislative Committee with meeting and office space,
equipment, and professional, technical, and clerical staff as are
necessary to enable the Legislative Committee successfully to
complete its work.

Section 737.20. The Board of Building Standards shall adopt
rules pursuant to section 3781.106 of the Revised Code not later
than one hundred eighty days after the effective date of this
section.

Section 737.30. Any provision of the State Fire Code that is
in conflict with the amendments by this act to section 3737.84 of
the Revised Code is unenforceable.

Section 737.40. For purposes of the transfer by this act of 126136
the Storm Water Management Program established prior to the 126137
effective date of the amendment of the statutes governing the 126138
Program by this act under Chapter 1511. of the Revised Code from 126139
the Department of Natural Resources to the Environmental 126140
Protection Agency, all of the following apply: 126141

(A) The Director of Natural Resources may enter into a 126142
memorandum of understanding with the Director of Environmental 126143
Protection regarding the transfer of the Program. 126144

(B) The Director of Natural Resources shall rescind rules in 126145
accordance with Chapter 119. of the Revised Code regarding the 126146
Program that were in effect immediately preceding the effective 126147
date of this section. 126148

(C) Any business commenced but not completed by the Chief of 126149
the Division of Soil and Water Resources relating to the Program 126150
on the effective date of the amendment of the statutes governing 126151
the Program by this act shall be completed by the Director of 126152
Environmental Protection. Any validation, cure, right, privilege, 126153
remedy, obligation, or liability is not lost or impaired solely by 126154
reason of the transfer required by this act and shall be 126155
administered by the Director in accordance with this act. 126156

(D) All of the orders and determinations of the Chief of the 126157
Division of Soil and Water Resources relating to the Program 126158
continue in effect as orders and determinations of the Director of 126159
Environmental Protection until modified or rescinded by the 126160
Director. 126161

(E) Subject to the layoff provisions of sections 124.321 to 126162
124.328 of the Revised Code or the applicable collective 126163
bargaining agreement, all of the employees of the Division of Soil 126164
and Water Resources in the Department of Natural Resources 126165
relating to the Program are transferred to the Environmental 126166

Protection Agency and retain their same positions and all benefits accruing thereto. 126167
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(F) All equipment and assets relating to the Program are transferred from the Division of Soil and Water Resources to the Environmental Protection Agency. 126169
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(G) Whenever the Division of Soil and Water Resources or the Chief of the Division of Soil and Water Resources, in relation to the Program, is referred to in any law, contract, or other document, the reference shall be deemed to refer to the Environmental Protection Agency or to the Director of Environmental Protection, whichever is appropriate in context. 126172
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(H) Any action or proceeding pending on the effective date of the amendment of the statutes governing the Program by this act is not affected by the transfer of the functions of that Program by this act and shall be prosecuted or defended in the name of the Environmental Protection Agency. In all such actions and proceedings, the Environmental Protection Agency, upon application to the court, shall be substituted as a party. 126178
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Section 745.10. (A) There is hereby created the Deputy Registrar Funding Study Committee. The Committee shall consist of six members, three of whom are appointed by the President of the Senate and three of whom are appointed by the Speaker of the House of Representatives. The President and Speaker, respectively, shall appoint the members not later than thirty days after the effective date of this section. 126185
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(B) The Committee shall select a chairperson and vice-chairperson from among its members. The Committee first shall meet within one month after the effective date of this section at the call of the President of the Senate. Thereafter, the Committee shall meet at the call of its chairperson as necessary to carry out its duties. Members of the Committee are not entitled to 126192
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compensation for serving on the Committee, but may continue to 126198
receive the compensation and benefits accruing from their regular 126199
offices or employments. 126200

(C) The Committee shall study the long-term financial 126201
solvency of deputy registrars in this state and whether the 126202
existing statutory charges that may be levied by deputy registrars 126203
are sufficient. Not later than six months after the effective date 126204
of this section, the Committee shall issue a report of its 126205
findings and recommendations to the Governor, the President of the 126206
Senate, the Minority Leader of the Senate, the Speaker of the 126207
House of Representatives, and the Minority Leader of the House of 126208
Representatives. After submitting the report, the Committee shall 126209
cease to exist. 126210

Section 747.10. The intent of the General Assembly, when 126211
enacting Am. Sub. H.B. 394 of the 130th General Assembly, was to 126212
amend section 4731.22 of the Revised Code. The inclusion of the 126213
section in H.B. 394's first repeal clause (Section 2) as an 126214
outright repeal was a typographical error. The General Assembly's 126215
intent that section 4731.22 of the Revised Code be amended, rather 126216
than repealed outright, is demonstrated in H.B. 394's title, the 126217
first amending clause (Section 1), and the portion of the first 126218
repeal clause (Section 2) that listed the section among other 126219
Revised Code sections that were being repealed only to the extent 126220
that their existing versions were being replaced by amended 126221
versions. This intent is further demonstrated by H.B. 394's 126222
amendment of a future version of section 4731.22 of the Revised 126223
Code, effective April 1, 2015 (Sections 3 and 4). 126224

Section 747.20. The two hours of study in prepackaged soft 126225
contact lens dispensing required by division (A)(1) of section 126226
4725.411 of the Revised Code shall satisfy the requirements of 126227
division (A)(1)(a)(ii) of section 4725.51 of the Revised Code. 126228

Section 747.30. The members of the State Board of Cosmetology 126229
prior to the effective date of this act shall be appointed to the 126230
State Board of Barbers and Cosmetology. The members shall complete 126231
their terms as appointed under the prior State Board of 126232
Cosmetology. 126233

Section 747.40. Upon the effective date of this section, the 126234
State Barber Board and the State Board of Cosmetology are 126235
abolished and all of their functions, and assets and liabilities, 126236
are transferred to the State Board of Barbers and Cosmetology. The 126237
State Board of Barbers and Cosmetology is thereupon and thereafter 126238
successor to, assumes the obligations of, and otherwise 126239
constitutes the continuation of the State Barber Board and the 126240
State Board of Cosmetology. 126241

Any business commenced but not completed by the State Barber 126242
Board or the State Board of Cosmetology on the effective date of 126243
this section shall be completed by the State Board of Barbers and 126244
Cosmetology in the same manner, and with the same effect, as if 126245
completed by the State Barber Board or the State Board of 126246
Cosmetology. No validation, cure, right, privilege, remedy, 126247
obligation, or liability is lost or impaired by reason of the 126248
transfer required by this section and shall be administered by the 126249
State Board of Barbers and Cosmetology. All of the State Barber 126250
Board and the State Board of Cosmetology's rules, orders, and 126251
determinations continue in effect as rules, orders, and 126252
determinations of the State Board of Barbers and Cosmetology, 126253
until modified or rescinded by the State Board of Barbers and 126254
Cosmetology. If necessary to ensure the integrity of the numbering 126255
of the Administrative Code, the Director of the Legislative 126256
Service Commission shall renumber the State Barber Board and the 126257
State Board of Cosmetology's rules to reflect their transfer to 126258
the State Board of Barbers and Cosmetology. 126259

The Director of Budget and Management shall determine the amount of the unexpended balances in the appropriation accounts that pertain to the State Barber Board or the State Board of Cosmetology and shall recommend to the Controlling Board their transfer to the appropriation accounts that pertain to the State Board of Barbers and Cosmetology. The State Barber Board and the State Board of Cosmetology shall provide full and timely information to the Controlling Board to facilitate this transfer.

Wherever either the State Barber Board or the State Board of Cosmetology is referred to in any law, contract, or other document, the reference shall be deemed to refer to the State Board of Barbers and Cosmetology.

No action or proceeding pending on the effective date of this act is affected by the transfer, and shall be prosecuted or defended in the name of the State Board of Barbers and Cosmetology. In all such actions and proceedings, the State Board of Barbers and Cosmetology, upon application to the court, shall be substituted as a party.

Section 747.50. Upon the taking effect of this section, the Ohio Landscape Architects Board is abolished and all of its functions, and assets and liabilities, are transferred to the Architects Board. The Architects Board is thereupon and thereafter successor to, assumes the obligations of, and otherwise constitutes the continuation of the Ohio Landscape Architects Board.

Any business commenced but not completed by the Ohio Landscape Architects Board on the effective date of this section shall be completed by the Architects Board in the same manner, and with the same effect, as if completed by the Ohio Landscape Architects Board. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the

transfer required by this act and shall be administered by the Architects Board. All of the Ohio Landscape Architects Board rules, orders, and determinations continue in effect as rules, orders, and determinations of the Architects Board, until modified or rescinded by the Architects Board. If necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission shall renumber the Ohio Landscape Architects Board rules to reflect their transfer to the Architects Board.

Wherever the Ohio Landscape Architects Board is referred to in any law, contract, or other document, the reference shall be deemed to refer to the Architects Board.

No action or proceeding pending on the effective date of this section is affected by the transfer, and shall be prosecuted or defended in the name of the Architects Board. In all such actions and proceedings, the Architects Board upon application to the court shall be substituted as a party.

Section 749.10. (A) Not later than ninety days after the effective date of this section, the Public Utilities Commission shall establish a collaborative process with all of the following, to address the internet-protocol-network transition:

- (1) Incumbent local exchange carriers;
- (2) Any competitive local exchange carriers that provide basic local exchange service and are affected by the transition;
- (3) The Office of the Ohio Consumers' Counsel;
- (4) A representative of cable operators, as defined in section 1332.21 of the Revised Code;
- (5) At the invitation of the Commission, other interested parties and members of the General Assembly.

(B) The collaborative process shall focus on the

internet-protocol-network transition processes underway at the 126321
Federal Communications Commission and the issues of universal 126322
connectivity, consumer protection, public safety, reliability, 126323
expanded availability of advanced services, affordability, and 126324
competition. The collaborative process shall ensure that public 126325
education concerning the transition is thorough. 126326

(C) The collaborative process shall include a review of the 126327
number and characteristics of basic-local-exchange-service 126328
customers in Ohio, an evaluation of what alternatives are 126329
available to them, including both wireline and wireless 126330
alternatives, and the prospect for the availability of 126331
alternatives where none currently exist. The collaborative process 126332
shall embark on an education campaign plan for those customers' 126333
eventual transition to advanced services. If the collaborative 126334
process identifies residential basic-local-exchange-service 126335
customers who will be unable to obtain voice service upon the 126336
withdrawal or abandonment of basic local exchange service, the 126337
Public Utilities Commission may find those customers to be 126338
eligible for the process under division (B) of section 4927.10 of 126339
the Revised Code, regardless of whether they have filed petitions 126340
under that division. 126341

(D) The collaborative process shall, pursuant to the rules of 126342
the Public Utilities Commission, respect the confidentiality of 126343
any data shared with those involved in the process. 126344

(E) All officers, boards, or commissions of this state and 126345
any political subdivision of this state shall furnish to the 126346
Public Utilities Commission, upon request, any data or information 126347
that will assist the commission in carrying out this section. 126348

Section 751.10. INDEPENDENT PROVIDER STUDY 126349

(A) As used in this section, "independent provider" means a 126350
provider who provides any of the following services on a 126351

self-employed basis and does not employ, directly or through
contract, another person to provide those services:

(1) Aide services, as defined in section 5164.77 of the
Revised Code;

(2) Nursing services, as defined in section 5164.77 of the
Revised Code;

(3) Services covered by a home and community-based services
Medicaid waiver component, as defined in section 5166.01 of the
Revised Code;

(4) Services covered by the Helping Ohioans Move, Expanding
(HOME) Choice demonstration component, as authorized by section
5164.90 of the Revised Code.

(B) It is the intent of the General Assembly to study the
issue of Medicaid provider agreements with independent providers
and to resolve the issue not later than December 31, 2015.

Section 751.20. Not later than January 1, 2017, the Ohio
Department of Medicaid shall submit to the General Assembly, in
accordance with section 101.68 of the Revised Code, a report
evaluating the Medicaid program's effect on clinical care and
outcomes for the group described in section
1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C.
1396a(a)(10)(A)(i)(VIII), including the effects on physical and
mental health, health care utilization and access, and financial
hardship.

Section 751.30. There is hereby created the Workgroup to
Study the Feasibility of Medicaid Recipients' ID and Benefits
Cards. The Workgroup shall consist of the following members:

(1) The Director of Public Safety or the Director's designee;

(2) The Medicaid Director or the Director's designee;

(3) The Director of Aging or the Director's designee;	126381
(4) The Director of Development Services or the Director's designee;	126382 126383
(5) The Director of Developmental Disabilities or the Director's designee;	126384 126385
(6) The Superintendent of Public Instruction or the Superintendent's designee;	126386 126387
(7) The Director of Health or the Director's designee;	126388
(8) The Director of Insurance or the Director's designee;	126389
(9) The Director of Job and Family Services or the Director's designee;	126390 126391
(10) The Director of Mental Health and Addiction Services or the Director's designee;	126392 126393
(11) The Executive Director of Opportunities for Ohioans with Disabilities or the Executive Director's designee.	126394 126395
The Director of Public Safety or the Director's designee shall serve as chairperson of the Workgroup. The Department of Public Safety shall provide staff and all other support functions for the Workgroup.	126396 126397 126398 126399
In order to reduce enrollee and provider fraud and abuse, the Workgroup shall evaluate the feasibility of using state-issued licenses and identification cards to establish an individual's eligibility for all state public assistance programs and benefits under them, such as Medicaid, the Home Energy Assistance Program, the Supplemental Nutrition Assistance Program, the Temporary Assistance for Needy Families program, and child care. Upon conclusion of such evaluation, the Workgroup shall develop findings and formulate recommendations.	126400 126401 126402 126403 126404 126405 126406 126407 126408
Not later than July 1, 2018, the Workgroup shall submit a report that contains its findings and recommendations to the	126409 126410

General Assembly. The Workgroup shall submit the report in 126411
accordance with section 101.68 of the Revised Code. Upon 126412
submission of the report, the Workgroup shall cease to exist. 126413

Section 751.40. There is hereby created in the state treasury 126414
the Health and Human Services Fund. The Fund shall consist of 126415
money appropriated or transferred to it. The Fund shall be used to 126416
pay any costs associated with programs or services provided by the 126417
state to enhance the public health and overall health care quality 126418
of citizens of this state. 126419

If any unexpended, unobligated cash remains in the Fund as of 126420
June 30, 2017, that cash shall be transferred by the Director of 126421
Budget and Management to the Budget Stabilization Fund. 126422

Section 753.10. (A) The Governor is hereby authorized to 126423
execute a release of any and all rights of reversion for the 126424
benefit of the state and any deed restrictions and covenants with 126425
respect to the construction on or use of certain real estate 126426
located in the City of Moraine, Montgomery County, Ohio, described 126427
in the deed from the state as follows: 126428

That certain Director's Deed to The City of Moraine, 126429
Montgomery County, Ohio, as grantee, dated October 4, 1978, and 126430
recorded in Deed Microfiche 78-578E02 of the Montgomery County, 126431
Ohio, Records, including rights of reversion, covenants, and 126432
restrictions set forth in said deed or any prior deeds. 126433

(B) The Auditor of State, with the assistance of the Attorney 126434
General, shall prepare the release. The release shall be executed 126435
by the Governor in the name of the state, countersigned by the 126436
Secretary of State, sealed with the Great Seal of the State, 126437
presented in the Office of the Auditor of State for recording, and 126438
delivered to The City of Moraine, Montgomery County, Ohio. The 126439
City of Moraine, Montgomery County, Ohio, or its designee shall 126440

present the release for recording in the office of the Montgomery County Recorder. 126441
126442

(C) This section expires one year after its effective date. 126443

Section 757.10. For the purpose of division (A)(18)(d) of 126444
section 5709.93 of the Revised Code as enacted by this act, the 126445
county auditor of each county shall certify to the Tax 126446
Commissioner not later than July 31, 2015, the amount distributed 126447
from the county library fund in 2014 to each public library that 126448
received a distribution under section 5727.86 or 5751.21 of the 126449
Revised Code in 2014. 126450

Section 757.20. For the purpose of sections 5709.92 and 126451
5709.93 of the Revised Code as enacted by this act, a school 126452
district, joint vocational school district, public library, or 126453
local taxing unit may appeal a levy classification or any amount 126454
used in the calculation of total resources as defined under those 126455
sections. Such an appeal shall be filed in writing, including via 126456
electronic mail, with the Tax Commissioner. Upon receiving such an 126457
appeal, the Tax Commissioner shall make a determination of the 126458
merits of the appeal and, if the appeal is upheld, make necessary 126459
changes within the classifications or calculations. The 126460
determination of the Tax Commissioner is final and not subject to 126461
appeal. After June 30, 2016, no changes shall be made in the 126462
classifications or calculations. 126463

Section 757.40. The Tax Commissioner shall evaluate the 126464
effectiveness of any measures the Commissioner uses to reduce 126465
fraud with respect to the tax levied under section 5747.02 of the 126466
Revised Code by requiring a taxpayer to verify information about 126467
the taxpayer for the purpose of verifying the taxpayer's identity. 126468
On or before August 30, 2016, the Commissioner shall submit a 126469
report of that evaluation and recommended improvements to such 126470

measures to the Speaker of the House of Representatives, the 126471
President of the Senate, and each member of the House of 126472
Representatives and Senate standing committees dealing primarily 126473
with issues related to taxation. 126474

Section 757.50. (A) There is hereby created the Ohio 2020 Tax 126475
Policy Study Commission to review the state's tax structure and 126476
policies and make recommendations to the General Assembly on how 126477
to maximize Ohio's competitiveness by the year 2020 and on how to 126478
transition Ohio's personal income tax to a flat tax of three and 126479
one-half per cent or three and three-quarters per cent beginning 126480
in tax year 2018. The Commission shall consist of the following 126481
members: 126482

(1) Three members of the House of Representatives appointed 126483
by the Speaker of the House of Representatives who meet the 126484
following requirements: 126485

(a) Two shall be members of the majority party, one of whom 126486
shall be the Chairperson of the House Ways and Means Committee; 126487

(b) One shall be a member of the minority party. 126488

(2) Three members of the Senate appointed by the President of 126489
the Senate who meet the following requirements: 126490

(a) Two shall be members of the majority party, one of whom 126491
shall be the Chairperson of the Senate Ways and Means Committee; 126492

(b) One shall be a member of the minority party. 126493

(B)(1) The Speaker of the House of Representatives shall 126494
designate the Chairperson of the House Ways and Means Committee to 126495
serve as Chairperson of the Commission. 126496

(2) Members of the Commission shall serve without 126497
compensation or reimbursement. 126498

(3) Vacancies on the Commission shall be filled in the same 126499

manner as original appointments. 126500

(C) The Legislative Service Commission shall provide 126501
necessary services to the Commission. 126502

(D) To aid in its review, the Commission shall utilize 126503
dynamic analytical tools. Not later than October 1, 2017, the 126504
Commission shall publish its findings and recommendations and 126505
submit its report to the members of the General Assembly. Upon 126506
submission of the report, the Commission shall cease to exist. 126507

Section 757.90. The amendment by this act of sections 126508
5727.031 and 5727.80 of the Revised Code are intended to clarify 126509
and be declaratory of the law as it existed before such 126510
amendments. 126511

Section 757.100. (A) On or before August 1, 2015, the Tax 126512
Commissioner, in consultation with the Director of Budget and 126513
Management, shall do all of the following: 126514

(1) Identify every provision, including every appropriation, 126515
of this act that was vetoed by the Governor and that would have 126516
required an expenditure from the General Revenue Fund of at least 126517
five million dollars in fiscal year 2016 and at least six million 126518
dollars in fiscal year 2017; 126519

(2) Determine the total amount of expenditures that will not 126520
be made as a result of the veto of the provisions identified in 126521
division (A)(1) of this section; 126522

(3) Determine the percentage that the amount determined in 126523
division (A)(2) of this section is of the amount of revenue the 126524
Director and Commissioner estimate will be received from the tax 126525
levied under section 5747.02 of the Revised Code in the current 126526
fiscal biennium without regard to any reduction in rates under 126527
this section or division (B) of that section. 126528

(B) The income tax rates prescribed in section 5747.02 of the Revised Code as amended by this act shall be reduced by the percentage certified under division (A)(3) of this section. The reduction shall apply to all taxable years beginning on or after January 1, 2015. The reduction shall not apply to the rates at which employers are required to withhold taxes under section 5747.06 of the Revised Code before July 1, 2017.

Section 757.110. (A) The amendment by this act of division (B)(42) of section 5739.02 of the Revised Code applies on and after the effective date of this section.

(B)(1) Except as provided in division (B)(2) of this section, the Tax Commissioner shall abate any unpaid taxes, penalties, and interest charged and payable under Chapters 5739. and 5741. of the Revised Code for transactions described by division (B)(42)(p) of section 5739.02 of the Revised Code occurring before the effective date of this section regardless of whether an assessment has been issued therefor. The Commissioner shall not make an assessment under Chapter 5739. or 5741. of the Revised Code for taxes, penalties, and interest charged and payable with respect to transactions described by division (B)(42)(p) of section 5739.02 of the Revised Code and occurring before the effective date of this section.

(2) Division (B)(1) of this section does not apply to any person that has not, as of September 1, 2015, paid all taxes, penalties, and interest charged and payable on or before that date under Chapters 5739. and 5741. of the Revised Code for transactions other than those described by division (B)(42)(p) of section 5739.02 of the Revised Code.

Section 757.120. The amendment by this act of division (A)(31) of section 5747.01 of the Revised Code shall not affect

the additional deduction authorized by Section 512.70 of Am. Sub. 126559
H.B. 483 of the 130th General Assembly. 126560

Section 757.130. (A) As used in this section: 126561

(1) "Qualifying delinquent taxes" means any tax levied under 126562
Title LVII of the Revised Code, including the taxes required to be 126563
withheld under Chapters 5747. and 5748. of the Revised Code, which 126564
were due and payable from any person as of May 1, 2015, were 126565
unreported or underreported, and remain unpaid. 126566

(2) "Qualifying delinquent personal property taxes" means a 126567
tax for which a return is filed under section 5711.02 of the 126568
Revised Code. 126569

(3) "Qualifying delinquent taxes" and "qualifying delinquent 126570
personal property taxes" do not include any tax for which a notice 126571
of assessment or audit has been issued, for which a bill has been 126572
issued, which relates to a tax period that ends after the 126573
effective date of this section, or for which an audit has been 126574
conducted or is currently being conducted. 126575

(B) The Tax Commissioner shall establish and administer a tax 126576
amnesty program with respect to qualifying delinquent taxes and 126577
qualifying delinquent personal property taxes. The program shall 126578
commence on January 1, 2016, and shall conclude on February 15, 126579
2016. The Tax Commissioner shall issue forms and instructions and 126580
take other actions necessary to implement the program. The Tax 126581
Commissioner shall publicize the program so as to maximize public 126582
awareness and participation in the program. 126583

(C)(1) During the program, if a person pays the full amount 126584
of qualifying delinquent taxes owed by that person and one-half of 126585
any interest that has accrued as a result of the person failing to 126586
pay those taxes in a timely fashion, the Tax Commissioner shall 126587
waive or abate all applicable penalties and one-half of any 126588

interest that accrued on the qualifying delinquent taxes. 126589

(2) During the program, if a person who owes qualifying 126590
delinquent personal property taxes files a return with the Tax 126591
Commissioner, in the form and manner prescribed by the Tax 126592
Commissioner, listing all taxable property that was required to be 126593
listed on the return required to be filed under section 5711.02 of 126594
the Revised Code, the Tax Commissioner shall issue a preliminary 126595
assessment certificate to the appropriate county auditor. Upon 126596
receiving a preliminary assessment certificate issued by the Tax 126597
Commissioner pursuant to this division, the county auditor shall 126598
compute the amount of qualifying delinquent personal property 126599
taxes owed by the person and shall add to that amount one-half of 126600
the interest prescribed under sections 5711.32 and 5719.041 of the 126601
Revised Code. The county treasurer shall collect the amount of tax 126602
and interest computed by the county auditor under this division by 126603
preparing and mailing a tax bill to the person as prescribed in 126604
section 5711.32 of the Revised Code. If the person pays the full 126605
amount of tax and interest thereon on or before the date shown on 126606
the tax bill all applicable penalties and one-half of any interest 126607
that accrued on the qualifying delinquent personal property taxes 126608
shall be waived. 126609

(3) No payment required under division (G) of section 321.24 126610
of the Revised Code shall be made with respect to any person who 126611
pays qualifying delinquent personal property taxes under division 126612
(C)(2) of this section. 126613

(4) Notwithstanding any contrary provision of the Revised 126614
Code, the Tax Commissioner shall not furnish to the county auditor 126615
any information pertaining to the exemption from taxation under 126616
division (C)(3) of section 5709.01 of the Revised Code insofar as 126617
that information pertains to any person who pays qualifying 126618
delinquent personal property taxes under division (C)(2) of this 126619
section. 126620

(D) The Tax Commissioner may require a person participating 126621
in the program to file returns or reports, including amended 126622
returns and reports, in connection with the person's payment of 126623
qualifying delinquent taxes or qualifying delinquent personal 126624
property taxes. 126625

(E) A person who participates in the program and pays in full 126626
any outstanding qualifying delinquent tax or qualifying delinquent 126627
personal property tax and the interest payable on such tax in 126628
accordance with this section shall not be subject to any criminal 126629
prosecution or any civil action with respect to that tax, and no 126630
assessment shall thereafter be issued against that person with 126631
respect to that tax. 126632

(F) Taxes and interest collected under the program shall be 126633
considered as revenue arising from the tax to which the payment 126634
relates, and shall be distributed accordingly. 126635

Section 757.140. The amendment by this act of section 5726.01 126636
of the Revised Code is remedial in nature and is intended to 126637
clarify the law as it existed prior to the amendment of that 126638
section by this act. The amendment of that section shall apply to 126639
tax years beginning on and after January 1, 2014. 126640

Section 757.150. The amendment by this act of section 5736.01 126641
of the Revised Code applies to tax periods beginning on or after 126642
July 1, 2015. 126643

Section 757.160. The amendment by this act of section 5736.02 126644
of the Revised Code applies to tax periods beginning on or after 126645
July 1, 2015. 126646

Section 759.10. (A) The Director of Veterans Services shall 126647
adopt rules as required by section 5101.98 (5902.05) of the 126648
Revised Code as amended by this act. Upon the taking effect of 126649

those rules, rules 5101:10-2-01 and 5101:10-2-02 of the Administrative Code are void.

(B) Pending the taking effect of rules adopted by the Director of Veterans Services under division (A) of this section, rules 5101:10-2-01 and 5101:10-2-02 of the Administrative Code remain in effect, but the Director and Department of Veterans Services, rather than the Director and Department of Job and Family Services, shall administer the rules, and references in the rules to the Director of Job and Family Services shall be read as if they referred to the Director or Department of Veterans Services. In applying the rules, the Director of Veterans Services shall read the eligibility of an individual for a grant from the Military Injury Relief Fund as if it had been expanded to include individuals who served after October 7, 2001.

Section 759.20. Not later than six months after the effective date of this section, the Director of Veterans Services, in consultation with the Ohio Recordors Association, shall establish initial material and design standards for Ohio veterans identification cards, as required by section 5902.09 of the Revised Code. The initial material and design standards shall be prescribed in rules adopted under Chapter 119. of the Revised Code.

Section 761.10. Sections 164.13, 317.08, 929.03, 6103.052, 6117.062, 6117.51, 6117.52, 6117.521, 6117.522, 6119.60, 6119.601, and 6119.602 of the Revised Code as amended or enacted by this act do not apply to an existing sewer construction project authorized under Chapter 6117. of the Revised Code or an existing waste water facility construction project authorized under Chapter 6119. of the Revised Code regarding which a board of county commissioners or the board of trustees of a regional water and sewer district,

respectively, has expended funds to authorize and has entered into 126680
contracts for the services of registered professional engineers 126681
for the planning of such a project prior to January 1, 2016. 126682

Section 763.10. (A) There is hereby established the 126683
Montgomery County Workforce Study Committee, which shall study all 126684
of the following: 126685

(1) Workforce development system options for in-demand jobs 126686
in the Montgomery County region; 126687

(2) Establishing a workforce sector network to develop a 126688
common agenda and shared performance measures in aerospace and 126689
manufacturing; 126690

(3) Identifying the supply and demand of in-demand job areas 126691
over multi-time horizons and using this data to establish 126692
short-term and long-term targets for the Montgomery County 126693
region's in-demand jobs that are approved and shared by the 126694
network's partners; 126695

(4) Identifying and implementing clear pathways and 126696
incentives for meeting educational and experiential objectives; 126697

(5) Identifying a collaborative strategy to expand the number 126698
of internships that are available and to recommend targeted 126699
matching or seed funding to complement existing efforts or to 126700
generate new "gap filler" efforts for students interested in 126701
careers in aerospace and manufacturing industries; 126702

(6) Creating innovative loan forgiveness programs and 126703
providing targeted matching or seed funding to complement existing 126704
efforts or generating new "gap filler" efforts for students who 126705
are completing a post-secondary credential in a high-demand 126706
workforce area. 126707

(B) Not later than June 30, 2017, the Committee shall issue a 126708

report of its findings and shall deliver that report to the 126709
Governor, the President and Minority Leader of the Senate, and the 126710
Speaker and Minority Leader of the House of Representatives. 126711

(C) The Committee shall consist of the following members: 126712

(1) Four representatives of the manufacturing industry, two 126713
of whom shall be appointed by the President of the Senate and two 126714
of whom shall be appointed by the Speaker of the House of 126715
Representatives; 126716

(2) Four representatives of the aerospace industry, two of 126717
whom shall be appointed by the President of the Senate and two of 126718
whom shall be appointed by the Speaker of the House of 126719
Representatives; 126720

(3) Six representatives from institutions of higher 126721
education, three of whom shall be appointed by the President of 126722
the Senate and three of whom shall be appointed by the Speaker of 126723
the House of Representatives; 126724

(4) Four representatives of the Department of Higher 126725
Education, the Governor's Office of Workforce Transformation, the 126726
Montgomery County Educational Services Center, OhioMeansJobs - 126727
Montgomery County, or another state or county agency involved with 126728
education or workforce development, two of whom shall be appointed 126729
by the President of the Senate and two of whom shall be appointed 126730
by the Speaker of the House of Representatives. 126731

(D) The President of the Senate and Speaker of the House 126732
shall appoint members in accordance with division (C) of this 126733
section within thirty days after the effective date of this 126734
section. Within thirty days after the last appointment is made to 126735
the Committee, the Committee shall meet and select a chairperson 126736
and vice chairperson from among its members. Thereafter, the 126737
Committee shall meet at the call of its chairperson as necessary 126738
to carry out its duties. 126739

(E) Members of the Committee are not entitled to compensation 126740
for serving on the Committee but may continue to receive the 126741
compensation and benefits accruing to them from their regular 126742
offices or employment. 126743

(F) The Committee may hire staff in consultation with Learn 126744
to Earn Dayton. 126745

(G) The Montgomery County Educational Services Center shall 126746
be the Committee's fiscal agent. 126747

(H) Upon submission of the report required under division (B) 126748
of this section, the Committee is abolished. 126749

Section 803.01. The amendment by this act of section 718.01 126750
of the Revised Code applies to municipal taxable years beginning 126751
on or after January 1, 2016. 126752

Section 803.03. The amendment by this act of section 718.05 126753
of the Revised Code applies to municipal taxable years beginning 126754
on or after January 1, 2016. 126755

Section 803.05. The amendment of section 5124.67 of the 126756
Revised Code is not intended to supersede the earlier repeal, with 126757
delayed effective date, of that section. 126758

Section 803.07. The amendment by this act of section 5725.22 126759
of the Revised Code applies to taxable years ending in and after 126760
2016. 126761

Section 803.70. The amendment by this act of sections 126762
5747.01, 5747.05, 5747.055, 5747.08, 5747.71, and 5747.98 of the 126763
Revised Code applies to taxable years beginning on or after 126764
January 1, 2015. 126765

Section 803.140. The amendment or enactment by this act of 126766

sections 5701.03, 5713.031, and 5713.30 of the Revised Code 126767
applies to tax year 2015 and every tax year thereafter. 126768

Section 803.160. The amendment by this act of sections 718.04 126769
and 718.05 of the Revised Code is not intended to accelerate the 126770
application of the amendment of those sections by H.B. 5 of the 126771
130th General Assembly as provided by Section 3 of that act. 126772
126773

Section 803.170. The repeal by this act of section 5739.212 126774
of the Revised Code applies to any tax or rate increase imposed 126775
under section 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, or 126776
5741.023 of the Revised Code on or after July 1, 2015. 126777

Section 803.180. The amendment or enactment by this act of 126778
sections 5703.057, 5703.36, and 5703.361 of the Revised Code apply 126779
on and after January 1, 2016. 126780

Section 803.190. The enactment by this act of section 5736.51 126781
of the Revised Code applies to tax periods beginning on or after 126782
July 1, 2015. 126783

Section 803.210. The amendment by this act of sections 126784
3769.03, 3769.08, 3769.083, 3769.086, 3769.087, and 3769.101 of 126785
the Revised Code apply on and after January 1, 2016. 126786

Section 803.220. (A) As used in this section, "net additional 126787
tax" means, in the case of a wholesale dealer, the net additional 126788
amount of tax resulting from the amendment by this act of section 126789
5743.02 of the Revised Code, less the discount allowed under 126790
section 5743.05 of the Revised Code as a commission for affixing 126791
stamps, that is due on all packages of Ohio stamped cigarettes and 126792
on all unaffixed Ohio cigarette tax stamps that the wholesale 126793

dealer has on hand as of the beginning of business on July 1, 126794
2015, and, in the case of a retail dealer, means the net 126795
additional amount of tax resulting from the amendment by this act 126796
of section 5743.02 of the Revised Code that is due on all packages 126797
of Ohio stamped cigarettes that the retail dealer has on hand as 126798
of the beginning of business on July 1, 2015. 126799

(B) In addition to the return required under section 5743.03 126800
of the Revised Code, each wholesale dealer and each retail dealer 126801
shall make and file a return on forms prescribed by the Tax 126802
Commissioner showing the net additional tax due and any other 126803
information that the commissioner considers necessary to apply 126804
sections 5743.01 to 5743.20 of the Revised Code in the 126805
administration of the net additional tax. On or before September 126806
30, 2015, each wholesale dealer and each retail dealer shall 126807
deliver the return to the Commissioner, together with remittance 126808
of the net additional tax. 126809

(C) Any wholesale or retail dealer who fails to file a return 126810
or remit net additional tax as required under this section shall 126811
forfeit and pay into the state treasury a late charge equal to 126812
fifty dollars or ten per cent of the net additional tax due, 126813
whichever is greater. 126814

(D) Unpaid or unreported net additional taxes and late 126815
charges may be collected by assessment in the manner prescribed 126816
under sections 5743.081 and 5743.082 of the Revised Code. 126817

(E) All amounts collected under this section shall be 126818
considered revenue arising from the tax imposed by section 5743.02 126819
of the Revised Code. 126820

Section 803.230. The amendment by this act of sections 126821
5743.02 and 5743.32 of the Revised Code applies on and after July 126822
1, 2015. 126823

Section 803.240. As used in this section, "tax incentive" has 126824
the same meaning as in division (B) of section 122.942 of the 126825
Revised Code. 126826

The amendment by this act of section 122.942 of the Revised 126827
Code applies to all tax incentives approved by the tax credit 126828
authority on or after the effective date of this section. 126829

Section 803.250. The amendments by this act to division (K) 126830
of section 122.17 and division (J) of section 122.171 of the 126831
Revised Code apply only to original agreements approved by the tax 126832
credit authority on or after January 1, 2014, and amendments to 126833
such agreements under division (R) of section 122.17 of the 126834
Revised Code. 126835

Section 803.260. The amendment by this act of division (I) of 126836
section 5741.01 and section 5741.17 of the Revised Code applies on 126837
and after July 1, 2015. 126838

Section 803.270. The amendment by this act adding division 126839
(B)(54) of section 5739.02 of the Revised Code applies beginning 126840
October 1, 2015. 126841

Section 803.280. The amendment by this act of sections 126842
5743.51, 5743.62, and 5743.63 of the Revised Code apply to 126843
invoices dated on or after July 1, 2015. 126844

Section 803.290. Notwithstanding any other provision of 126845
Chapter 718. of the Revised Code, the deadline for filing an 126846
ordinance or resolution to levy the tax authorized in division (G) 126847
of section 718.04 of the Revised Code with the board of elections 126848
for the election to be held on November 3, 2015, shall be fifteen 126849
days after the effective date of the amendment of that section. 126850

Section 803.300. The amendment by this act of section 126851
5747.113 of the Revised Code applies to taxable years beginning on 126852
or after January 1, 2015. 126853

Section 803.310. Subject to the limitations on the time to 126854
apply for a refund or issue an assessment under section 5751.08 or 126855
5751.09 of the Revised Code, respectively, the amendment by this 126856
act of section 5751.01 of the Revised Code applies to tax periods 126857
beginning on or after July 1, 2005, and shall be construed as 126858
clarifying the law as it existed prior to the effective date of 126859
that amendment. 126860

Section 803.320. Licenses issued by the Ohio Optical 126861
Dispensers Board in effect on the effective date of this act shall 126862
be valid for the regular life of the license. Any renewal of the 126863
license shall be issued by the State Board of Optometry pursuant 126864
to section 4725.51 (4725.47) of the Revised Code, as amended by 126865
this act. 126866

Section 803.330. The amendment or enactment by this act of 126867
divisions (B)(3)(v) and (TTT) of section 5739.01 and divisions 126868
(I)(2)(h) and (V) of section 5741.01 of the Revised Code applies 126869
on and after October 1, 2015. 126870

Section 806.10. The items of law contained in this act, and 126871
their applications, are severable. If any item of law contained in 126872
this act, or if any application of any item of law contained in 126873
this act, is held invalid, the invalidity does not affect other 126874
items of law contained in this act and their applications that can 126875
be given effect without the invalid item of law or application. 126876

Section 809.10. An item of law, other than an amending, 126877
enacting, or repealing clause, that composes the whole or part of 126878

an uncodified section contained in this act has no effect after 126879
June 30, 2017, unless its context clearly indicates otherwise. 126880

Section 812.10. Except as otherwise provided in this act, the 126881
amendment, enactment, or repeal by this act of a section is 126882
subject to the referendum under Ohio Constitution, Article II, 126883
section 1c and therefore takes effect on the ninety-first day 126884
after this act is filed with the Secretary of State or, if a later 126885
effective date is specified below, on that date. 126886

The amendment or enactment of sections 164.13, 317.08, 126887
929.03, 6103.052, 6112.01, 6112.03, 6112.06, 6117.062, 6117.51, 126888
6117.52, 6117.521, 6117.522, 6119.60, 6119.601, and 6119.602 of 126889
the Revised Code takes effect January 1, 2016. 126890

The amendment of sections 173.47, 5165.15, 5165.151, and 126891
5165.23 of the Revised Code takes effect July 1, 2016. 126892

The amendment of section 4501.01 of the Revised Code in 126893
Section 101.01 of this act takes effect January 1, 2016. 126894

For multiple employer welfare arrangements that have a valid 126895
certificate of authority from the superintendent of insurance on 126896
the effective date of the amendments to section 1739.13 of the 126897
Revised Code, the requirements imposed by that section as amended 126898
by this act shall take effect two years from the effective date of 126899
those amendments. 126900

The enactment of new section 5165.25 of the Revised Code 126901
takes effect July 1, 2016. 126902

The repeal of sections 5165.25 and 5165.26 of the Revised 126903
Code takes effect July 1, 2016. 126904

Section 812.20. This paragraph does not apply to the 126905
amendment by this act of Section 2 of Am. Sub. S.B. 1 of the 130th 126906
General Assembly. The amendment, enactment, or repeal by this act 126907

of the sections listed below is exempt from the referendum under 126908
Ohio Constitution, Article II, section 1d and section 1.471 of the 126909
Revised Code and therefore takes effect immediately when this act 126910
becomes law or, if a later effective date is specified below, on 126911
that date. 126912

Sections 5709.92, 5709.93, 5727.84, 5727.85, 5727.86, 126913
5751.20, 5751.21, and 5751.22 of the Revised Code and Sections 126914
757.10 and 757.20 of this act take effect July 1, 2015. 126915

Sections 5741.01 and 5741.03 of the Revised Code take effect 126916
July 1, 2015. 126917

Sections 5743.02 and 5743.32 of the Revised Code and Section 126918
803.220 of this act take effect July 1, 2015. 126919

Sections 5743.51, 5743.62, and 5743.63 of the Revised Code 126920
and Section 803.210 of this act take effect July 1, 2015. 126921

Sections of this act prefixed with section numbers in the 126922
200s, 300s, 400s, 500s, and 600s. 126923

Section 812.40. Section 340.034 of the Revised Code takes 126924
effect September 15, 2016. 126925

Section 812.70. (A) The amendment, enactment, or repeal of 126926
sections 121.04, 305.31, 717.01, 901.08, 901.21, 901.22, 903.082, 126927
905.31, 905.323, 931.01, 931.02, 939.01, 939.07, 941.14, 953.22, 126928
1501.022, 1501.04, 1503.50, 1503.51, 1503.52, 1503.53, 1503.54, 126929
1503.55, 1503.99, 1506.01, 1511.01, 1511.04, 1511.06, 1511.07, 126930
1511.08, 1511.99, 1514.08, 1514.13, 1521.03, 1521.031, 1521.04, 126931
1521.05, 1521.06, 1521.061, 1521.062, 1521.063, 1521.064, 1521.07, 126932
1521.10, 1521.11, 1521.12, 1521.13, 1521.14, 1521.15, 1521.16, 126933
1521.18, 1521.19, 1522.03, 1522.05, 1522.11, 1522.12, 1522.13, 126934
1522.131, 1522.15, 1522.16, 1522.17, 1522.18, 1522.20, 1522.21, 126935
1523.01, 1523.02, 1523.03, 1523.04, 1523.05, 1523.06, 1523.07, 126936

1523.08, 1523.09, 1523.10, 1523.11, 1523.12, 1523.13, 1523.14, 126937
1523.15, 1523.16, 1523.17, 1523.18, 1523.19, 1523.20, 3701.344, 126938
3714.073, 3718.03, 3734.029, 3745.70, 4115.03, 5301.68, 5301.69, 126939
5537.05, 6109.21, 6111.03, 6111.04, 6111.044, 6111.12, 6111.44, 126940
and 6131.23 of the Revised Code and Sections 709.20, 709.30, 126941
709.40, 709.50, 715.20, 715.30, 715.40, and 737.50 of this act 126942
take effect on January 1, 2016. 126943

(B) The amendment, amendment for the purpose of adopting new 126944
section numbers as indicated in parentheses, or both of sections 126945
1511.02 (939.02), 1511.021 (939.03), 1511.022 (939.04), 1511.03 126946
(939.06), 1511.05 (939.05), 1511.071 (939.10), 1511.10 (939.08), 126947
1511.11 (939.09), 1515.01 (940.01), 1515.02 (940.02), 1515.03 126948
(940.03), 1515.05 (940.04), 1515.07 (940.05), 1515.08 (940.06), 126949
1515.081 (940.07), 1515.09 (940.08), 1515.091 (940.09), 1515.092 126950
(940.10), 1515.093 (940.11), 1515.10 (940.12), 1515.11 (940.13), 126951
1515.13 (940.14), 1515.14 (940.15), 1515.15 (940.16), 1515.16 126952
(940.17), 1515.17 (940.18), 1515.18 (940.19), 1515.181 (940.20), 126953
1515.182 (940.21), 1515.183 (940.22), 1515.184 (940.23), 1515.185 126954
(940.24), 1515.19 (940.25), 1515.191 (940.26), 1515.192 (940.27), 126955
1515.193 (940.28), 1515.21 (940.29), 1515.211 (940.30), 1515.22 126956
(940.31), 1515.23 (940.32), 1515.24 (940.33), 1515.28 (940.34), 126957
and 1515.29 (940.35) of the Revised Code takes effect on January 126958
1, 2016. 126959

(C) The amendment of division (D) of section 3734.02, 126960
division (VV) of section 5705.19, and division (M) of section 126961
6111.01 takes effect on January 1, 2016. 126962

(D) The following amendments take effect on January 1, 2016: 126963

(1) "Chapter ~~1515.~~ 940." in section 505.101 of the Revised 126964
Code; 126965

(2) "~~the division of soil and water resources in the~~ 126966
~~department of natural resources,~~" and "Chapter ~~1515.~~ 940." in 126967

division (A) of section 903.11 of the Revised Code; 126968

(3) "~~1511.01 939.01~~", "~~chief of the division of soil and~~ 126969
~~water resources in the department of natural resources under~~ 126970
~~section 1511.02 director of agriculture under section 939.02~~", and 126971
"~~1515.08 939.02~~" in section 903.25 of the Revised Code; 126972

(4) "~~1515.14 940.15~~" in division (A)(2) of section 3734.901 126973
of the Revised Code; 126974

(5) All of the amendments to section 1501.011 of the Revised 126975
Code, except a notice published by the department of natural 126976
resources regarding an activity, project, or improvement shall be 126977
published as contemplated in section 7.16 of the Revised Code. 126978

(6) Renumbering of sections 1515.14 to 940.15 of the Revised 126979
Code; and "~~natural resources agriculture~~", "~~local~~", "~~1515.10~~ 126980
940.12", "~~local~~", "~~1515.10 940.12~~", and "~~local~~" in division (A) of 126981
renumbered section 940.15 of the Revised Code. 126982

Section 815.10. The General Assembly, applying the principle 126983
stated in division (B) of section 1.52 of the Revised Code that 126984
amendments are to be harmonized if reasonably capable of 126985
simultaneous operation, finds that the following sections, 126986
presented in this act as composites of the sections as amended by 126987
the acts indicated, are the resulting versions of the sections in 126988
effect prior to the effective date of the sections as presented in 126989
this act: 126990

Section 109.572 of the Revised Code as amended by both Am. 126991
Sub. H.B. 483 and Am. Sub. S.B. 143 of the 130th General Assembly. 126992

Section 122.85 of the Revised Code as amended by both Am. 126993
Sub. H.B. 508 and Am. Sub. H.B. 510 of the 129th General Assembly. 126994

Section 124.181 of the Revised Code as amended by both Am. 126995
Sub. H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly. 126996

Section 124.392 of the Revised Code as amended by both Am. 126997

Sub. H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly.	126998
Section 125.48 of the Revised Code as amended by both Am.	126999
Sub. H.B. 649 and Am. Sub. S.B. 144 of the 122nd General Assembly.	127000
Section 149.311 of the Revised Code as amended by both Am.	127001
Sub. H.B. 483 and Am. Sub. H.B. 486 of the 130th General Assembly.	127002
Section 317.08 of the Revised Code as amended by both Sub.	127003
H.B. 9 and Sub. H.B. 72 of the 130th General Assembly.	127004
Section 2151.421 of the Revised Code as amended by both Am.	127005
Sub. H.B. 213 and Am. Sub. H.B. 483 of the 130th General Assembly.	127006
Section 2923.122 of the Revised Code as amended by both Am.	127007
Sub. H.B. 495 and Am. Sub. S.B. 337 of the 129th General Assembly.	127008
Section 3301.57 of the Revised Code as amended by both Am.	127009
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	127010
Section 3314.03 of the Revised Code as amended by Sub. H.B.	127011
264, Sub. H.B. 362, Sub. H.B. 393, and Am. Sub. H.B. 487, all of	127012
the 130th General Assembly.	127013
Section 3314.08 of the Revised Code as amended by both Am.	127014
Sub. H.B. 483 and Am. Sub. H.B. 487 of the 130th General Assembly.	127015
Section 3319.22 of the Revised Code as amended by both Am.	127016
Sub. H.B. 487 and Am. Sub. S.B. 3 of the 130th General Assembly.	127017
Section 3326.11 of the Revised Code as amended by Sub. H.B.	127018
264, Sub. H.B. 393, and Am. Sub. H.B. 487, all of the 130th	127019
General Assembly.	127020
Section 3328.24 of the Revised Code as amended by Sub. H.B.	127021
264, Sub. H.B. 393, and Am. Sub. H.B. 487, all of the 130th	127022
General Assembly.	127023
Section 3333.048 of the Revised Code as amended by both Sub.	127024
H.B. 484 and Am. Sub. S.B. 3 of the 130th General Assembly.	127025
Section 3333.0411 of the Revised Code as amended by both Am.	127026

Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.	127027
Section 3501.01 of the Revised Code as amended by Am. Sub.	127028
H.B. 59, Am. Sub. S.B. 109, and Am. Sub. S.B. 193 all of the 130th	127029
General Assembly.	127030
Section 3701.74 of the Revised Code as amended by both Sub.	127031
H.B. 232 and Am. Sub. H.B. 483 of the 130th General Assembly.	127032
Section 3714.073 of the Revised Code as amended by both Am.	127033
Sub. H.B. 487 and Sub. S.B. 294 of the 129th General Assembly.	127034
Section 4501.21 of the Revised Code as amended by Am. Sub.	127035
H.B. 23, Sub. H.B. 206, Am. H.B. 474, and Am. S.B. 186, all of the	127036
130th General Assembly.	127037
Section 5104.09 of the Revised Code as amended by both Am.	127038
Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.	127039
Section 5104.38 of the Revised Code as amended by both Am.	127040
Sub. S.B. 316 of the 129th General Assembly and Am. Sub. H.B. 483	127041
of the 130th General Assembly.	127042
Section 5739.99 of the Revised Code as amended by both Am.	127043
Sub. H.B. 143 and Sub. S.B. 200 of the 124th General Assembly.	127044
Section 5747.113 of the Revised Code as amended by both Am.	127045
Sub. H.B. 59 and Am. H.B. 112 of the 130th General Assembly.	127046